

ESTTA Tracking number: **ESTTA766493**

Filing date: **08/24/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	EBC Brewery, LLC		
Entity	Limited Liability Company	Citizenship	North Carolina
Address	1249 Wicker Drive RALEIGH, NC 27604 UNITED STATES		

Attorney information	CHRISTOPHER L. SOREY LAW OFFICE OF CHRISTOPHER L. SOREY 1094 MOSSTREE DRIVE APEX, NC 27502 UNITED STATES chris.sorey@gmail.com Phone:9198039920		
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Registration Subject to Cancellation

Registration No	4274393	Registration date	01/15/2013
Registrant	Ninkasi Brewery, LLC 272 VAN BUREN STREET EUGENE, OR 97402 UNITED STATES		

Goods/Services Subject to Cancellation

Class 032. First Use: 2011/07/28 First Use In Commerce: 2011/07/28 All goods and services in the class are cancelled, namely: Beer

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Deceptiveness	Trademark Act Sections 14(3) and 2(a)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86843084	Application Date	12/08/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HELL'S BELLE		

Design Mark	HELL'S BELLE
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2007/03/27 First Use In Commerce: 2007/03/27 Beer

Attachments	86843084#TMSN.png(bytes) Helles Belles Canc-final.pdf(389783 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/CLS/
Name	CHRISTOPHER L. SOREY
Date	08/24/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,274,393
HELLES BELLES

EBC Brewery, LLC,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
Ninkasi Brewery, LLC)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

The Petitioner, EBC Brewery, LLC, by and through its undersigned counsel, is the applicant for Application Ser. No. 86/843084 for the trademark HELL'S BELLE covering beer in International Class 32 with a date of first use being March 23, 2007. Additionally, Petitioner claims exclusive common law rights to the HELL'S BELLE trademark derived from its continuous and exclusive use of the mark in interstate commerce in association with the goods listed in the aforementioned application as well as other associated merchandising. Petitioner believes that it is being damaged and will be damaged by the registration of Ninkasi Brewery, LLC's ("Registrant") HELLES BELLES mark shown in U.S. Registration No. 4,274,393, and hereby petitions to cancel the same. As grounds for this Petition for Cancellation, Petitioner alleges, upon actual knowledge with the respect to itself and its own acts, and upon information and belief as to other matters, as follows:

Petitioner and Its HELL'S BELLE Trademark

1. Petitioner, EBC Brewery, LLC, (also d/b/a Big Boss Brewing Co.) is a limited liability company organized under the laws of North Carolina, having a principal place of business at 1249 Wicker Drive, Raleigh, North Carolina 27604.
2. Petitioner is the applicant of record for U.S. Application Serial No. 86/843084 for the HELL'S BELLE mark. The application was filed with the U.S. Patent & Trademark Office (USPTO) on December 8, 2015 and covers beer in Class 32 with a date of first use being March 23, 2007.
3. Petitioner has used its HELL'S BELLE trademark continuously in interstate commerce since as early as March 23, 2007.
4. Petitioner has established common law rights to the HELL'S BELLE trademark through the exclusive use of the trademark in association with beer and related merchandising including but not limited to hats, shirts, glassware, etc.
5. Petitioner's substantial and extensive use of the HELL'S BELLE trademark and development of goodwill in the United States is reflected in the Petitioner's considerable success and notoriety in the craft brewing industry.
6. Petitioner has expended considerable resources and time marketing its HELL'S BELLE extensively in interstate commerce in order to develop the goodwill currently associated with the Petitioner's trademark.
7. Petitioner has used the HELL'S BELLE trademark in various forms, including but not limited to a plain word mark, various stylized fonts and appearing in conjunction with various design elements.

Registrant and Its Trademark

8. Registrant, Ninkasi Brewery, LLC, is Oregon limited liability company with a business address at 272 Van Buren Street, Eugene, Oregon, 97402.
9. Registrant is the current listed owner of U.S. Registration No. 4,274,393 filed on December 28, 2011 and registered on January 15, 2013 for the confusingly similar HELLES BELLES trademark covering beer July 28, 2011. (See Exhibit A)

10. Registrant did not use the HELLES BELLES mark in commerce prior to July 28, 2011.
11. Registrant did not use the HELLES BELLES mark prior to March 23, 2007.

Likelihood of Confusion, 15 U.S.C. § 1052(2)

12. Petitioner repeats and realleges each and every allegation set forth in Paragraph 1 through 12 as though set forth herein.
13. Petitioner has used its HELL'S BELLE trademark in interstate commerce, in the United States, and acquired rights at common law to the HELL'S BELLE mark before the filing date of Registrant's U.S. Registration No. 4,274,393, and any date of first use that may legitimately be alleged by Registrant.
14. Petitioner is being harmed by Registrant's registration and as of March 25, 2016, Petitioner received an Office Action from the Examining Attorney assigned to U.S. Application Serial No. 86/843084 wherein the Examining Attorney refused registration based on a likelihood of confusion under Trademark Act Section 2(d), 15 U.S.C. §1052(d) with the Registrant's trademark. (See Exhibit B).
15. The USPTO's refusal to approve Petitioner's above-mentioned application for publication based on Registrant's registration will deny Petitioner privileges as a potential registrant.
16. The continued existence of Registrant's registration, as evidenced by the Examining Attorney's refusal to approve Petitioner's application for publication, may foreclose Petitioner from fully and rightfully exploiting its rights in its HELL'S BELLE trademark.
17. Registrant's HELLES BELLES trademark is phonetically identical to Petitioner's HELL'S BELLE trademark and when used in commerce in connection with the goods listed in the registration is likely to cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended (15 U.S.C. §1052(d)).
18. The spelling of Registrant's HELLE BELLES trademark while different does not alleviate the likelihood that the mark would cause confusion, mistake or potentially deceive consumers as anticipated by Section 2(d) of the Lanham Act, as amended (15 U.S.C. §1052(d)).

19. Registrant's goods as set forth in its registration are closely related and identical to Petitioner's goods and services and would be offered through the same or similar channels of trade and used by one or more of the same classes of purchasers and users, such that consumers will be confused, mistaken or deceived into believing that Registrant's goods originate from, are authorized by or are in some way connected, affiliated or endorsed by Petitioner.

20. Registrant's registration and use of its trademark has led to or will lead to confusion as to source, affiliation or sponsorship.

Deception/False Suggestion Of Connection, 15 U.S.C. § 1052(a)

21. Petitioner repeats and realleges each and every allegation set forth in Paragraphs 1 through 20 as though fully set forth herein.

22. Registrant's mark so closely resembles the Petitioner's HELL'S BELLE mark that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that Registrant's identical mark, when used in connection with Registrant's goods, is likely to cause purchasers to materially affect their purchasing decisions.

23. Registrant's mark and the manner in which it is exploited by Registrant so closely resembles the HELL'S BELLE mark that it false suggests a connection with the Petitioner in violation of Section 2(a) of the Trademark Act, because the HELL'S BELLE trademark points uniquely to Petitioner and purchasers will assume the goods sold under Registrant's mark are connected with Petitioner.

WHEREFORE, Petitioner believes that it is being damaged and will continue to be damaged by the continued registration of the mark shown in U.S. Registration No. 4,274,393, therefore Petitioner prays that this petition to cancel the aforementioned registration be granted by the Board and the subject registration be cancelled accordingly.

Dated: August 24, 2016.

Respectfully submitted,

By: /Christopher L. Sorey/

Christopher L. Sorey

chris.sorey@gmail.com

LAW OFFICE OF CHRISTOPHER L. SOREY

1094 Mosstree Drive

Apex, North Carolina 27502

Attorney for Petitioner

EBC Brewing Company, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing *Petitioner for Cancellation* was served on this 24th day of August 2016, via email and First Class Mail, postage paid, upon Registrant's Correspondent of Record:

Jane M. Yates
Watkins Laird & Rubenstein PC
101 E. Broadway
Suite 200
Eugene, Oregon 97401-3114

jjates@wrlaw.com

/Christopher L. Sorey/
Christopher L. Sorey

EXHIBIT A

United States of America
United States Patent and Trademark Office

Helles Belles

Reg. No. 4,274,393

Registered Jan. 15, 2013

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

NINKASI BREWERY, LLC (OREGON LIMITED LIABILITY COMPANY)
272 VAN BUREN STREET
EUGENE, OR 97402

FOR: BEER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-28-2011; IN COMMERCE 7-28-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-505,135, FILED 12-28-2011.

JENNIFER WILLISTON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT B

To: EBC Brewery, LLC (chris.sorey@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86843084 - HELL'S BELLE - BBB - 001
Sent: 3/25/2016 11:52:15 AM
Sent As: ECOM102@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86843084

MARK: HELL'S BELLE

86843084

CORRESPONDENT ADDRESS:
CHRISTOPHER L. SOREY
LAW OFFICE OF CHRISTOPHER SOREY
1094 MOSSTREE DRIVE
APEX, NC 27502

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: EBC Brewery, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

BBB - 001

CORRESPONDENT E-MAIL ADDRESS:

chris.sorey@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/25/2016

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address;

and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4274393. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

Applicant applied to register the mark **HELL'S BELLE** for use on beer. The registered mark is **HELLES BELLES** for use on beer.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of the goods. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

I. Comparison of Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

The marks under consideration are highly similar in sound, appearance and connotation. The marks are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

II. Comparison of Goods

When analyzing an applicant's and registrant's goods for similarity and relatedness, that determination is based on the description of the goods stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); see also *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002).

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. See *In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identifications set forth in the application and registration are identical and have no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. See *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Accordingly, the goods of applicant and the registrant are considered related for purposes of the likelihood of confusion analysis.

Therefore, because of the similarities between the marks and goods of the parties, a likelihood of confusion as to the source of these goods must be found to exist.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Maria-Victoria Suarez/
Trademark Attorney
Law Office 102
571-272-9264
maria-victoria.suarez@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Mar 24, 2016

85505135

DESIGN MARK

Serial Number

85505135

Status

REGISTERED

Word Mark

HELLES BELLES

Standard Character Mark

Yes

Registration Number

4274393

Date Registered

2013/01/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Ninkasi Brewery, LLC LIMITED LIABILITY COMPANY OREGON 272 VAN BUREN
STREET EUGENE OREGON 97402

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beer.
First Use: 2011/07/28. First Use In Commerce: 2011/07/28.

Filing Date

2011/12/28

Examining Attorney

WILLISTON, JENNIFER

Attorney of Record

JANE M YATES

Helles Belles

To: EBC Brewery, LLC (chris.sorey@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86843084 - HELL'S BELLE - BBB - 001
Sent: 3/25/2016 11:52:16 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON 3/25/2016 FOR U.S. APPLICATION SERIAL NO. 86843084**

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 3/25/2016 (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay

“fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.