

ESTTA Tracking number: **ESTTA1193339**

Filing date: **02/25/2022**

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

Proceeding no.	92078681
Party	Plaintiff Coalcity Social Club Inc. Dallas-Forth Worth
Correspondence address	JOHN GREGORY BAKER BAKER LAW FIRM 3717 NASH LN PLANO, TX 75025 UNITED STATES Primary email: drassoff1776@yahoo.com Secondary email(s): j baker@PlanoPatentLaw.com, j baker@PlanoTrademarkLaw.com, j baker@AlohaPatentLaw.com 972-467-3445
Submission	Motion to Amend Pleading/Amended Pleading
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Date	02/25/2022
Attachments	Amendment to Petition_for_cancellation_of_Col_City_Social_Club_389366 6.pdf(1209123 bytes)

Amendment to Petition for Cancellation of Trademark

COALCITY SOCIAL CLUB

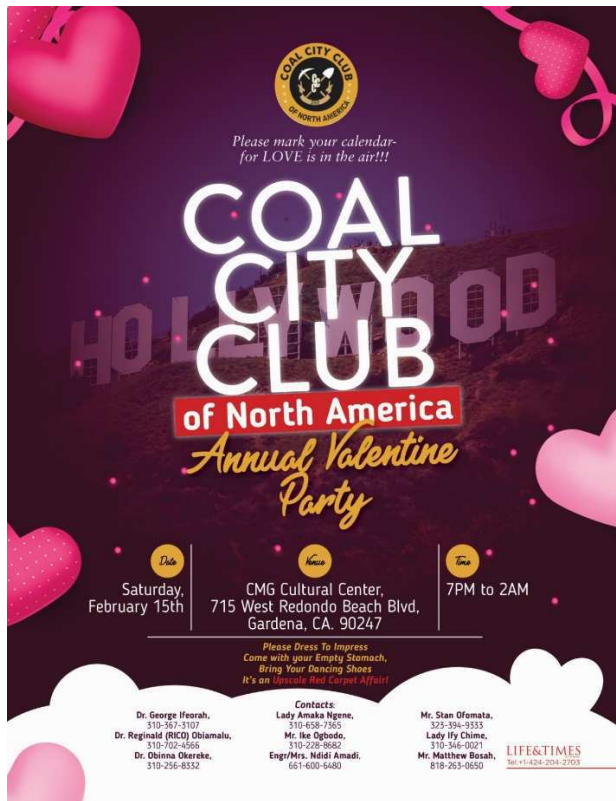
US Serial Number: 85031177 & US Registration Number: 3893666

COALCITY SOCIAL CLUB is a word mark in the sales category of a social club services

Amendment filing Date 12/19/2022

The Petitioner requests to amend the pleading to include the following extra evidence showing the “COAL CITY CLUB” wording is commonly used and generic. This “COLA CITY CLUB” is not associated with any parties to this Petition for Cancellation.

- 1) The first evidence showing the “wording “COAL CITY CLUB” accessed on URL <https://lifeandtimesnews.com/coal-city-north-america-valentine-party> on 2-25-2022



Petitioner leaves the rest of the Petition for Cancellation the same as shown immediately below:

1) Short and Plain Statement:

The mark COALCITY SOCIAL CLUB is generic

The owner of the registered literal mark COALCITY SOCIAL CLUB in the services category of social club is now and/or was generic at the time of registration of the mark. Generic terms can never function as a trademark since they are incapable of indicating a single source of the goods or services. Public policy also prohibits the registration of generic terms since no one party should be able to appropriate such a term to the exclusion of others. Here, the registrant is attempting to exclude any other COAL CITY social clubs, clubs, association, or any usage of the wording “COAL CITY” demonstrated by their request for prayer in the current federal law suit discussed below.

The wording “COAL CITY” is commonly used throughout the country and globally. More, and more COAL CITY type clubs are forming all over the country as shown below. The literal mark COALCITY SOCIAL CLUB merely describes what it is. It is a social club for coal city members. Here, COALCITY SOCIAL CLUB describes the function and purpose of the service being offered. The function and purpose are a social club for Coal City member affiliates. COAL CITY is used by the “relevant public” of COAL CITY members, clubs, and associations understands the mark COAL CITY to identify to that genus of COAL CITY affiliates. Those in the COAL CITY circles are the “relevant public”, in other words, “the purchasing or consuming public for the identified COAL CITY social club services. The TTAB has stated it doesn’t matter whether or not the public actually uses the term but the “relevant public.” 15 U.S.C. § 1064(3); *In re Am. Fertility Soc’y*, 188 F.3d 1341, 51 USPQ2d 1832 (Fed. Cir. 1999). A generic term will not be permitted to be registered as a trademark, even by the person who first starts using the term. *In re Merrill Lynch, Pierce, Fenner, & Smith, Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1142 (Fed. Cir. 1987); *In re Pennington Seed Inc.*, 466 F.3d 1053, 80 USPQ2d 1758, 1762 (Fed. Cir. 2006).

The wording part of the literal mark of “SOCIAL CLUB” was already required by the trademark office to be disclaimed as a unitary composite because these words are read together as a single unit. The wording COAL CITY is becoming more popularized. In this case, the owner of the registered mark is trying to exclude other COAL CITY social clubs, clubs, associations, from using any mark with the wording COAL CITY, and even in any sales category besides the registrant’s selected category of providing “social cub” services

Registrant permits the use of the certification mark for purposes other than identify the source of goods or services.

In the case at hand, the registrant is using the mark for offensively trying to permit past members of its social club to join other coal city clubs or associations. This is not using the mark to identify their source of services. In support of this premise is that the registrant's prayer in the Registrant's/Plaintiff's Original Complaint (CV-21-663) that the petitioners be prevented from "*using the COALCITY SOCIAL CLUB Marks and/or any other mark or name that is confusingly similar to ... COALCITY SOCIAL CLUB Marks*";". Here registrant is not just asking Defendant not to use the mark in the registrant's selected service category of social clubs, but rather registrant wants an impermissible carte blanche total control copyright fashion right used to exclude anyone from using any coal city club or association wording no matter what sales or service category. In the same Registrant's/Plaintiff's Original Complaint, registrant in the STATEMENT OF THE CASE in paragraph 10 is accusing petitioner's of "to knowingly deceive and confuse members of plaintiff's organization to leave the organization and join defendant's organization". This is an improper use of a trademark to bully its members not to leave and join another COAL CITY club or association. Registrant is worried that because of the rift in their COALCITY SOCIAL CLUB, Registrant will lose members to other coal city clubs or associations. Concerns about members being siphoned off and joining another club is an improper purpose of trademark usage. Certainly, the members deciding which camp to join are not confused as to the source of the services they want. Thus, no consumer confusion is occurring. The members transferring membership from Registrant's club to the DFW coal city club to not want to belong of COALCITY SOCIAL club are not confused as to what source of social club

they want to join. As an analogy there are many different trademarked Lutheran Churches that are shown below and they all contain the same common wording but are delineated by distinguishing wording. Imagine the Lutheran church saying there is only one Lutheran Church and you can't go to the other types of Lutheran Churches or we as a church will sue you and break you financially in litigation. That would smell like wrongful institution of civil procedure or in laymen's terms, bullying, but is certainly not mistaken consumer confusion as to the source of services. How about Kung Fu clubs or Taekwondo clubs or schools? It is likely if there was a generically trademarked "Kung Fu Club" and they sued a Lee's Fung Fu Club, resolution would be held outside of the courts. Just as a religious doctrine of the Lutheran church can change and attract like minded church goers, and branches of martial arts can change and attract those like-minded martial artists, so in the case at hand, those coal city miner affiliates that want to join their coal city club or association should be able to do so.

2) **Standing:**

The Petitioners are COALCITY SOCIAL CLUB INC. DALLAS, FORTH WORTH (DFW) a Texas Corporation, COAL CITY INTERNATIONAL CLUB DALLAS FORT WORTH INC, a Texas Corporation, COAL CITY INTERNATIONAL (an Alabama Corporation).

First point of standing, the above Petitioners have been sued in Federal Court by the registered mark owner of the literal mark COALCITY SOCIAL CLUB Registration Number: 3893666 in the NORTHERN DISTRICT OF TEXAS CIVIL ACTION NO. CV-21-663 (3:21-cv-663).

Second point of standing, COALCITY SOCIAL CLUB INC. DALLAS, FORTH WORTH (DFW) a Texas Corporation, COAL CITY INTERNATIONAL CLUB DALLAS FORT WORTH INC owns a trademark application Serial number 88714062 with a long mark name COALCITY SOCIAL CLUB INC., DALLAS-FORT WORTH (DFW) MOTTO: ONE FOR ALL, ALL FOR ONE. IN GOOD TIMES AND IN BAD TIMES. GREETING: COALCITY ANYI, COALCITY ANYI, COALCITY ANYI NOYA HANDSHAKE: NORMAL HANDSHAKE CLUTCHED TOGETHER AND LIFTED HIGH ABOVE THE HEAD FOR THREE TIMES.



This trademark serial number is currently under examination and the trademark examiner has cited the registered mark 3893666 in a confusingly similar rejection. The confusingly similar rejection response is waiting the trademark examiner's review of the Serial number 88714062. Both of these marks are in the service category of a Social Club.

Third point of standing, the Alabama corporation, COAL CITY INTERNATIONAL CLUB owns both Trademark Serial number 97156922 and Trademark Serial number 97157630 for the literal Mark Name COAL CITY INTERNATIONAL and design of



in three different sales categories each of which is not in social club but:

- 1- Humanitarian Support of the ancestors and descendants of Enugu Nigerian Coal City Miners
- 2- Providing an INTERNATIONAL ANCESTRY REGISTRY service of the ancestors and descendants of Enugu Nigerian Coal City Miners and families and the promotion of public awareness of the same who paid the ultimate sacrifices in their pursuit of Liberty, Justice, Fairness and Equity for workers. Relatedly, researching, seeking, finding, and reconnecting the ancestors and their dependents of unarmed, peaceful Enugu Nigerian Coal City Miners, to promote public awareness of their ancestors and dependents who ultimately lost their lives during peaceful resistance against injustice and oppression and in pursuit of respect and civil rights for humanity, that resulted in civil war of ethnic cleansing and genocide by the establishment, to quench the peaceful resistance. Further, to promote the public awareness that during this period, most of their children lost their parent, were left desolate, were displaced, and were scattered across the region or transported to unregulated refugee camps, where, most endured abuses, including forced labor and human trafficking.
- 3- Business networking.

The owner of the registrant mark COALCITY SOCIAL CLUB, 3893666 believes they have a lock or some kind of like copyright on the popular wording "COAL CITY" in any use of Coal City miners' activities. This creates a personal concrete stake of the petitioners in a potential confusingly similar rejection under COALCITY SOCIAL CLUB, 3893666 or another law suit.

3) The 30-day opposition period has passed

The mark was not noticed by Plaintiff with in the 30-day publication opposition period.

4) **Arguments that the COALCITY SOCIAL CLUB mark is generic**

The wording COAL CITY is commonly used and not distinguishing and not rememberable to a certain class of goods or services

The wording COAL CITY is commonly used and standing alone cannot be distinguishing of one source of services to another.

Accessing URL on 12/07/2021

<https://arc-sos.state.al.us/cgi/corpname.mbr/output>

shows the wording “COAL CITY” is very common in almost every business and sales category imaginable. This is just one state out of 50 states having a company name containing the wording “COAL CITY”



Entity ID	Entity Name	City	Type	Status
813 - 834	Coal City Baptist Church	---, AL	Domestic Non-Profit Corporation	Exists
567 - 333	Coal City Cemetery Fund, Inc.	JASPER, AL	Domestic Non-Profit Corporation	Exists
727 - 773	Coal City Coal & Coke Co.	COAL CITY, AL	Domestic Corporation	Exists
727 - 770	Coal City Coal & Coke Company	BIRMINGHAM, AL	Domestic Non-Profit Corporation	Exists
727 - 780	Coal City Coal & Iron Co., Inc.	ONEONTA, AL	Domestic Corporation	Exists
727 - 777	Coal City Coal Company	JASPER, AL	Domestic Corporation	Exists
540 - 682	Coal City Development Group LLC	Not Provided	Domestic Limited Liability Company	Exists

713 - 653	Coal City International Club	TUSCALOOSA, AL	Domestic Non-Profit Corporation	Exists
382 - 616	COAL CITY LAND DEVELOPMENT LLC	Not Provided	Domestic Limited Liability Company	Exists
727 - 781	Coal City Mining Co.	COAL CITY, AL	Domestic Corporation	Exists
825 - 321	COAL CITY TRUCKING LLC	Not Provided	Domestic Limited Liability Company	Exists
944 - 702	American Coalition for Clean Coal Electricity	WASHINGTON, DC	Foreign Non-Profit Corporation	Exists
567 - 882	Azalea City Cat Coalition, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Exists
726 - 413	City Coal & Transfer Co.	ANNISTON, AL	Domestic Corporation	Dissolved
530 - 379	COALCITY SOCIAL CLUB ALABAMA	TUSCALOOSA, AL	Domestic Non-Profit Corporation	Exists
077 - 207	The Coalition For Inner City Teens, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Dissolved
731 - 623	Crescent City Coal Co.	---, AL	Domestic Corporation	Exists
750 - 671	Gulf City Coal & Wood Co.	MOBILE, AL	Domestic Corporation	Exists
750 - 670	Gulf City Coal Co.	MOBILE, AL	Domestic Corporation	Exists
758 - 690	Iron City Coal, Land & Improvement Co.	ATTALLA, AL	Domestic Corporation	Exists
761 - 448	Kansas City Coal & Coke Co.	BIRMINGHAM, AL	Domestic Corporation	Exists
768 - 434	Magic City Coal Company	BIRMINGHAM, AL	Domestic Corporation	Exists
768 - 955	Marble City Ice & Coal Co.	SYLACAUGA, AL	Domestic Corporation	Dissolved
773 - 480	Model City Coal & Fuel Co.	FAIRFIELD, AL	Domestic Corporation	Dissolved
063 - 434	Rock City Coal & Equipment, Inc.	WINFIELD, AL	Domestic Corporation	Exists

This URL as accessed on 12/08/2021.

https://www.google.com/search?q=coal+city+club&rlz=1C1EJFC_enUS812US812&source=lnms&tbm=isch&sa=X&ved=2ahUKEwjWyaKM0dT0AhXxlmoFHQqhAMsQ_AUoAnoECAIQBA&biw=2133&bih=977&dpr=0.9#imgsrc=OMq2ltlbm3nGPM

In accessing the above google link we find: an old COAL CITY CLUB of West Virginia coal miners:



Coal Cities throughout the world have formed COAL CITY clubs since the beginning of coal mining and these miners and their family members join their personally selected COAL CITY Club of choice to share common interests, comradery, and group affiliation. No one can try to claim ownership of COAL CITY SOCIAL CLUBS. This is not a copyright and is generally descriptive of Coal City Social Clubs.

In accessing the url <https://www.yelp.com/biz/coal-city-area-club-coal-city-2> on 12-08-2021 we find a Coal City Area Club having existed at 285 S. Broadway, Coal City, IL



Accessing the above google link we find a COAL CITY club of North America sharing the coal city interests for North America. Here the find that the distinguishing wording of “Area Club” or “North America” sets it apart from the other COAL CITY clubs.

Access on 12/18/2021 - <http://www.coalcityareacub.net/about>



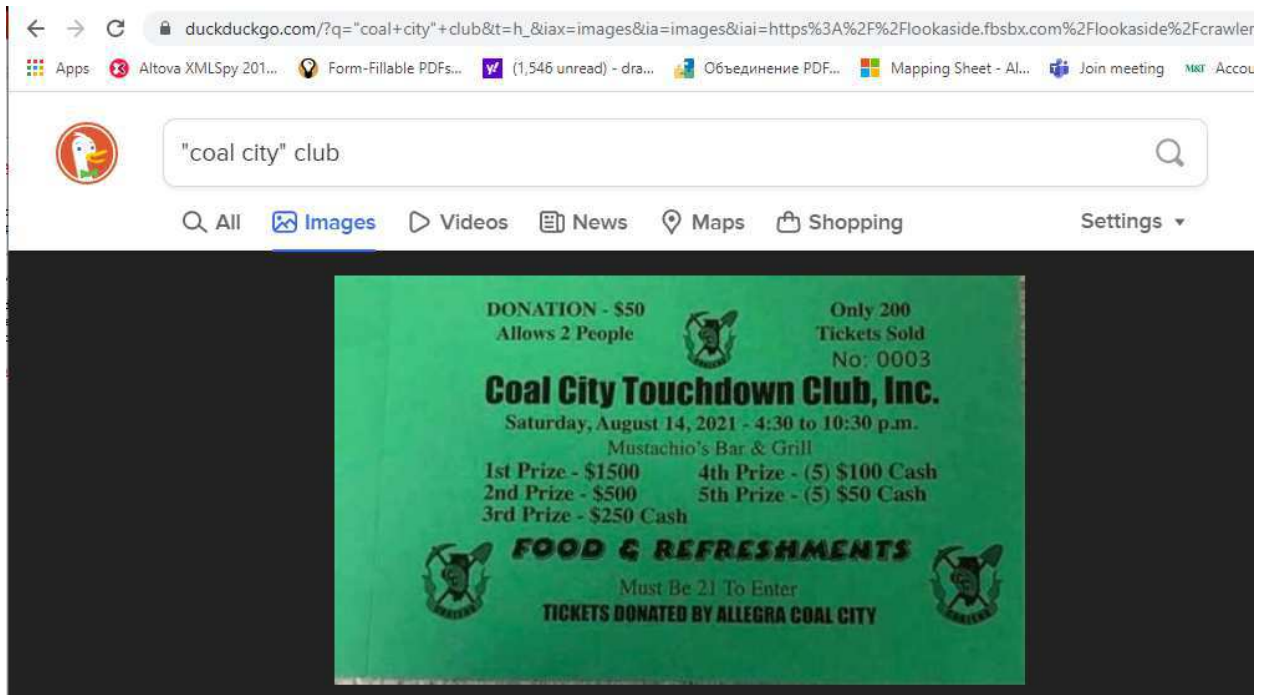
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Coal City Area Club

This url was accessed on 12/18/2021


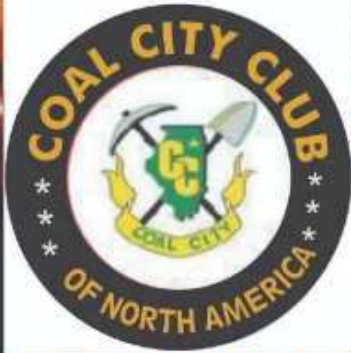

https://duckduckgo.com/?q=%22coal+city%22+club&t=h_&iax=images&ia=images&iai=https%3A%2F%2Flookaside.fbsbx.com%2Flookaside%2Fcrawler%2Fmedia%2F%3Fmedia_id%3D4253984151331133



COAL CITY Toastmasters Club, is a type of social club as well.

URL accessed on 12/18/2021 [https://www.facebook.com/Coal-City-Toastmasters-Club-Enugu-Nigeria-323921931121051/?hc_ref=ARSH2IKexQFvkM95cQ0nAFICjNdFXb4WLh_529GosHvXili9rGmauF_TDzUY50-va-U&fref=nf&__xts__\[0\]=68.ARDmNSCg8q-yikd34JnJh3HJTtKwg3LVTQa5OCaIA02FYX8-VQe1fflSun5tRZKNdLgbwyaZeyzGarGRaK3dOqs7zHcWO6m6WCgSfB0MyJnpTHrrGYzTeqTNS6BH7iKi0V23yADjaZ9upyuluytPWgbnw6b6F_wSvw5L7Apaix2Xs5tuXXvklksxDJGGZJMIOOXX5ZTYyK85m-HVnv5dzlz42TE_MPAM5hd4pl3VqYugd16Quu83sv2NZ9L93L7zfEw-90kMSWTPfVdYaYtdoChyuxmzsJ-p56Eaiyl-yiXhi2O4uD6w&__tn__=kC-R](https://www.facebook.com/Coal-City-Toastmasters-Club-Enugu-Nigeria-323921931121051/?hc_ref=ARSH2IKexQFvkM95cQ0nAFICjNdFXb4WLh_529GosHvXili9rGmauF_TDzUY50-va-U&fref=nf&__xts__[0]=68.ARDmNSCg8q-yikd34JnJh3HJTtKwg3LVTQa5OCaIA02FYX8-VQe1fflSun5tRZKNdLgbwyaZeyzGarGRaK3dOqs7zHcWO6m6WCgSfB0MyJnpTHrrGYzTeqTNS6BH7iKi0V23yADjaZ9upyuluytPWgbnw6b6F_wSvw5L7Apaix2Xs5tuXXvklksxDJGGZJMIOOXX5ZTYyK85m-HVnv5dzlz42TE_MPAM5hd4pl3VqYugd16Quu83sv2NZ9L93L7zfEw-90kMSWTPfVdYaYtdoChyuxmzsJ-p56Eaiyl-yiXhi2O4uD6w&__tn__=kC-R)









COAL CITY CLUB

OF NORTH AMERICA




*Invites you to her end of the Year Thanksgiving
& Christmas Celebration*

December 10 2021  **7pm to 2am**



**CMG Cultural Center, 715 Redondo Beach Blvd,
Gardena CA 90247**

RSVP:	
Dr Reginald Obiamalu	(310) 702-4566
Dr Amaka Ngene	(310) 658-7365
Lady Ifeoma Chime	(310) 346-0021
Hon Matthew Bosah	(818) 263-0650
Dr Obinna Okereke	(310) 2568332
Sir Stan Ofomata	(323) 394-9333
Engr (Mrs) Ndidi Amadi	(661) 600-6480
Dr George Ifeorah	(310) 367-3107

This Coal City social club of North America has their own distinguishing emblem



just as does this CoalCity Social Club of DFW..



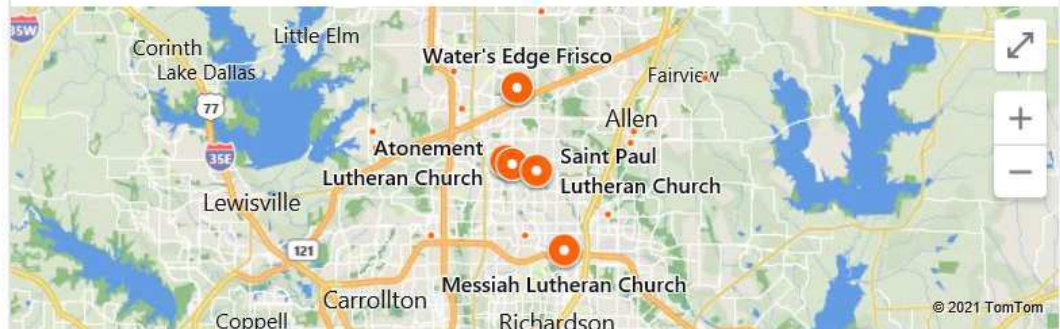
Analogy of COAL CITY clubs and associations to that of Name Brand Churches

Church Splits are similar to COAL CITY club splits: The following URL

https://www.bing.com/search?q=lutheran+churches&form=IENTHT&pc=EUPP_NMTE&mkt=en-us&httpsmsn=1&msnews=1&refig=40f92194dab4411f8348061785a61991&sp=-1&pq=lutheran+churches&sc=8-17&q=n&sk=&cvid=40f92194dab4411f8348061785a61991

Was accessed on 12/07/2021 googling for Lutheran Churches

Lutheran Churches



Messiah Lutheran Church

★★★★★ Facebook (54) · Church/Cathedral
1801 W Plano Pkwy, Plano · (972) 398-7500



Saint Paul Lutheran Church

1 Foursquare tip · Church/Cathedral
6565 Independence Pkwy, Plano · (972) 618-4266



Preston Meadow Lutheran Church

5 Foursquare tips · Church/Cathedral
6801 Coit Rd, Plano · (972) 618-2233
Closed · Opens tomorrow 9 AM



Atonement Lutheran Church

★★★★★ Facebook (31) · Church/Cathedral
4412 Legacy Dr, Plano · (469) 241-1270
Closed · Opens tomorrow 9 AM



Marks containing the same prominent literal wording

In looking at some of the already trademarked Lutheran Churches we find that none were allowed to trademark the wording “Lutheran Church” alone without some delineation and extra distinguishing wording to distinguish one Lutheran Church apart from the other.

It would be unjust to allow a registrant to trademark Lutheran Church and then for the that registrant to deny another to trademark “Atonement Lutheran Church”. The trademark office

has granted a plurality of distinctive Lutheran Church names trademarked by the USPTO in the same category of evangelistic and ministerial services.

- LUTHERAN MEMORIAL CHURCH is registered as a trademark 87784668
- THE LUTHERAN CHURCH MISSOURI SYNOD is registered as a trademark 3135012
- TRINITY LUTHERAN CHURCH & SCHOOL is registered as a trademark 78844818
- EVANGELICAL LUTHERAN CHURCH IN AMERICA is registered as a trademark 2697246
- NORTH AMERICAN LUTHERAN CHURCH is registered as a trademark 3895711

The consuming COAL CITY members are just as fervent as Lutheran Church parishioners and make deep reflection as to which COAL CITY club they wish to join. To grant one registrant a trademark to the generic term COAL CITY is to disallow anyone else to have their own COAL CITY club or association. Just as no one was allowed to trademark a generic Lutheran Church mark, so should the trademark office not allow one to own and control COAL CITY, and especially in all sales categories via way of litigation.

If I filed my own trademark for “Lutheran Church” I would expect to get a merely descriptive rejection from the Trademark Examining Attorney. I could likely modify the mark afterwards paying a new application fee to add the wording “Attorney’s Only” to the front of it for “Attorney’s Only Lutheran Church”. Further, I should be able to trademark “Attorneys Only COAL CITY SOCIAL CLUB.”

The wide spread use and commonality of the wording COAL CITY SOCIAL CLUB.

COAL CITY is common wording, social club is also common wording, and the services for the COALCITY SOCIAL CLUB mark are in social club services. COALCITY SOCIAL CLUB without anything more just implies a social club for coal city miner affiliates. It is same analogy for the different trademarked Lutheran Churches cited above.

The wide spread use and commonality of the wording SOCIAL CLUB.

The wording "SOCIAL CLUB" has little or no real distinguishing characteristic to identify the source of a social club. The wording "SOCIAL CLUB" is just merely descriptive of a Social Club. The services category for COALCITY SOCIAL CLUB is a social club. In support of this premise is that the Trademark Examining Attorney required the registrant to disclaim the wording "SOCIAL CLUB" as a composite and not separate like the original application tried to disclaim.

Office action disclaimer of Registration Number: 3893666

<https://tsdr.uspto.gov/documentviewer?caseId=sn85031177&docId=OOA20100817125205#docIndex=20&page=1>

ISSUE/MAILING DATE: 8/17/2010

Search Results

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Disclaimer

Applicant disclaimed the individual words "SOCIAL" and "CLUB," which appear together in the mark as the phrase "SOCIAL CLUB." However, this phrase is unitary because the words are read together as a single unit; and they are not separated by any registrable matter. *See* TMEP §1213.08(b).

Words in a grammatically or otherwise unitary expression must be disclaimed as a composite. *See, e.g., In re Med. Disposables Co.*, 25 USPQ2d 1801, 1805 (TTAB 1992) (finding MEDICAL DISPOSABLES a unitary expression that must be disclaimed as a composite); *In re Wanstrath*, 7 USPQ2d 1412, 1413 (Comm'r Pats. 1987) (finding "GLASS TECHNOLOGY" a unitary expression such that petitioner's request to substitute separate disclaimers of "GLASS" and "TECHNOLOGY" was denied). The only exception is when the individual components are sufficiently separated by registrable matter, which is not the present case. TMEP §1213.08(b).

Therefore, applicant must amend the disclaimer to include the entire unitary phrase, as follows:

No claim is made to the exclusive right to use “SOCIAL CLUB” apart from the mark as shown.

See TMEP §1213.08(a)(i).

The wording “SOCIAL CLUB” is commonly used and not distinguishing and not rememberable to a certain class of goods or services

The wording “SOCIAL CLUB” is commonly used and is not distinguishing, not rememberable on its own. The number of any type of Social Clubs is expanding exponentially on a daily basis. consumers wanting to join a social club will research any SOCIAL CLUB they wish to join before they join it. Here again, the consumers are sophisticated and will carefully scrutinize the motives and the club they join. Thus, there will not be any consumer confusion or mistaken belief to which social club they are joining or the source of those social club services. Even as to which COAL CITY social club they choose to belong.

Accessing url on 12/07/2021

<https://arc-sos.state.al.us/cgi/corpname.mbr/output?s=76&search=SOCIAL%20CLUB&type=ALL&status=ALL&place=ALL&city=&order=default&hld=&dir=&page=Y>

There are hundreds and hundreds of company names with social club in the name:

Too many to place in this document: but here are a few:

Business Entity Records

[Home](#) > [Government Records](#) > Business Entity Records

Entity ID	Entity Name	City	Type	Status
700 - 568	Aaron's Sports Page Social Club, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Exists
069 - 203	The Adult Social Club, Inc.	EUTAW, AL	Domestic Non-Profit Corporation	Exists
701 - 892	The Alabama Alpha Social Club	AUBURN, AL	Domestic Non-Profit Corporation	Exists
703 - 488	Alabama Port Social Club, Inc.	ALABAMA PORT, AL	Domestic Non-Profit Corporation	Exists
703 - 824	Alabama State Docks Employees Social Club, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Exists
093 - 433	Alabama Urban Cowboy's Social Club, Inc.	CITRONELLE, AL	Domestic Corporation	Exists
164 - 551	Alibi Social Club II, Inc.	ATMORE, AL	Domestic Corporation	Exists
069 - 345	Alibi Social Club, Inc.	BREWTON, AL	Domestic Non-Profit Corporation	Exists
707 - 160	Anchor Lounge Social Club, Inc.	DAUPHIN ISLAND, AL	Domestic Non-Profit Corporation	Exists

413 - 612	The Atmosphere Social Club, LLC	DAPHNE, AL	Domestic Limited Liability Company	Dissolved
709 - 497	Auburn Amusement and Social Club of Auburn, Ala.	AUBURN, AL	Domestic Non-Profit Corporation	Exists
710 - 375	Avlauntce Social Club, Inc.	MONTGOMERY, AL	Domestic Non-Profit Corporation	Exists
497 - 744	Bama Hunting & Social Club, LLC	PHENIX CITY, AL	Domestic Limited Liability Company	Exists
712 - 351	The Base Ball Social Club, Inc.	PRICHARD, AL	Domestic Non-Profit Corporation	Exists
713 - 307	Bay Breeze Social Club, Inc.	DAPHNE, AL	Domestic Non-Profit Corporation	Exists
713 - 498	Bay Shore Social Club of Mobile, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Exists
713 - 432	The Bayside Social Club, Inc.	DAPHNE, AL	Domestic Non-Profit Corporation	Exists
714 - 504	Ben's Social Club, Inc.	MOBILE, AL	Domestic Non-Profit Corporation	Exists
065 - 211	Bentley's Social Club, Inc.	MONTGOMERY, AL	Domestic Non-Profit Corporation	Exists
562 - 221	Big Dogs Social Club, Inc.	BIRMINGHAM, AL	Domestic Non-Profit Corporation	Exists
362 - 009	BIG MIT SOCIAL CLUB, LLC	Not Provided	Domestic Limited Liability Company	Exists

1 2 3 4 5 6 [Next >>](#)

556 - 462	M&J Social Club, Inc.	BIRMINGHAM, AL	Domestic Non-Profit Corporation	Exists
551 - 343	The Magnificent "7" Social Club	HUNTSVILLE, AL	Domestic Non-Profit Corporation	Exists
768 - 661	Malibu Social Club, Incorporated	CITRONELLE, AL	Domestic Non-Profit Corporation	Exists
768 - 856	Manhattan Social Club of Ensley, Ala.	ENSLEY, AL	Domestic Non-Profit Corporation	Exists
000 - 103	Mardisville Social Club, Inc.	NOT GIVEN, AL	Domestic Corporation	Exists
770 - 691	Melody Sports Social Club, Incorporated of Mobile, Alabama	MOBILE, AL	Domestic Non-Profit Corporation	Exists
140 - 509	Midnight Hour Social Club, Inc.	HARVEST, AL	Domestic Corporation	Previous Name
771 - 826	Miners Social Club of Wylam	WYLAM, AL	Domestic Non-Profit Corporation	Exists
771 - 838	Mingo's Social Club, Inc.	Not Provided	Domestic Non-Profit Corporation	Exists
065 - 194	The Mobile Social Club	MOBILE, AL	Domestic Non-Profit Corporation	Exists
773 - 593	Modern Men Social Club, Incorporated	MOBILE, AL	Domestic Non-Profit Corporation	Exists
773 - 706	Mona Lisa Social Club, Incorporated	PRICHARD, AL	Domestic Non-Profit Corporation	Exists
774 - 248	Montgomery Knights of Columbus Social Club	MONTGOMERY, AL	Domestic Non-Profit Corporation	Previous Name

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Further, the USPTO has many trademarks containing wording with Social Club: SOCIAL CLUB with a design is registered as a trademark 3803195, SOCIAL GYM CLUB 6480857, SOCIAL CLUB BY SENECA 5188350, 77 SOCIAL CLUB 6307307, UR SOCIAL CLUB 5336298, BBQ SOCIAL CLUB 6434923

In Summary and recapping, the US Registration Number: 3893666 of COALCITY SOCIAL CLUB providing Social Club services is generic. The literal mark COALCITY SOCIAL CLUB merely describes what it is. It is a social club for coal city members. Here, COALCITY SOCIAL CLUB describes the function and purpose of the service being offered. The function and purpose are a social club for Coal City member affiliates. COAL CITY is used by the “relevant public” of COAL CITY members, clubs, and associations understands the mark COAL CITY to identify to that genus of COAL

CITY affiliates. Those in the COAL CITY circles are the “relevant public”, in other words, “the purchasing or consuming public for the identified COAL CITY social club services. The TTAB has stated it doesn’t matter whether or not the public actually uses the term but the “relevant public.” 15 U.S.C. § 1064(3); *In re Am. Fertility Soc’y*, 188 F.3d 1341, 51 USPQ2d 1832 (Fed. Cir. 1999). A generic term will not be permitted to be registered as a trademark, even by the person who first starts using the term. *In re Merrill Lynch, Pierce, Fenner, & Smith, Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1142 (Fed. Cir. 1987); *In re Pennington Seed Inc.*, 466 F.3d 1053, 80 USPQ2d 1758, 1762 (Fed. Cir. 2006).

Please Cancel the mark.

Respectfully filed,

/John G Baker/

Attorney & Counselor at Law

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Bar Admissions

Admitted in the United States Patent and Trademark Office

Admitted in all four United States District Courts of California

Admitted in all four United States District Courts of Texas

Admitted in the State of California

Admitted in the United States Bankruptcy Court for the Eastern District of Texas

Admitted in the United States Tax Court

Admitted before the United States Supreme Court

