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**To:** Kathleen Lemp Andres ([Juan.Arias@thompsonhine.com](mailto:Juan.Arias@thompsonhine.com))  
**Subject:** TRADEMARK APPLICATION NO. 77145825 - CELEBRITY TESTIMONY - N/A  
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**UNITED STATES PATENT AND TRADEMARK OFFICE****SERIAL NO:** 77/145825**MARK:** CELEBRITY TESTIMONY**CORRESPONDENT ADDRESS:**

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12th Floor  
335 Madison Avenue  
New York NY 10017-4611



**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Kathleen Lemp Andres**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**[Juan.Arias@thompsonhine.com](mailto:Juan.Arias@thompsonhine.com)**REQUEST FOR RECONSIDERATION DENIED****ISSUE/MAILING DATE:** 1/13/2009

Applicant is requesting reconsideration of a final refusal issued/mailed February 15, 2008. The amended identification of goods has been made of record.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have

been presented that are significant and compelling with regard to the point at issue.

#### SECTION 2(E)(1) REFUSAL CONTINUED

The applicant's mark is CELEBRITY TESTIMONY for "Books featuring biographical stories; inspirational stories; messages and religious stories; scriptural information and references, religious passages, books containing Christian passages, and/or theology passages and/or spiritual passages; books on Christianity, theology, and spirituality; journals dealing with Christianity, spirituality, theology and faith-based concepts; printed written text, namely, books and brochures on religious topics; books dealing with biblical, scriptural and non-fiction issues; series of non-fiction books on religious and/or ethical and/or faith-based issues; bibles."

The Christian bible is divided into the *New Testament* and the *Old Testament*. The word, "testimony," in a religious context is used to refer to a person's own spiritual experiences, stories, beliefs, affirmations, or God's word, laws or precepts. The applicant's books contain information about celebrities and their religious or spiritual thoughts, feelings, experiences, stories and/or affirmations. While each celebrity's testimony may be different, in the religious context, the word, "testimony," is descriptive of one's declaration or expression of his or her faith. The combination of terms, CELEBRITY TESTIMONY, immediately describes some of the content of the applicant's goods. It does not, as the applicant argued, suggest anything about a celebrity's statements in court. A customer of the goods will purchase the books, for example, because he or she is interested in reading about a certain celebrity's profession of his or her faith, or "testimony." Thus, in relation to the identified goods, and not in the abstract, the mark is merely descriptive. See attached Wikipedia article and online dictionary definitions as searched on January 13, 2009.

<http://en.wikipedia.org/wiki/Testimony>  
<http://www.yourdictionary.com/testament>  
<http://www.yourdictionary.com/testimony>

Accordingly, applicant's request for reconsideration is denied. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/rscb/  
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**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.



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# Testimony

From Wikipedia, the free encyclopedia

*"Testify" redirects here. For other uses, see Testify (disambiguation) and Testimony (disambiguation).*



This article **needs additional citations for verification**. Please help improve this article by adding reliable references. Unsourced material may be challenged and removed. *(July 2007)*

In law and in religion, **testimony** is a solemn attestation as to the truth of a matter.

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- 1 Legal testimony
  - 1.1 Expert testimony
- 2 Religious testimony
- 3 Testimony in literature
- 4 Testimony in Philosophy
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## Legal testimony

[edit]

In the law, **testimony** is a form of evidence that is obtained from a witness who makes a solemn statement or declaration of fact. Testimony may be oral or written, and it is usually made by oath or affirmation under penalty of perjury. Unless a witness is testifying as an expert witness, testimony in the form of opinions or inferences is generally limited to those opinions or inferences that are rationally based on the perceptions of the witness and are helpful to a clear understanding of the witness' testimony.

A subpoena commands a person to appear. It is compulsory to comply.

When a witness is asked a question, the opposing attorney can raise an **objection** <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup>, which is a legal move to disallow an improper question, preferably before the witness answers, and mentioning one of the standard reasons, including:

- argumentative or inflammatory
- asked and answered
- best evidence rule
- calls for speculation
- calls for a conclusion



### Evidence

Part of the common law series

#### Types of evidence

- Testimony - Documentary
- Physical / Real - Digital
- Exculpatory - Scientific
- Demonstrative
- Eyewitness identification
- Genetic (DNA) - Lias

#### Relevance

- Burden of proof - Laying a foundation
- Subsequent remedial measure
- Character - Habit - Similar fact

#### Authentication

- Chain of custody
- Judicial notice - Best evidence rule
- Self-authenticating document
- Ancient document

#### Witnesses

- Deutsch
- עברית
- 日本語

- compound question or narrative
- hearsay
- irrelevant, immaterial, incompetent (this is actually not a proper objection because the term "incompetent" is meaningless and the words "irrelevant" and "immaterial" have the same meaning under the Federal Rules of Evidence).
- lack of foundation
- leading question
- privilege
- vague
- Ultimate issue testimony

There may also be an objection to the answer, including:

- non-responsive

Up until the mid-20th century, in much of the United States, an attorney often had to follow an objection with an **exception** to preserve the issue for appeal. If an attorney failed to "take an exception" immediately after the court's ruling on the objection, he waived his client's right to appeal the issue. Exceptions have since been abolished, due to the widespread recognition that forcing lawyers to take them was a waste of time.

### Expert testimony

*Main article: Expert testimony*

An expert witness may give opinion about facts and conclusions within his or her field of expertise, in addition to direct evidence.

### Religious testimony

In religion, testimony generally involves an inward belief<sup>[*citation needed*]</sup> or outward profession of faith or of personal religious experience.

Christians in general use the term "testify" or "to give your testimony" to mean "the story of how you became a Christian" (or less commonly it may refer to a specific event in a Christian's life in which God has done something deemed particularly worth sharing). Christians often give their testimony at their own baptism or at evangelistic events, where non-Christians are able to hear what God has done in their lives. In the current age of the internet, many Christians have also placed their testimonies on the internet.<sup>[2]</sup>

In some religions (most notably Mormonism and Islam) many adherents testify as a profession of their faith, often to a congregation of believers. In Mormonism, testifying is also referred to as "bearing one's testimony," and often involves the sharing of personal experience—ranging from a simple anecdote to an account of personal revelation—followed by a statement of belief that has been confirmed by this experience.

### Testimony in literature

Some published oral or written autobiographical narratives are considered "**testimonial literature**" particularly when they present evidence or first person accounts of human rights abuses, violence and war, and living under conditions of social oppression. This usage of the term comes originally from Latin America and the Spanish term "*testimonio*" when it emerged from human rights tribunals, truth commissions, and other international human rights instruments in countries such as Chile and Argentina. One of the most famous, though controversial, of these works to be translated into English is *I, Rigoberta Menchú*. The

Competence • Privilege  
 Direct examination • Cross-examination  
 Impeachment • Recorded recollection  
 Expert witness • Dead man statute

**Hearsay and exceptions**

In English law • in United States law  
 Confessions • Business records  
 Excited utterance • Dying declaration  
 Party admission • Ancient document  
 Declarations against interest  
 Present sense impression • Res gestae  
 Learned treatise • Implied assertion

**Other common law areas**

Contract • Tort • Property  
 Wills, trusts and estates  
 Criminal law

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Other international human rights instruments in countries such as China and Argentina. One of the most famous, though controversial, of these works to be translated into English is *Confessions*. The autobiographies of Frederick Douglass can be considered among the earliest significant English-language works in this genre.

### **Testimony in Philosophy**

[edit]

In philosophy, a testimony is known as Statements that are based on personal experience or personal knowledge. A statement is accepted on the basis of person's **testimony** if his or her asserting it renders it acceptable. We can also, rationally accept a claim on the basis of another persons testimony unless (1. the claim is implausible; 2. The person or the source in which the claim is quoted lacks credibility; 3. The claim goes beyond what the person could know from his or her own experience and competence.)<sup>[3]</sup>

### **See also**

[edit]

- \* Cross-examination
- \* Daubert standard
- \* Depoant
- \* deposition
- \* Direct examination
- \* Hostile witness
- \* In limine
- \* Leading question
- \* Redirect examination
- \* Strike from the record
- \* Philosophical problems of testimony
- \* Testimony in Jewish law

### **References**

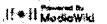
[edit]

- ↑ [1]
- ↑ http://www.testimonyshare.com/TestimonyShare.com/
- ↑ A practical study of Argument 6th edition by Trudy Gowier

Categories: Evidence | Religious behaviour and experience



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