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Subject: U.S. TRADEMARK APPLICATION NO. 85662420 - HOLLYWOOD LAWYERS ONLINE - N/A -
EXAMINER BRIEF

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 85662420

MARK: HOLLYWOOD LAWYERS ONLINE



CORRESPONDENT ADDRESS:
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GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

TTAB INFORMATION:

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>

APPLICANT: HOLLYWOOD LAWYERS ONLINE

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

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EXAMINING ATTORNEY'S APPEAL BRIEF

Applicant has appealed the trademark examining attorney's refusal to register the trademark HOLLYWOOD LAWYERS ONLINE on the ground that it primarily geographically descriptive of the origin of applicant's services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2);

FACTS

On June 26, 2012, applicant, HOLLYWOOD LAWYERS ONLINE, filed an intent to use trademark application under Section 1(b) seeking registration on the Principal Register of the mark HOLLYWOOD LAWYERS ONLINE for “attorney referrals; providing a web site featuring business information in the form of audio and video interviews, transcripts and other educational materials; providing an online video business directory”. In the first Office action dated October 15, 2012, the examining attorney refused registration of the mark under Section 2(e)(2) of the Trademark Act, 15 U.S.C. 1052(e)(2) on the ground that the mark is primarily geographically. The applicant responded on December 18, 2012 arguing against the refusal under Section 2(e)(2). On February 21, 2013, the examining attorney issued a Final Office Action making final the Section 2(e)(2) refusal.

The applicant filed the appeal brief on July 25, 2013. The file was forwarded to the examining attorney for statement on July 29, 2013.

ISSUE

The only issue on appeal is whether applicant’s mark is primarily geographically descriptive under Trademark Act Section 2(e)(2).

ARGUMENT

APPLICANT’S MARK IS PRIMARILY GEOGRAPHICALLY DESCRIPTIVE UNDER TRADEMARK ACT SECTION 2(E)(2).

The applicant’s applied to register the mark HOLLYWOOD LAWYERS ONLINE in typed form for “attorney referrals; Providing a web site featuring business information in the form of audio and video interviews, transcripts and other educational materials; providing an online video business directory”.

A. The applicant's mark is primarily geographically descriptive under Trademark Act Section 2(e)(2) because it meets the test set forth in TMEP Section 1210.01(a)

A mark is primarily geographically descriptive when the following is demonstrated:

- (1) The primary significance of the mark is a generally known geographic place or location;
- (2) The goods and/or services for which applicant seeks registration originate in the geographic place identified in the mark; and
- (3) Purchasers would be likely to make a goods-place or services-place association; that is, purchasers would be likely to believe that the goods and/or services originate in the geographic place identified in the mark.

TMEP §1210.01(a); see *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824

F.2d 957, 959, 3 USPQ2d 1450, 1452 (Fed. Cir. 1987); *In re Joint-Stock Co. "Baik,"* 80

USPQ2d 1305, 1309 (TTAB 2006).

With respect to the first prong of the test, the evidence cited by the examining attorney shows that Hollywood is a known geographical location, namely, a district of Los Angeles, CA. The evidence in both the first Office action and the final refusal shows that Hollywood contains multiple definitions of the term Hollywood as a district in Los Angeles California, thus demonstrating that Hollywood denotes a geographic location. Material obtained from the Internet is generally accepted as competent evidence in examination and ex parte proceedings. See *In re Rodale Inc.*, 80 USPQ2d 1696, 1700 (TTAB 2006) (Internet evidence accepted by the Board to show genericness); *In re White*, 80 USPQ2d 1654, 1662

(TTAB 2006) (Internet evidence accepted by the Board to show false connection); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1308-09 (TTAB 2006) (Internet evidence accepted by the Board to show geographic significance); *Fram Trak Indus. v. WireTracks LLC*, 77 USPQ2d 2000, 2006 (TTAB 2006) (Internet evidence accepted by the Board to show relatedness of goods); *In re Consol. Specialty Rest. Inc.*, 71 USPQ2d 1921, 1927-29 (TTAB 2004) (Internet evidence accepted by the Board to show that geographic location is well-known for particular goods); *In re Gregory*, 70 USPQ2d 1792, 1793 (TTAB 2004) (Internet evidence accepted by the Board to show surname significance); *In re Fitch IBCA Inc.*, 64 USPQ2d 1058, 1060 (Internet evidence accepted by the Board to show descriptiveness); TBMP §1208.03; TMEP §710.01(b). The applicant's address, according to the Office's records, is 2491 Purdue Avenue, Suite 221, Los Angeles, California 90064. Thus, the applicant's address shows a connection of applicant's address with Hollywood because Hollywood is a district in Los Angeles, CA.

Thus, the primary significance of the mark is a generally known geographic place.

The addition of generic or highly descriptive wording to a geographic word or term does

not diminish that geographic word or term's primary geographic significance. TMEP

§1210.02(c)(ii); *see, e.g., In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001) (holding

MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars); *In re*

Carolina Apparel, 48 USPQ2d 1542 (TTAB 1998) (holding CAROLINA APPAREL

primarily geographically descriptive of retail clothing store services); *In re Chalk's Int'l*

Airlines Inc., 21 USPQ2d 1637 (TTAB 1991) (holding PARADISE ISLAND AIRLINES

primarily geographically descriptive of the transportation of passengers and goods by

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