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

Proceeding	86506204
Applicant	Gulf Coast Pharmacy, Inc.
Applied for Mark	ELAN FOR HEALTHY PHYSICAL & MENTAL ENERGY
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Date	08/03/2015

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

In re Application of:) Law Office 115
)
Gulf Coast Pharmacy Inc.) Examining Attorney:
) Alison P. Schrody
)
Serial No.: 86/506,204)
)
Filed: January 16, 2015)
)

Mark: )

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S APPEAL BRIEF

TABLE OF CONTENTS

TABLE OF CONTENTS2

INDEX OF CITATIONS3

PROSECUTION HISTORY4

THE REFUSAL.....5

ARGUMENT7

I. The Cited Service Marks - The Goods and Services Are Not Related.....7

II. The Cited Trademarks The Goods Are Not Related and The Marks Are Not
Similar.....8

III. The “Rule” Concerning Pharmaceutical Products is Inapplicable.....13

Index of Citations

Cases:

In re Bentley Motors Ltd. Serial No. 85325994 (December 3, 2013)

In re Mucky Duck Mustard Co. Inc., 6 U.S.P.Q.2d 1467, 1470 n.6 (T.T.A.B. 1988)

In re W.W. Henry Co., 82 U.S.P.Q.2d 1213, 1215 (T.T.A.B. 2007)

In re Tomberlin Prod. Group, LLC, Serial No. 78734308 (T.T.A.B. November 30, 2007)

In re The Orvis Co., Inc., Serial No. 78276739 (T.T.A.B. October 22, 2007)

Statutes & Regulations:

Trademark Act Section 2(d), 15 U.S.C. § 1052(d)

PROSECUTION HISTORY

On April 28, 2015 the Examining Attorney issued a Non-Final Office Action (the “First Office Action”), refusing registration under Trademark Act §2(d) on the ground that Applicant’s Mark is likely to be confused with five registered marks owned by Elan Corp. (see page 5, *infra*)

On June 12, 2015, Applicant submitted a response (the “OAR”), in which Applicant offered arguments against the refusal to register the mark under Trademark Act §2(d).

On July 27, 2015, the Examining Attorney issued a Final Office Action regarding the refusal under Trademark Act §2(d).

On August 3, 2015, Applicant filed a Notice of Appeal with the Board.

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