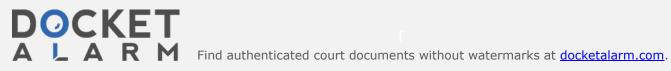
ESTTA Tracking number:

ESTTA687284 08/03/2015

Filing date:

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
Correspondence Address	GENE BOLMARCICH Law Offices Of Gene Bolmarcich 215 Sterling Dr Newington, CT 06111-2261 UNITED STATES gxbesq1@gmail.com
Submission	Appeal Brief
Attachments	Elan Appeal Brief.pdf(328632 bytes)
Filer's Name	Gene Bolmarcich
Filer's e-mail	gxbesq1@gmail.com
Signature	/gb/
Date	08/03/2015



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

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Examining Attorney: Alison P. Schrody
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United States Patent and Trademark Office Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

APPLICANT'S APPEAL BRIEF



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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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