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Filing date: **03/19/2022**

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

Proceeding no.	91248963
Party	Plaintiff American Party Inc.
Correspondence address	ROGER COWLES THE AMERICAN PARTY P.O. BOX 457 ELIZABETH, NJ 07207 UNITED STATES Primary email: organizers@americanparty.mobi 908-355-0392
Submission	Plaintiff's Notice of Reliance
Filer's name	Roger E Cowles
Filer's email	organizers@americanparty.mobi, rcowles@earthlink.net
Signature	/Roger E Cowles/
Date	03/19/2022
Attachments	<p>PLAINTIFFS NOTICE OF RELIANCE.pdf(267915 bytes)</p> <p>Exhibit A Opposers Registration No 3902290.pdf(505216 bytes)</p> <p>Exhibit B - Registration Status and Ownership.pdf(165042 bytes)</p> <p>Exhibit C - First Set of Interrogatories.pdf(159833 bytes)</p> <p>Exhibit D_Part 1 Applicants Response to First Set of Interrogatories.pdf(1000347 bytes)</p> <p>Exhibit D_Part 2 Applicants Response to First Set of Document Requests.pdf(360710 bytes)</p> <p>Exhibit D_Part 3 Applicants Basic Federal Trademark Search.pdf(4186601 bytes)</p> <p>Exhibit D_Part 4 Applicants Response to Search Providers Questions.pdf(80407 bytes)</p> <p>Exhibit E - Motion to Compel Discovery.pdf(189401 bytes)</p> <p>Exhibit F - First Office Action.pdf(256930 bytes)</p> <p>Exhibit G - Response to First Office Action.pdf(3102286 bytes)</p> <p>Exhibit H_Part 1.pdf(972210 bytes)</p> <p>Exhibit H_Part2.pdf(430402 bytes)</p> <p>Exhibit I In Re Majestic Drilling Co Inc.pdf(162171 bytes)</p> <p>Exhibit J In Re M2 Software Inc v M2 Communications Inc.pdf(155376 bytes)</p> <p>Exhibit K In Re Federated Foods Inc v Fort Howard Paper Co.pdf(146584 bytes)</p> <p>Exhibit L In Re Stone Lion Capital Partners LP v Lion Capital LLP.pdf(180746 bytes)</p> <p>Exhibit M In Re Octocom Sys Inc. v Houston Computers Servs Inc.pdf(164174 bytes)</p> <p>Exhibit N In Re Palm Bay Imports Inc v Veuve Clicquot Ponsardin.pdf(167074 bytes)</p> <p>Exhibit O In Re Metro Traffic Control Inc v Shadow Network Inc.pdf(114428 bytes)</p> <p>Exhibit P In Re i am symbolic llc.pdf(425785 bytes)</p> <p>Exhibit Q In Re TriVita Inc.pdf(120867 bytes)</p> <p>Exhibit R In Re Steelbuilding com.pdf(164371 bytes)</p> <p>Exhibit S In Re Coach Servs Inc v Triumph Learning LLC.pdf(277403 bytes)</p> <p>Exhibit T In Re Colonial Stores Inc.pdf(137756 bytes)</p> <p>Exhibit U In Re Abcor Dev Corp.pdf(160762 bytes)</p>

	Exhibit V In Re Positec Grp Ltd.pdf(277448 bytes) Exhibit W In Re Societe Generale des Eaux Minerals de Vittel SA.pdf(126876 bytes) Exhibit X In Re Carolina Apparel.pdf(15226 bytes)
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**THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

AMERICAN PARTY, INC.

Opposer,

v.

PAUL MICHAEL STUART

Applicant,

Opposition No. 91248963

Serial No. 87809067

Mark: United Americans Party

OPPOSER'S NOTICE OF RELIANCE

American Party, Inc., ("Opposer") hereby gives notice of its reliance and introduces into evidence the following, listed by the three Grounds for Opposition in this case.

Please note that all Federal and TTAB case citations in this Notice are evidenced by the attached Exhibits, each of which was downloaded in its entirety from Casetext.com or USPTO TTABVIEW (<https://ttabvue.uspto.gov/ttabvue/>).

I. Evidence Relating to Priority and Likelihood of Confusion

A. Opposer's Registrations

1. Pursuant to 37 C.F.R. § 2.122(d), Opposer hereby introduces into evidence a copy of Opposer's United States trademark registration and corresponding TSDR printout for said registration showing its current status as valid and subsisting and identifying Opposer as the owner of record,

attached hereto as Exhibits A and B. Relevance of these Materials to this Case: Evidences records of trademark ownership and standing by Opposer.

The attached Exhibits A and B include the following:

2. A copy of Opposer's registration certificate for its U.S. trademark registration for the AMERICAN PARTY mark, Reg. No. 3902290, registered on January 4, 2011, and a TSDR printout for said registration showing its status as valid and subsisting and Applicant as the owner of record. The attached registration and TSDR printout are relevant to proving that consumers are familiar with the AMERICAN PARTY brand in Class 035.

B. Applicant's Responses to Discovery Requests

3. Applicant's Written Discovery Responses

Pursuant to 37 C.F.R. § 2.120(j)(3)(i), Opposer hereby introduces into evidence, through the attached Exhibit C and Exhibit D, Parts 1-5, the following documents:

a. A copy of Opposer's First Set of Interrogatories, dated July 26, 2021 (Exhibit C). There were only 25 Interrogatories including subparts;

b. A copy of Applicant's Response to Opposer's First Set of Interrogatories, dated August 25, 2021 which includes:

Exhibit D_Part1: Applicant's Response to Opposer's First Set of Interrogatories;

Exhibit D_Part 2: Applicant's Response to Opposer's First Set of Document Requests;

Exhibit D_Part 3: Applicant's Basic Federal Trademark Search

Exhibit D_Part 4: Applicant's Response to Trademark Search Provider's (TTC Business Solutions) questions on proposed trademark similarity.

Relevance of these Materials to this Case: Priority and likelihood of confusion are one of the Grounds for Opposition in this case.

4. We must introduce into evidence our Motion to Compel Discovery (Appendix E) because Applicant refused to offer into evidence answers to certain Interrogatories, and asserted boilerplate objections to all Interrogatories. This Motion asked the Board to require that Applicant's responses to Interrogatories No. 3, 7 and 8(d) be amended and supplemented to address evasive, false and non-responsive answers. However, the Interlocutory Attorney denied this Motion on the procedural ground that insufficient communication(s) took place with Applicant following receipt of Applicant's responses to our Interrogatories. Relevance of these Materials to this Case: Priority and likelihood of confusion are one of the Grounds for Opposition in this case.

Applicant is represented by counsel while Opposer is appearing pro se. A pro se Opposer cannot reasonably be expected to directly resolve

discovery disputes with a trademark attorney. Inasmuch as the Applicant's responses to our Interrogatories were incomplete, and contained a set of objections that are boilerplate, we believe that the Interrogatory Attorney erred by not requiring complete discovery.

5. Case Law and TTAB Decisions Relating to Likelihood of Confusion
Abundant case law and TTAB decisions relating to Priority and Likelihood of Confusion are useful and may be cited. All of the following Federal Court decisions were downloaded from Casetext.com and are attached as exhibits. All of the TTAB decisions were downloaded from TTABVIEW and are attached as exhibits.

Majestic Distilling Co., 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003);

M2 Software, Inc. v. M2 Commc'ns, Inc., 450 F.3d 1378, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006);

Federated Foods, Inc. v. Fort Howard Paper Co., 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976);

Stone Lion Capital Partners, LP v. Lion Capital LLP, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014);

Octocom Sys., Inc. v. Houston Computers Servs. Inc., 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990);

Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin, 396 F.3d 1369, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005);

Metro Traffic Control, Inc. v. Shadow Network Inc., 104 F.3d 336, 41 USPQ2d 1369, 1373 (Fed. Cir. 1997);

In re i.am.symbolic, llc, 866 F.3d 1315 (Fed. Cir. 2017) (Precedent of the TTAB).

C. USPTO Proceedings Leading to this Opposition

6. We introduce into evidence (Exhibit F) the outgoing Office Action of June 14, 2018 by former Trademark Examining Attorney Linda Estrada. The reason for this inclusion is that, in the first Office Action on the proposed mark on June 14, 2018, Ms. Estrada issued a Refusal-Likelihood of Confusion. This Office Action stated in part, "It is likely to cause confusion with U.S. Registration No. 3902290 for the mark AMERICAN PARTY in standard characters because it evokes a similar mental reaction as the registered mark as a result of the wording "AMERICANS PARTY." This wording conveys the same commercial impression as the wording "AMERICAN PARTY" in the registered mark. As a result of this wording, the marks are similar in sound, appearance and commercial impression." Relevance of these Materials to this Case: Priority and likelihood of confusion are one of the Grounds for Opposition in this case.

6. We introduce into evidence the pro se applicant's reply on December 13, 2018 (Exhibit G) which we believe to be contrary to the provisions of the Lanham Act. In an incomprehensible about-face, Ms. Estrada accepted this reply without further objection and allowed this

application to be published for opposition. We believe this was an error. Relevance of these Materials to this Case: Priority and likelihood of confusion are one of the Grounds for Opposition in this case.

II. Evidence Relating to Trademark Act Section 2(e)(1)

A. Case Law and USPTO Decisions Relating to the Second Ground for Opposition: The Proposed Mark is Merely Descriptive.

Opposer enters the following evidence relating to Trademark Act Section 2(1). A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's services.

TMEP §1209.01(b); *see, e.g.,*

In re TriVita, Inc., 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004));

In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920));

In re Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1366, 101 USPQ2d 1713, 1719 (Fed. Cir. 2012);

The proposed mark "UNITED AMERICANS PARTY" contains the merely descriptive words "UNITED AMERICANS" as well as "PARTY." Only where the combination of descriptive terms creates a unitary mark with a unique,

incongruous, or otherwise nondescriptive meaning in relation to the services is the combined mark registrable.

In re Colonial Stores, Inc., 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968);

In re Abcor Dev. Corp., 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978)

In re Positec Grp. Ltd., 108 USPQ2d 1161, 1162-63 (TTAB 2013).

Additional case law and TTAB decisions are of public record and may be cited.

III. Evidence Relating to Trademark Act Section 2(e)(2)

Case Law and USPTO Decisions Relating to the Third Ground for Opposition: The Proposed Mark is Primarily Geographically Descriptive. We enter into evidence relevant case law including, but not limited to, the following:

In re Societe Generale des Eaux Minerals de Vittel S.A., 824 F.2d 957, 3 USPQ2d 1450, 1452 (Fed. Cir. 1987)

In re Carolina Apparel, 48 USPQ2d 1542 (TTAB 1998)

IV. Evidence Relating to Discovery Conference

Complete Discovery was not obtained in this case because our Motion to Compel Discovery was denied by the Interlocutory Attorney. The stated reason for this denial was that Opposer made an insufficient effort to discuss, meet with and resolve discovery disputes with Applicant's attorney.

The Interlocutory Attorney stated: "Opposer chose not to meet and confer with Applicant, to actually discuss the matters it set forth in the draft motion to compel, before filing it." However, Opposer is appearing pro se and could not reasonably be expected to resolve such a dispute. Further, the parties stipulated during the Discovery Conference that all communications between Opposer and Applicant would be via e-mail.

We attach an Affidavit (Exhibit H Parts 1 and 2) attesting to the agreements and stipulations reached in the July 28, 2020 Discovery Conference. These do not include verbal conferences or meetings between Opposer and Applicant's attorney.

Roger E. Cowles

Roger E. Cowles
Lead Director
American Party, Inc.

March 19, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2022 I caused a true and correct copy of American Party, Inc.'s **OPPOSER'S NOTICE OF RELIANCE** to Paul M. Stuart to be served by email address JeffMFurr@FurrLawFirm.com on Attorney Jeffrey M. Furr, 2622 Debolt Road, Utica, Ohio 43080.

By,

Roger E. Cowles

Roger E. Cowles
Lead Director
American Party, Inc.

United States of America

United States Patent and Trademark Office

AMERICAN PARTY

Reg. No. 3,902,290

Registered Jan. 4, 2011

Int. Cls.: 35 and 36

SERVICE MARK

SUPPLEMENTAL REGISTER

COWLES, ROGER E (UNITED STATES INDIVIDUAL)
P.O. BOX 457
ELIZABETH, NJ 07207

FOR: POLITICAL ACTION COMMITTEE SERVICES, NAMELY, PROMOTING THE INTERESTS OF U.S. CITIZENS IN THE FIELD OF POLITICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-4-2010; IN COMMERCE 2-4-2010.

FOR: POLITICAL FUND RAISING SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-4-2010; IN COMMERCE 2-4-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY", APART FROM THE MARK AS SHOWN.

SER. NO. 77-814,576, FILED P.R. 8-27-2009; AM. S.R. 4-8-2010.

GIANCARLO CASTRO, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2022-03-12 10:43:40 EST				
Mark: AMERICAN PARTY				
AMERICAN PARTY				
US Serial Number:	77814576	Application Filing Date:	Aug. 27, 2009	
US Registration Number:	3902290	Registration Date:	Jan. 04, 2011	
Register:	Supplemental			
Mark Type:	Service Mark			
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active		
		The trademark application has been registered with the Office		
Amended to Principal Register:	No	Date Amended to Current Register:	Apr. 08, 2010	
Status:	The registration has been renewed.			
Status Date:	Dec. 01, 2021			
▲ Mark Information				▼ Expand All
▲ Goods and Services				
▲ Basis Information (Case Level)				
▼ Current Owner(s) Information				
Owner Name:	AMERICAN PARTY			
DBA, AKA, Formerly:	DBA American Party, Inc.			
Owner Address:	P.O. BOX 457 ELIZABETH, NEW JERSEY UNITED STATES 07207			
Legal Entity Type:	NON-PROFIT CORPORATION	State or Country Where Organized:	WYOMING	
▼ Attorney/Correspondence Information				
Attorney of Record - None				

Correspondent	
Correspondent Name/Address:	AMERICAN PARTY P.O. BOX 457 ELIZABETH, NEW JERSEY UNITED STATES 07207
Phone:	201-724-7131
Correspondent e-mail:	organizers@americanparty.mobi rcowles@earthlink.net
Correspondent e-mail Authorized:	Yes
Domestic Representative - Not Found	
▲ Prosecution History	
▲ TM Staff and Location Information	
▲ Assignment Abstract Of Title Information - Click to Load	
▲ Proceedings - Click to Load	

Privacy - Terms

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

AMERICAN PARTY, INC.

Opposition No. 91248963

Serial No. 87809067

Opposer,

Mark: United Americans Party

v.

PAUL MICHAEL STUART

Applicant,

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PAUL MICHAEL STUART**

Opposer American Party, Inc. propounds the following Interrogatories and Request For Production of Documents pursuant to Fed. R. Civ. Pro. 26, 33 and 34, to be answered under oath pursuant to said rules by Paul Michael Stuart. You are required to answer these interrogatories separately and fully in writing, under oath. All of these interrogatories and document requests are directly and incontrovertibly related to your Application and filings with the USPTO. You are required to respond to these interrogatories no later than thirty (30) calendar days after receipt of these interrogatories, via e-mail to the undersigned at: organizers@americanparty.mobi.

Federal agencies such as the U.S. Patent and Trademark Office rely upon truthful information in order to make informed decisions. For this reason Discovery must include inquiries relating to all of

Applicant's statements and representations in this case. You may answer these interrogatories using this document if you have access to MS Word. You may also answer these interrogatories with a separate Microsoft Word or WordPerfect document using a numbering system that corresponds to the numbering system below. Alternatively, if you do not have access to Microsoft Word or WordPerfect, please answer with your word processor and then convert the document to the MS Word, WordPerfect or PDF document format before sending it to us. If your answers are incomplete, illegible, missing, out of order, obviously false or unresponsive, a Motion to Compel will be promptly filed.

I. DEFINITIONS AND INSTRUCTIONS

Unless otherwise indicated the following Definitions and Instructions shall be applicable.

"You and Your" refers to the party to whom these Requests for Production of Documents are addressed, and includes the knowledge and information held by your agents, employees, partners, servants and representatives and found within and among the records held and maintained by you.

- (a) The terms "person" and "persons" include natural persons firms, associations, partnerships, corporations and other legal entities and

includes principals, employees, agents, attorneys, consultants and other representatives

(b) "Communication" means any transmission, exchange, or imparting of information or thoughts by oral, written, pictorial or other means, including but not limited to personal conversations, conferences, telephone conversations, electronic mail, computer disk or other media, reports and publications, and shall include any means of conveying a message from one or more persons to one or more Persons, and shall be given the broadest possible interpretation.

(c) Notwithstanding any other limiting language to the contrary, identify or a request for identification or identity means:

(1) when used with respect to a natural person: to state that person's full name, last known address and telephone number; last known job or position and employer's name; and all past jobs, positions and business affiliations with the Applicant;

(2) when used with respect to a person other than a natural person! the full name and type of organizations, the address of its principal place of business (including street: name and number, city or town, state, Zip code and telephone number) and the jurisdiction and place of its incorporation or organization;

(3) when used with respect to a document (a) a general description of the type of document (e.g., letter, record, list, memorandum, report), (b) the date and, if applicable, title of the document; (c) identification of the addressees and/or other recipient(s) of the document;

(d) identification of the person(s) who has possession, custody of control over the original documents; (e) identification of each person who has possession, custody or control over each copy of the document; (f) a description of the general nature of the subject matter of the document, and (g) if the documents was, but no longer is in your custody, possession or control, the disposition that was made of the document, the date of such disposition, the location of all duplicates or copies, all persons who have seen the documents, duplicates or copies, all other documents that refer or relate to the disposed of document and as much detail as possible about the content of the document. Any identification of a document should be made with no less than reasonable particularity to the applicable discovery production of the document pursuant to the applicable discovery rule pertaining to discovery of documents;

(4) when referring to a communication, state the type of of communication (examples: "conversation" "conference", "letter" etc.), the date thereof, and the parties thereto; if the Communication comprises a document to identify the document as set forth above; if the communication comprises a conversation, to state the substance, place and approximate time thereof, and the identities of the parties thereto as well as others who were present or privy to the conversation; and

(5) when used in reference to an act or occurrence: to state the substance of the act or occurrence; the date, time and place of performance of the act or occurrence; and to identify all other persons present.

(d) A communication or document "relating", "related" or "which relates" to any given subject means a communication or document that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, bears upon, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

(e) "Documents" refers, without limitation, to any medium upon which information can be reached, including all matter referred to in Fed. R. Civ. P. 34(a) after the word "documents" and also all copies,

drafts, or reproductions of any document, in any tangible form or which can be put into tangible form, including, without limiting the generality of the foregoing, any form of writing or memorialization relating to any means of communication. The term includes any non-identical copies of any written or graphic matter no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, telegram, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten notes, working paper, chart, tabulation, graph, tape, photographs, charts, microfiche, microfilm, videotape, recordings, motion pictures, plans, drawings, surveys, and electronic, mechanical, magnetic, optical or electric records or representations of any kind including data sheets, data processing cards, printout, computer disks, microfilm, index, or any other data compilation in your possession, custody or control including all drafts and non-identical copies of all such documents, including metadata. The phrase "other data compilation" includes, but is not limited to, any material stored and accessible through a computer or other information retrieval system.

- (f) When production of any document in Applicant's possession is requested, such request includes documents subject to the Applicant's possession, custody or control. In the event that

Applicant is able to provide only part of the document(s) called for in any particular Request for Production, provide all document(s) that Applicant is able to provide and state the reason, if any, for the inability to provide the remainder.

- (g) Time period covered: unless otherwise indicated, each answer you provide shall give the requested information for the time period from February 12, 2018, the date of your Application with the U.S. Patent & Trademark Office, until the present. When the information or answer requested changes during said time period, your answer shall reflect all such changes and shall give the date of each such change.
- (h) Duties to supplement Answers: The interrogatories contained herein are continuing in character so as to require you to file supplementary answers if you obtain further material information or acquire additional information or knowledge at any time between the Answers to these Interrogatories and Production of these requests and the date of trial or any hearing in this case which in any way alters, supplements or otherwise affects your previous Answers or Production of Documents, you shall forthwith serve Supplemental Answers and Production of Documents, without further request, setting forth all such additional knowledge or information as becomes known.

- (i) Knowledge and Information: Where knowledge or information in possession of a party is requested, such request includes the knowledge of that party's agents, representatives and, unless privileged, attorneys.
- (j) Claim of Privilege: In the event you claim any form of privilege as to any document called for by any numbered request, or that disclosure of any such document would reveal a trade secret or other form of information which merits protection under the law other than privilege you are requested to identify the said document by its date, all author(s), recipient(s), and all other persons who are known to have seen the document, and the general nature of the document without disclosing any claimed privileged information, and as to each such documents state the nature and basis of the privilege claimed; the identity and position, if any, of the person or persons supplying the attorney signing the list with the information requested in subparagraphs above. You are further requested to state whether you will permit in camera inspection by the court to determine the validity and appropriateness of such claim of privilege.
- (k) Wherever used herein, the singular shall be deemed to include the plural, and the plural shall be deemed to include the singular; the masculine shall be deemed to include the feminine, and the

feminine shall be deemed to include the masculine, the disjunctive ("or") shall be deemed to include the conjunctive "and"), and the conjunctive ("and") shall be deemed to include the disjunctive ("or"); and each of the functional words "each," "every," "any," and "all" shall be deemed to include each of the other functional words.

II. INTERROGATORIES DIRECTED to PAUL MICHAEL STUART

INTERROGATORY NO. 1 List the names and business addresses of all attorneys who you communicated with about this Application, if any, prior to your pro se Application filing. If you did not communicate with any attorney(s), please answer with "none" or equivalent wording.

INTERROGATORY NO. 2 Did you, or did you not, search for servicemarks that could be considered confusingly similar to your proposed mark before filing your Application?

- a. If you searched, describe your search method and what, if any, servicemarks you found.

INTERROGATORY NO. 3 Did you understand at the time of your Application that this filing began a legal process?

INTERROGATORY NO. 4 Your Application required you to sign a verified statement pursuant to 15 U.S.C. §1051(a)(3)(D) that reads: "to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

- (i) state exceptions to the claim of exclusive use; and
- (ii) shall specify, to the extent of the verifier's knowledge—
 - § (I) any concurrent use by others;
 - § (II) the goods on or in connection with which and the areas in which each concurrent use exists;
 - § (III) the periods of each use; and
 - § (IV) the goods and area for which the applicant desires registration."

Did you read and fully understand this requirement when signing your Application?

INTERROGATORY NO. 5 On p. 3 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated that "Applicant's trademark UNITED AMERICANS PARTY differs in appearance from the blocking trademark in that it is spelled differently, looks different and has less words than the blocking trademark."

- a. In what way does your proposed mark "United Americans Party" have fewer words than the registered mark "American Party?"
- b. Both Applications for "American Party" and "United Americans Party" included the required USPTO Mark Statement: "The mark consists of standard characters, without claim to any particular

font style, size or color." Therefore, what difference does it make if the two marks "look different" as you stated?

INTERROGATORY NO. 6 On p. 7 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated that "The Applicant's goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets."

- a. List the Internet domain(s) that you have registered for the commercial use of "United Americans Party" including the specific domain name and date of registration.
- b. List the name of the Facebook account(s) that you have registered for the commercial use of "United Americans Party" including the account name and date of creation.
- c. List the name of the Instagram account(s) that you have registered for the commercial use of "United Americans Party" including the account name and date of creation.
- d. List the name of the Twitter account(s) that you have registered for the commercial use of "United Americans Party" including the account name and date of creation.

- e. List the television channels, program details and run dates for all commercial appearances by, or on behalf of, "United Americans Party."
- f. List the radio stations, program details, and run dates for all commercial broadcasts or advertisements by, or on behalf of, "United Americans Party."
- g. List all newspaper columns, articles, publications or advertisements by, or on behalf of, of "United Americans Party."
- h. List all magazine columns, articles, publications or advertisements by, or on behalf of, "United Americans Party."
- i. List the Internet World Wide Name URL(s) of all Internet websites you have created and maintained for the commercial use of "United Americans Party."
- j. Provide the publication details including the distribution companies and methods for all direct mailing efforts for the commercial use of "United Americans Party."
- k. List the names of the catalogs and publication dates for all catalog commercial listings and advertisements for, or on behalf of, "United Americans Party."
- l. List the names, creation methods and distribution methods including evidence of creation and distribution for all leaflets made, or on behalf of, "United Americans Party."

INTERROGATORY NO. 7 You told the USPTO on December 13, 2018 in your reply to an Office Action that “The Applicant’s goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet / Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.”

Was this statement accurate and truthful, or not?

INTERROGATORY NO. 8 On p. 6 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated: “Within this context, there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s).”

- a. Is your Application designated for International Class 035, as is the registered mark “American Party?”
- b. Did you list the goods and services in your Application as “Political party services, namely, promoting the interests of a political organization?”
- c. Does the registered servicemark “American Party” list its goods and services in Class 035 as “Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics?”

- d. What portion or component of your proposed description of services unambiguously and clearly tells the consuming public that your services are different from, and should not be mistaken with, the registered mark "American Party"?
- e. What legal references, authorities or texts support your statement that "there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s)?"

III. REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED to PAUL MICHAEL STUART

REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS identified, directly or indirectly, in YOUR answers to Interrogatories.

REQUEST FOR PRODUCTION NO. 2: All written reports of all expert witnesses with whom YOU or YOUR attorneys have consulted, including, of course, those persons YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS upon which any expert witness YOU intend to call at trial relied to form an opinion.

REQUEST FOR PRODUCTION NO. 4: The most recent resume or curriculum vitae of each expert, if any, whom YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 5: All notes, correspondence, documents, legal references or other documents prepared or reviewed by each person whom YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 6: All written, recorded, or signed statements of any party concerning the research, preparation and submission of your Application.

REQUEST FOR PRODUCTION NO. 7: All DOCUMENTS, records, legal references or other information that were used to research, prepare and submit your Application.

REQUEST FOR PRODUCTION NO. 8: Copies of any standards in the industry, legal authority, rule, case, statute, or code that will be relied upon in your defense.

Roger E. Cowles
/Roger E. Cowles/

Roger E. Cowles

Dated: July 26, 2021

Lead Director
American Party, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2021 I caused a true and correct copy of American Party, Inc.'s **INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PAUL MICHAEL STUART** to Paul M. Stuart to be served by email address JeffMFurr@FurrLawFirm.com on Attorney Jeffrey M. Furr, 2622 Debolt Road, Utica, Ohio 43080.

By, *Roger E. Cowles*

/Roger E Cowles/

Roger E. Cowles

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

In the Matter of US Serial Number 87809067
UNITED AMERICANS PARTY

AMERICAN PARTY INC.

Opposer,

v. Opposition No. 91248963

PAUL MICHAEL STUART

Applicant.

UNITED STATES PATENT AND
TRADEMARK TRIAL AND APPEAL BOARD
PO BOX 1451
ALEXANDRIA VA 22313-1451

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF
INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. Section 2,120, Applicant hereby responds to Opposer's First Set of Interrogatories to Opposer.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. Applicant has not completed its investigation relating to this action and has not completed preparation for trial on the merits. As discovery proceeds, facts, information, evidence, documents and things may be discovered that are not set forth herein pursuant to these responses, but which may have been responsive to Opposer's Interrogatories. The following responses are based on Applicant's knowledge, information, and belief at this time and are complete as to Applicant's best knowledge at this time. Further, these responses were prepared based on Applicant's good faith interpretation and understanding of the individual

Interrogatories and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision of supplementation based upon any information, evidence, and documentation that hereinafter may be discovered.

2. Applicant objects to the Interrogatories to the extent any Interrogatory calls for the information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege or immunity, and declines to provide such information.

3. Applicant objects to the Interrogatories to the extent they call for the provision of information that is subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to which Applicant is required to protect and/or maintain the confidentiality of any third party's documents or information.

4. Applicant objects to the Interrogatories to the extent that any Interrogatory calls for the disclosure of information which would constitute an unwarranted invasion of any person's constitutional, statutory, and/or common-law rights of privacy or confidentiality.

5. Applicant objects to the Interrogatories to the extent they seek information or documents which are irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence admissible at trial.

6. Applicant objects to the Interrogatories to the extent any Interrogatory is overly broad, oppressive, vague or ambiguous or which request documents or information which is unduly burdensome to produce.

7. Applicant objects to the Interrogatories to the extent they seek the provision of documents which are not within Applicant's possession, custody or control, seek information that is in the public domain and equally available to Applicant, or seek information that is already in Applicant's possession, on the grounds that such an interrogatory requires more of

the Applicant than any obligation imposed by the Federal Rules of Civil Procedure, and seeks to impose upon Applicant an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject Applicant to undue and unreasonable oppression, burden and expense. Applicant further objects to the Interrogatories to the extent that any of them, or any of the instructions and definitions contained in the Interrogatories, otherwise seeks to impose obligations beyond those required or allowed by the Federal Rules of Civil Procedure or the applicable Trademark Rules (37 CFR).

8. Applicant's responses to these Interrogatories are without prejudice to any objection it may have as to the relevance or admissibility of the information sought, or whether the information sought is within the proper scope of discovery in this action.

9. To the extent that any Interrogatories state allegations of facts in dispute, Applicant objects to the Interrogatories, and any response to such Interrogatory shall not be construed in any way as an admission with respect to the disputed facts.

10. Applicant objects to the interrogatories to the extent they are annoying, harassing and oppressive.

11. Applicant objects to the interrogatories to the extent they request information in a format which is not maintained by Applicant.

12. Applicant objects to the interrogatories to the extent they request information regarding activities outside the United States on the ground they seek information which is irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence that is admissible at trial because this is not a concurrent use proceedings and no affirmative defenses or counterclaims have been raised.

13. These General Objections are hereby incorporated by reference into each of the following individual responses as if fully set forth therein. To the extent that a specific General Objection is stated in response to an individual Interrogatory, such specific citation is provided because the objection is believed to be particularly applicable to that Interrogatory and is not to be construed as a waiver of any other General Objection applicable to information falling within the scope of the Interrogatory.

INTERROGATORIES

Interrogatory No. 1. List the names and business addresses of all attorneys who you communicated with about this Application, if any, prior to your pro se Application filing. If you did not communicate with any attorney(s), please answer with “none” or equivalent wording.

RESPONSE

See General Objections. None

Interrogatory No. 2. Did you, or did you not, search for servicemarks that could be considered confusingly similar to your proposed mark before filing your Application?

RESPONSE

See General Objections. TTC Business Solutions did a service-mark search and the results gave a 99% chance of allowance.

a. If you searched, describe your search method and what, if any, servicemarks you found.

RESPONSE

See General Objections. I use a service company, TTC Business Solutions. They searched on keywords.

They found the following marks:

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
87615202		MOSQUITOBANUSA	TSDR	LIVE
87399602		VIET NAM VETS MC U.S.A.	TSDR	LIVE
87378222	5368404	EVERYBODY HAS A STORY - EMPOWERING OUR COMMUNITY. SUPPORTING THE ARTS.	TSDR	LIVE
87618870		MUTTAHIDA QUAMI MOVEMENT - UNITED STATES OF AMERICA (MQMUSA)	TSDR	LIVE
87618269		UNITED ZOES OF AMERICA UZA	TSDR	LIVE
87720524		INVI USA	TSDR	LIVE
87683899		USA FLEX FOOTBALL	TSDR	LIVE
87582007		MFA MARCH FOR AMERICA UNITED WE STAND	TSDR	LIVE
87727942		UNITED PRAVAASA AATMEEYULA SOCIETY OF AMERICA	TSDR	LIVE
87619054		WEALTHCOACH USA ... BRILLIANTLY SIMPLE	TSDR	LIVE
87601984		GEEK POP USA	TSDR	LIVE
87713293		NAVC	TSDR	LIVE
87544000		HOMETOWN AMERICA COMMUNITIES	TSDR	LIVE
87321822	5361301	UNITED LANDSCAPERS OF AMERICA	TSDR	LIVE
87077587		HOPE FOR AFRICAN AMERICAN LEADERSHIP AND OPPORTUNITY	TSDR	LIVE
87711345		GT USA	TSDR	LIVE
87710851		AMERICAN SENIOR COMMUNITIES	TSDR	LIVE
87709882		USA SKATEBOARDING	TSDR	LIVE
87707426		MRS. U.S.A.	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87625011		SWITCH USA	TSDR	LIVE
87602021		UNITED SODAS OF AMERICA	TSDR	LIVE
87475076		MADE WITH FLORIDA HOPS U.S.A.	TSDR	LIVE
87080497		LENAWEE NOW, IDEAL FOR BUSINESS. PERFECT FOR LIFE. LENAWEE COUNTY. MICHIGAN USA	TSDR	LIVE
87593345		PAKISTANI AMERICAN CONGRESS PAC UNITY DISCIPLINE	TSDR	LIVE
		FAITH USA		
87696732		PSU PHYSIQUE SPORTS USA ASSOCIATION	TSDR	LIVE
87434499	5350017	UNITED MILITARY COMMUNITIES OF AMERICA	TSDR	LIVE
87363601		UNITED BUSINESS PROPERTIES	TSDR	LIVE
87247100		CHARTRIGHT USA	TSDR	LIVE
87688136		COMEXIM USA	TSDR	LIVE
87686457		STATE OF OPPORTUNITY IN AMERICA INDEX	TSDR	LIVE
87686013		NATIONAL PARKS NAVIGATOR: USA & CANADA	TSDR	LIVE

87588554		OPPORTUNITY BEGINS WITH EDUCATION TEACHFOR AMERICA	TSDR	LIVE
87683879		BION USA	TSDR	LIVE
87207243		M THE HEALTH NEWS UNITED STATES OF AMERICA THE HEALTH NEWS PREVENTION IS BETTER THAN CURE	TSDR	LIVE
87683017		MARKETMINDER HISTORICAL VACATION RENTAL DATA, ANALYTICS AND ANALYSIS, AND REAL-TIME FORWARD SUPPLY AND DEMAND DATA TO HELP INDIVIDUALS, PROPERTY MANAGERS, PROPERTY MANAGEMENT COMPANIES, AND REAL ESTATE INVESTORS TO WORK AND MANAGE THEIR RENTAL PROPERTIES. FOCUSED ON THE MILLIONS OF SHORT-TERM PROPERTIES AROUND THE WORLD, PROVIDED THROUGH NUMEROUS VACATION RENTAL SERVICES, TO HELP UNDERSTAND HISTORICAL TRENDS AND NEW OPPORTUNITIES, TO SCOPE OUT THE COMPETITION, AND LEARN HOW TO OPTIMIZE THEIR VACATION RENTAL PROPERTY PERFORMANCE.	TSDR	LIVE
87569970		SANDBAR SPORTS GRILL KEY WEST, FL. THE SANDBAR NATION HOME OF THE FISH TACO SOUTHERNMOST SANDBAR CONTINENTAL U.S.A. KEY WEST, FL	TSDR	LIVE
87676653		USA CALL CENTER	TSDR	LIVE
87671020		DOG CITY, USA	TSDR	LIVE
87505110		GRAND OPPORTUNITY PARTY	TSDR	LIVE
87399631	5328968	LEGACY VETS MC U.S.A.	TSDR	LIVE
87655479		NNAAC	TSDR	LIVE
87399465	5316479	UNITED LANGUAGES OF AMERICA	TSDR	LIVE
87638434		AMERICAN NATIONAL UNITED FARM FAMILY	TSDR	LIVE
87530949		UNITED SHAKES OF AMERICA	TSDR	LIVE
87635078		IP-PORTUNITY	TSDR	LIVE
87199544		USAHARVEST	TSDR	LIVE
87508134		MISS UNITED STATES OF AMERICA	TSDR	LIVE
87508133		UNITED STATES OF AMERICA'S MISS	TSDR	LIVE
87321589		IWIRELESS USA	TSDR	LIVE
87324350	5276237	UNITED PLATES OF AMERICA	TSDR	LIVE
87446549		SCT.USA	TSDR	LIVE
87009362		GRAND OPPORTUNITY PARTY	TSDR	LIVE
87261362	5259848	UNITED WORKERS OF AMERICA	TSDR	LIVE
87261349	5259847	UNITED WORKERS OF AMERICA	TSDR	LIVE
87385768		UNITE THE STREETS IN AMERICA	TSDR	LIVE
87335448		5 EVERY PRIZE ONLY 5 A. 1 877 7AUCTION L12 THE UNITED ES AME \$5 ONLY FIVE DOLLARS A PRIZE ONLY FIVE DOLLARS A PRIZE EVERYONES FAVORITE FIVE DOLLAR BILL 877 7A BILL FINNIF EVERYONES FAVORITE \$5 BILL SERIES 2003 OORAH AUCTIONS HOME OF THE \$5 AUCTION FW A 48 5 FIVE LINCOLN DOLLARS 5	TSDR	LIVE
87299593		DYNAMICS SPC USA	TSDR	LIVE
87134548	5221556	AMERICORPS NCCC	TSDR	LIVE
87369604		UNITED TRUCKERS OF AMERICA	TSDR	LIVE

87277810		AMERICAN PUBLIC POWER ASSOCIATION POWERING STRONG COMMUNITIES	TSDR	LIVE
87210622	5213548	UNITING AMERICAS	TSDR	LIVE
87258487		CELEBRATE DIVERSIDTY IN AMERICA RACE COLOR RELIGION GENDER SEXUAL ORIENTATION LGBT+ CHALLENGED AGE HATE ELIMINATEHATEUSA.COM CONGRESS OF THE UNITED STATES	TSDR	LIVE
87251752		AMERICASA COMMUNITIES	TSDR	LIVE
87144461	5180444	ACCA AMERICAN COMMUNITY CONSUMER ALLIANCE	TSDR	LIVE
87128604	5156119	HIGH 5 FOR SICKLE CELL THE UNITED STATES OF AMERICA 5 RESERVE NOTE	TSDR	LIVE
87051972	5149723	UNITY FINANCIAL REPORTING	TSDR	LIVE
87077800	5140642	M UNITED PROPERTY MANAGEMENT	TSDR	LIVE
87077799	5140641	UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87077793	5140640	M UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87061375	5128008	BUILDING SUPPORTIVE COMMUNITIES	TSDR	LIVE
86913543	5370671	WEST ELM LOCAL CELEBRATING COMMUNITIES ACROSS AMERICA	TSDR	LIVE
86913549	5324614	WEST ELM LOCAL: CELEBRATING COMMUNITIESACROSS AMERICA	TSDR	LIVE
86935804		CAGE BOXING ORGANIZATION UNITED STATES OF AMERICA	TSDR	LIVE
86658173		UNITED SNACKS OF AMERICA	TSDR	LIVE
86959186		COMMUNITY COLLEGE FOR AMERICA AT SOUTHERN NEW HAMPSHIRE UNIVERSITY	TSDR	LIVE
86250243	4769967	AMK9U	TSDR	LIVE
86759668	5253588	US SPECIAL AGENT · DEPARTMENT OF THE NAVY · UNITED STATES OF AMERICA NAVAL CRIMINAL INVESTIGATIVE SERVICE	TSDR	LIVE
86878635		THE VISION WHERE IS YOUR VISION? DJ PROPERTY APPRAISALS IS DEDICATED TO PROVIDING THE COMMUNITY WITH QUALITY HOUSING THROUGH DEDICATION AND PERSEVERANCE ONE HOME AT A TIME	TSDR	LIVE
86070844	4638282	PETBUCKS UNITING AMERICAS' RESCUE MISSION	TSDR	LIVE
86960643	5112697	UNITED MAIDS OF AMERICA IN MAIDS WE TRUST	TSDR	LIVE
86311439	5144120	HOGS AND HEROES FOUNDATION SUPPORTING PUBLIC SAFETY & U.S. MILITARY AMERICA	TSDR	LIVE
86273572	5100763	TYCO CARES SUPPORTING SAFER SMARTER COMMUNITIES	TSDR	LIVE
86725517	5001659	AMERICAN MANUFACTURING HALL OF FAME HOUSATONIC COMMUNITY COLLEGE FOUNDATION	TSDR	LIVE
86622046	5018752	HAPPIEST COMMUNITY IN AMERICA	TSDR	LIVE
86948778	5072683	AMERICAN AFFORDABLE COMMUNITIES	TSDR	LIVE
86836946	5044197	UNITING AMERICA ONE LINK AT A TIME UNION DOG	TSDR	LIVE
86695197	5020440	UNITED PROPERTY MANAGEMENT	TSDR	LIVE
86842248	5016793	PARTY UNIT	TSDR	LIVE
86326438	5013423	CROPLIFE USA	TSDR	LIVE
86545203	5008870	AMOPPORTUNITIES	TSDR	LIVE

86952254		MAKING AMERICA GREAT AGAIN, ONE COMMUNITY AT A TIME	TSDR	LIVE
86480710	4976005	USA 2 GO	TSDR	LIVE
86330532	4978637	UNITED SHADES OF AMERICA	TSDR	LIVE
86529725	4957041	ULA AMERICA'S RIDE TO SPACE	TSDR	LIVE
86747530	4950833	CSB COMMUNITY SUPPORTED BIOCycling	TSDR	LIVE
86679010	4953069	DELIVERING OPPORTUNITIES TO STUDENTS ACROSS AMERICA	TSDR	LIVE
86758534	4941350	NAVC THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86739432	4940946	NAVC EXPEDITIONS THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86737744	4940938	NAVC INSTITUTE THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86737679	4940937	NAVC CONFERENCE THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86621601	4925646	BENGALI AMERICAN HINDU SOCIETY UNITED STATES OF AMERICA (USA)	TSDR	LIVE
86250102	4923351	ROCK VOICES AMERICA'S COMMUNITY ROCK CHORUS	TSDR	LIVE
86337128	4883895	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA THE ULTIMATE LEADERSHIP EXPERIENCE	TSDR	LIVE
86544501	4849857	THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
86580979	4850569	PURE PRODUCTS USA	TSDR	LIVE
86977264	4848077	TYCO CARES SUPPORTING SAFER SMARTER COMMUNITIES	TSDR	LIVE
86555822	4831505	AMERICAN UNITED	TSDR	LIVE
86355267	4825056	USA FLEET SOLUTIONS	TSDR	LIVE
86328336	4828207	LIONS KIDSIGHT USA	TSDR	LIVE
86426730		TOOLS USA	TSDR	LIVE
86428605	4793489	AMA U.S. ISDE TEAM USA	TSDR	LIVE
86428598	4793488	AMA U.S. MOTOCROSS TEAM USA	TSDR	LIVE
86362904	4765955	BUILDING AMERICA ONE COMMUNITY AT A TIME	TSDR	LIVE
86286286	4765792	UNITED STUFF OF AMERICA	TSDR	LIVE
86439737	4759735	BAR-B-QSA ...BARBEQUE'S UNITED "TASTES" OF AMERICA!	TSDR	LIVE
86110227	4761059	ICBA COMPLIANCE TOOLBOX	TSDR	LIVE
86147469	4756856	LAKEPOINT SPORTING COMMUNITY	TSDR	LIVE
86371923	4753561	INDOOR TRIATHLON USA	TSDR	LIVE
86321073	4753267	ABTA COMMUNITY A NATIONWIDE VOLUNTEER NETWORK	TSDR	LIVE
86318180	4750887	ICBA COMMUNITY BANKING LIVE	TSDR	LIVE
86380991	4746824	THE TOWN OF HP HIGHLAND PARK TEXAS AN AMERICAN COMMUNITY MAKING A DIFFERENCE	TSDR	LIVE
86321061	4733230	ABTA COMMUNITY	TSDR	LIVE
86350462	4726680	PATH2USA	TSDR	LIVE
86370646	4712428	BETTER TOMORROWS SUPPORTING LIVES EMPOWERING COMMUNITIES	TSDR	LIVE
86363093	4708113	GLAM21USA	TSDR	LIVE
86311215	4707123	TYRANNY RESPONSE UNIT UNITED STATES OF AMERICA DON'T TREAD ON ME EST. 1776	TSDR	LIVE

86194994	4706678	ABMA AMERICAN BREATHMOBILE ASSOCIATION DEDICATED TO ASTHMA & ALLERGY COMMUNITY CARE & EDUCATION	TSDR	LIVE
86210733	4702537	KACF	TSDR	LIVE
86307419	4698818	UNITED INTELLECTUAL PROPERTY.COM - THE ENGINE IN IDEAS!	TSDR	LIVE
86287979	4698730	UNITED STATES OF AMERICA TRADITIONAL KODOKAN JUDO	TSDR	LIVE
86187590	4698345	ICBA PREFERRED SERVICE PROVIDER	TSDR	LIVE
86273389	4670435	AMERICAN UNITED TAXICAB	TSDR	LIVE
86210692	4668953	KOREAN AMERICAN COMMUNITY FOUNDATION	TSDR	LIVE
86133942	4657893	TURKISH AMERICAN CHAMBER OF COMMERCE OF THE SOUTHEAST UNITED STATES	TSDR	LIVE
86207732	4624135	ENLIGHTEN US ASSOCIATION THE UNITED STATES OF AMERICA	TSDR	LIVE
86147464	4608709	LAKEPOINT SPORTING COMMUNITY	TSDR	LIVE
86165197	4600529	THE MISSION CONTINUES REPORTING FOR DUTY IN YOUR COMMUNITY	TSDR	LIVE
86177983	4596741	AMERICA'S CHARITIES COMMUNITY FIRST GREATER WASHINGTON DC	TSDR	LIVE
86004259	4598609	UNITED SOLDIERS AND SAILORS OF AMERICA	TSDR	LIVE
86143482	4568337	USCIPI	TSDR	LIVE
86092520	4555201	ICBA STRATEGIC TECHNOLOGY SOLUTIONS	TSDR	LIVE
86091378	4555168	ICBA COMPLIANCE AND RISK MANAGEMENT	TSDR	LIVE
86044760	4521158	U.S.A. RTC	TSDR	LIVE
86026418	4513813	FIRST UNITED AMERICAN PART D PRESCRIPTION DRUG PLANS (PDP)	TSDR	LIVE
86024242	4509975	UNITED AMERICAN PART D PRESCRIPTION DRUG PLANS (PDP)	TSDR	LIVE
85282206	4070048	FCN/HEALTH MINISTRIES DOCUMENTATION ANDREPORTING SYSTEM	TSDR	LIVE
85353021	4090985	UNITED PROPERTIES	TSDR	LIVE
85558330	4225246	THE BEST PEOPLE THE BEST COMMUNITIES THE BEST PROPERTY MANAGEMENT	TSDR	LIVE
85008521	4100862	LIFEBANKUSA	TSDR	LIVE
85556437	4217762	EANGUS "WE CARE FOR AMERICA" FOUNDATION, INC.	TSDR	LIVE
85353008	4090982	UNITED PROPERTIES	TSDR	LIVE
85350914	4224105	NATIONAL NETWORK FOR ARAB AMERICAN COMMUNITIES	TSDR	LIVE
85866259	4527974	UNITED INDEPENDENT PARTY	TSDR	LIVE
85193066	4062467	NATIONAL DISASTER MEDICAL SYSTEM UNITEDSTATES OF AMERICA	TSDR	LIVE
85124643	4054933	LEARNING SHOP USA	TSDR	LIVE
85975403	4027157	COMMUNITY CENTERED PROPERTIES	TSDR	LIVE
85405719	4145780	ACM COMMUNITY MANAGEMENT	TSDR	LIVE
85075434	4210563	COMMUNITY CENTERED PROPERTIES	TSDR	LIVE
85459362	4339480	US LAWSHIELD	TSDR	LIVE
85100766	4077776	USAFISH	TSDR	LIVE
85355502	4120997	HOME PROPERTIES QUALITY APARTMENT COMMUNITIES	TSDR	LIVE
85564175	5202482	SURVIVAL SYSTEMS USA ENHANCING & PRESERVING LIVES	TSDR	LIVE

85092538	3934484	APPA COMMUNITY JUSTICE & SAFETY FOR ALL	TSDR	LIVE
85315190	4067252	CLIENT PEOPLE FAMILY FRIENDS CLIENTS COLLEAGUES ADVISORS MENTORS SCHOOLMATES CLERGY ACTIVITIES PROFESSIONAL COMMUNITY CHARITY HOBBIES LEISURE TRAVEL POLITICAL SPIRITUAL IDEAS VALUES GOALS CONCERNS LEGACY CHALLENGES FEARS RISKS OPPORTUNITIES THINGS BUSINESS ACCOUNTS REAL PROPERTY COLLECTIBLES CARS JEWELRY ART BOATS	TSDR	LIVE
85853426	4509260	SAFE COMMUNITIES AMERICA NATIONAL SAFETY COUNCIL	TSDR	LIVE
85854064	4442753	NAVC THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
85103275	4116349	LATINOS UNIDOS DE AMERICA	TSDR	LIVE
85657639	4275784	UPS UPS MY CHOICE	TSDR	LIVE
85263870	4100380	C.O.D. DIRECT	TSDR	LIVE
85062115	3969262	SUPPORTING GREAT ORGANIZATIONS TO ENHANCE COMMUNITY, OPPORTUNITY AND WELL-BEING	TSDR	LIVE
85103157	3943830	PRESTIGE MAINTENANCE USA	TSDR	LIVE
85224426	4948770	USA SHAOLIN TEMPLE MORE CHI ! TRAIN HARDER!	TSDR	LIVE
85765819	4891108	USDIRECT	TSDR	LIVE
85102252	3915328	THE ANGLICAN CHURCH IN THE UNITED STATES OF AMERICA, INC.	TSDR	LIVE
85435152	4361932	BEAL BANK USA	TSDR	LIVE
85497399	4795475	COMMUNITY OF MIDDLE CLASS AMERICANS	TSDR	LIVE
85767257	4724197	AMERICAN COMMUNITIES	TSDR	LIVE
85497365	4724082	COMMUNITY OF MIDDLE CLASS AMERICANS	TSDR	LIVE
85881677	4552818	P POHLMANUSA	TSDR	LIVE
85521064	4244768	THE BEST SMALL BUSINESS OPPORTUNITY IN AMERICA	TSDR	LIVE
85125852	4080971	CPUAA CONTRACT POSTAL UNIT ASSOCIATION OF AMERICA	TSDR	LIVE
85445927	4252682	UNITED TRANSPORTATION SECURITY PROFESSIONALS OF AMERICA	TSDR	LIVE
85942484	4673746	UNITED TRANSPORTATION SECURITY PROFESSIONALS OF AMERICA UTSPA	TSDR	LIVE
85329312	4107980	STUDENTS UNITED WITH AMERICA'S TOOTHFAIRY	TSDR	LIVE
85941799	4627106	COMMUNITY ASSOCIATION LAW REPORTER	TSDR	LIVE
85857869	4612098	OAH CAREER COACH CREATING OPPORTUNITIESFOR ADVANCING OUR COMMUNITY OF HISTORIANS	TSDR	LIVE
85931677	4570819	UAW	TSDR	LIVE
85910433	4573377	AMERICAN DA TANG GROUP	TSDR	LIVE
85980227	4430115	USA GOLF	TSDR	LIVE
85970622	4484474	UNITED AMERICA	TSDR	LIVE
85944038	4469841	UNITEDAMERICANS - EVERY ONE COUNTS	TSDR	LIVE
85922400	4454381	USP GLOBAL EXPERTISE TRUSTED STANDARDS IMPROVED HEALTH	TSDR	LIVE
85920082	4454252	USA GOLF HOME.COM	TSDR	LIVE
85860119	4410925	OAH CAREER COACH CREATING OPPORTUNITIES FOR ADVANCING OUR COMMUNITY OF HISTORIANS	TSDR	LIVE
85855971	4500590	ASM GAP GRADUATE AND POSTDOCTORAL OPPORTUNITIES	TSDR	LIVE
85848627	4373938	YOUNG AMERICANS UNITED	TSDR	LIVE

85835612	4406240	AMERICAN GOLD SHIELD KEEPING OUR COMMUNITIES SAFE & SOUND	TSDR	LIVE
85765720	4357853	AIRPLANESUSA	TSDR	LIVE
85742495	4402653	ECO-FRIENDLY COMMUNITY COLONIAL PROPERTIES TRUST	TSDR	LIVE
85735886	4346101	US VERSUS THEM	TSDR	LIVE
85735885	4346100	US VERSUS THEM	TSDR	LIVE
85735884	4346099	US VERSUS THEM	TSDR	LIVE
85726434	4319192	EXPERT AMPS USA	TSDR	LIVE
85713001	4427653	PUNJABI RADIO USA ON THE AIR UNITING PUNJABI'S ALL OVER	TSDR	LIVE
85697904	4413241	ICBA	TSDR	LIVE
85697799	4491913	BLACK CHURCH FEST CELEBRATING THE HEART OF THE AFRICAN AMERICAN COMMUNITY	TSDR	LIVE
85690919	4337685	CONSULTUSA	TSDR	LIVE
85684599	4438395	PEACEFLOW YOGA SUPPORTING A PEACEFUL COMMUNITY BOULDER, CO	TSDR	LIVE
85681250	4301101	AMERICANS UNITED FOR LIFE	TSDR	LIVE
85678288	4312269	SUPREME EMBLEM CLUB OF THE UNITED STATES OF AMERICA JUSTICE TRUTH CHARITY	TSDR	LIVE
85678020	4298105	THE UNITED SAINTS OF AMERICA	TSDR	LIVE
85646472	4460889	THE GIS OF COMEDY DEPARTMENT OF FUNNY UNITED STATES OF AMERICA	TSDR	LIVE
85643650	4291589	UNITED SCRUBS OF AMERICA	TSDR	LIVE
85642338	4411875	U.S. PLUS WARRANTY	TSDR	LIVE
85636617	4416823	US GOLD BUYERS	TSDR	LIVE
85631508	4330761	USA WINE IMPORTS	TSDR	LIVE
85619182	4288277	COMMUNITY WALK TO STOP DIABETES AMERICAN DIABETES ASSOCIATION	TSDR	LIVE
85615894	4274756	Q GREAT AMERICAN OPPORTUNITIES STRENGTHENED BY THE RICH HERITAGE OF QSP	TSDR	LIVE
85587475	4249699	UNITED WOMEN OF AMERICA U.W.A	TSDR	LIVE
85572639	4311881	H	TSDR	LIVE
85566832	4300328	SISTERS IN THE BROTHERHOOD UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA LABOR OMNIA VINCIT	TSDR	LIVE
85539810	4240985	APA AICP THE AMERICAN PLANNING ASSOCIATION'S PROFESSIONAL INSTITUTE AMERICAN INSTITUTE OF CERTIFIED PLANNERS MAKING GREAT COMMUNITIES HAPPEN	TSDR	LIVE
85432182	4306099	EARCARE USA	TSDR	LIVE
85426370	4163788	UNITED WOMEN OF AMERICA	TSDR	LIVE
85420952	4266619	UGANDAN NORTH AMERICAN ASSOCIATION UNAA UNITED WE STAND	TSDR	LIVE
85400791	4490122	UNAA UGANDAN NORTH AMERICAN ASSOCIATION UNITED WE STAND	TSDR	LIVE
85386132	4232352	UNITED COOPERATIVES ALLIANCE OF THE AMERICAS	TSDR	LIVE
85385898	4232351	UCAA	TSDR	LIVE
85384438	4088076	BEACONUNITED NATIONAL REACH. LOCAL EXPERTISE.	TSDR	LIVE

85367619	4111545	UNITED CHEFS OF AMERICA	TSDR	LIVE
85360722	4242937	LAKEPOINT SPORTING COMMUNITY & TOWN CENTER	TSDR	LIVE
85346743	4104932	USCCC	TSDR	LIVE
85343703	4162569	ZHEJIANG CHAMBER OF COMMERCE OF AMERICA	TSDR	LIVE
85339777	4216355	NURSING QUALITY NETWORK AN ANA LEARNINGCOMMUNITY	TSDR	LIVE
85335541	4234799	AANSCONNECT NEUROSURGERY COMMUNITY	TSDR	LIVE
85277419	4124383	AMERICA'S TOY-FRIENDLY COMMUNITY	TSDR	LIVE
85271733	4044612	PROPERTIES THE EVERYTHING REAL ESTATE PUBLICATION WWW.PROPERTIESNJ.NET HOMES · ESTATES · ADULT COMMUNITIES · CONDOMINIUMS/TOWNHOMES RENTALS · COMMERCIAL · WATERFRONT PROPERTIES · FINANCIAL INSTITUTIONS/SERVICES	TSDR	LIVE
85218233	4191434	UNITED STATES OF AMERICA	TSDR	LIVE
85182456	4011513	REUNITE AMERICA	TSDR	LIVE
85155660	4202905	AMERICAN EXPRESS COMMUNITY STADIUM	TSDR	LIVE
85124672	4126269	ASIAUSA	TSDR	LIVE
85062992	4046343	COVERCROPS USA	TSDR	LIVE
85061968	4305599	MAHAYANA EASTERN STATES BUDDHIST TEMPLEOF AMERICA, INC.	TSDR	LIVE
85061205	3982632	CITIZENS UNITED FOR CHANGE AMERICANS INSPIRING AMERICANS	TSDR	LIVE
85038923	4319484	WOWBALLS USA	TSDR	LIVE
79207875		UNITED TASTES OF HAMERICA'S	TSDR	LIVE
78667249	3291743	USP DEVELOPMENT	TSDR	LIVE
78971584	3268349	MID-AMERICA APARTMENT COMMUNITIES	TSDR	LIVE
78910494	3357926	MAZDAUSA	TSDR	LIVE
78636527	3228740	AMERIGROUP COMMUNITY CARE	TSDR	LIVE
78893584	3229549	ICBA REINSURANCE	TSDR	LIVE
78873962	3211326	LULAC	TSDR	LIVE
78873950	3211325	LULAC	TSDR	LIVE
78971014	3924203	RRCA: RUNNER FRIENDLY COMMUNITY	TSDR	LIVE
78711605	3215000	USALEARNING ADVANCING AMERICA'S WORKFORCE	TSDR	LIVE
78709766	3238487	USALEARNING	TSDR	LIVE
78873526	3213141	LEAGUE OF UNITED LATIN AMERICAN CITIZENS	TSDR	LIVE
78795449	3241621	AMERICAN ASSOCIATION OF COMMUNITY COLLEGES	TSDR	LIVE
78596406	3096981	MARKET OPPORTUNITY REPORTER	TSDR	LIVE
78834800	3401816	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
78834676	3401815	AMERICANS UNITED	TSDR	LIVE
78923486	3305023	AMERICAN COMMUNITY MUTUAL INSURANCE COMPANY	TSDR	LIVE
78216967	3155978	AT&T ONE RATE USA	TSDR	LIVE
78422400	3027183	USA NATIONAL KARATE-DO FEDERATION	TSDR	LIVE
78325692	3017303	USCBC THE US-CHINA BUSINESS COUNCIL	TSDR	LIVE
78410608	3071976	AMERICAN HOMETOWN PUBLISHING HONORING COMMUNITY JOURNALISM	TSDR	LIVE

78468889	3080728	UAATWORK	TSDR	LIVE
78083539	2585517	PREMIER-PIPE USA	TSDR	LIVE
78312344	3053072	U.S. BRIDGE BRIDGING AMERICA SINCE 1936	TSDR	LIVE
78222744	2960864	BOATNATION USA	TSDR	LIVE
78230776	2947677	TIMESHARE RESALES U.S.A.	TSDR	LIVE
78100516	2656690	USA HOMES GROUP INC. LET US HELP YOU ACHIEVE THE AMERICAN DREAM.	TSDR	LIVE
78276267	2916161	USA-ASSIST WORLDWIDE PROTECTION	TSDR	LIVE
78254937	2901623	PIT STOP USA.COM	TSDR	LIVE
78232898	2954693	UNITED AMERICAN MORTGAGE	TSDR	LIVE
78430877	3529015	WELLSVILLE USA - JOIN THE WELLSVILLE GANG AND GET MOOVIN' AND GROOVIN' TO A HEALTHIER LIFE	TSDR	LIVE
78351039	4290570	THE MAIN STREET OF AMERICA U.S. HIGHWAY 66 LOS ANGELES CHICAGO	TSDR	LIVE
78285114	2871751	U.S. PROPERTIES GROUP	TSDR	LIVE
78197399	2791371	CMC PROPERTIES	TSDR	LIVE
78197388	2784414	CMC PROPERTIES	TSDR	LIVE
78152859	2831837	U.S. PROPERTIES GROUP	TSDR	LIVE
78076043	2591732	KYOWA USA	TSDR	LIVE
77702438	3994369	CREATING COMMUNITIES IN OUR PROPERTIES	TSDR	LIVE
77890579	3821580	SAFER USA	TSDR	LIVE
77955621	3946843	FIRST UNITED AMERICAN LIFE INSURANCE COMPANY	TSDR	LIVE
77910054	3831753	BIRTHING PROJECT USA THE UNDERGROUND RAILROAD FOR NEW LIFE	TSDR	LIVE
77844528	3938678	MURPHY USA	TSDR	LIVE
77806515	3891012	THE UNITED SPUDS OF AMERICA	TSDR	LIVE
77890149	3855206	THRIFT STORE USA	TSDR	LIVE
77653730	3880581	UNITED DENTAL IMPLANT INSTITUTE OF AMERICA	TSDR	LIVE
77922063	3906641	FIRST UA MEDICARE PART D	TSDR	LIVE
77922056	3899020	UA MEDICARE GROUP PART D	TSDR	LIVE
77908955	3858533	USA OILFIELD	TSDR	LIVE
77810727	3839126	THE UNITED SNACKS OF AMERICA	TSDR	LIVE
77813704	3839137	THE UNITED SWEETS OF AMERICA	TSDR	LIVE
77806509	3839112	THE UNITED STORES OF AMERICA	TSDR	LIVE
77975474	3631370	AU AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
77730346	3712046	CADCA	TSDR	LIVE
77730276	3712045	COMMUNITY ANTI-DRUG COALITIONS OF AMERICA	TSDR	LIVE
77721187	3705272	CADCA	TSDR	LIVE
77751301	3820414	LADIES OF CHARITY OF THE UNITED STATES OF AMERICA	TSDR	LIVE
77721244	3711905	CADCA TV	TSDR	LIVE
77869233	3817203	UNITED STATES OF AMERICANA	TSDR	LIVE
77592471	3630536	COMMUNITYAMERICAN	TSDR	LIVE
77617003	3766002	"PROPPORTUNITIES"	TSDR	LIVE

77875011	4437846	USA SPORTS	TSDR	LIVE
77863620	4067818	AMERICA'S SWIM TEAM USA SWIMMING	TSDR	LIVE
77140868	3368051	UNITED MARTIAL ARTS SELF DEFENSE ACADEMY AMERICAN MARTIAL SCIENCE	TSDR	LIVE
77059242	3342725	THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA	TSDR	LIVE
77141581	3355440	ACUSA	TSDR	LIVE
77106372	3474605	AMERICAS UNITED BANK AUB SU BANCO COMERCIAL. THE BUSINESS BANK.	TSDR	LIVE
77246281	3405149	NATIONAL ENDOWMENT FOR THE ARTS PRESENTS SHAKESPEARE IN AMERICAN COMMUNITIES	TSDR	LIVE
77262890	3880250	APA AMERICAN PLANNING ASSOCIATION MAKING GREAT COMMUNITIES HAPPEN	TSDR	LIVE
77269229	3818820	AU AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
77269199	3811317	AU AMERICANS UNITED	TSDR	LIVE
77441468	3756509	BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
77288848	3401661	DOGTOWN USA	TSDR	LIVE
77279997	3671461	INK & TONER USA SAVE BIG BUCKS	TSDR	LIVE
77431125	3614818	U S RAIL AMERICA'S RAIL SERVICE	TSDR	LIVE
77437540	3624316	OPPORTUNITY IN AMERICA	TSDR	LIVE
77462313	3645749	VETERANS OF THE UNITED STATES OF AMERICA "VETERANS OF ALL WARS SHALL NEVER BE FORGOTTEN"	TSDR	LIVE
77385055	3504396	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77385005	3504393	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77384994	3501310	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77384982	3504389	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77414671	3750339	UNITED BY EXCEPTIONAL SERVICE ARS RESCUE ROOTER NETWORK	TSDR	LIVE
77372265	3589919	U.S. ARMY ALL-AMERICAN BOWL	TSDR	LIVE
77378284	3488425	PURELY USA	TSDR	LIVE
77221531	3475032	HOMETOWN AMERICA C O M M U N I T I E S	TSDR	LIVE
77221511	3475031	HOMETOWN AMERICA C O M M U N I T I E S	TSDR	LIVE
77495171	4110562	UPS UNITED PROPERTIES SOUTHWEST	TSDR	LIVE
77471277	3970929	SUPPORTING LOCAL COMMUNITIES	TSDR	LIVE
77303001	3493743	UAE	TSDR	LIVE
77259321	3425992	UAE UNITED AMERICAN ENERGY	TSDR	LIVE
77258030	3523259	YES! OF AMERICA UNITED	TSDR	LIVE
77018985	3322361	USPAACC	TSDR	LIVE
76473672	2842426	UMBRELLA GIRLS USA	TSDR	LIVE
76366683	2818041	UNIENDOAMERICA	TSDR	LIVE

76491066	2857451	CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA	TSDR	LIVE
76670587	3337773	BUDDHIST ASSOCIATION OF THE UNITED STATES	TSDR	LIVE
76705592	4004188	KLOKKERHOLM USA	TSDR	LIVE
76150351	2681691	AMERICAN COMMUNITY TRUST	TSDR	LIVE
76081752	2623087	USA WOODS INTERNATIONAL	TSDR	LIVE
76336218	2628159	USA BASEBALL	TSDR	LIVE
76336217	2628158	USA BASEBALL	TSDR	LIVE
76208542	3061439	EXPLORE USA	TSDR	LIVE
76531925	2977540	FCCLA THE ULTIMATE LEADERSHIP EXPERIENCE	TSDR	LIVE
76477189	2890806	SAAMI	TSDR	LIVE
76477187	2810113	SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE	TSDR	LIVE
76693109	3614267	UAL	TSDR	LIVE
76350166	2889632	T-MOBILE USA	TSDR	LIVE
76504948	3036229	MADE IN USA TFI	TSDR	LIVE
76381437	2932266	DELI TOWNE U.S.A.	TSDR	LIVE
76290835	2651537	USA BOBSLED	TSDR	LIVE
76498599	2924496	AMERICAN CAMPUS COMMUNITIES	TSDR	LIVE
76381358	2752061	USA DISCOUNTERS	TSDR	LIVE
76663581	3305184	CONCERTS FOR KIDS SUPPORTING THE CHILDREN OF OUR COMMUNITY	TSDR	LIVE
76693471	3600795	USA FED 180° FROM BANKING	TSDR	LIVE
76693278	3600794	USA FED	TSDR	LIVE
76692034	3600768	USA FED 180° FROM BANKING	TSDR	LIVE
76692033	3604819	USA FED	TSDR	LIVE
76419983	2768924	AMERICA IN BLOOM PLANTING PRIDE IN OUR COMMUNITIES!	TSDR	LIVE
76418494	2755540	ATM USA	TSDR	LIVE
76400004	2777413	AWRA COMMUNITY, CONVERSATION, CONNECTIONS AMERICAN WATER RESOURCES ASSOCIATION	TSDR	LIVE
76396540	2755411	USA APPLES	TSDR	LIVE
76334200	2680310	USA PHILADELPHIA BOYS CHOIR & CHORALE	TSDR	LIVE
76303758	2778337	USA CUP	TSDR	LIVE
76287122	2655009	CCUSA	TSDR	LIVE
76275532	2722264	ENERBANK USA	TSDR	LIVE
76229161	2641985	PLACEMENT USA "COMMITTED TO YOU AND YOUR CONTINUED SUCCESS."	TSDR	LIVE
76105654	2708368	HEARTLAND FINANCIAL USA, INC.	TSDR	LIVE
76657170	3496324	GA GREAT AMERICAN OPPORTUNITIES	TSDR	LIVE
76303995	2848109	USA CUP	TSDR	LIVE
76551269	2869074	AUL	TSDR	LIVE
76710689	4231765	THE SUPREME COUNCIL OF THE HOUSE OF JACOB OF THE UNITED STATES OF AMERICA	TSDR	LIVE
76683659	3985925	U.S. PROPERTY FAX DON'T BUY A HOUSE WITHOUT ONE	TSDR	LIVE

76524336	2903786	SUPPORTING IDEAS. SHARING SOLUTIONS. EXPANDING OPPORTUNITIES	TSDR	LIVE
76523465	2844551	COMMUNITYAMERICA	TSDR	LIVE
76523464	2866315	COMMUNITY AMERICA CREDIT UNION	TSDR	LIVE
76490241	4215565	USA CONVENIENCE CENTERS	TSDR	LIVE
76470792	2785984	JOB 1 USA WE WILL	TSDR	LIVE
76465596	2857362	JOB 1 USA	TSDR	LIVE
76444051	2833759	USA HOCKEY	TSDR	LIVE
76399358	2731617	YA'LLA TOURS USA	TSDR	LIVE
76374636	2692722	AMERICA'S COMMUNITY BANKERS	TSDR	LIVE
76303879	2723333	COACH USA	TSDR	LIVE
76273034	2745997	AUTO U.S.A.	TSDR	LIVE
76267184	2607293	USA AIRMOBILE	TSDR	LIVE
76247193	2648619	PAINT PLATOON U.S.A.	TSDR	LIVE
76202747	2602638	HELLO USA	TSDR	LIVE
76189219	2515043	PUMPOUT U.S.A.	TSDR	LIVE
76071249	2492310	U.S. COMMERCIAL SERVICE UNITED STATES OF AMERICA DEPARTMENT OF COMMERCE	TSDR	LIVE
75748746	2448370	UNIENDO AMERICA	TSDR	LIVE
75734896	2357422	AMERICAN COMMUNITY BANK	TSDR	LIVE
75565626	2466143	HARLEM USA	TSDR	LIVE
75866924	2545867	FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75866922	2461208	FCCLA	TSDR	LIVE
75866921	2545866	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75866920	2545865	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75561113	2301108	PONDS USA AND WATER GARDENS	TSDR	LIVE
75622442	2326001	AUTOQUAL USA	TSDR	LIVE
75622441	2331849	AUTOQUAL USA	TSDR	LIVE
75866923	2461209	FCCLA	TSDR	LIVE
75590391	2526435	USALLIANCE FEDERAL CREDIT UNION	TSDR	LIVE
75927612	2541442	CHARLOTTE USA	TSDR	LIVE
75833546	2553480	ICBA INDEPENDENT COMMUNITY BANKERS OF AMERICA	TSDR	LIVE
75589249	2360906	FARM SHOWS U S A	TSDR	LIVE
75898161	2497767	ITUSA	TSDR	LIVE
75854672	2395921	ELKS USA	TSDR	LIVE
75776466	2476487	ICBA	TSDR	LIVE
75741972	2362078	AMERICAN SENIOR COMMUNITIES BRINGING HOME & HEALTH TOGETHER	TSDR	LIVE
75696757	2338419	BISHOP PIPEFREEZING U.S.A.	TSDR	LIVE
75694836	2434366	1STFINANCIALBANK USA	TSDR	LIVE
75586026	2346725	AFSCME CORRECTIONS UNITED	TSDR	LIVE
75540331	2337580	HOMETOWN AMERICA COMMUNITIES	TSDR	LIVE

75507629	2325450	NATIONAL ITALIAN AMERICAN BAR ASSOCIATION REPRESENTING THE ITALIAN AMERICAN LEGAL COMMUNITY	TSDR	LIVE
75079793	2158065	UNITED AMERICAN INSURANCE COMPANY	TSDR	LIVE
75153561	2147134	INFOUSA	TSDR	LIVE
75450008	2530137	UNIENDO AMERICA A AMERICATEL	TSDR	LIVE
75169406	2081719	GO USA	TSDR	LIVE
75059709	2108282	UNITED STATES COURT REPORTERS ASSOCIATION	TSDR	LIVE
75139390	2057555	JAMAICA USA	TSDR	LIVE
75184917	2191791	REUNITING AMERICA TWO PEOPLE AT A TIME	TSDR	LIVE
75153560	2267512	INFOUSA	TSDR	LIVE
75243803	2187263	CHEFWEARUSA	TSDR	LIVE
75488189	2543231	UNITED PHYSICIANS OF AMERICA	TSDR	LIVE
75398508	2344158	AMERICA'S BEST HOME BUSINESS OPPORTUNITY	TSDR	LIVE
75313322	2190678	USA RUGBY	TSDR	LIVE
75273421	2169330	COMMUNITY AMERICA CREDIT UNION	TSDR	LIVE
75174638	2070049	TED NUGENT UNITED SPORTSMEN OF AMERICA	TSDR	LIVE
75149619	2406538	TANKSTAR USA, INC.	TSDR	LIVE
75058285	2243021	STEAMUSA	TSDR	LIVE
74437771	2053033	UNITED STATES OF AMERICA CHINA CHAMBER OF COMMERCE	TSDR	LIVE
74728199	1995593	THE PRESIDENTS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
74709732	2001107	UAW	TSDR	LIVE
74704176	1982597	F FOREMOST FARMS USA	TSDR	LIVE
74470073	1864100	NATIONAL INVENTORS DAY FEBRUARY 11 1776-1976 AMERICA'S BICENTENNIAL NATIONAL INVENTORS HALL OF FAME UNITED STATES CONSTITUTION ARTICLE 1, SECTION 8, CLAUSE 8: "CONGRESS SHALL HAVE POWER...TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHTS TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."	TSDR	LIVE
74460954	1864089	"THE PATENT SYSTEM ADDED THE FUEL OF INTEREST TO THE FIRE OF GENIUS" A. LINCOLN EDISON FEBRUARY 11, 1847 LINCOLN FEBRUARY 12, 1809 NATIONAL INVENTORS DAY FEBRUARY 11 NATIONAL INVENTORS HALL OF FAME 1776-1976 AMERICA'S BICENTENNIAL UNITED STATES CONSTITUTION ARTICLE 1, SECTION 8, CLAUSE 8: "CONGRESS SHALL HAVE POWER...TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHTS TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."	TSDR	LIVE
74492471	1893302	UNITED TO IMPROVE AMERICA'S HEALTH	TSDR	LIVE
74500501	1878958	UNITED SKATES OF AMERICA	TSDR	LIVE
74656295	1989727	COMMUNITY PARTICIPATING OPTION	TSDR	LIVE
74709183	2143632	INFLIGHT PRODUCTIONS USA	TSDR	LIVE
74615844	1966477	STAT-USA	TSDR	LIVE
74591090	1984800	AMERICA'S COMMUNITY BANKERS	TSDR	LIVE
74588592	2022852	THE FINANCIAL DREAM TEAM, U.S.A.	TSDR	LIVE

74580092	1927883	USA LUGE	TSDR	LIVE
74409272	1863903	USA UNITED STUDIOS OF AMERICA	TSDR	LIVE
74333117	2082681	UNITED AMERICAN HEALTH CARE CORPORATION	TSDR	LIVE
74137429	1731508	FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES, INC.	TSDR	LIVE
73169011	1129713	UAW UNITED AUTOMOBILE AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA	TSDR	LIVE
73632437	1454712	JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
73770280	1556096	AMERICAN UNITED LIFE INSURANCE COMPANY	TSDR	LIVE
72002294	0653195	INTERVARSITY CHRISTIAN FELLOWSHIP/USA	TSDR	LIVE
89001641		THE NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA	TSDR	LIVE
89001505			TSDR	LIVE
89001504			TSDR	LIVE
89001503			TSDR	LIVE
89001491		UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA (UNCCD)	TSDR	LIVE
89000541		BUREAUX INTERNATIONAUX REUNIS POUR LA PROTECTION DE LA PROPRIETE INTELLECTUELLE	TSDR	LIVE
89000440		MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA	TSDR	LIVE
89000161		UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY	TSDR	LIVE
89000041		UNITED STATES OF AMERICA DEPARTMENT OF ENERGY	TSDR	LIVE
87591820		GREAT AMERICA PARTY	TSDR	LIVE
87719274		AMERICAN NATIONAL PARTY	TSDR	LIVE
87569218		TRANSPORTING AMERICA	TSDR	LIVE
87548473		MANAGEAMERICA ONLINE PROPERTY MANAGEMENT SYSTEMS	TSDR	LIVE
87718935		THE FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87705082		MGM BRAKES WORLDWIDE AMERICAN OWNED· MADE IN THE U.S.A. OF DOMESTIC & IMPORTED PARTS	TSDR	LIVE
87601876		ASFMRA AMERICAN SOCIETY OF FARM MANAGERS & RURAL APPRAISERS THE MOST TRUSTED RURAL PROPERTY PROFESSIONALS	TSDR	LIVE
87700066		AMERICAN TEE PARTY	TSDR	LIVE
87699600		AMERICAN PARTY	TSDR	LIVE
87442998		THE AMERICAN WOMEN'S PARTY	TSDR	LIVE
87438105	5345982	AMERICAN LANDMARK PROPERTIES	TSDR	LIVE
87674733		EXPORTYRE LATIN AMERICA	TSDR	LIVE
87667992		FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87662794		AMERICA'S TRUMPLICAN PARTY	TSDR	LIVE
87640205		NRDR LCSR LUNG CANCER SCREENING REGISTRY AMERICAN COLLEGE OF RADIOLOGY PARTICIPANT	TSDR	LIVE

87636192		M.A.G. PARTY MAKE AMERICA GREAT PARTY	TSDR	LIVE
87270930	5245298	SHOW IT OFF @ INDIAN PROPERTY SHOW IN AMERICA !	TSDR	LIVE
87001406		EXPORTING THE AMERICAN DREAM	TSDR	LIVE
87234577		THE AMERICA FIRST PARTY	TSDR	LIVE
87112022	5224610	EIGHT EIGHT SIX FOUNDATION SUPPORTING 886 PUBLIC SAFETY & U.S. MILITARY AMERICA	TSDR	LIVE
87353262		RACIAL NATIONALIST PARTY OF AMERICA	TSDR	LIVE
87162631	5189861	REALIGNMENT PARTY OF AMERICA	TSDR	LIVE
87072703	5149957	AIPLA	TSDR	LIVE
87218225		THE AMERICAN JOURNAL OF HYPERTENSION	TSDR	LIVE
86462953		TRANSPORTING AMERICA'S FINEST "A VETERAN"	TSDR	LIVE
86816470	5273757	AFA PARTNERS IN CARE: SUPPORTING INDIVIDUALS LIVING WITH DEMENTIA	TSDR	LIVE
86239503	4640499	WOMEN'S PARTY OF AMERICA	TSDR	LIVE
86325129	4757785	AMERICAN BEVERAGE IMPORTERS	TSDR	LIVE
86878784	5257100	NAIP	TSDR	LIVE
86536050	5116178	AMERICAN PROPERTY INVESTORS ASSOCIATION	TSDR	LIVE
86352893		AMERICAN PORTER	TSDR	LIVE
86287594	4706997	FLOR DE MAYO	TSDR	LIVE
86311439	5144120	HOGS AND HEROES FOUNDATION SUPPORTING PUBLIC SAFETY & U.S. MILITARY AMERICA	TSDR	LIVE
86560995	4915587	AMERICA'S LARGEST PAINT PARTY	TSDR	LIVE
86930985	5085526	AAERT AMERICAN ASSOCIATION OF ELECTRONIC REPORTERS AND TRANSCRIBERS	TSDR	LIVE
86405537	4819584	ATPR AMERICAN TAX AND PROPERTY REPORTING	TSDR	LIVE
86661225	5020264	CPA	TSDR	LIVE
86709925	5034563	CLLA COMMERCIAL LAW LEAGUE OF AMERICA EXPERTISE · INSIGHT · RESULTS	TSDR	LIVE
86484598	4984282	EL DEPORTIVO BY DIARIO LAS AMERICAS	TSDR	LIVE
86782559	4972537	AMERICAN HORIZON PROPERTY MANAGEMENT	TSDR	LIVE
86288084	4674712	GRANT-KOHR'S RANCH FOUNDATION GK SUPPORTING AMERICA'S RANCH	TSDR	LIVE
86467478	4816608	AMERICAN PROPERTY RESTORATION	TSDR	LIVE
86480066	4793865	RPAI	TSDR	LIVE
86480065	4785701	RPAI	TSDR	LIVE
86275780	4718073	SUPPORTING AMERICA'S BACKBONE	TSDR	LIVE
86136221	4694294	AMERICA'S BIGGEST BIRTHDAY PARTY	TSDR	LIVE
86313665	4687915	AMGA ACCREDITED BUSINESS EXPERTISE PROFESSIONALISM STEWARDSHIP	TSDR	LIVE
85182247	4075472	AMERICAN PROPERTY	TSDR	LIVE
85502378	4186724	AFSA PERSONAL PROPERTY PLAN	TSDR	LIVE
85580154	4241665	AMERICA SUPPORTING AMERICANS	TSDR	LIVE
85033917	3933033	SUPPORTING YOUNG AMERICAN SINGERS ABROAD	TSDR	LIVE
85530539	4213388	AMERICA'S FIT PARTY	TSDR	LIVE
85091705	3980645	RI WANG FOOD	TSDR	LIVE

85956963	4713158	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85038335	3913433	CPA LOGISTICS CENTER	TSDR	LIVE
85423199	4107098	CHRISTIAN PARTY OF AMERICA	TSDR	LIVE
85633939	4288370	RPAI	TSDR	LIVE
85633426	4288364	RPAI RETAIL PROPERTIES OF AMERICA, INC.	TSDR	LIVE
85633420	4288363	RPAI RETAIL PROPERTIES OF AMERICA, INC.	TSDR	LIVE
85956957	4893304	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85956956	4893303	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85956943	4893302	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85770648	4694009	AMERICAN REALTIME COURT REPORTERS & VIDEOGRAPHERS	TSDR	LIVE
85956951	4837193	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85482524	4270819	PARTY AMERICA	TSDR	LIVE
85956976	4769257	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85956972	4769256	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85956958	4769255	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85830157	4612088	AMERICAN PROPERTY	TSDR	LIVE
85957636	4599745	AAA THIRD PARTY ADMINISTRATORS ASSOCIATION OF AMERICA	TSDR	LIVE
85957614	4553518	THIRD PARTY ADMINISTRATORS ASSOCIATION OF AMERICA	TSDR	LIVE
85944915	4561314	PEOPLE'S PARTY OF AMERICA	TSDR	LIVE
85890528	4480159	IPAIA	TSDR	LIVE
85773343	4379097	GUAM ROCKS WHERE AMERICA'S PARTY BEGINS	TSDR	LIVE
85769529	4354048	AMERICA TP20 PUROPARTY.NET	TSDR	LIVE
85632023	4393559	PORTICO BENEFIT SERVICES A MINISTRY OF THE ELCA	TSDR	LIVE
85460589	4354764	AMERICA'S #1 UN-PARTY SCHOOL	TSDR	LIVE
85389174	4128400	INDEPENDENT AMERICAN PARTY	TSDR	LIVE
85252442	4014168	3PL AMERICAS	TSDR	LIVE
85231000	4129613	AMERICAN BEAUTY PASTA PORTIONS BOIL-IN-BAG IN ONLY 3 MINUTES! CONTAINS 3 BAGS PENNE	TSDR	LIVE
85229855	4025571	PARTYCLUB OF AMERICA	TSDR	LIVE
85203754	4115980	AMERICAN BEAUTY PASTA PORTIONS	TSDR	LIVE

79064701	3976531	CLUB-MATE	TSDR	LIVE
78539641	3325902	AIPLA	TSDR	LIVE
78936466	3362468	AIPLA DIRECT	TSDR	LIVE
78936462	3365833	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION	TSDR	LIVE
78936451	3365832	AIPLA	TSDR	LIVE
78554571	3272834	ASA-USA	TSDR	LIVE
78510281	3103189	AMERICAN REVOLUTIONARY PARTY	TSDR	LIVE
78610651	3076742	AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
78681020	3345403	SECURE I.D. FROM ANPAC SECURE I.D. FROM ANPAC	TSDR	LIVE
78402591	3031534	AMPORT FOODS	TSDR	LIVE
78230170	2895330	AMERICA'S #1 PARTY STORE	TSDR	LIVE
78285114	2871751	U.S. PROPERTIES GROUP	TSDR	LIVE
77814576	3902290	AMERICAN PARTY	TSDR	LIVE
77850237	4148235	AMERI-TECH PROPERTY MANAGEMENT, INC. LIVING YOUR	TSDR	LIVE
		DREAM		
77969593	4261730	TODO CHOLO NEWS	TSDR	LIVE
77534916	3668538	AMERICAN SPORTING GOODS CORP.	TSDR	LIVE
77830308	3784224	THE MOST TRUSTED RURAL PROPERTY PROFESSIONALS ASFMRA AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS	TSDR	LIVE
77522418	3582890	PROPERTY WAREHOUSES OF AMERICA	TSDR	LIVE
77580177	3615612	MPA	TSDR	LIVE
77186941	3377695	AMERICAN TAX REPORTING ATR	TSDR	LIVE
77378015	3662484	THE NATIONAL POLICE GAZETTE THE LEADING ILLUSTRATED SPORTING JOURNAL IN AMERICA	TSDR	LIVE
77214964	3384880	PROPERTY ECONOMICS PROFESSIONALS ASFMRA AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS	TSDR	LIVE
77462038	3629038	AMERICAN CITIZEN PARTY	TSDR	LIVE
77316774	3609613	WEST'S AMERICAN TRIBAL LAW REPORTER	TSDR	LIVE
77044456	3346401	AMERICAN SPORTING TRADE	TSDR	LIVE
76532418	3184202	TRAVELSTAR FROM ANPAC	TSDR	LIVE
76695566	3681849	YUENGLING PORTER AMERICA'S OLDEST BREWERY SINCE 1829	TSDR	LIVE
76182007	2665414	AMERICAN BOARD OF CERTIFICATION DIGNITAS... PRODESSE PUBLICAE...SOLLERTIA	TSDR	LIVE
76479004	2859515	STERLING AMERICAN PROPERTY	TSDR	LIVE
76278341	2873126	AMERICAN UNIVERSITY OF BEIRUT 1866 UT VITAM HABEANT ABUNDANTIUS HABEANT	TSDR	LIVE
76659495	3371174	PROPERTY RIGHTS FOUNDATION OF AMERICA	TSDR	LIVE
75822638	2516320	ANPAC AMERICYCLE	TSDR	LIVE
75518749	2267234	SAFE HARBOR PROGRAM FROM ANPAC	TSDR	LIVE
75769848	2553359	GREAT AMERICAN PROPERTY & CASUALTY INSURANCE GROUP	TSDR	LIVE
75851028	2655340	AMERICA'S TROPHY PROPERTY AUCTIONEERS	TSDR	LIVE
75779573	2779788	FIESTAMERICANA	TSDR	LIVE

75779548	2779787	FIESTAMERICANA GRAND	TSDR	LIVE
75676488	2483144	GREAT AMERICAN PROPERTY AND CASUALTY INSURANCE GROUP	TSDR	LIVE
74585425	1958546	APTC AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
74464675	1907134	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION	TSDR	LIVE
74585427	1937595	AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
74325220	1854900	THE GREAT AMERICAN BEER FESTIVAL COLORADO DENVER MUNCHENER DOPPELBOCK-ALE-STOUT-LAGER-PILSENER-PORTER-ALT-DUNKELWEIZEN-BOCK-WEISSE	TSDR	LIVE
74487521	1896470	PROPERTY COMPANY OF AMERICA	TSDR	LIVE
74487216	1896469	PROPERTY COMPANY OF AMERICA	TSDR	LIVE
73131591	1117239	THE AMERICAN OIL & GAS REPORTER	TSDR	LIVE
87738865		UNITED BANK EVERY STEP OF THE WAY	TSDR	LIVE
87738150		UNITED BANK EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE
87738014		UNITED BANK EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE
87738010		UNITED BANK EVERY STEP OF THE WAY	TSDR	LIVE
87738007		UNITED BANK	TSDR	LIVE
87738002		UNIQUELY UNITED EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE
87737998		UNIQUELY UNITED EVERY STEP OF THE WAY	TSDR	LIVE
87737988		UNIQUELY UNITED	TSDR	LIVE
87737816		UNITEDHEALTHCARE CHILDREN'S FOUNDATION TEDDY BEAR RUN	TSDR	LIVE
87737355		UNITED FUTSAL	TSDR	LIVE
87649864		USPS HEALTH CONNECT	TSDR	LIVE
87616418		USJDGC	TSDR	LIVE
87615700		UR ONE	TSDR	LIVE
87615695		UR-IQ	TSDR	LIVE
87615691		UR ONEWORKS	TSDR	LIVE
87615688		UR SITESTREAM	TSDR	LIVE
87615202		MOSQUITOBANUSA	TSDR	LIVE
87586748		MORE VEGANS UNITED SOCIETY	TSDR	LIVE
87566036		UNITED EDUCATION INSTITUTE	TSDR	LIVE
87511409		UNITED SOCCER COACHES	TSDR	LIVE
87511379		UNITED SOCCER COACHES	TSDR	LIVE
87483050	5370050	UNITED LUNCHADORES	TSDR	LIVE
87472439		UNITED COMMUNITY MORTGAGE SERVICES	TSDR	LIVE
87399602		VIET NAM VETS MC U.S.A.	TSDR	LIVE
87377538	5371665	UI	TSDR	LIVE
87345207	5371599	US INVOLVED WHERE YOUR OPINION MATTERS	TSDR	LIVE
87249478		DANCESPORT NATION UNITED BY DANCE	TSDR	LIVE
87224041		UNITED THERAPIES	TSDR	LIVE
87144922	5367462	UNITED LANGUAGE GROUP	TSDR	LIVE
87091776		USAA LIMITLESS	TSDR	LIVE
87716621		U	TSDR	LIVE

87618917		#UNITEDBYBEAUTY	TSDR	LIVE
87618895		UNITED BY BEAUTY	TSDR	LIVE
87618870		MUTTAHIDA QUAMI MOVEMENT - UNITED STATES OF AMERICA (MQMUSA)	TSDR	LIVE
87618627		CURE CHRISTIANS UNITED FOR RECOVERY	TSDR	LIVE
87618269		UNITED ZOES OF AMERICA UZA	TSDR	LIVE
87476882		UNITEDHEALTHCARE HEALTHY CHOICE REWARDS	TSDR	LIVE
87472963		UNITEDHEALTH GROUP	TSDR	LIVE
87444581		UHG	TSDR	LIVE
87398866		US GLOBAL U AIRWAYS	TSDR	LIVE
87275916		AT YOUR BEST BY UNITEDHEALTHCARE	TSDR	LIVE
87243425		UHCCF STEPPIN' UP FOR KIDS	TSDR	LIVE
87720524		INVI USA	TSDR	LIVE
87617758		UA UNITED AXLE	TSDR	LIVE
87615547		PLACER UNITED SOCCER CLUB EST. 1982	TSDR	LIVE
87078598		PEOPLE UNITED BUSINESS	TSDR	LIVE
87055170		UNITED STATES SUGAR CORPORATION	TSDR	LIVE
87683899		USA FLEX FOOTBALL	TSDR	LIVE
87617885		KETSUGO GOJU-RYU	TSDR	LIVE
87411819		UNITED WE VENTURE	TSDR	LIVE
87732890		HEIRLOOM UNITED	TSDR	LIVE
87732121		UNITED CONTROLS GROUP	TSDR	LIVE
87616379		UNITED STATES JUNIOR DISC GOLF CHAMPIONSHIP	TSDR	LIVE
87614779		ALL CARS UNITED	TSDR	LIVE
87582007		MFA MARCH FOR AMERICA UNITED WE STAND	TSDR	LIVE
87540844		UNITED GAMES	TSDR	LIVE
87460922	5364373	WE ARE YOUNITED	TSDR	LIVE
87460841	5364371	WE ARE YOUNITED	TSDR	LIVE
87460240		UNITED STATES CENSUS BUREAU	TSDR	LIVE
87460235		UNITED STATES CENSUS BUREAU	TSDR	LIVE
87452490	5364194	UNITED VOICES	TSDR	LIVE
87318582		NORTH DAKOTA UNITED	TSDR	LIVE
87272217		EUNITED	TSDR	LIVE
87730872		UNITED MARTIAL ARTS FAMILY CENTER	TSDR	LIVE
87611974		UBT	TSDR	LIVE
87606260		USBOI	TSDR	LIVE
87508616		USPS STAMPS	TSDR	LIVE
87365518		UNITED STATES PILATES ASSOCIATION	TSDR	LIVE
87255418		URI	TSDR	LIVE
87729091		UNITED MEDICAL GROUP QUALITY CARE	TSDR	LIVE
87728526		UNITED WE STAND	TSDR	LIVE
87728226		TEACHUNITED	TSDR	LIVE
87727942		UNITED PRAVAASA AATMEEYULA SOCIETY OF AMERICA	TSDR	LIVE

87613650		BU BROTHAZ UNITED SOUTH JERSEY "WE ALL WE GOT"	TSDR	LIVE
87373520		UNITED MARBLE FABRICATORS	TSDR	LIVE
87373502		UNITED MARBLE FABRICATORS	TSDR	LIVE
87727278		UNITED CONSCIOUS MINDS ENTERPRISE	TSDR	LIVE
87717275		UNITED IN THE WAR AGAINST VETERAN SUICIDE	TSDR	LIVE
87650487		UNITED RETIREMENT SPECIALIST A PASSION FOR PLANNING	TSDR	LIVE
87619054		WEALTHCOACH USA ... BRILLIANTLY SIMPLE	TSDR	LIVE
87596142		AHN UNITED TAEKWONDO ASSOCIATION	TSDR	LIVE
87118065	5151195	ONEUNITED	TSDR	LIVE
87617914		UNITED STATES CYBER COMMAND 9EC4C12949A4F31474F299058CE2B22A	TSDR	LIVE
87610180		BOLD BELIEVERS UNITED	TSDR	LIVE
87601984		GEEK POP USA	TSDR	LIVE
87379799		AZA UNITED ARIZONA AUTISM UNITED	TSDR	LIVE
87379773		ARIZONA AUTISM UNITED	TSDR	LIVE
87714119		NEW MEXICO UNITED F.C.	TSDR	LIVE
87714092		NEW MEXICO UNITED	TSDR	LIVE
87712296		NCHA NORTH CAROLINA HEALTHCARE ASSOCIATION UNITED HOSPITALS, HEALTH SYSTEMS AND CARE PROVIDERS FOR HEALTHIER COMMUNITIES	TSDR	LIVE
87621449		UNIDOS POR LOS NUESTROS	TSDR	LIVE
87608613		UNITED TEMPS	TSDR	LIVE
87564193		UNITED BY FLAVOR	TSDR	LIVE
87562100		USP	TSDR	LIVE
87561788		USP	TSDR	LIVE
87560373		EXPERTS UNITED. FAMILIES CONNECTED.	TSDR	LIVE
87543171		UNITED PHILANTHROPY FORUM	TSDR	LIVE
87458650		UNITED CATHOLIC MOVEMENT	TSDR	LIVE
87439335	5358982	US TIMES JOURNAL	TSDR	LIVE
87319691		NORTH DAKOTA UNITED GREAT PUBLIC EDUCATION GREAT PUBLIC SERVICE	TSDR	LIVE
87306440		MUTTAHIDA QUAMI MOVEMENT - MQM	TSDR	LIVE
87166778	5357709	UAS INTERNATIONAL TRIP SUPPORT	TSDR	LIVE
87166767	5357708	UAS INTERNATIONAL TRIP SUPPORT	TSDR	LIVE
87078994		P.R.O.'S UNITED M.C. SUV S.C. A.C	TSDR	LIVE
87711578		USAA	TSDR	LIVE
87711574		USAA PERSONAL BRAND ACADEMY	TSDR	LIVE
87711570		USAA PERSONAL BRAND ACADEMY	TSDR	LIVE
87606256		UNITED STATES BOARD OF ORAL IMPLANTOLOGY	TSDR	LIVE
87555410		NATIONAL RANGE OFFICERS INSTITUTE USPSA	TSDR	LIVE
87422064		UNITED AG & TURF	TSDR	LIVE
87147405		UNITED STATES WHIPPLEBALL ASSOCIATION	TSDR	LIVE
87711497		DINKERS & BANGERS UNITED	TSDR	LIVE
87711345		GT USA	TSDR	LIVE

87709882		USA SKATEBOARDING	TSDR	LIVE
87707426		MRS. U.S.A.	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87603741		USAA COMMUNITY	TSDR	LIVE
87378289		US BIONICS	TSDR	LIVE
87310088		UDTSECURED	TSDR	LIVE
87625011		SWITCH USA	TSDR	LIVE
87266908		A ADVOCATES UNITED WE RIGHT WRONGS.	TSDR	LIVE
87704088		THE UNITED TABLES	TSDR	LIVE
87622481		USPS RETAIL CUSTOMER APPOINTMENT SCHEDULER	TSDR	LIVE
87602021		UNITED SODAS OF AMERICA	TSDR	LIVE
87511033		UNITED 41	TSDR	LIVE
87475076		MADE WITH FLORIDA HOPS U.S.A.	TSDR	LIVE
87394102		UNIDOS INSPIRANDO	TSDR	LIVE
87346711		U.S. NAVAL RESEARCH LABORATORY	TSDR	LIVE
87004335	5353000	UCS	TSDR	LIVE
87702932		U.C.M.E.	TSDR	LIVE
87516508		YELLOWPAGESUNITED ... NEAR	TSDR	LIVE
87701664		UNITED INTERNATIONAL PAGEANTS	TSDR	LIVE
87699878		CONQUEST A UDT COMPANY	TSDR	LIVE
87699317		UNITED STATES POST OFFICE	TSDR	LIVE
87688742		USPS OPERATION SANTA	TSDR	LIVE
87080497		LENAWEE NOW, IDEAL FOR BUSINESS. PERFECT FOR LIFE. LENAWEE COUNTY. MICHIGAN USA	TSDR	LIVE
87593748		UDTSECURE	TSDR	LIVE
87696732		PSU PHYSIQUE SPORTS USA ASSOCIATION	TSDR	LIVE
87696647		U.S. ASSET MANAGEMENT	TSDR	LIVE
87696611		U. S. MUSIC CERTIFICATION EXAMS; USMCE	TSDR	LIVE
87696608		FIT BABES UNITED	TSDR	LIVE
87465890		GLOBAL CONSULTING LEAGUE EXCELLENCE UNITED	TSDR	LIVE
87260214	5218598	UNITED TISSUE RESOURCES	TSDR	LIVE
87038514		UNITED TO SUPPORT YOUR NEXT BREAKTHROUGH	TSDR	LIVE
87560192		USPS DIGITAL SERVICES	TSDR	LIVE
87520721		MONACUM UNITED	TSDR	LIVE
87434499	5350017	UNITED MILITARY COMMUNITIES OF AMERICA	TSDR	LIVE
87363601		UNITED BUSINESS PROPERTIES	TSDR	LIVE
87339949	5349126	UNITED ACCESS WHEELCHAIR ACCESSIBLE VEHICLES & EQUIPMENT MOBILITY FOR LIVING. SERVICE FOR LIFE.	TSDR	LIVE
87283813		UNITEDRESPECT	TSDR	LIVE
87247100		CHARTRIGHT USA	TSDR	LIVE
87178208	5351678	UNITED STROKE ALLIANCE	TSDR	LIVE
87693394		PURPLE LOVE UNITED	TSDR	LIVE
87693232		KITCHEN UNITED	TSDR	LIVE

87693229		KU	TSDR	LIVE
87693225		KITCHEN UNITED	TSDR	LIVE
87581063		UNITED NATIONS FOR ISRAEL ZECHARIAH 2 :11 - 13	TSDR	LIVE
87408268		NUCPP	TSDR	LIVE
87370757	5322658	UNITED CONCIERGE MEDICINE	TSDR	LIVE
87334851		USA JU-JITSU	TSDR	LIVE
87066259		HASHTAG UNITED	TSDR	LIVE
87044732		BANKUNITEDDIRECT	TSDR	LIVE
87034856		BANKUNITEDDIRECT	TSDR	LIVE
87690385		UNITED BY FLAME	TSDR	LIVE
87690383		GRILLSEEKER UNITED BY FLAME	TSDR	LIVE
87689820		UM	TSDR	LIVE
87362438		UPMA	TSDR	LIVE
87689233		COMU CHRISTIAN OUTREACH MINISTRIES UNITED	TSDR	LIVE
87688136		COMEXIM USA	TSDR	LIVE
87583619		OCR UNITED	TSDR	LIVE
87582611		UNITED SINCE 1878	TSDR	LIVE
87574550		US DGA US DISABLED GOLF ASSOCIATION	TSDR	LIVE
87458539		UNITED THREAD	TSDR	LIVE
87686729		CONSUMER SOURCE DIRECT UNITED WE SAVE	TSDR	LIVE
87686236		US5 CENTER	TSDR	LIVE
87686129		US5	TSDR	LIVE
87139624		UNITED 7S	TSDR	LIVE
87686013		NATIONAL PARKS NAVIGATOR: USA & CANADA	TSDR	LIVE
87534884		UNITED STATES OF E	TSDR	LIVE
87534843		UNITED STATES OF ESPRESSO	TSDR	LIVE
87454722		UNITED STATES WORKFORCE ASSOCIATIONS	TSDR	LIVE
87433160	5345820	UCG	TSDR	LIVE
87345685	5347850	UNITEDTEXAS CREDIT UNION	TSDR	LIVE
87336846	5300001	SAFETY UNITED	TSDR	LIVE
87301879		POWERLIFTING AAU USA	TSDR	LIVE
87301852		AAU USA	TSDR	LIVE
87263941		UNITED STATE OF WOMEN	TSDR	LIVE
87048597	5347182	UNITED INCOME	TSDR	LIVE
87683879		BION USA	TSDR	LIVE
87207243		M THE HEALTH NEWS UNITED STATES OF AMERICA THE HEALTH NEWS PREVENTION IS BETTER THAN CURE	TSDR	LIVE
87569970		SANDBAR SPORTS GRILL KEY WEST, FL. THE SANDBAR NATION HOME OF THE FISH TACO SOUTHERNMOST SANDBAR CONTINENTAL U.S.A. KEY WEST, FL	TSDR	LIVE
87223499		UNITEDMASTERS	TSDR	LIVE
87678215		NATURALLY UNITED	TSDR	LIVE
87237156		UNITED BEERWORKS OF OAKLAND	TSDR	LIVE
87237143		OAKLAND UNITED BEERWORKS	TSDR	LIVE

87618508		USDS UNITED STATES DIGITAL SERVICES	TSDR	LIVE
87511287		UNITED IMAGINATION	TSDR	LIVE
87510694		· WE STAND UNITED · WICHITA STATE UNIVERSITY STAND UNITED STAND AGAINST WE CAN STOP SEXUAL VIOLENCE IX	TSDR	LIVE
87506536		UCO OF MIAMI UNITED COMMUNITY OPTIONS	TSDR	LIVE
87506529		UCO OF SOUTH FLORIDA UNITED COMMUNITY OPTIONS	TSDR	LIVE
87488243		UNITED MEN	TSDR	LIVE
87448144	5340737	UNITED CHARITABLE	TSDR	LIVE
87428161	5339970	UNITED CHARITABLE	TSDR	LIVE
87379743	5338745	AZA UNITED	TSDR	LIVE
87177435	5342127	UMEC	TSDR	LIVE
87156981	5338059	A FAMILY MATHILE UNITED FOREVER	TSDR	LIVE
87038142		UNITED SKIN SPECIALISTS	TSDR	LIVE
87679015		NANNIES AND KIDS UNITED	TSDR	LIVE
87677624		UTL UNITED THROUGH LOYALTY	TSDR	LIVE
87676653		USA CALL CENTER	TSDR	LIVE
87561910		UNITED UMUADA IGBO CLUB INTERNATIONAL (UJICI) INC. HEADQUARTERS NYS UMUADA ODOZIE OBODO (THINKING GLOBAL, ACTING IN LOCAL COMMUNITIES)	TSDR	LIVE
87674009		DREAMERS UNITED THE POWER OF A DREAM CAN CHANGE THE WORLD	TSDR	LIVE
87673797		BRANDUNITED	TSDR	LIVE
87569876		UNITED CHARITABLE GREATER IMPACT GIVING	TSDR	LIVE
87673024		LOVE THY NEIGHBOR JEWISH UNITED FUND OF METROPOLITAN CHICAGO TOGETHER FOR GOOD	TSDR	LIVE
87671862		NOLA UNITED	TSDR	LIVE
87671020		DOG CITY, USA	TSDR	LIVE
87519296		BUILD BELIEVERS UNITED IN LIVING OUR DREAMS	TSDR	LIVE
87505718		UNITED TAE KWON DO CENTER	TSDR	LIVE
87484770		UNITED INSTITUTIONS	TSDR	LIVE
87230242	5333167	ARGOS REMEMBERS	TSDR	LIVE
87229417		MINNEAPOLIS UNITED SOCCER FOR THE CITY	TSDR	LIVE
87156954	5332834	A FAMILY UNITED FOREVER	TSDR	LIVE
87144914		ULG	TSDR	LIVE
87237347		GG UNITED	TSDR	LIVE
87667507		UNITED STATES APOSTILLE	TSDR	LIVE
87666601		GLOBAL ENERGY INSTITUTE U.S. CHAMBER OF COMMERCE	TSDR	LIVE
87558378		U. S. AEROSPACE DEFENSE GROUP	TSDR	LIVE
87328152		USPS EGL	TSDR	LIVE
87541287		UNITED STATES OF YOUTH	TSDR	LIVE
87510664		USO PATHFINDER	TSDR	LIVE
87510069		ROC UNITED	TSDR	LIVE
87500032		UNITED SIDING SOLUTIONS	TSDR	LIVE
87493442		AETHER UNITED	TSDR	LIVE

87492860		UUS UNITED SYSTEMS	TSDR	LIVE
87490224		UNITED CUP	TSDR	LIVE
87399631	5328968	LEGACY VETS MC U.S.A.	TSDR	LIVE
87388926	5328258	SANTA MONICA UNITED FOOTBALL CLUB EST. 1975	TSDR	LIVE
87388687	5328241	SANTA MONICA UNITED FOOTBALL CLUB	TSDR	LIVE
87388633	5328233	SANTA MONICA UNITED	TSDR	LIVE
87331726		UAS EVOLUTION	TSDR	LIVE
87662659		USL YOUTH	TSDR	LIVE
87662649		USL LEAGUE TWO	TSDR	LIVE
87662625		USL LEAGUE ONE	TSDR	LIVE
87662614		USL CHAMPIONSHIP	TSDR	LIVE
87554491		SOCIETY FOR THE PRESERVATION AND PROPAGATION OF BARBERSHOP QUARTET SINGING IN THE UNITED STATES	TSDR	LIVE
87661184		USP BIOLOGICS	TSDR	LIVE
87326483		USPS EGLOBAL	TSDR	LIVE
87658375		UNITED AMG PARTNERS INSURANCE SERVICES	TSDR	LIVE
87657248		ULA	TSDR	LIVE
87657257		ULA	TSDR	LIVE
87657135		ONE STAND UNITED	TSDR	LIVE
87553448		USASF	TSDR	LIVE
87655916		INCLUSION DRIVEN BY DIVERSITY UNITED THROUGH EXCELLENCE.	TSDR	LIVE
87655905		INCLUSION DRIVEN BY DIVERSITY UNITED THROUGH EXCELLENCE	TSDR	LIVE
87655412		UNITEDFORGROWTH	TSDR	LIVE
87654659		LOCK ARMS UNITED	TSDR	LIVE
87485053		VETERANS UNITED REALTY	TSDR	LIVE
87484952		VETERANS UNITED REALTY	TSDR	LIVE
87481328		UNITED STATES USABL AMATEUR BASEBALL LEAGUE EST 1986	TSDR	LIVE
87470029		YOUR CORPORATE SOLUTION IN THE UNITED STATES	TSDR	LIVE
87318712	5325750	UNITED TO PROTECT DEMOCRACY	TSDR	LIVE
87304012	5325720	UNITED TEXAS CREDIT UNION	TSDR	LIVE
87303933	5325719	UNITED TEXAS	TSDR	LIVE
87251617	5321117	BRANDS. TALENT. UNITED.	TSDR	LIVE
87026356	5320177	TURF UNITED	TSDR	LIVE
87549283		UNITED CAR CLUB OF CONNECTICUT	TSDR	LIVE
87651691		URGNET	TSDR	LIVE
87650633		SOLAR UNITED NEIGHBORS	TSDR	LIVE
87649974		USCARGO	TSDR	LIVE
87252704		US	TSDR	LIVE
87649445		USITCC	TSDR	LIVE
87010778		UNITED ACADEMY PASSPORT SYSTEM	TSDR	LIVE
87483058		UNITED LUNCHADORES PHOENIX ARIZONA STREET GOURMET	TSDR	LIVE

87482924		UNITED CRUSHERS	TSDR	LIVE
87399465	5316479	UNITED LANGUAGES OF AMERICA	TSDR	LIVE
87233137		UCWDC	TSDR	LIVE
87061446		UNITED THERAPEUTICS CORPORATION LUNG BIOTECHNOLOGY	TSDR	LIVE
87643998		AYSO UNITED	TSDR	LIVE
87540624		USU UNITED STATES UNIVERSITY	TSDR	LIVE
87531303		UNITED WE PLAN	TSDR	LIVE
87641791		UNITED RECYCLERS GROUP	TSDR	LIVE
87641672		UNITED DOGDOM	TSDR	LIVE
87534901		US OF COFFEE	TSDR	LIVE
87116738	5188498	USL USL CUP	TSDR	LIVE
87640712		DOTC UNITED GROUP	TSDR	LIVE
87043030		UDGTRACKER	TSDR	LIVE
87639957		UNITED COMMERCIAL ENERGY PARTNERS	TSDR	LIVE
87639564		UPS	TSDR	LIVE
87534907		UNITED STATES OF COFFEE	TSDR	LIVE
87481285		USABL	TSDR	LIVE
87271295	5313550	UNITED COMMERCE SERVICES INC.	TSDR	LIVE
87243284	5313462	ADVOCATES UNITED	TSDR	LIVE
87240585	5313449	N.U.R.S.E. INC NURSES UNITED REGIONALLY THROUGH SERVICE AND EMPOWERMENT	TSDR	LIVE
87239155	5309496	UNITED KETSUGO & KARATE ASSOCIATION	TSDR	LIVE
87638819		UNITED TACTICAL FEDERATION	TSDR	LIVE
87638818		USIM	TSDR	LIVE
87638160		LANDSCAPE UNITED	TSDR	LIVE
87531032		UNITED MANAGEMENT ENTERTAINMENT	TSDR	LIVE
87530949		UNITED SHAKES OF AMERICA	TSDR	LIVE
87636509		PRINTUNITED	TSDR	LIVE
87636481		BRANDUNITED	TSDR	LIVE
87636219		USU UNITED SCHOOL UNIFORM	TSDR	LIVE
87634414		UNITED BUILT HOMES	TSDR	LIVE
87119194	5170092	UNITED SCAFFOLDING	TSDR	LIVE
87634104		UNITED MEDICAL BENEFITS	TSDR	LIVE
87527102		USAV	TSDR	LIVE
87478535		APLUS UNITED HOME CARE LLC	TSDR	LIVE
87975778	5308497	UNITED RENTALS	TSDR	LIVE
87630604		USOCR	TSDR	LIVE
87629779		UNITED ANIMAL HEALTH	TSDR	LIVE
87629778		UNITED ANIMAL HEALTH	TSDR	LIVE
87629777		UNITED ANIMAL HEALTH	TSDR	LIVE
87629775		UNITED ANIMAL HEALTH	TSDR	LIVE
87427568		DESIGN UNITED	TSDR	LIVE

87381050		CRUELTY FREE UNITED STATES	TSDR	LIVE
87627677		EC-UNITED EXECUTIVE CONSULTANTS UNITED TRANSFORMING BUSINESS	TSDR	LIVE
87627158		UNITED PATIENTS GROUP MEDICAL CANNABIS AUTHORITY STANDARDS · ETHICS · SAFETY	TSDR	LIVE
87625815		U.S. SUBMERGENT TECHNOLOGIES	TSDR	LIVE
87625607		OUR OUR UNITED REVOLUTION	TSDR	LIVE
87513325		AF UNITED STATES AIR FORCE ACADEMY	TSDR	LIVE
87413038	5303652	UNITED STATES STAMP COMPANY	TSDR	LIVE
87321827	5299846	U UNITED STATES NAVAL UNDERSEA MUSEUM	TSDR	LIVE
87301871	5299772	USCGA UNITED STATES CHRISTIAN GOLF ASSOCIATION	TSDR	LIVE
87217923		SAN FRANCISCO FILM ACADEMY	TSDR	LIVE
87199544		USAHARVEST	TSDR	LIVE
87086656	5299171	UNITED PRIVATE SCREENING	TSDR	LIVE
87622468		UNITED STRENGTH	TSDR	LIVE
87516044		UNITED COLLABORATION	TSDR	LIVE
87514502		NJ UNITED MIXED MARTIAL ARTS	TSDR	LIVE
87514402		US UNITED SLAB	TSDR	LIVE
87491303		SOCIETY OF FBI ALUMNI, INC. UNITED IN FELLOWSHIP FOUNDED 1973	TSDR	LIVE
87513321		UNITED STATES AIR FORCE ACADEMY	TSDR	LIVE
87476162		MARANATHA UNITED GLOBAL MINISTRIES INC.	TSDR	LIVE
87413039	5298570	UNITED STATES STAMP AND COIN COMPANY	TSDR	LIVE
87365091		UNITED INCOME	TSDR	LIVE
87334284	5295849	CHICAGO UNITED	TSDR	LIVE
87321393	5294873	UNITED WE DREAM	TSDR	LIVE
87508954		UNITED BERNEDOODLE REGISTRY	TSDR	LIVE
87508134		MISS UNITED STATES OF AMERICA	TSDR	LIVE
87508133		UNITED STATES OF AMERICA'S MISS	TSDR	LIVE
87249625		UNIDOSUS	TSDR	LIVE
87505603		UNITED TAE KWON DO CENTER	TSDR	LIVE
87500321		UNITED STEAKS	TSDR	LIVE
87500355		UNITED STEAKS	TSDR	LIVE
87318586	5290234	NDU	TSDR	LIVE
87249189	5289314	WE STAND UNITED WICHITA STATE UNIVERSITY IX STAND TOGETHER STAND AGAINST WE CAN STOP SEXUAL VIOLENCE	TSDR	LIVE
87175061	5292691	BETTER. UNITED.	TSDR	LIVE
87142732	5221586	ULG	TSDR	LIVE
87493236		S.W.A.G.G. UNITED SMART WORKING ATTENTIVE GROWING GENTLEMEN	TSDR	LIVE
87493186		UNITED WE WIN. LIVE UNITED.	TSDR	LIVE
87493157		UNITED WE WIN.	TSDR	LIVE
87492963		UNITED WE FIGHT. UNITED WE WIN. LIVE UNITED	TSDR	LIVE
87492885		UNITED WE FIGHT. UNITED WE WIN. LIVE UNITED.	TSDR	LIVE

87255142		UR	TSDR	LIVE
87118608		NAVY LEAGUE OF THE UNITED STATES	TSDR	LIVE
87387526		WOMEN AND SOCIAL MOVEMENTS IN THE UNITED STATES	TSDR	LIVE
87128854	5283904	UNITED LIFE ASSOCIATES	TSDR	LIVE
87261973		UNITED STATES POLICE AND FIRE GAMES	TSDR	LIVE
87169260		WINFIELD UNITED	TSDR	LIVE
87074134		LEADERS UNITED INTERNATIONAL	TSDR	LIVE
87468236		UNIDOS EN RED INNOVACION CON PASION	TSDR	LIVE
87321589		IWIRELESS USA	TSDR	LIVE
87506734		USPS EGLOBAL LOGISTICS	TSDR	LIVE
87475339		U.S. POWERSPORTS	TSDR	LIVE
87158962		UI UNITED INCOME	TSDR	LIVE
87456685		UMA UNITED MEMORY ARCHIVE	TSDR	LIVE
87102106		UNITED RENTALS	TSDR	LIVE
87469818		UNITED STATES TRIAL LAWYERS ASSOCIATION	TSDR	LIVE
87326914		USPS GEM	TSDR	LIVE
87467791		UNITED NATIONAL LIFE	TSDR	LIVE
87467726		UNL UNITED NATIONAL LIFE	TSDR	LIVE
87324925		MOORE UNITED ANIMAL THERAPY ASSOCIATION	TSDR	LIVE
87324350	5276237	UNITED PLATES OF AMERICA	TSDR	LIVE
87299482	5275847	UNITED CHINESE RESTAURANT	TSDR	LIVE
87290853	5275146	USCC CERTIFICATION COMMISSION	TSDR	LIVE
87389164		U.S. LOTMAN CHALLENGE	TSDR	LIVE
87380586		HERB LOTMAN UNITED STATES ROWING CHALLENGE	TSDR	LIVE
87303182	5270416	MODERNUNITED	TSDR	LIVE
87284157	5269892	USHJA	TSDR	LIVE
87241418		UNITED DERM PARTNERS	TSDR	LIVE
87216810	5269447	UPA	TSDR	LIVE
87162818	5272687	FIREFIGHTERSUNITED	TSDR	LIVE
87481407		UNITED NATIONS SOUTH	TSDR	LIVE
87199237		HEBREWS UNITED	TSDR	LIVE
87231390		UNITED ABILITY	TSDR	LIVE
87446549		SCT.USA	TSDR	LIVE
87037970		U-PLEDGE	TSDR	LIVE
87037966		U-PLEDGE FOR GOOD	TSDR	LIVE
87461880		USPS HEALTHCARE SOLUTIONS	TSDR	LIVE
87444318		UNITED STATES POSTAL SERVICE HEALTHCARE SOLUTIONS	TSDR	LIVE
87442442		USPS BLUETUBE	TSDR	LIVE
87335493	5268164	US BACK SPECIALISTS	TSDR	LIVE
87250912	5264176	UNITED WELLNESS & SPORTS REHAB	TSDR	LIVE
87161869		USWA UNITED STATES WALLBALL ASSOCIATION	TSDR	LIVE
87249274		UDT ACCOMPLISH MORE	TSDR	LIVE
87491072		CALIFORNIA UNITED	TSDR	LIVE

87491037		CUFC	TSDR	LIVE
87490995		CAL UNITED	TSDR	LIVE
87446670		CALIFORNIA UNITED FOOTBALL CLUB	TSDR	LIVE
87270788	5260393	UR UNITED RHEUMATOLOGY OPTIMIZING THE PRACTICE OF INDEPENDENT RHEUMATOLOGISTS	TSDR	LIVE
87261362	5259848	UNITED WORKERS OF AMERICA	TSDR	LIVE
87261349	5259847	UNITED WORKERS OF AMERICA	TSDR	LIVE
87257047	5255038	USDA GIBSONS PRIME ANGUS	TSDR	LIVE
87075168	5254141	UNITED BIBLE SOCIETIES	TSDR	LIVE
87136332		A HOUSE UNITED TO TACKLE CANCER	TSDR	LIVE
87368072		UNITED CRUSHERS	TSDR	LIVE
87229458	5244635	MINNEAPOLIS UNITED MU SOCCER CLUB 1984	TSDR	LIVE
87506312		UNITED WE HELP	TSDR	LIVE
87158657		MOSAIC UNITED A STRONGER JEWISH FUTURE. TOGETHER.	TSDR	LIVE
87414544		UNITED REALTY GROUP	TSDR	LIVE
87335448		5 EVERY PRIZE ONLY 5 A. 1 877 7AUCTION L12 THE UNITED ES AME \$5 ONLY FIVE DOLLARS A PRIZE ONLY FIVE DOLLARS A PRIZE EVERYONES FAVORITE FIVE DOLLAR BILL 877 7A BILL FINNIF EVERYONES FAVORITE \$5 BILL SERIES 2003 OORAH AUCTIONS HOME OF THE \$5 AUCTION FW A 48 5 FIVE LINCOLN DOLLARS 5	TSDR	LIVE
87322009		CHOOSE U S HEALTH	TSDR	LIVE
87299593		DYNAMICS SPC USA	TSDR	LIVE
87408033		RING SPORTS UNITED RINGSPORTSUNITED.COM	TSDR	LIVE
87181093		UNITED STATES DIAMOND BUREAU	TSDR	LIVE
87185680		UNITED STATES ACADEMIC PENTATHLON	TSDR	LIVE
87252280	5236432	ALL SHADES UNITED	TSDR	LIVE
87249206	5236215	WE STAND UNITED	TSDR	LIVE
87404941		MR. UNITED NATIONS	TSDR	LIVE
87404732		TEEN UNITED NATIONS	TSDR	LIVE
87404637		MRS. UNITED NATIONS	TSDR	LIVE
87406106		I AM ASIAN, AND I DO NOT WANT TO BE DRAGGED BY UNITED.	TSDR	LIVE
87104495	5150680	SAN FRANCISCO UNITED F.C.	TSDR	LIVE
87104482	5150679	SAN FRANCISCO UNITED F.C.	TSDR	LIVE
87401554		UNITED NEGRO ABORTION FUND	TSDR	LIVE
87349322		CHRISTIANS UNITED FOR PALESTINE	TSDR	LIVE
87343438		UNITED THINKING	TSDR	LIVE
87309059		GOLD COIN UNITED	TSDR	LIVE
87308799		CANOPY PROGRAMS BY UNITED EDUCATORS	TSDR	LIVE
87191656	5231540	UNITED STATES POWER SQUADRONS	TSDR	LIVE
87396806		UNITED STATES CRIMINAL APPREHENSION	TSDR	LIVE
87042028		UNITED HEROES LEAGUE	TSDR	LIVE
87041961		UNITEDHEROESLEAGUE	TSDR	LIVE
87041903		UNITED HEROES LEAGUE	TSDR	LIVE
87387863		UT UNITED TRANSPORTATION	TSDR	LIVE

87171130	5226683	UNITED SCIENTIFIC GROUP (USG)	TSDR	LIVE
87334855		UNITED STATES JU-JITSU FEDERATION (USJJF)	TSDR	LIVE
87046055		MISS VENEZUELA UNITED STATES	TSDR	LIVE
87224004	5222402	DREAMSETTERS UNITED	TSDR	LIVE
87183731	5221802	UNITED IN PINK	TSDR	LIVE
87183414	5221800	UNITED IN PINK	TSDR	LIVE
87374370		UNITED LAW CENTER	TSDR	LIVE
87369604		UNITED TRUCKERS OF AMERICA	TSDR	LIVE
87318986		UMECNY.COM	TSDR	LIVE
87196415	5217140	SHINE N DINE EST. 2015 PRESENTED BY FRANKLIN COUNTY UNITED WAY	TSDR	LIVE
87020139		UNITED STATES OF BASKETBALL	TSDR	LIVE
87361825		UNITED ROOTER SERVICES	TSDR	LIVE
87198291	5212878	LITERARY UNITED VENTURES	TSDR	LIVE
87149895	5212495	UNITED PARKING ESTABLISHED 1955	TSDR	LIVE
87106521		M.O.B.B. UNITED	TSDR	LIVE
87100249		MOMS OF BLACK BOYS UNITED	TSDR	LIVE
87103365	5159649	UNITED YOGA	TSDR	LIVE
87210595	5209342	UNITED BY DRONE	TSDR	LIVE
87198997	5208823	UIA UNITED INVENTORS ASSOCIATION	TSDR	LIVE
87049295		AGS UNITED	TSDR	LIVE
87258487		CELEBRATE DIVERSIDTY IN AMERICA RACE COLOR RELIGION GENDER SEXUAL ORIENTATION LGBT+ CHALLENGED AGE HATE ELIMINATEHATEUSA.COM CONGRESS OF THE UNITED STATES	TSDR	LIVE
87198045	5199927	THE UNITED STATES OF ANXIETY	TSDR	LIVE
87188109	5199286	USIAHP INC.	TSDR	LIVE
87042240	5201580	FREEDOM UNITED	TSDR	LIVE
87172969	5195106	THE UNITED SOLAR, INC.	TSDR	LIVE
87161836	5194983	UNITED FOR THE TROOPS	TSDR	LIVE
87269112	5191416	RARE VOICE UNITED	TSDR	LIVE
87269086	5191415	RVU RARE VOICE UNITED	TSDR	LIVE
87179584	5190900	TEAMSIDE UNITED	TSDR	LIVE
87074673		US JIU JITSU ASSOCIATION	TSDR	LIVE
87404703		MS. UNITED NATIONS	TSDR	LIVE
87179567	5183803	UNITED STATES TRAFFIC NETWORK	TSDR	LIVE
87142948	5180339	UH UNITED HEARTLAND	TSDR	LIVE
87137742	5180145	UNITED2HEAL	TSDR	LIVE
87056052	5179712	K-9S UNITED	TSDR	LIVE
87032695	5179614	UNITED STATES POSTAL SERVICE	TSDR	LIVE
87130859	5175516	STUDENTS UNITED	TSDR	LIVE
87151707	5171326	UES	TSDR	LIVE
87149296	5171150	UPS COMPLETE VIEW	TSDR	LIVE
87283869		UNITED WE SWEAT	TSDR	LIVE

87110573	5164786	UWM UNITED WHOLESALE MORTGAGE	TSDR	LIVE
87128604	5156119	HIGH 5 FOR SICKLE CELL THE UNITED STATES OF AMERICA 5 RESERVE NOTE	TSDR	LIVE
87153372	5151280	USMA	TSDR	LIVE
87150588	5151274	IUIC	TSDR	LIVE
87095363	5150438	WORLD ARTISTS UNITED	TSDR	LIVE
87057638	5149793	UNITED COMEDY	TSDR	LIVE
87077800	5140642	M UNITED PROPERTY MANAGEMENT	TSDR	LIVE
87077799	5140641	UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87077793	5140640	M UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87075278	5140598	UNITED STATES HOCKEY LEAGUE	TSDR	LIVE
87130441	5137665	HONEST GREEN ESOLUTIONS BY UNFI	TSDR	LIVE
87057594	5136233	VETERANS UNITED	TSDR	LIVE
87080668	5133119	UNFI UNITED NATURAL FOODS	TSDR	LIVE
87050661	5127682	UNITED STATES BARTENDERS' GUILD	TSDR	LIVE
87050654	5127679	UNITED STATES BARTENDERS' GUILD I.B.A.	TSDR	LIVE
87022630	5127374	USCF	TSDR	LIVE
87042890	5122747	USSI FILLING THE VACUUM IN CONTRACT CLEANING SINCE 1912	TSDR	LIVE
87043487	5114233	UNITED	TSDR	LIVE
87154227		LIBERTY ARMS UNITED	TSDR	LIVE
87010577	5090954	UMDF'S PATH TO A CURE ONE BRICK. ONE STEP FORWARD.	TSDR	LIVE
87008424	5090767	UNITEDSTRONG	TSDR	LIVE
87001276	5086407	UCA	TSDR	LIVE
87052557	5082363	UNITED RENTALS	TSDR	LIVE
87052554	5082362	UNITED RENTALS	TSDR	LIVE
87056429		UNITED GROWERS INC.	TSDR	LIVE
87035181	5054792	HSUS	TSDR	LIVE
86898870	5370654	UNITED STATES POLO ASSOCIATION SINCE 1890 USPA POLO NETWORK	TSDR	LIVE
86829608		UHC	TSDR	LIVE
86774718	5346785	UNITEDHEALTHCARE OMW	TSDR	LIVE
86550599		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE
86550591		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE
86550585		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE
86798095		UNITED STATIONERS	TSDR	LIVE
86154062	4588061	ONEUNITED BANK	TSDR	LIVE
86154018	4584010	ONE COMMUNITY, ONE BANK, ONEUNITED!	TSDR	LIVE
86154005	4584008	ONEUNITED BANK	TSDR	LIVE
86889505		USAA SERVES	TSDR	LIVE
86336788		UNITED STATES WHIPPLEBALL ASSOCIATION	TSDR	LIVE
86754873		UNITED FOR RESPECT	TSDR	LIVE

86754868		UNITED 4 RESPECT	TSDR	LIVE
86754294		MARVEL UNITED	TSDR	LIVE
86753324		ORGANIZATION UNITED 4 RESPECT	TSDR	LIVE
86753315		OUR - ORGANIZATION UNITED FOR RESPECT	TSDR	LIVE
86753306		ORGANIZATION UNITED FOR RESPECT	TSDR	LIVE
86790731	5352900	UNITED YEARBOOK	TSDR	LIVE
86437247	5355440	UF UNITED FITNESS	TSDR	LIVE
86867989		UNITED SPORT APPAREL	TSDR	LIVE
86603192		USPTA	TSDR	LIVE
86824014		URI	TSDR	LIVE
86125654		UDG HEALTHCARE	TSDR	LIVE
86580531	4799858	MARKETING UNITED	TSDR	LIVE
86727573	5337823	UNITED CAPITAL FINANCIAL LIFE MANAGEMENT	TSDR	LIVE
86033259	5340942	SABADELL UNITED	TSDR	LIVE
86578079		UNITED HOME BRANDS	TSDR	LIVE
86645528		UNITED DANCE LEAGUE	TSDR	LIVE
86694664		UNITED WAY CENTER ON HUMAN TRAFFICKING & SLAVERY	TSDR	LIVE
86925672			TSDR	LIVE
86854094		USO 75 YEARS	TSDR	LIVE
86832137		BE UNITED IN CHRIST	TSDR	LIVE
86920776	5202811	T&T SUPERMARKET	TSDR	LIVE
86868837	5319978	UNITED GIPS	TSDR	LIVE
86868745	5319977	UNITED GIPS	TSDR	LIVE
86529367	5324174	UPS UNITED PROBLEM SOLVERS	TSDR	LIVE
86529363	5324173	UNITED PROBLEM SOLVERS	TSDR	LIVE
86733449		UNITEDHEALTHCARE HASSLE-FREE EXPERIENCE	TSDR	LIVE
86733440		UNITEDHEALTHCARE HASSLE-FREE GUARANTEE	TSDR	LIVE
86733413		UNITEDHEALTHCARE HASSLE-FREE	TSDR	LIVE
86918906	5143237	UNITED BY INDEPENDENTS	TSDR	LIVE
86856975	5075056	UNITED BY DREAMS	TSDR	LIVE
86973312		UNITED YEARBOOK	TSDR	LIVE
86898880	5317779	UNITED STATES POLO ASSOCIATION SINCE 1890 USPA POLO NETWORK	TSDR	LIVE
86435476	4772058	UNITED WIND	TSDR	LIVE
86269147	4687481	UNIDOS CONTRA EL CANCER	TSDR	LIVE
86875590		UNITED WE BUILD	TSDR	LIVE
86937354		UNITED CANCER FRONT THE RESEARCH INITIATIVE TO DELIVER BREAKTHROUGH THERAPIES	TSDR	LIVE
86937303		UNITED CANCER FRONT	TSDR	LIVE
86935804		CAGE BOXING ORGANIZATION UNITED STATES OF AMERICA	TSDR	LIVE
86525412	5196042	USL	TSDR	LIVE
86389378	5311695	USPS HEALTH CONNECT	TSDR	LIVE
86627896		CARE UNITED	TSDR	LIVE

86627895		JOHNSON & JOHNSON CARE UNITED	TSDR	LIVE
86716750		UNITEDHEALTHCARE MYHOUSING CONNECT	TSDR	LIVE
86716627		UNITEDHEALTHCARE MYDATA CONNECTION	TSDR	LIVE
86701231		UNITEDHEALTHCARE MYCOMMUNITY CONNECT	TSDR	LIVE
86694063		UNITEDHEALTHCARE MYCONNECTIONS	TSDR	LIVE
86566972	5304111	ONE UNITED	TSDR	LIVE
86304977		THE HOME DEPOT UNIDOS POR LA PASION	TSDR	LIVE
86771669		THE UNITED STATES OF CONSPIRACY	TSDR	LIVE
86761942	5125380	UNITED AMBASSADORS	TSDR	LIVE
86355349		UNITED STATIONS MEDIA NETWORKS	TSDR	LIVE
86355347		UNITED STATIONS AUDIO NETWORKS	TSDR	LIVE
86857570	5302185	UNITED METRO ENERGY	TSDR	LIVE
86389385		USPS CONNECT	TSDR	LIVE
86389382		USPS HEALTH	TSDR	LIVE
86946440		UNITED MASTERS	TSDR	LIVE
86716632	5051065	UNITEDHEALTHCARE MYMONEY CONNECT	TSDR	LIVE
86678092	5046623	UNITEDHEALTHCARE LEAN	TSDR	LIVE
86469499		UNITEDHEALTHCARE	TSDR	LIVE
86349707	5091636	UNITEDHEALTHCARE MEDICARERX	TSDR	LIVE
86310894	4705395	KICKIN' IT FOR KIDS UHCCF.ORG	TSDR	LIVE
86203521	4902395	UNITEDHEALTHCARE CHARTER	TSDR	LIVE
86111017		UNITEDHEALTHCARE CHILDREN'S FOUNDATION RESTORING HOPE	TSDR	LIVE
86103177	4672808	UNITEDHEALTHCARE MYPERKS	TSDR	LIVE
86099691	4668528	UNITEDHEALTHCARE CHILDREN'S FOUNDATION TICKETS FOR HOPE	TSDR	LIVE
86898801	5297238	USPA POLO NETWORK	TSDR	LIVE
86462968		USPS NEIGHBORPOST	TSDR	LIVE
86229531	5296667	USPS TEXT TRACKING	TSDR	LIVE
86925667		UNITED THERAPEUTICS CORPORATION LUNG BIOTECHNOLOGY	TSDR	LIVE
86678430		CHRISTIANS UNITED	TSDR	LIVE
86518395		AFP FOUNDATIONS FOR PHILANTHROPY UNITED STATES · CANADA · MEXICO	TSDR	LIVE
86173045	4916394	UK2 GROUP	TSDR	LIVE
86658173		UNITED SNACKS OF AMERICA	TSDR	LIVE
86445168	4825440	BEAUMONT UNITED CARE PARTNERS	TSDR	LIVE
86823332	5288570	UNITED SOULS MOTORCYCLE ASSOC.	TSDR	LIVE
86614681	4838674	UNITED STATES COURTS ARCHIVE	TSDR	LIVE
86688356		UPS SYNCHRONIZED DELIVERY	TSDR	LIVE
86941510		U.S. GENIUS	TSDR	LIVE
86807723	5286922	UNITED STATE OF MIND	TSDR	LIVE
86532961		UNITED GREENERIES	TSDR	LIVE
87514815		REFORM PARTY	TSDR	LIVE

87616685		THE REPUBLICAN WING OF THE REPUBLICAN PARTY	TSDR	LIVE
87719274		AMERICAN NATIONAL PARTY	TSDR	LIVE
87718935		THE FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87471821		THE WINE PARTY	TSDR	LIVE
87502943		HONEST LEADERSHIP REAL SOLUTIONS WWW.REFORMPARTY.ORG	TSDR	LIVE
87701344		FEDERALIST PARTY NATIONAL COMMITTEE	TSDR	LIVE
87669025		FEDERALIST PARTY	TSDR	LIVE
87667992		FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87552232		BANGLADESH NATIONALIST PARTY	TSDR	LIVE
87636192		M.A.G. PARTY MAKE AMERICA GREAT PARTY	TSDR	LIVE
87234577		THE AMERICA FIRST PARTY	TSDR	LIVE
87081551	5229449	THE RESPONSIBLE PARTY	TSDR	LIVE
87162631	5189861	REALIGNMENT PARTY OF AMERICA	TSDR	LIVE
87046437	5075505	GENDER PARTY	TSDR	LIVE
86920068		AMERITORIAN PARTY	TSDR	LIVE
86973564	5168650	FREE ENTERPRISE PARTY	TSDR	LIVE
86649880	4892341	TRUE HUMANITY PARTY	TSDR	LIVE
86208527	5038110	COLLABORATIVE-POLITICAL PARTY	TSDR	LIVE
86784301	5088595	TRANSHUMANIST PARTY	TSDR	LIVE
86043587	4482846	NATIONAL INDEPENDENT PARTY	TSDR	LIVE
86845676	5039574	REALTOR PARTY	TSDR	LIVE
86677052	5029839	REPUBLICAN PARTY OF TEXAS	TSDR	LIVE
86679401	4961600	THE HUMANITY PARTY	TSDR	LIVE
86038833	4542448	WWW.PAGOP.ORG REPUBLICAN PARTY OF PENNSYLVANIA	TSDR	LIVE
86038808	4542447	WWW.PAGOP.ORG	TSDR	LIVE
86573807	4942761	IRP INDEPENDENT REFORM PARTY	TSDR	LIVE
86086248	4639692	ETHIOPIAN PEOPLE'S REVOLUTIONARY PARTY YOUTH LEAGUE (EPRPYL)	TSDR	LIVE
86083261	4595805	ETHIOPIAN PEOPLE'S REVOLUTIONARY PARTY (EPRP)	TSDR	LIVE
85164260	5367100	TEA PARTY NATION	TSDR	LIVE
85866259	4527974	UNITED INDEPENDENT PARTY	TSDR	LIVE
85369419	4097383	CONSERVATIVE PARTY USA	TSDR	LIVE
85423199	4107098	CHRISTIAN PARTY OF AMERICA	TSDR	LIVE
85548708	4337151	DANG DÂN CHU VIET NAM	TSDR	LIVE
85762507	4905425	WORLD PRESERVATION PARTY	TSDR	LIVE
85944915	4561314	PEOPLE'S PARTY OF AMERICA	TSDR	LIVE
85654266	4291657	TRUE BLUE PARTY	TSDR	LIVE
85400752	4115010	GOTP GALT'S ONE TEA PARTY	TSDR	LIVE
85389174	4128400	INDEPENDENT AMERICAN PARTY	TSDR	LIVE
85335943	4185111	THE CANARY PARTY	TSDR	LIVE
85151375	4471162	THE INDEMOCAN PARTY	TSDR	LIVE
78510281	3103189	AMERICAN REVOLUTIONARY PARTY	TSDR	LIVE

78848507	3314487	PATRIOT PARTY	TSDR	LIVE
78585919	3980125	THE GREENS/GREEN PARTY USA	TSDR	LIVE
77828614	3933358	OPEN PARTY	TSDR	LIVE
77758149	3746339	HUMANE PARTY	TSDR	LIVE
77330185	4118798	THE THIRD PARTY	TSDR	LIVE
77462038	3629038	AMERICAN CITIZEN PARTY	TSDR	LIVE
75937476	2423459	LIBERTARIAN PARTY	TSDR	LIVE
75937475	2423458	THE PARTY OF PRINCIPLE	TSDR	LIVE

Interrogatory No. 3. Did you understand at the time of your Application that this filing began a legal process?

RESPONSE

See General Objections. Cannot be answered as legal process is not defined.

Interrogatory No. 4. Your Application required you to sign a verified statement pursuant to 15 U.S.C. §1051(a)(3)(D) that reads:

“to the best of the verifier’s knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

(i) state exceptions to the claim of exclusive use; and

(ii) shall specify, to the extent of the verifier’s knowledge—

§ (I) any concurrent use by others;

§ (II) the goods on or in connection with which and the areas in which each concurrent use exists;

§ (III) the periods of each use; and

§ (IV) the goods and area for which the applicant desires registration.”

Did you read and fully understand this requirement when signing your Application?

RESPONSE

See General Objections. Yes.

Interrogatory No. 5. On p. 3 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated that “Applicant’s trademark UNITED AMERICANS PARTY differs in appearance from the blocking trademark in that it is spelled differently, looks different and has less words than the blocking trademark.”

a. In what way does your proposed mark “United Americans Party” have fewer words than the registered mark “American Party?”

RESPONSE

See General Objections. It does not. The word “less” is an obvious miswording.

b. Both Applications for “American Party” and “United Americans Party” included the required USPTO Mark Statement: “The mark consists of standard characters, without claim to any particular font style, size or color.” Therefore, what difference does it make if the two marks “look different” as you stated?

RESPONSE

See General Objections. Objection Public record. Objection Attorney-Client privilege. Objection Attorney work product. This question is unclear, if it assumed that the Opposer is talking about trademark law then what difference does it make as a matter of trademark law which is a question of basic trademark law which is of public record and equally available to the Opposer and protected work product.

Interrogatory No. 6. On p. 7 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated that “The Applicant’s goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.”

a. List the Internet domain(s) that you have you registered for the commercial use of “United Americans Party” including the specific domain name and date of registration.

RESPONSE

See General Objections. None.

b. List the name of the Facebook account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.

RESPONSE

See General Objections. None.

c. List the name of the Instagram account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.

RESPONSE

See General Objections. None.

d. List the name of the Twitter account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.

RESPONSE

See General Objections. None.

e. List the television channels, program details and run dates for all commercial appearances by, or on behalf of, “United Americans Party.”

RESPONSE

See General Objections. None.

f. List the radio stations, program details, and run dates for all commercial broadcasts or advertisements by, or on behalf of, “United Americans Party.”

RESPONSE

See General Objections. None.

g. List all newspaper columns, articles, publications or advertisements by, or on behalf of, of “United Americans Party.”

RESPONSE

See General Objections. None.

h. List all magazine columns, articles, publications or advertisements by, or on behalf of, “United Americans Party.”

RESPONSE

See General Objections. None.

i. List the Internet World Wide Name URL(s) of all Internet websites you have created and maintained for the commercial use of “United Americans Party.”

RESPONSE

See General Objections. None.

j. Provide the publication details including the distribution companies and methods for all direct mailing efforts for the commercial use of “United Americans Party.”

RESPONSE

See General Objections. None.

k. List the names of the catalogs and publication dates for all catalog commercial listings and advertisements for, or on behalf of, “United Americans Party.”

RESPONSE

See General Objections. None.

l. List the names, creation methods and distribution methods including evidence of creation and distribution for all leaflets made, or on behalf of, “United Americans Party.”

RESPONSE

See General Objections. None.

Interrogatory No. 7. You told the USPTO on December 13, 2018 in your reply to an Office Action that “The Applicant’s goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet / Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.”

Was this statement accurate and truthful, or not?

RESPONSE

See General Objections. Yes. This statement was accurate.

Interrogatory No. 8. On p. 6 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated: “Within this context, there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s).”

a. Is your Application designated for International Class 035, as is the registered mark “American Party?”

RESPONSE

See General Objections. Objection public record.

b. Did you list the goods and services in your Application as “Political party services, namely, promoting the interests of a political organization?”

RESPONSE

See General Objections. Objection public record.

c. Does the registered servicemark “American Party” list its goods and services in Class 035 as “Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics?”

RESPONSE

See General Objections. Objection public record.

d. What portion or component of your proposed description of services unambiguously and clearly tells the consuming public that your services are different from, and should not be mistaken with, the registered mark “American Party”?

RESPONSE

See General Objections. Objection legal argument, Attorney work product. “Clearly” and “unambiguously” are subjective terms which make the question unclear. The question asks the Applicant to compare services with a mark, making the question unclear. The mark “American Party” is not in the proposed list of services.

e. What legal references, authorities or texts support your statement that “there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s)?”

RESPONSE

See General Objections. Objection public records. Objection Attorney work product. Objection Attorney-Client privilege.

I, PAUL MICHAEL STUART, Authorized Representative for the Applicant, declare that the information provided in these APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES have been submitted truthfully.

Respectfully submitted,



PAUL MICHAEL STUART

Respectfully submitted for the objections,

/jmf/
Jeffrey M. Furr
Attorney for Registrant
2622 Debolt Road
Utica, Ohio 43080
740-817-2381

CERTIFICATE OF SERVICE

I hereby certify that this paper is being sent electronically on the 25th day of August, 2021 addressed to:

ROGER COWLES
AMERICAN PARTY INC.
P.O. BOX 457
ELIZABETH, NJ 07207-0457
UNITED STATES
organizers@americanparty.mobi

/jmf/
Jeffrey M. Furr, Esquire

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

In the Matter of US Serial Number 87809067
UNITED AMERICANS PARTY

AMERICAN PARTY INC.

Opposer,

v.

Opposition No. 91248963

PAUL MICHAEL STUART

Applicant.

UNITED STATES PATENT AND
TRADEMARK TRIAL AND APPEAL BOARD
PO BOX 1451
ALEXANDRIA VA 22313-1451

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF DOCUMENT
REQUESTS**

Pursuant to Rules 34 of the Federal Rules of Civil Procedure and 37 C.F.R. Section 2,120, Applicant, hereby responds to Opposer's First Set of Requests for Production of Documents.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. Applicant has not completed its investigation relating to this action and has not completed preparation for trial on the merits. As discovery proceeds, facts, information, evidence, documents and things may be discovered that are not set forth herein pursuant to these responses, but which may have been responsive to Applicant's Request for the production of documents. The following responses are based on Applicant's knowledge, information, and belief at this time and are complete as to Applicant's best knowledge at this time. Further, these responses were prepared based on Applicant's good faith interpretation and understanding of the individual requests and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision of supplementation based upon any information, evidence, and documentation that hereinafter may be discovered.

2. Applicant objects to the Requests for Production of Documents to the extent any Request calls for the information that is protected by the attorney-client privilege, the attorney work product doctrine, and/or any other applicable privilege or immunity, and declines to provide such information.

3. Applicant objects to the Requests for Production of Documents to the extent they call for the provision of information that is subject to confidentiality agreements, protective orders, and/or any other obligation pursuant to which Applicant is required to protect and/or maintain the confidentiality of any third party's documents or information.

4. Applicant objects to the Requests for the Production of Documents to the extent that any Production of Documents calls for the disclosure of information which would constitute an unwarranted invasion of any person's constitutional, statutory, and/or common-law rights of privacy or confidentiality.

5. Applicant objects to the Requests for the Production of Documents to the extent they seek information or documents which are irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence admissible at trial.

6. Applicant objects to the Requests for the Production of Documents to the extent any Request is overly broad, oppressive, vague or ambiguous or which request documents or information which is unduly burdensome to produce.

7. Applicant objects to the Requests for the Production of Documents to the extent they seek the provision of documents which are not within Applicant's possession, custody or control, seek information that is in the public domain and equally available to Applicant, or seek information that is already in Applicant's possession, on the grounds that such a request requires more of the Applicant than any obligation imposed by the Federal Rules of Civil Procedure, and seeks to impose upon Applicant an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject Applicant to undue and unreasonable oppression, burden and expense. Applicant further objects to the Production of Documents to the extent that any of them, or any of the instructions and definitions contained in the Production of Documents, otherwise seeks to impose obligations beyond those required or allowed by the Federal Rules of Civil Procedure or the applicable Trademark Rules (37 CFR).

8. Applicant's responses to this Production of Documents are without prejudice to any objection it may have as to the relevance or admissibility of the information sought, or whether the information sought is within the proper scope of discovery in this action.

9. Applicant objects to the requests to the extent they are annoying, harassing and oppressive.

10. Applicant objects to the Production of Documents to the extent they request information in a format which is not maintained by Applicant.

12. Applicant objects to the Production of Documents to the extent they request information regarding activities outside the United States on the ground they seek information which is irrelevant to any issue raised in this proceeding and not reasonably calculated to lead to the discovery of evidence that is

admissible at trial because this is not a concurrent use proceedings and no affirmative defenses or counterclaims have been raised.

13. These General Objections are hereby incorporated by reference into each of the following individual responses as if fully set forth therein. To the extent that a specific General Objection is stated in response to an individual Request, such specific citation is provided because the objection is believed to be particularly applicable to that Request and is not to be construed as a waiver of any other General Objection applicable to information falling within the scope of the Production of Documents.

**DOCUMENT
REQUESTS**

DOCUMENT REQUEST NO. 1. All DOCUMENTS identified, directly or indirectly, in YOUR answers to Interrogatories.

Response.

See General Objections. Documents to extent available and exist will be provided.

TTC Business Solutions Research Report

DOCUMENT REQUEST NO. 2. All written reports of all expert witnesses with whom YOU or YOUR attorneys have consulted, including, of course, those persons YOU expect to call as an expert witness at trial.

Response.

See General Objections. Documents to extent available and exist will be provided.

None are available at this time.

DOCUMENT REQUEST NO. 3. All DOCUMENTS upon which any expert witness YOU intend to call at trial relied to form an opinion.

Response.

See General Objections. Documents to extent available and exist will be provided.

None are available at this time.

DOCUMENT REQUEST NO. 4. The most recent resume or curriculum vitae of each expert, if any, whom YOU expect to call as an expert witness at trial.

Response.

See General Objections. Documents to extent available and exist will be provided.

None are available at this time.

DOCUMENT REQUEST NO. 5. All notes, correspondence, documents, legal references or other documents prepared or reviewed by each person whom YOU expect to call as an expert witness at trial.

Response.

See General Objections. Documents to extent available and exist will be provided. No documents exist.

DOCUMENT REQUEST NO. 6. All written, recorded, or signed statements of any party concerning the research, preparation and submission of your Application.

Response.

See General Objections. Documents to extent available and exist will be provided.

TTC Business Solutions Research Report

DOCUMENT REQUEST NO. 7. All DOCUMENTS, records, legal references or other information that were used to research, prepare and submit your Application.

Response.

See General Objections. Documents to extent available and exist will be provided.

\TTC Business Solutions Research Report

DOCUMENT REQUEST NO. 8. Copies of any standards in the industry, legal authority, rule, case, statute, or code that will be relied upon in your defense.

Response.

See General Objections. Objection public records. Objection Attorney work product. Objection Attorney-client privilege.

I, PAUL MICHAEL STUART, Authorized Representative for the Applicant, declare that the information provided in these APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF DOCUMENT REQUESTS have been submitted truthfully.

Respectfully submitted,



PAUL MICHAEL STUART

Respectfully submitted for the objections,

/jmf/
Jeffrey M. Furr
Attorney for Registrant
2622 Debolt Road
Utica, Ohio 43080
740-817-2381

CERTIFICATE OF SERVICE

I hereby certify that this paper is being sent electronically on the 25th day of August, 2021 addressed to:

ROGER COWLES
AMERICAN PARTY INC.
P.O. BOX 457
ELIZABETH, NJ 07207-0457
UNITED STATES
organizers@americanparty.mobi

/jmf/
Jeffrey M. Furr, Esquire

Research Report



**TTC BUSINESS
SOLUTIONS**

Customer: Paul Michael Stuart

Mark: UNITED AMERICANS PARTY

Search: Basic Federal Database
Search

TTC No.: M138606

TTC Business Solutions
2703 Jones Franklin Rd Ste 206
Cary, NC 27518
Telephone: 888.392.3040
Facsimile: 270.477.4574
www.TTCBusinesssolutions.com

Date Completed: January 3, 2018

Customer:		Paul Michael Stuart
Mark:		UNITED AMERICANS PARTY
Type of Search:		Basic Federal Database Search
TTC No.:		M138606
Goods/Services:		35 - Political party services, namely, promoting the interests of a political organization
<p>This report is designed to uncover trademark rights that may conflict with the Mark and Goods/Services listed above. Depending upon the type of search requested, this report may include records from the United States Patent and Trademark Office, trademark registrars for the individual U.S. states, as well as other trademark registration authorities. It may also contain various common law sources including materials retrieved through use of on-line search engines and web-crawling programs as well as domain name information from various sources including the WHOIS database.</p> <p>TTC Business Solutions has taken all reasonable steps to ensure that this report includes complete and accurate information. However, because of the highly subjective nature of trademark law and the completeness of data available at the time of the search, WE CANNOT AND DO NOT WARRANT THE ACCURACY OF THIS REPORT OR THAT IT IS ERROR-FREE OR COMPLETE. AS A RESULT, WE ALSO DISCLAIM ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.</p> <p>Data in this report comes from numerous third-party sources and may include materials that are copyright of other entities.</p> <p>ANY LIABILITY ARISING FROM THE PREPARATION OF OR YOUR USE OF THIS REPORT AS AGAINST TTC BUSINESS SOLUTIONS IS LIMITED TO A REFUND OF THE SEARCH FEE PAID. Acceptance of this search constitutes an acceptance of the aforesaid terms, conditions, and limitations. The search is valid only for the Mark and Goods/Services listed above.</p> <p>Except for those materials supplied by third-parties, this report constitutes the intellectual property of TTC Business Solutions, LLC. You own the copy or copies of the report provided to you by TTC Business Solutions, but otherwise enjoy only a limited license to use the copyrighted and otherwise protected materials in the copy or copies provided to you.</p> <p>Copyright 2008 TTC Business Solutions, LLC. All rights reserved.</p> <p>TTC Business Solutions, LLC 2703 Jones Franklin Rd Ste 206 Cary, NC 27518 Telephone: 888.392.3040 Facsimile: 270.477.4574</p> <p>info@ttcbusinesssolutions.com www.TheTrademarkCompany.com</p>		

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International Classification Of Goods And Services

Goods

1. **Chemicals:** Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
2. **Paints:** Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
3. **Cosmetics and cleaning preparations:** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. **Lubricants and fuels:** Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.
5. **Pharmaceuticals:** Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
6. **Metal goods:** Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
7. **Machinery:** Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
8. **Hand tools:** Hand tools and implements (hand operated); cutlery; side arms; razors.
9. **Electrical and scientific apparatus:** Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
10. **Medical apparatus:** Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.
11. **Environmental control apparatus.** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. **Vehicles.** Vehicles; apparatus for locomotion by land, air or water.
13. **Firearms.** Firearms; ammunition and projectiles; explosives; fireworks.
14. **Jewelry.** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.
15. **Musical Instruments.** Musical instruments.
16. **Paper goods and printed matter.** Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.
17. **Rubber goods.** Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
18. **Leather goods.** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. **Nonmetallic building materials.** Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.
20. **Furniture and articles not otherwise classified.** Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
21. **Housewares and glass.** Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
22. **Cordage and fibers.** Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
23. **Yarns and threads.** Yarns and threads, for textile use.

24. **Fabrics.** Textiles and textile goods, not included in other classes; bed and table covers.
25. **Clothing.** Clothing, footwear, headgear.
26. **Fancy goods.** Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
27. **Floor coverings.** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).
28. **Toys and sporting goods.** Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
29. **Meats and processed foods.** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.
30. **Staple foods.** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
31. **Natural agricultural products.** Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.
32. **Light beverages.** Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
33. **Wine and spirits.** Alcoholic beverages (except beers).
34. **Smokers' articles.** Tobacco; smokers' articles; matches.

Services

35. **Advertising and business.** Advertising; business management; business administration; office functions.
36. **Insurance and financial.** Insurance; financial affairs; monetary affairs; real estate affairs.
37. **Building construction and repair.** Building construction; repair; installation services.
38. **Telecommunications.** Telecommunications.
39. **Transportation and storage.** Transport; packaging and storage of goods; travel arrangement.
40. **Treatment of materials.** Treatment of materials.
41. **Education and entertainment.** Education; providing of training; entertainment; sporting and cultural activities.
42. **Computer, scientific and legal.** Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
43. **Hotels and restaurants.** Services for providing food and drink; temporary accommodations.
44. **Medical, beauty and agricultural.** Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
45. **Personal.** Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

Glossary

<p>A</p> <p><i>Abandoned (Status)</i> The application has been abandoned for one of several reasons, including:</p> <ul style="list-style-type: none">• applicant's failure to respond to an Office Action within six months;• applicant's voluntary withdrawal of the application;• result of a successful challenge to registration by a third-party; or• registrant failed to file affidavit of continuing use. <p><i>Allowed (Status)</i> The mark has been approved for registration pending use by the applicant and has passed the statutory Opposition period. The USPTO is awaiting the applicant to begin use of the mark prior to registration.</p> <p><i>Applicant</i> The party that filed the application to register the mark.</p> <p><i>Assignments</i> Documents filed with the USPTO transferring ownership of a trademark.</p> <p>C</p> <p><i>Cancelled (Status)</i> Indicates that a registration has been cancelled by the USPTO for one of several reasons including the Registrant's failure to file an affidavit of continuing use or a successful cancellation proceeding by a third-party.</p> <p><i>Certification Mark</i> A mark used to designate that the goods or services associated with the mark have met certain specified criteria, such as those of quality, origin, or method of manufacture.</p>	<p><i>Collective Mark</i> A mark used by an organization to distinguish the goods or services of the organization's members from the goods or services of non-members.</p> <p><i>Commerce, Use in</i> The date the mark was first used in commerce that Congress can regulate (e.g., commerce across state, territorial, or international lines).</p> <p><i>Correspondent</i> The entity designated to receive correspondence from the USPTO regarding the application, registration or TTAB proceeding.</p> <p>D</p> <p><i>Description</i> Identifies the literal elements of a mark that has a design feature. Descriptive statements are most often present when the presentation of the mark could be subject to multiple interpretations.</p> <p><i>Design Codes</i> If the mark includes a design element, the USPTO assigns one or more six-digit codes which indicate a specific design element. Based upon codes developed by the World Intellectual Property Organization (WIPO), each entry also includes an equivalent literal description of the specific design feature.</p> <p><i>Disclaimer</i> The portion(s) of a mark that are disclaimed by the owner as not subject to its exclusive use. This normally includes matter that is considered descriptive and/or geographically descriptive of the goods or services.</p>	<p>E</p> <p><i>Expired</i> The registration has expired, typically because the owner failed to renew it in a timely fashion or the USPTO refused renewal.</p> <p>F</p> <p><i>Filed (Filing Date)</i> The date that the USPTO received a complete application that contained all required materials and assigned a Serial No. to the application.</p> <p><i>Filing Basis</i> Indicates the statutory basis that the owner of the mark has relied on for filing the application. Applications may be based on:</p> <ul style="list-style-type: none">• a good faith intent to use the mark on the stated goods/services in the future;• use of the mark in commerce on the stated goods/services; or• ownership of a foreign (International) registration or priority application for the mark. <p><i>First Use (Date)</i> The date the mark was first used anywhere on or in association with the goods or services.</p> <p>G</p> <p><i>Goods & Services</i> A description of the goods and/or services on or in connection with which the mark is used.</p> <p>I</p> <p><i>International (Int'l) Class</i> The International Classification schedule which contains 45 classes of goods and services. See the list of International Classification of Goods and Services included in this report.</p>
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Glossary (Continued)

<p>L</p> <p>Last Owner The entity that is recognized by the USPTO as the owner of the mark when the latest action was taken on the registration or application.</p> <p>Lining/Stippling Indicates whether the lining, cross-hatching, or stippling shown in the drawing represents color or is simply an element of the mark. If color is identified, the statement may also claim color as a feature of the mark.</p> <p>N</p> <p>Name/Portrait Identifies the individual whose name and/or likeness is a part of the mark. If the person is living, the statement often indicates that the individual has consented to the use of his/her name or likeness.</p> <p>Non-US Info Information relating to the home country application or registration that is claimed by a non-US applicant and that normally constitutes the basis for the filing of the US application under Section 44 of the Trademark Act.</p> <p>O</p> <p>Opposed (Status) A third party has filed an Opposition Proceeding with the TTAB in an attempt to block the proposed registration of the mark.</p> <p>P</p> <p>Pending (Status) The application has been granted a filing date and is currently at a stage in the examination process prior to registration. Additional information often provides greater details as to the precise stage.</p>	<p>Published (Date) The date when the mark was published for opposition in the <i>Trademark Official Gazette</i>. The date signals the beginning of the 30-day period during which third parties may object to the registration of the mark by filing an Opposition proceeding with the TTAB.</p> <p>Published (Status) The application has been examined, approved by the Examining Attorney, and published for opposition in the <i>Trademark Official Gazette</i>. Entities which believe they will be damaged by the registration of the mark have 30 days in which to oppose its registration.</p> <p>R</p> <p>Register The USPTO maintains the Principal and Supplemental Registers. Marks on the Supplemental Register are typically admittedly descriptive or geographically descriptive marks which are afforded less protection than those marks registered on the Principal Register.</p> <p>Registered (Date) The date the registration's certificate of registration was issued.</p> <p>Registered (Status) The mark has been registered and a certificate issued by the USPTO.</p> <p>Registrant The entity that owned the mark at the time of registration and received the registration certificate.</p> <p>Registration No. The number assigned to each new trademark registration when it is issued.</p> <p>S</p> <p>Serial No. The number assigned to each new trademark application upon filing of a complete trademark application with the USPTO.</p>	<p>Service Mark A word, symbol, slogan, or combination thereof used in connection with the sale or advertising of services (in contrast to tangible goods) to identify and distinguish the services of one entity from those of another.</p> <p>Status The most recent status of the mark with the USPTO.</p> <p>T</p> <p>Trademark A word, symbol, slogan, or combination thereof used to identify the source of a tangible good in the marketplace.</p> <p>Translation Provides the English equivalent and/or pronunciation (transliteration) of non-English words and non-Latin characters that appear in the mark.</p> <p>TTAB The acronym used to identify the Trademark Trial and Appeal Board, the administrative law court of the USPTO charged with hearing oppositions to applications to register marks, petitions to cancel registered marks, and appeals to refusals to register marks.</p> <p>TTAB Info Provides details about any legal proceeding involving the application or registration that has been instituted by the Trademark Trial and Appeal Board.</p> <p>U</p> <p>US Classes Identifies the class(es) that a mark has been assigned to in the US Classification system, which was the primary classification system prior to September 1, 1973.</p> <p>USPTO The acronym used to identify the United States Patent and Trademark Office, the agency charged with the administration of federally applied-for and registered marks.</p>
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Federal Trademarks

Database Information

Database Searched	TTC Business Solutions has searched the official Trademark Electronic Search System (TESS) database for records on file with the USPTO.
Coverage	<ul style="list-style-type: none">• Active trademark and service mark registrations since 1984• Pending applications for registrations• Registrations expired or cancelled after January 1, 1984• Applications and registrations abandoned after January 1, 1984
Current Through	<ul style="list-style-type: none">• Weekly <i>Trademark Official Gazette</i> information through January 3, 2018• New Applications filed through January 3, 2018• Daily status updates through January 3, 2018

Disclaimer: Because of the dynamic nature of the TESS database, TTC Business Solutions can only warrant that as of the information contained herein was true, accurate, and complete as of the date and time of the search conducted of the TESS database limited by that information available thereon at said time and date.

Truncation Information

Truncation permits the searcher to expand its root search terms to find marks which are similar in meaning or appearance. The primary truncation symbols used in connection with the TESS database by TTC Business Solutions are as follows:

\$	The \$ represents zero to an unlimited number of additional characters. The \$ may be placed to the left, internally, or to the right of the word or letter string.
?	The ? represents one additional character to the word or the letter string. The ? may be placed to the left, internally, or to the right of the word or letter string.
*	The * is used only for left-hand and right-hand truncation and only in the Basic Index and Translation Index Fields. <i>See below.</i>

Data Field Information

Data fields are used by the USPTO's federal databases to organize the data for easier searching and more effective retrieval. There are more than 40 different data fields used by the USPTO's federal databases. Below is a list of those data fields used most frequently by TTC Business Solutions in conducting its searches of the federal databases.

[GS]	Goods / Services		[CC]	Coordinated Class
[BI]	Basic Index		[IC]	International Class
[TI]	Translation Index			

Search Strategy - Federal

<i>Search Item(s):</i>	<i>Classes Searched:</i>
S1= *un{"eiy"}t*[bi,ti]	All
S2= *m{"eiy"}r{"eiy"}{"ckqx"}a*[bi,ti]	All
S3= *p{v1:2}rt{"eiy"}*[bi,ti]	All
S4= s1 and (s2 or s3) and live[lid]	All
S5= s1 and (s2 or s3) and live[lid] and "035"[cc]	035
S6= s2 and s3 and live[lid]	All
S7= s1 and live[lid]	All
S8= s1 and live[lid] and "035"[cc]	035
S9= s1 and live[lid] and "035"[cc] and ("political party" or "political organization")[gs]	035
S10= s2 and live[lid] and "035"[cc]	035
S11= s2 and live[lid] and "035"[cc] and ("political party" or "political organization")[gs]	035
S12= s3 and live[lid] and "035"[cc]	035
S13= s3 and live[lid] and "035"[cc] and ("political party" or "political organization")[gs]	035

Federal Trademark Summary

The USPTO's databases were searched for marks that are similar or identical in sound, appearance, connotation, and overall commercial impression to the subject mark. In evaluating the relevancy of similar marks, attention was paid to the precise nature of the goods and services used in connection with those marks and compared to those used in connection with the subject mark. The following is a list of all marks reviewed in the preparation of this report. Note, if the "Mark" section of a given row is blank but displays a serial or registration number the mark with that corresponding serial or registration number was analyzed however as it has no word element (i.e., it is a logo only) reproduction of the mark so reviewed is not produced below.

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
87615202		MOSQUITOBANUSA	TSDR	LIVE
87399602		VIET NAM VETS MC U.S.A.	TSDR	LIVE
87378222	5368404	EVERYBODY HAS A STORY - EMPOWERING OUR COMMUNITY. SUPPORTING THE ARTS.	TSDR	LIVE
87618870		MUTTAHIDA QUAMI MOVEMENT - UNITED STATES OF AMERICA (MQMUSA)	TSDR	LIVE
87618269		UNITED ZOES OF AMERICA UZA	TSDR	LIVE
87720524		INVI USA	TSDR	LIVE
87683899		USA FLEX FOOTBALL	TSDR	LIVE
87582007		MFA MARCH FOR AMERICA UNITED WE STAND	TSDR	LIVE
87727942		UNITED PRAVAASA AATMEEYULA SOCIETY OF AMERICA	TSDR	LIVE
87619054		WEALTHCOACH USA ... BRILLIANTLY SIMPLE	TSDR	LIVE
87601984		GEEK POP USA	TSDR	LIVE
87713293		NAVC	TSDR	LIVE
87544000		HOMETOWN AMERICA COMMUNITIES	TSDR	LIVE
87321822	5361301	UNITED LANDSCAPERS OF AMERICA	TSDR	LIVE
87077587		HOPE FOR AFRICAN AMERICAN LEADERSHIP AND OPPORTUNITY	TSDR	LIVE
87711345		GT USA	TSDR	LIVE
87710851		AMERICAN SENIOR COMMUNITIES	TSDR	LIVE
87709882		USA SKATEBOARDING	TSDR	LIVE
87707426		MRS. U.S.A.	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87625011		SWITCH USA	TSDR	LIVE
87602021		UNITED SODAS OF AMERICA	TSDR	LIVE
87475076		MADE WITH FLORIDA HOPS U.S.A.	TSDR	LIVE
87080497		LENAWEE NOW, IDEAL FOR BUSINESS. PERFECT FOR LIFE. LENAWEE COUNTY. MICHIGAN USA	TSDR	LIVE
87593345		PAKISTANI AMERICAN CONGRESS PAC UNITY DISCIPLINE	TSDR	LIVE

		FAITH USA		
87696732		PSU PHYSIQUE SPORTS USA ASSOCIATION	TSDR	LIVE
87434499	5350017	UNITED MILITARY COMMUNITIES OF AMERICA	TSDR	LIVE
87363601		UNITED BUSINESS PROPERTIES	TSDR	LIVE
87247100		CHARTRIGHT USA	TSDR	LIVE
87688136		COMEXIM USA	TSDR	LIVE
87686457		STATE OF OPPORTUNITY IN AMERICA INDEX	TSDR	LIVE
87686013		NATIONAL PARKS NAVIGATOR: USA & CANADA	TSDR	LIVE
87588554		OPPORTUNITY BEGINS WITH EDUCATION TEACHFOR AMERICA	TSDR	LIVE
87683879		BION USA	TSDR	LIVE
87207243		M THE HEALTH NEWS UNITED STATES OF AMERICA THE HEALTH NEWS PREVENTION IS BETTER THAN CURE	TSDR	LIVE
87683017		MARKETMINDER HISTORICAL VACATION RENTAL DATA, ANALYTICS AND ANALYSIS, AND REAL-TIME FORWARD SUPPLY AND DEMAND DATA TO HELP INDIVIDUALS, PROPERTY MANAGERS, PROPERTY MANAGEMENT COMPANIES, AND REAL ESTATE INVESTORS TO WORK AND MANAGE THEIR RENTAL PROPERTIES. FOCUSED ON THE MILLIONS OF SHORT-TERM PROPERTIES AROUND THE WORLD, PROVIDED THROUGH NUMEROUS VACATION RENTAL SERVICES, TO HELP UNDERSTAND HISTORICAL TRENDS AND NEW OPPORTUNITIES, TO SCOPE OUT THE COMPETITION, AND LEARN HOW TO OPTIMIZE THEIR VACATION RENTAL PROPERTY PERFORMANCE.	TSDR	LIVE
87569970		SANDBAR SPORTS GRILL KEY WEST, FL. THE SANDBAR NATION HOME OF THE FISH TACO SOUTHERNMOST SANDBAR CONTINENTAL U.S.A. KEY WEST, FL	TSDR	LIVE
87676653		USA CALL CENTER	TSDR	LIVE
87671020		DOG CITY, USA	TSDR	LIVE
87505110		GRAND OPPORTUNITY PARTY	TSDR	LIVE
87399631	5328968	LEGACY VETS MC U.S.A.	TSDR	LIVE
87655479		NNAAC	TSDR	LIVE
87399465	5316479	UNITED LANGUAGES OF AMERICA	TSDR	LIVE
87638434		AMERICAN NATIONAL UNITED FARM FAMILY	TSDR	LIVE
87530949		UNITED SHAKES OF AMERICA	TSDR	LIVE
87635078		IP-PORTUNITY	TSDR	LIVE
87199544		USAHARVEST	TSDR	LIVE
87508134		MISS UNITED STATES OF AMERICA	TSDR	LIVE
87508133		UNITED STATES OF AMERICA'S MISS	TSDR	LIVE
87321589		IWIRELESS USA	TSDR	LIVE
87324350	5276237	UNITED PLATES OF AMERICA	TSDR	LIVE
87446549		SCT.U.S.A	TSDR	LIVE
87009362		GRAND OPPORTUNITY PARTY	TSDR	LIVE
87261362	5259848	UNITED WORKERS OF AMERICA	TSDR	LIVE
87261349	5259847	UNITED WORKERS OF AMERICA	TSDR	LIVE

87385768		UNITE THE STREETS IN AMERICA	TSDR	LIVE
87335448		5 EVERY PRIZE ONLY 5 A. 1 877 7AUCTION L12 THE UNITED ES AME \$5 ONLY FIVE DOLLARS A PRIZE ONLY FIVE DOLLARS A PRIZE EVERYONES FAVORITE FIVE DOLLAR BILL 877 7A BILL FINNIF EVERYONES FAVORITE \$5 BILL SERIES 2003 OORAH AUCTIONS HOME OF THE \$5 AUCTION FW A 48 5 FIVE LINCOLN DOLLARS 5	TSDR	LIVE
87299593		DYNAMICS SPC USA	TSDR	LIVE
87134548	5221556	AMERICORPS NCCC	TSDR	LIVE
87369604		UNITED TRUCKERS OF AMERICA	TSDR	LIVE
87277810		AMERICAN PUBLIC POWER ASSOCIATION POWERING STRONG COMMUNITIES	TSDR	LIVE
87210622	5213548	UNITING AMERICAS	TSDR	LIVE
87258487		CELEBRATE DIVERSIDTY IN AMERICA RACE COLOR RELIGION GENDER SEXUAL ORIENTATION LGBT+ CHALLENGED AGE HATE ELIMINATEHATEUSA.COM CONGRESS OF THE UNITED STATES	TSDR	LIVE
87251752		AMERICASA COMMUNITIES	TSDR	LIVE
87144461	5180444	ACCA AMERICAN COMMUNITY CONSUMER ALLIANCE	TSDR	LIVE
87128604	5156119	HIGH 5 FOR SICKLE CELL THE UNITED STATES OF AMERICA 5 RESERVE NOTE	TSDR	LIVE
87051972	5149723	UNITY FINANCIAL REPORTING	TSDR	LIVE
87077800	5140642	M UNITED PROPERTY MANAGEMENT	TSDR	LIVE
87077799	5140641	UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87077793	5140640	M UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87061375	5128008	BUILDING SUPPORTIVE COMMUNITIES	TSDR	LIVE
86913543	5370671	WEST ELM LOCAL CELEBRATING COMMUNITIES ACROSS AMERICA	TSDR	LIVE
86913549	5324614	WEST ELM LOCAL: CELEBRATING COMMUNITIESACROSS AMERICA	TSDR	LIVE
86935804		CAGE BOXING ORGANIZATION UNITED STATES OF AMERICA	TSDR	LIVE
86658173		UNITED SNACKS OF AMERICA	TSDR	LIVE
86959186		COMMUNITY COLLEGE FOR AMERICA AT SOUTHERN NEW HAMPSHIRE UNIVERSITY	TSDR	LIVE
86250243	4769967	AMK9U	TSDR	LIVE
86759668	5253588	US SPECIAL AGENT · DEPARTMENT OF THE NAVY · UNITED STATES OF AMERICA NAVAL CRIMINAL INVESTIGATIVE SERVICE	TSDR	LIVE
86878635		THE VISION WHERE IS YOUR VISION? DJ PROPERTY APPRAISALS IS DEDICATED TO PROVIDING THE COMMUNITY WITH QUALITY HOUSING THROUGH DEDICATION AND PERSEVERANCE ONE HOME AT A TIME	TSDR	LIVE
86070844	4638282	PETBUCKS UNITING AMERICAS' RESCUE MISSION	TSDR	LIVE
86960643	5112697	UNITED MAIDS OF AMERICA IN MAIDS WE TRUST	TSDR	LIVE
86311439	5144120	HOGS AND HEROES FOUNDATION SUPPORTING PUBLIC	TSDR	LIVE

		SAFETY & U.S. MILITARY AMERICA		
86273572	5100763	TYCO CARES SUPPORTING SAFER SMARTER COMMUNITIES	TSDR	LIVE
86725517	5001659	AMERICAN MANUFACTURING HALL OF FAME HOUSATONIC COMMUNITY COLLEGE FOUNDATION	TSDR	LIVE
86622046	5018752	HAPPIEST COMMUNITY IN AMERICA	TSDR	LIVE
86948778	5072683	AMERICAN AFFORDABLE COMMUNITIES	TSDR	LIVE
86836946	5044197	UNITING AMERICA ONE LINK AT A TIME UNION DOG	TSDR	LIVE
86695197	5020440	UNITED PROPERTY MANAGEMENT	TSDR	LIVE
86842248	5016793	PARTY UNIT	TSDR	LIVE
86326438	5013423	CROPLIFE USA	TSDR	LIVE
86545203	5008870	AMOPPORTUNITIES	TSDR	LIVE
86952254		MAKING AMERICA GREAT AGAIN, ONE COMMUNITY AT A TIME	TSDR	LIVE
86480710	4976005	USA 2 GO	TSDR	LIVE
86330532	4978637	UNITED SHADES OF AMERICA	TSDR	LIVE
86529725	4957041	ULA AMERICA'S RIDE TO SPACE	TSDR	LIVE
86747530	4950833	CSB COMMUNITY SUPPORTED BIOCYCLING	TSDR	LIVE
86679010	4953069	DELIVERING OPPORTUNITIES TO STUDENTS ACROSS AMERICA	TSDR	LIVE
86758534	4941350	NAVC THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86739432	4940946	NAVC EXPEDITIONS THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86737744	4940938	NAVC INSTITUTE THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86737679	4940937	NAVC CONFERENCE THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
86621601	4925646	BENGALI AMERICAN HINDU SOCIETY UNITED STATES OF AMERICA (USA)	TSDR	LIVE
86250102	4923351	ROCK VOICES AMERICA'S COMMUNITY ROCK CHORUS	TSDR	LIVE
86337128	4883895	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA THE ULTIMATE LEADERSHIP EXPERIENCE	TSDR	LIVE
86544501	4849857	THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
86580979	4850569	PURE PRODUCTS USA	TSDR	LIVE
86977264	4848077	TYCO CARES SUPPORTING SAFER SMARTER COMMUNITIES	TSDR	LIVE
86555822	4831505	AMERICAN UNITED	TSDR	LIVE
86355267	4825056	USA FLEET SOLUTIONS	TSDR	LIVE
86328336	4828207	LIONS KIDSIGHT USA	TSDR	LIVE
86426730		TOOLS USA	TSDR	LIVE
86428605	4793489	AMA U.S. ISDE TEAM USA	TSDR	LIVE
86428598	4793488	AMA U.S. MOTOCROSS TEAM USA	TSDR	LIVE
86362904	4765955	BUILDING AMERICA ONE COMMUNITY AT A TIME	TSDR	LIVE
86286286	4765792	UNITED STUFF OF AMERICA	TSDR	LIVE
86439737	4759735	BAR-B-QSA ...BARBEQUE'S UNITED "TASTES" OF AMERICA!	TSDR	LIVE
86110227	4761059	ICBA COMPLIANCE TOOLBOX	TSDR	LIVE

86147469	4756856	LAKEPOINT SPORTING COMMUNITY	TSDR	LIVE
86371923	4753561	INDOOR TRIATHLON USA	TSDR	LIVE
86321073	4753267	ABTA COMMYOUNITY A NATIONWIDE VOLUNTEER NETWORK	TSDR	LIVE
86318180	4750887	ICBA COMMUNITY BANKING LIVE	TSDR	LIVE
86380991	4746824	THE TOWN OF HP HIGHLAND PARK TEXAS AN AMERICAN COMMUNITY MAKING A DIFFERENCE	TSDR	LIVE
86321061	4733230	ABTA COMMYOUNITY	TSDR	LIVE
86350462	4726680	PATH2USA	TSDR	LIVE
86370646	4712428	BETTER TOMORROWS SUPPORTING LIVES EMPOWERING COMMUNITIES	TSDR	LIVE
86363093	4708113	GLAM21USA	TSDR	LIVE
86311215	4707123	TYRANNY RESPONSE UNIT UNITED STATES OF AMERICA DON'T TREAD ON ME EST. 1776	TSDR	LIVE
86194994	4706678	ABMA AMERICAN BREATHMOBILE ASSOCIATION DEDICATED TO ASTHMA & ALLERGY COMMUNITY CARE & EDUCATION	TSDR	LIVE
86210733	4702537	KACF	TSDR	LIVE
86307419	4698818	UNITED INTELLECTUAL PROPERTY.COM - THE ENGINE IN IDEAS!	TSDR	LIVE
86287979	4698730	UNITED STATES OF AMERICA TRADITIONAL KODOKAN JUDO	TSDR	LIVE
86187590	4698345	ICBA PREFERRED SERVICE PROVIDER	TSDR	LIVE
86273389	4670435	AMERICAN UNITED TAXICAB	TSDR	LIVE
86210692	4668953	KOREAN AMERICAN COMMUNITY FOUNDATION	TSDR	LIVE
86133942	4657893	TURKISH AMERICAN CHAMBER OF COMMERCE OF THE SOUTHEAST UNITED STATES	TSDR	LIVE
86207732	4624135	ENLIGHTEN US ASSOCIATION THE UNITED STATES OF AMERICA	TSDR	LIVE
86147464	4608709	LAKEPOINT SPORTING COMMUNITY	TSDR	LIVE
86165197	4600529	THE MISSION CONTINUES REPORTING FOR DUTY IN YOUR COMMUNITY	TSDR	LIVE
86177983	4596741	AMERICA'S CHARITIES COMMUNITY FIRST GREATER WASHINGTON DC	TSDR	LIVE
86004259	4598609	UNITED SOLDIERS AND SAILORS OF AMERICA	TSDR	LIVE
86143482	4568337	USCIPI	TSDR	LIVE
86092520	4555201	ICBA STRATEGIC TECHNOLOGY SOLUTIONS	TSDR	LIVE
86091378	4555168	ICBA COMPLIANCE AND RISK MANAGEMENT	TSDR	LIVE
86044760	4521158	U.S.A. RTC	TSDR	LIVE
86026418	4513813	FIRST UNITED AMERICAN PART D PRESCRIPTION DRUG PLANS (PDP)	TSDR	LIVE
86024242	4509975	UNITED AMERICAN PART D PRESCRIPTION DRUG PLANS (PDP)	TSDR	LIVE
85282206	4070048	FCN/HEALTH MINISTRIES DOCUMENTATION ANDREPORTING SYSTEM	TSDR	LIVE
85353021	4090985	UNITED PROPERTIES	TSDR	LIVE
85558330	4225246	THE BEST PEOPLE THE BEST COMMUNITIES THE BEST PROPERTY MANAGEMENT	TSDR	LIVE
85008521	4100862	LIFEBANKUSA	TSDR	LIVE

85556437	4217762	EANGUS "WE CARE FOR AMERICA" FOUNDATION, INC.	TSDR	LIVE
85353008	4090982	UNITED PROPERTIES	TSDR	LIVE
85350914	4224105	NATIONAL NETWORK FOR ARAB AMERICAN COMMUNITIES	TSDR	LIVE
85866259	4527974	UNITED INDEPENDENT PARTY	TSDR	LIVE
85193066	4062467	NATIONAL DISASTER MEDICAL SYSTEM UNITEDSTATES OF AMERICA	TSDR	LIVE
85124643	4054933	LEARNING SHOP USA	TSDR	LIVE
85975403	4027157	COMMUNITY CENTERED PROPERTIES	TSDR	LIVE
85405719	4145780	ACM COMMUNITY MANAGEMENT	TSDR	LIVE
85075434	4210563	COMMUNITY CENTERED PROPERTIES	TSDR	LIVE
85459362	4339480	US LAWSHIELD	TSDR	LIVE
85100766	4077776	USAFISH	TSDR	LIVE
85355502	4120997	HOME PROPERTIES QUALITY APARTMENT COMMUNITIES	TSDR	LIVE
85564175	5202482	SURVIVAL SYSTEMS USA ENHANCING & PRESERVING LIVES	TSDR	LIVE
85092538	3934484	APPA COMMUNITY JUSTICE & SAFETY FOR ALL	TSDR	LIVE
85315190	4067252	CLIENT PEOPLE FAMILY FRIENDS CLIENTS COLLEAGUES ADVISORS MENTORS SCHOOLMATES CLERGY ACTIVITIES PROFESSIONAL COMMUNITY CHARITY HOBBIES LEISURE TRAVEL POLITICAL SPIRITUAL IDEAS VALUES GOALS CONCERNS LEGACY CHALLENGES FEARS RISKS OPPORTUNITIES THINGS BUSINESS ACCOUNTS REAL PROPERTY COLLECTIBLES CARS JEWELRY ART BOATS	TSDR	LIVE
85853426	4509260	SAFE COMMUNITIES AMERICA NATIONAL SAFETY COUNCIL	TSDR	LIVE
85854064	4442753	NAVCA THE NORTH AMERICAN VETERINARY COMMUNITY	TSDR	LIVE
85103275	4116349	LATINOS UNIDOS DE AMERICA	TSDR	LIVE
85657639	4275784	UPS UPS MY CHOICE	TSDR	LIVE
85263870	4100380	C.O.D. DIRECT	TSDR	LIVE
85062115	3969262	SUPPORTING GREAT ORGANIZATIONS TO ENHANCE COMMUNITY, OPPORTUNITY AND WELL-BEING	TSDR	LIVE
85103157	3943830	PRESTIGE MAINTENANCE USA	TSDR	LIVE
85224426	4948770	USA SHAOLIN TEMPLE MORE CHI ! TRAIN HARDER!	TSDR	LIVE
85765819	4891108	USDIRECT	TSDR	LIVE
85102252	3915328	THE ANGLICAN CHURCH IN THE UNITED STATES OF AMERICA, INC.	TSDR	LIVE
85435152	4361932	BEAL BANK USA	TSDR	LIVE
85497399	4795475	COMMUNITY OF MIDDLE CLASS AMERICANS	TSDR	LIVE
85767257	4724197	AMERICAN COMMUNITIES	TSDR	LIVE
85497365	4724082	COMMUNITY OF MIDDLE CLASS AMERICANS	TSDR	LIVE
85881677	4552818	P POHLMANUSA	TSDR	LIVE
85521064	4244768	THE BEST SMALL BUSINESS OPPORTUNITY IN AMERICA	TSDR	LIVE
85125852	4080971	CPUAA CONTRACT POSTAL UNIT ASSOCIATION OF AMERICA	TSDR	LIVE
85445927	4252682	UNITED TRANSPORTATION SECURITY PROFESSIONALS OF AMERICA	TSDR	LIVE
85942484	4673746	UNITED TRANSPORTATION SECURITY PROFESSIONALS OF AMERICA UTSPA	TSDR	LIVE

85329312	4107980	STUDENTS UNITED WITH AMERICA'S TOOTHPAIRY	TSDR	LIVE
85941799	4627106	COMMUNITY ASSOCIATION LAW REPORTER	TSDR	LIVE
85857869	4612098	OAH CAREER COACH CREATING OPPORTUNITIESFOR ADVANCING OUR COMMUNITY OF HISTORIANS	TSDR	LIVE
85931677	4570819	UAW	TSDR	LIVE
85910433	4573377	AMERICAN DA TANG GROUP	TSDR	LIVE
85980227	4430115	USA GOLF	TSDR	LIVE
85970622	4484474	UNITED AMERICA	TSDR	LIVE
85944038	4469841	UNITEDAMERICANS - EVERY ONE COUNTS	TSDR	LIVE
85922400	4454381	USP GLOBAL EXPERTISE TRUSTED STANDARDS IMPROVED HEALTH	TSDR	LIVE
85920082	4454252	USA GOLF HOME.COM	TSDR	LIVE
85860119	4410925	OAH CAREER COACH CREATING OPPORTUNITIES FOR ADVANCING OUR COMMUNITY OF HISTORIANS	TSDR	LIVE
85855971	4500590	ASM GAP GRADUATE AND POSTDOCTORAL OPPORTUNITIES	TSDR	LIVE
85848627	4373938	YOUNG AMERICANS UNITED	TSDR	LIVE
85835612	4406240	AMERICAN GOLD SHIELD KEEPING OUR COMMUNITIES SAFE & SOUND	TSDR	LIVE
85765720	4357853	AIRPLANESUSA	TSDR	LIVE
85742495	4402653	ECO-FRIENDLY COMMUNITY COLONIAL PROPERTIES TRUST	TSDR	LIVE
85735886	4346101	US VERSUS THEM	TSDR	LIVE
85735885	4346100	US VERSUS THEM	TSDR	LIVE
85735884	4346099	US VERSUS THEM	TSDR	LIVE
85726434	4319192	EXPERT AMPS USA	TSDR	LIVE
85713001	4427653	PUNJABI RADIO USA ON THE AIR UNITING PUNJABI'S ALL OVER	TSDR	LIVE
85697904	4413241	ICBA	TSDR	LIVE
85697799	4491913	BLACK CHURCH FEST CELEBRATING THE HEART OF THE AFRICAN AMERICAN COMMUNITY	TSDR	LIVE
85690919	4337685	CONSULTUSA	TSDR	LIVE
85684599	4438395	PEACEFLOW YOGA SUPPORTING A PEACEFUL COMMUNITY BOULDER, CO	TSDR	LIVE
85681250	4301101	AMERICANS UNITED FOR LIFE	TSDR	LIVE
85678288	4312269	SUPREME EMBLEM CLUB OF THE UNITED STATES OF AMERICA JUSTICE TRUTH CHARITY	TSDR	LIVE
85678020	4298105	THE UNITED SAINTS OF AMERICA	TSDR	LIVE
85646472	4460889	THE GIS OF COMEDY DEPARTMENT OF FUNNY UNITED STATES OF AMERICA	TSDR	LIVE
85643650	4291589	UNITED SCRUBS OF AMERICA	TSDR	LIVE
85642338	4411875	U.S. PLUS WARRANTY	TSDR	LIVE
85636617	4416823	US GOLD BUYERS	TSDR	LIVE
85631508	4330761	USA WINE IMPORTS	TSDR	LIVE
85619182	4288277	COMMUNITY WALK TO STOP DIABETES AMERICAN DIABETES ASSOCIATION	TSDR	LIVE

85615894	4274756	Q GREAT AMERICAN OPPORTUNITIES STRENGTHENED BY THE RICH HERITAGE OF QSP	TSDR	LIVE
85587475	4249699	UNITED WOMEN OF AMERICA U.W.A	TSDR	LIVE
85572639	4311881	H	TSDR	LIVE
85566832	4300328	SISTERS IN THE BROTHERHOOD UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA LABOR OMNIA VINCIT	TSDR	LIVE
85539810	4240985	APA AICP THE AMERICAN PLANNING ASSOCIATION'S PROFESSIONAL INSTITUTE AMERICAN INSTITUTE OF CERTIFIED PLANNERS MAKING GREAT COMMUNITIES HAPPEN	TSDR	LIVE
85432182	4306099	EARCARE USA	TSDR	LIVE
85426370	4163788	UNITED WOMEN OF AMERICA	TSDR	LIVE
85420952	4266619	UGANDAN NORTH AMERICAN ASSOCIATION UNAA UNITED WE STAND	TSDR	LIVE
85400791	4490122	UNAA UGANDAN NORTH AMERICAN ASSOCIATION UNITED WE STAND	TSDR	LIVE
85386132	4232352	UNITED COOPERATIVES ALLIANCE OF THE AMERICAS	TSDR	LIVE
85385898	4232351	UCAA	TSDR	LIVE
85384438	4088076	BEACONUNITED NATIONAL REACH. LOCAL EXPERTISE.	TSDR	LIVE
85367619	4111545	UNITED CHEFS OF AMERICA	TSDR	LIVE
85360722	4242937	LAKEPOINT SPORTING COMMUNITY & TOWN CENTER	TSDR	LIVE
85346743	4104932	USCCC	TSDR	LIVE
85343703	4162569	ZHEJIANG CHAMBER OF COMMERCE OF AMERICA	TSDR	LIVE
85339777	4216355	NURSING QUALITY NETWORK AN ANA LEARNINGCOMMUNITY	TSDR	LIVE
85335541	4234799	AANSCONNECT NEUROSURGERY COMMUNITY	TSDR	LIVE
85277419	4124383	AMERICA'S TOY-FRIENDLY COMMUNITY	TSDR	LIVE
85271733	4044612	PROPERTIES THE EVERYTHING REAL ESTATE PUBLICATION WWW.PROPERTIESNJ.NET HOMES · ESTATES · ADULT COMMUNITIES · CONDOMINIUMS/TOWNHOMES RENTALS · COMMERCIAL · WATERFRONT PROPERTIES · FINANCIAL INSTITUTIONS/SERVICES	TSDR	LIVE
85218233	4191434	UNITED STATS OF AMERICA	TSDR	LIVE
85182456	4011513	REUNITE AMERICA	TSDR	LIVE
85155660	4202905	AMERICAN EXPRESS COMMUNITY STADIUM	TSDR	LIVE
85124672	4126269	ASIAUSA	TSDR	LIVE
85062992	4046343	COVERCROPS USA	TSDR	LIVE
85061968	4305599	MAHAYANA EASTERN STATES BUDDHIST TEMPLEOF AMERICA, INC.	TSDR	LIVE
85061205	3982632	CITIZENS UNITED FOR CHANGE AMERICANS INSPIRING AMERICANS	TSDR	LIVE
85038923	4319484	WOWBALLS USA	TSDR	LIVE
79207875		UNITED TASTES OF HAMERICA'S	TSDR	LIVE
78667249	3291743	USP DEVELOPMENT	TSDR	LIVE
78971584	3268349	MID-AMERICA APARTMENT COMMUNITIES	TSDR	LIVE
78910494	3357926	MAZDAUSA	TSDR	LIVE

78636527	3228740	AMERIGROUP COMMUNITY CARE	TSDR	LIVE
78893584	3229549	ICBA REINSURANCE	TSDR	LIVE
78873962	3211326	LULAC	TSDR	LIVE
78873950	3211325	LULAC	TSDR	LIVE
78971014	3924203	RRCA: RUNNER FRIENDLY COMMUNITY	TSDR	LIVE
78711605	3215000	USALEARNING ADVANCING AMERICA'S WORKFORCE	TSDR	LIVE
78709766	3238487	USALEARNING	TSDR	LIVE
78873526	3213141	LEAGUE OF UNITED LATIN AMERICAN CITIZENS	TSDR	LIVE
78795449	3241621	AMERICAN ASSOCIATION OF COMMUNITY COLLEGES	TSDR	LIVE
78596406	3096981	MARKET OPPORTUNITY REPORTER	TSDR	LIVE
78834800	3401816	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
78834676	3401815	AMERICANS UNITED	TSDR	LIVE
78923486	3305023	AMERICAN COMMUNITY MUTUAL INSURANCE COMPANY	TSDR	LIVE
78216967	3155978	AT&T ONE RATE USA	TSDR	LIVE
78422400	3027183	USA NATIONAL KARATE-DO FEDERATION	TSDR	LIVE
78325692	3017303	USCBC THE US-CHINA BUSINESS COUNCIL	TSDR	LIVE
78410608	3071976	AMERICAN HOMETOWN PUBLISHING HONORING COMMUNITY JOURNALISM	TSDR	LIVE
78468889	3080728	UAATWORK	TSDR	LIVE
78083539	2585517	PREMIER-PIPE USA	TSDR	LIVE
78312344	3053072	U.S. BRIDGE BRIDGING AMERICA SINCE 1936	TSDR	LIVE
78222744	2960864	BOATNATION USA	TSDR	LIVE
78230776	2947677	TIMESHARE RESALES U.S.A.	TSDR	LIVE
78100516	2656690	USA HOMES GROUP INC. LET US HELP YOU ACHIEVE THE AMERICAN DREAM.	TSDR	LIVE
78276267	2916161	USA-ASSIST WORLDWIDE PROTECTION	TSDR	LIVE
78254937	2901623	PIT STOP USA.COM	TSDR	LIVE
78232898	2954693	UNITED AMERICAN MORTGAGE	TSDR	LIVE
78430877	3529015	WELLSVILLE USA - JOIN THE WELLSVILLE GANG AND GET MOOVIN' AND GROOVIN' TO A HEALTHIER LIFE	TSDR	LIVE
78351039	4290570	THE MAIN STREET OF AMERICA U.S. HIGHWAY 66 LOS ANGELES CHICAGO	TSDR	LIVE
78285114	2871751	U.S. PROPERTIES GROUP	TSDR	LIVE
78197399	2791371	CMC PROPERTIES	TSDR	LIVE
78197388	2784414	CMC PROPERTIES	TSDR	LIVE
78152859	2831837	U.S. PROPERTIES GROUP	TSDR	LIVE
78076043	2591732	KYOWA USA	TSDR	LIVE
77702438	3994369	CREATING COMMUNITIES IN OUR PROPERTIES	TSDR	LIVE
77890579	3821580	SAFER USA	TSDR	LIVE
77955621	3946843	FIRST UNITED AMERICAN LIFE INSURANCE COMPANY	TSDR	LIVE
77910054	3831753	BIRTHING PROJECT USA THE UNDERGROUND RAILROAD FOR NEW LIFE	TSDR	LIVE

77844528	3938678	MURPHY USA	TSDR	LIVE
77806515	3891012	THE UNITED SPUDS OF AMERICA	TSDR	LIVE
77890149	3855206	THRIFT STORE USA	TSDR	LIVE
77653730	3880581	UNITED DENTAL IMPLANT INSTITUTE OF AMERICA	TSDR	LIVE
77922063	3906641	FIRST UA MEDICARE PART D	TSDR	LIVE
77922056	3899020	UA MEDICARE GROUP PART D	TSDR	LIVE
77908955	3858533	USA OILFIELD	TSDR	LIVE
77810727	3839126	THE UNITED SNACKS OF AMERICA	TSDR	LIVE
77813704	3839137	THE UNITED SWEETS OF AMERICA	TSDR	LIVE
77806509	3839112	THE UNITED STORES OF AMERICA	TSDR	LIVE
77975474	3631370	AU AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
77730346	3712046	CADCA	TSDR	LIVE
77730276	3712045	COMMUNITY ANTI-DRUG COALITIONS OF AMERICA	TSDR	LIVE
77721187	3705272	CADCA	TSDR	LIVE
77751301	3820414	LADIES OF CHARITY OF THE UNITED STATES OF AMERICA	TSDR	LIVE
77721244	3711905	CADCA TV	TSDR	LIVE
77869233	3817203	UNITED STATES OF AMERICANA	TSDR	LIVE
77592471	3630536	COMMUNITYAMERICAN	TSDR	LIVE
77617003	3766002	"PROPPORTUNITIES"	TSDR	LIVE
77875011	4437846	USA SPORTS	TSDR	LIVE
77863620	4067818	AMERICA'S SWIM TEAM USA SWIMMING	TSDR	LIVE
77140868	3368051	UNITED MARTIAL ARTS SELF DEFENSE ACADEMY AMERICAN MARTIAL SCIENCE	TSDR	LIVE
77059242	3342725	THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA	TSDR	LIVE
77141581	3355440	ACUSA	TSDR	LIVE
77106372	3474605	AMERICAS UNITED BANK AUB SU BANCO COMERCIAL. THE BUSINESS BANK.	TSDR	LIVE
77246281	3405149	NATIONAL ENDOWMENT FOR THE ARTS PRESENTS SHAKESPEARE IN AMERICAN COMMUNITIES	TSDR	LIVE
77262890	3880250	APA AMERICAN PLANNING ASSOCIATION MAKING GREAT COMMUNITIES HAPPEN	TSDR	LIVE
77269229	3818820	AU AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	TSDR	LIVE
77269199	3811317	AU AMERICANS UNITED	TSDR	LIVE
77441468	3756509	BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
77288848	3401661	DOGTOWN USA	TSDR	LIVE
77279997	3671461	INK & TONER USA SAVE BIG BUCKS	TSDR	LIVE
77431125	3614818	U S RAIL AMERICA'S RAIL SERVICE	TSDR	LIVE
77437540	3624316	OPPORTUNITY IN AMERICA	TSDR	LIVE
77462313	3645749	VETERANS OF THE UNITED STATES OF AMERICA "VETERANS OF ALL WARS SHALL NEVER BE FORGOTTEN"	TSDR	LIVE

77385055	3504396	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77385005	3504393	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77384994	3501310	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77384982	3504389	DEPARTMENT OF COMMERCE UNITED STATES OF AMERICA INTERNATIONAL TRADE ADMINISTRATION	TSDR	LIVE
77414671	3750339	UNITED BY EXCEPTIONAL SERVICE ARS RESCUE ROOTER NETWORK	TSDR	LIVE
77372265	3589919	U.S. ARMY ALL-AMERICAN BOWL	TSDR	LIVE
77378284	3488425	PURELY USA	TSDR	LIVE
77221531	3475032	HOMETOWN AMERICA C O M M U N I T I E S	TSDR	LIVE
77221511	3475031	HOMETOWN AMERICA C O M M U N I T I E S	TSDR	LIVE
77495171	4110562	UPS UNITED PROPERTIES SOUTHWEST	TSDR	LIVE
77471277	3970929	SUPPORTING LOCAL COMMUNITIES	TSDR	LIVE
77303001	3493743	UAE	TSDR	LIVE
77259321	3425992	UAE UNITED AMERICAN ENERGY	TSDR	LIVE
77258030	3523259	YES! OF AMERICA UNITED	TSDR	LIVE
77018985	3322361	USPAACC	TSDR	LIVE
76473672	2842426	UMBRELLA GIRLS USA	TSDR	LIVE
76366683	2818041	UNIENDOAMERICA	TSDR	LIVE
76491066	2857451	CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA	TSDR	LIVE
76670587	3337773	BUDDHIST ASSOCIATION OF THE UNITED STATES	TSDR	LIVE
76705592	4004188	KLOKKERHOLM USA	TSDR	LIVE
76150351	2681691	AMERICAN COMMUNITY TRUST	TSDR	LIVE
76081752	2623087	USA WOODS INTERNATIONAL	TSDR	LIVE
76336218	2628159	USA BASEBALL	TSDR	LIVE
76336217	2628158	USA BASEBALL	TSDR	LIVE
76208542	3061439	EXPLORE USA	TSDR	LIVE
76531925	2977540	FCCLA THE ULTIMATE LEADERSHIP EXPERIENCE	TSDR	LIVE
76477189	2890806	SAAMI	TSDR	LIVE
76477187	2810113	SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE	TSDR	LIVE
76693109	3614267	UAL	TSDR	LIVE
76350166	2889632	T-MOBILE USA	TSDR	LIVE
76504948	3036229	MADE IN USA TFI	TSDR	LIVE
76381437	2932266	DELI TOWNE U.S.A.	TSDR	LIVE
76290835	2651537	USA BOBSLED	TSDR	LIVE
76498599	2924496	AMERICAN CAMPUS COMMUNITIES	TSDR	LIVE
76381358	2752061	USA DISCOUNTERS	TSDR	LIVE
76663581	3305184	CONCERTS FOR KIDS SUPPORTING THE CHILDREN OF OUR COMMUNITY	TSDR	LIVE

76693471	3600795	USA FED 180° FROM BANKING	TSDR	LIVE
76693278	3600794	USA FED	TSDR	LIVE
76692034	3600768	USA FED 180° FROM BANKING	TSDR	LIVE
76692033	3604819	USA FED	TSDR	LIVE
76419983	2768924	AMERICA IN BLOOM PLANTING PRIDE IN OUR COMMUNITIES!	TSDR	LIVE
76418494	2755540	ATM USA	TSDR	LIVE
76400004	2777413	AWRA COMMUNITY, CONVERSATION, CONNECTIONS AMERICAN WATER RESOURCES ASSOCIATION	TSDR	LIVE
76396540	2755411	USA APPLES	TSDR	LIVE
76334200	2680310	USA PHILADELPHIA BOYS CHOIR & CHORALE	TSDR	LIVE
76303758	2778337	USA CUP	TSDR	LIVE
76287122	2655009	CCUSA	TSDR	LIVE
76275532	2722264	ENERBANK USA	TSDR	LIVE
76229161	2641985	PLACEMENT USA "COMMITTED TO YOU AND YOUR CONTINUED SUCCESS."	TSDR	LIVE
76105654	2708368	HEARTLAND FINANCIAL USA, INC.	TSDR	LIVE
76657170	3496324	GA GREAT AMERICAN OPPORTUNITIES	TSDR	LIVE
76303995	2848109	USA CUP	TSDR	LIVE
76551269	2869074	AUL	TSDR	LIVE
76710689	4231765	THE SUPREME COUNCIL OF THE HOUSE OF JACOB OF THE UNITED STATES OF AMERICA	TSDR	LIVE
76683659	3985925	U.S. PROPERTY FAX DON'T BUY A HOUSE WITHOUT ONE	TSDR	LIVE
76524336	2903786	SUPPORTING IDEAS. SHARING SOLUTIONS. EXPANDING OPPORTUNITIES	TSDR	LIVE
76523465	2844551	COMMUNITYAMERICA	TSDR	LIVE
76523464	2866315	COMMUNITY AMERICA CREDIT UNION	TSDR	LIVE
76490241	4215565	USA CONVENIENCE CENTERS	TSDR	LIVE
76470792	2785984	JOB 1 USA WE WILL	TSDR	LIVE
76465596	2857362	JOB 1 USA	TSDR	LIVE
76444051	2833759	USA HOCKEY	TSDR	LIVE
76399358	2731617	YA'LLA TOURS USA	TSDR	LIVE
76374636	2692722	AMERICA'S COMMUNITY BANKERS	TSDR	LIVE
76303879	2723333	COACH USA	TSDR	LIVE
76273034	2745997	AUTO U.S.A.	TSDR	LIVE
76267184	2607293	USA AIRMOBILE	TSDR	LIVE
76247193	2648619	PAINT PLATOON U.S.A.	TSDR	LIVE
76202747	2602638	HELLO USA	TSDR	LIVE
76189219	2515043	PUMPOUT U.S.A.	TSDR	LIVE
76071249	2492310	U.S. COMMERCIAL SERVICE UNITED STATES OF AMERICA DEPARTMENT OF COMMERCE	TSDR	LIVE
75748746	2448370	UNIENDO AMERICA	TSDR	LIVE
75734896	2357422	AMERICAN COMMUNITY BANK	TSDR	LIVE
75565626	2466143	HARLEM USA	TSDR	LIVE

75866924	2545867	FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75866922	2461208	FCCLA	TSDR	LIVE
75866921	2545866	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75866920	2545865	FCCLA FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA	TSDR	LIVE
75561113	2301108	PONDS USA AND WATER GARDENS	TSDR	LIVE
75622442	2326001	AUTOQUAL USA	TSDR	LIVE
75622441	2331849	AUTOQUAL USA	TSDR	LIVE
75866923	2461209	FCCLA	TSDR	LIVE
75590391	2526435	USALLIANCE FEDERAL CREDIT UNION	TSDR	LIVE
75927612	2541442	CHARLOTTE USA	TSDR	LIVE
75833546	2553480	ICBA INDEPENDENT COMMUNITY BANKERS OF AMERICA	TSDR	LIVE
75589249	2360906	FARM SHOWS U S A	TSDR	LIVE
75898161	2497767	ITUSA	TSDR	LIVE
75854672	2395921	ELKS USA	TSDR	LIVE
75776466	2476487	ICBA	TSDR	LIVE
75741972	2362078	AMERICAN SENIOR COMMUNITIES BRINGING HOME & HEALTH TOGETHER	TSDR	LIVE
75696757	2338419	BISHOP PIPEFREEZING U.S.A.	TSDR	LIVE
75694836	2434366	1STFINANCIALBANK USA	TSDR	LIVE
75586026	2346725	AFSCME CORRECTIONS UNITED	TSDR	LIVE
75540331	2337580	HOMETOWN AMERICA COMMUNITIES	TSDR	LIVE
75507629	2325450	NATIONAL ITALIAN AMERICAN BAR ASSOCIATION REPRESENTING THE ITALIAN AMERICAN LEGAL COMMUNITY	TSDR	LIVE
75079793	2158065	UNITED AMERICAN INSURANCE COMPANY	TSDR	LIVE
75153561	2147134	INFOUSA	TSDR	LIVE
75450008	2530137	UNIENDO AMERICA A AMERICATEL	TSDR	LIVE
75169406	2081719	GO USA	TSDR	LIVE
75059709	2108282	UNITED STATES COURT REPORTERS ASSOCIATION	TSDR	LIVE
75139390	2057555	JAMAICA USA	TSDR	LIVE
75184917	2191791	REUNITING AMERICA TWO PEOPLE AT A TIME	TSDR	LIVE
75153560	2267512	INFOUSA	TSDR	LIVE
75243803	2187263	CHEFWEARUSA	TSDR	LIVE
75488189	2543231	UNITED PHYSICIANS OF AMERICA	TSDR	LIVE
75398508	2344158	AMERICA'S BEST HOME BUSINESS OPPORTUNITY	TSDR	LIVE
75313322	2190678	USA RUGBY	TSDR	LIVE
75273421	2169330	COMMUNITY AMERICA CREDIT UNION	TSDR	LIVE
75174638	2070049	TED NUGENT UNITED SPORTSMEN OF AMERICA	TSDR	LIVE
75149619	2406538	TANKSTAR USA, INC.	TSDR	LIVE
75058285	2243021	STEAMUSA	TSDR	LIVE
74437771	2053033	UNITED STATES OF AMERICA CHINA CHAMBER OF COMMERCE	TSDR	LIVE

74728199	1995593	THE PRESIDENTS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
74709732	2001107	UAW	TSDR	LIVE
74704176	1982597	F FOREMOST FARMS USA	TSDR	LIVE
74470073	1864100	NATIONAL INVENTORS DAY FEBRUARY 11 1776-1976 AMERICA'S BICENTENNIAL NATIONAL INVENTORS HALL OF FAME UNITED STATES CONSTITUTION ARTICLE 1, SECTION 8, CLAUSE 8: "CONGRESS SHALL HAVE POWER...TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHTS TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."	TSDR	LIVE
74460954	1864089	"THE PATENT SYSTEM ADDED THE FUEL OF INTEREST TO THE FIRE OF GENIUS" A. LINCOLN EDISON FEBRUARY 11, 1847 LINCOLN FEBRUARY 12, 1809 NATIONAL INVENTORS DAY FEBRUARY 11 NATIONAL INVENTORS HALL OF FAME 1776-1976 AMERICA'S BICENTENNIAL UNITED STATES CONSTITUTION ARTICLE 1, SECTION 8, CLAUSE 8: "CONGRESS SHALL HAVE POWER...TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHTS TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."	TSDR	LIVE
74492471	1893302	UNITED TO IMPROVE AMERICA'S HEALTH	TSDR	LIVE
74500501	1878958	UNITED SKATES OF AMERICA	TSDR	LIVE
74656295	1989727	COMMUNITY PARTICIPATING OPTION	TSDR	LIVE
74709183	2143632	INFLIGHT PRODUCTIONS USA	TSDR	LIVE
74615844	1966477	STAT-USA	TSDR	LIVE
74591090	1984800	AMERICA'S COMMUNITY BANKERS	TSDR	LIVE
74588592	2022852	THE FINANCIAL DREAM TEAM, U.S.A.	TSDR	LIVE
74580092	1927883	USA LUGE	TSDR	LIVE
74409272	1863903	USA UNITED STUDIOS OF AMERICA	TSDR	LIVE
74333117	2082681	UNITED AMERICAN HEALTH CARE CORPORATION	TSDR	LIVE
74137429	1731508	FRENCH-AMERICAN CHAMBER OF COMMERCE IN THE UNITED STATES, INC.	TSDR	LIVE
73169011	1129713	UAW UNITED AUTOMOBILE AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA	TSDR	LIVE
73632437	1454712	JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA	TSDR	LIVE
73770280	1556096	AMERICAN UNITED LIFE INSURANCE COMPANY	TSDR	LIVE
72002294	0653195	INTERVARSITY CHRISTIAN FELLOWSHIP/USA	TSDR	LIVE
89001641		THE NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA	TSDR	LIVE
89001505			TSDR	LIVE
89001504			TSDR	LIVE
89001503			TSDR	LIVE
89001491		UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA (UNCCD)	TSDR	LIVE
89000541		BUREAUX INTERNATIONAUX REUNIX POUR LA PROTECTION	TSDR	LIVE

		DE LA PROPRIETE INTELLECTUELLE		
89000440		MILITARY CHAPLAINS ASSOCIATION OF THE UNITED STATES OF AMERICA	TSDR	LIVE
89000161		UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY	TSDR	LIVE
89000041		UNITED STATES OF AMERICA DEPARTMENT OF ENERGY	TSDR	LIVE
87591820		GREAT AMERICA PARTY	TSDR	LIVE
87719274		AMERICAN NATIONAL PARTY	TSDR	LIVE
87569218		TRANSPORTING AMERICA	TSDR	LIVE
87548473		MANAGEAMERICA ONLINE PROPERTY MANAGEMENT SYSTEMS	TSDR	LIVE
87718935		THE FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87705082		MGM BRAKES WORLDWIDE AMERICAN OWNED· MADE IN THE U.S.A. OF DOMESTIC & IMPORTED PARTS	TSDR	LIVE
87601876		ASFMRA AMERICAN SOCIETY OF FARM MANAGERS & RURAL APPRAISERS THE MOST TRUSTED RURAL PROPERTY PROFESSIONALS	TSDR	LIVE
87700066		AMERICAN TEE PARTY	TSDR	LIVE
87699600		AMERICAN PARTY	TSDR	LIVE
87442998		THE AMERICAN WOMEN'S PARTY	TSDR	LIVE
87438105	5345982	AMERICAN LANDMARK PROPERTIES	TSDR	LIVE
87674733		EXPORTYRE LATIN AMERICA	TSDR	LIVE
87667992		FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87662794		AMERICA'S TRUMPLICAN PARTY	TSDR	LIVE
87640205		NRDR LCSR LUNG CANCER SCREENING REGISTRY AMERICAN COLLEGE OF RADIOLOGY PARTICIPANT	TSDR	LIVE
87636192		M.A.G. PARTY MAKE AMERICA GREAT PARTY	TSDR	LIVE
87270930	5245298	SHOW IT OFF @ INDIAN PROPERTY SHOW IN AMERICA !	TSDR	LIVE
87001406		EXPORTING THE AMERICAN DREAM	TSDR	LIVE
87234577		THE AMERICA FIRST PARTY	TSDR	LIVE
87112022	5224610	EIGHT EIGHT SIX FOUNDATION SUPPORTING 886 PUBLIC SAFETY & U.S. MILITARY AMERICA	TSDR	LIVE
87353262		RACIAL NATIONALIST PARTY OF AMERICA	TSDR	LIVE
87162631	5189861	REALIGNMENT PARTY OF AMERICA	TSDR	LIVE
87072703	5149957	AIPLA	TSDR	LIVE
87218225		THE AMERICAN JOURNAL OF HYPERTENSION	TSDR	LIVE
86462953		TRANSPORTING AMERICA'S FINEST "A VETERAN"	TSDR	LIVE
86816470	5273757	AFA PARTNERS IN CARE: SUPPORTING INDIVIDUALS LIVING WITH DEMENTIA	TSDR	LIVE
86239503	4640499	WOMEN'S PARTY OF AMERICA	TSDR	LIVE
86325129	4757785	AMERICAN BEVERAGE IMPORTERS	TSDR	LIVE
86878784	5257100	NAIP	TSDR	LIVE
86536050	5116178	AMERICAN PROPERTY INVESTORS ASSOCIATION	TSDR	LIVE

86352893		AMERICAN PORTER	TSDR	LIVE
86287594	4706997	FLOR DE MAYO	TSDR	LIVE
86311439	5144120	HOGS AND HEROES FOUNDATION SUPPORTING PUBLIC SAFETY & U.S. MILITARY AMERICA	TSDR	LIVE
86560995	4915587	AMERICA'S LARGEST PAINT PARTY	TSDR	LIVE
86930985	5085526	AAERT AMERICAN ASSOCIATION OF ELECTRONIC REPORTERS AND TRANSCRIBERS	TSDR	LIVE
86405537	4819584	ATPR AMERICAN TAX AND PROPERTY REPORTING	TSDR	LIVE
86661225	5020264	CPA	TSDR	LIVE
86709925	5034563	CLLA COMMERCIAL LAW LEAGUE OF AMERICA EXPERTISE · INSIGHT · RESULTS	TSDR	LIVE
86484598	4984282	EL DEPORTIVO BY DIARIO LAS AMERICAS	TSDR	LIVE
86782559	4972537	AMERICAN HORIZON PROPERTY MANAGEMENT	TSDR	LIVE
86288084	4674712	GRANT-KOHR'S RANCH FOUNDATION GK SUPPORTING AMERICA'S RANCH	TSDR	LIVE
86467478	4816608	AMERICAN PROPERTY RESTORATION	TSDR	LIVE
86480066	4793865	RPAI	TSDR	LIVE
86480065	4785701	RPAI	TSDR	LIVE
86275780	4718073	SUPPORTING AMERICA'S BACKBONE	TSDR	LIVE
86136221	4694294	AMERICA'S BIGGEST BIRTHDAY PARTY	TSDR	LIVE
86313665	4687915	AMGA ACCREDITED BUSINESS EXPERTISE PROFESSIONALISM STEWARDSHIP	TSDR	LIVE
85182247	4075472	AMERICAN PROPERTY	TSDR	LIVE
85502378	4186724	AFSA PERSONAL PROPERTY PLAN	TSDR	LIVE
85580154	4241665	AMERICA SUPPORTING AMERICANS	TSDR	LIVE
85033917	3933033	SUPPORTING YOUNG AMERICAN SINGERS ABROAD	TSDR	LIVE
85530539	4213388	AMERICA'S FIT PARTY	TSDR	LIVE
85091705	3980645	RI WANG FOOD	TSDR	LIVE
85956963	4713158	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85038335	3913433	CPA LOGISTICS CENTER	TSDR	LIVE
85423199	4107098	CHRISTIAN PARTY OF AMERICA	TSDR	LIVE
85633939	4288370	RPAI	TSDR	LIVE
85633426	4288364	RPAI RETAIL PROPERTIES OF AMERICA, INC.	TSDR	LIVE
85633420	4288363	RPAI RETAIL PROPERTIES OF AMERICA, INC.	TSDR	LIVE
85956957	4893304	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85956956	4893303	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85956943	4893302	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE

85770648	4694009	AMERICAN REALTIME COURT REPORTERS & VIDEOGRAPHERS	TSDR	LIVE
85956951	4837193	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA #MAINSTFINANCIALS	TSDR	LIVE
85482524	4270819	PARTY AMERICA	TSDR	LIVE
85956976	4769257	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85956972	4769256	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85956958	4769255	FRF FOR SMES FINANCIAL REPORTING FRAMEWORK FOR SMALL- AND MEDIUM-SIZED ENTITIES AICPA AICPA.ORG/FRF-SMES	TSDR	LIVE
85830157	4612088	AMERICAN PROPERTY	TSDR	LIVE
85957636	4599745	AAA THIRD PARTY ADMINISTRATORS ASSOCIATION OF AMERICA	TSDR	LIVE
85957614	4553518	THIRD PARTY ADMINISTRATORS ASSOCIATION OF AMERICA	TSDR	LIVE
85944915	4561314	PEOPLE'S PARTY OF AMERICA	TSDR	LIVE
85890528	4480159	IPAIA	TSDR	LIVE
85773343	4379097	GUAM ROCKS WHERE AMERICA'S PARTY BEGINS	TSDR	LIVE
85769529	4354048	AMERICA TP20 PUROPARTY.NET	TSDR	LIVE
85632023	4393559	PORTICO BENEFIT SERVICES A MINISTRY OF THE ELCA	TSDR	LIVE
85460589	4354764	AMERICA'S #1 UN-PARTY SCHOOL	TSDR	LIVE
85389174	4128400	INDEPENDENT AMERICAN PARTY	TSDR	LIVE
85252442	4014168	3PL AMERICAS	TSDR	LIVE
85231000	4129613	AMERICAN BEAUTY PASTA PORTIONS BOIL-IN-BAG IN ONLY 3 MINUTES! CONTAINS 3 BAGS PENNE	TSDR	LIVE
85229855	4025571	PARTYCLUB OF AMERICA	TSDR	LIVE
85203754	4115980	AMERICAN BEAUTY PASTA PORTIONS	TSDR	LIVE
79064701	3976531	CLUB-MATE	TSDR	LIVE
78539641	3325902	AIPLA	TSDR	LIVE
78936466	3362468	AIPLA DIRECT	TSDR	LIVE
78936462	3365833	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION	TSDR	LIVE
78936451	3365832	AIPLA	TSDR	LIVE
78554571	3272834	ASA-USA	TSDR	LIVE
78510281	3103189	AMERICAN REVOLUTIONARY PARTY	TSDR	LIVE
78610651	3076742	AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
78681020	3345403	SECURE I.D. FROM ANPAC SECURE I.D. FROM ANPAC	TSDR	LIVE
78402591	3031534	AMPORT FOODS	TSDR	LIVE
78230170	2895330	AMERICA'S #1 PARTY STORE	TSDR	LIVE
78285114	2871751	U.S. PROPERTIES GROUP	TSDR	LIVE
77814576	3902290	AMERICAN PARTY	TSDR	LIVE
77850237	4148235	AMERI-TECH PROPERTY MANAGEMENT, INC. LIVING YOUR	TSDR	LIVE

		DREAM		
77969593	4261730	TODO CHOLO NEWS	TSDR	LIVE
77534916	3668538	AMERICAN SPORTING GOODS CORP.	TSDR	LIVE
77830308	3784224	THE MOST TRUSTED RURAL PROPERTY PROFESSIONALS ASFMRA AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS	TSDR	LIVE
77522418	3582890	PROPERTY WAREHOUSES OF AMERICA	TSDR	LIVE
77580177	3615612	MPA	TSDR	LIVE
77186941	3377695	AMERICAN TAX REPORTING ATR	TSDR	LIVE
77378015	3662484	THE NATIONAL POLICE GAZETTE THE LEADING ILLUSTRATED SPORTING JOURNAL IN AMERICA	TSDR	LIVE
77214964	3384880	PROPERTY ECONOMICS PROFESSIONALS ASFMRA AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS	TSDR	LIVE
77462038	3629038	AMERICAN CITIZEN PARTY	TSDR	LIVE
77316774	3609613	WEST'S AMERICAN TRIBAL LAW REPORTER	TSDR	LIVE
77044456	3346401	AMERICAN SPORTING TRADE	TSDR	LIVE
76532418	3184202	TRAVELSTAR FROM ANPAC	TSDR	LIVE
76695566	3681849	YUENGLING PORTER AMERICA'S OLDEST BREWERY SINCE 1829	TSDR	LIVE
76182007	2665414	AMERICAN BOARD OF CERTIFICATION DIGNITAS... PRODESSE PUBLICAE...SOLLERTIA	TSDR	LIVE
76479004	2859515	STERLING AMERICAN PROPERTY	TSDR	LIVE
76278341	2873126	AMERICAN UNIVERSITY OF BEIRUT 1866 UT VITAM HABEANT ABUNDANTIUS HABEANT	TSDR	LIVE
76659495	3371174	PROPERTY RIGHTS FOUNDATION OF AMERICA	TSDR	LIVE
75822638	2516320	ANPAC AMERICYCLE	TSDR	LIVE
75518749	2267234	SAFE HARBOR PROGRAM FROM ANPAC	TSDR	LIVE
75769848	2553359	GREAT AMERICAN PROPERTY & CASUALTY INSURANCE GROUP	TSDR	LIVE
75851028	2655340	AMERICA'S TROPHY PROPERTY AUCTIONEERS	TSDR	LIVE
75779573	2779788	FIESTAMERICANA	TSDR	LIVE
75779548	2779787	FIESTAMERICANA GRAND	TSDR	LIVE
75676488	2483144	GREAT AMERICAN PROPERTY AND CASUALTY INSURANCE GROUP	TSDR	LIVE
74585425	1958546	APTC AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
74464675	1907134	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION	TSDR	LIVE
74585427	1937595	AMERICAN PROPERTY TAX COUNSEL	TSDR	LIVE
74325220	1854900	THE GREAT AMERICAN BEER FESTIVAL COLORADO DENVER MUNCHENER DOPPELBOCK-ALE-STOUT-LAGER-PILSENER- PORTER-ALT-DUNKELWEIZEN-BOCK-WEISSE	TSDR	LIVE
74487521	1896470	PROPERTY COMPANY OF AMERICA	TSDR	LIVE
74487216	1896469	PROPERTY COMPANY OF AMERICA	TSDR	LIVE
73131591	1117239	THE AMERICAN OIL & GAS REPORTER	TSDR	LIVE
87738865		UNITED BANK EVERY STEP OF THE WAY	TSDR	LIVE
87738150		UNITED BANK EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE

87738014		UNITED BANK EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE
87738010		UNITED BANK EVERY STEP OF THE WAY	TSDR	LIVE
87738007		UNITED BANK	TSDR	LIVE
87738002		UNIQUELY UNITED EVERY STEP OF THE WAY SINCE 1858	TSDR	LIVE
87737998		UNIQUELY UNITED EVERY STEP OF THE WAY	TSDR	LIVE
87737988		UNIQUELY UNITED	TSDR	LIVE
87737816		UNITEDHEALTHCARE CHILDREN'S FOUNDATION TEDDY BEAR RUN	TSDR	LIVE
87737355		UNITED FUTSAL	TSDR	LIVE
87649864		USPS HEALTH CONNECT	TSDR	LIVE
87616418		USJDGC	TSDR	LIVE
87615700		UR ONE	TSDR	LIVE
87615695		UR-IQ	TSDR	LIVE
87615691		UR ONEWORKS	TSDR	LIVE
87615688		UR SITESTREAM	TSDR	LIVE
87615202		MOSQUITOBANUSA	TSDR	LIVE
87586748		MORE VEGANS UNITED SOCIETY	TSDR	LIVE
87566036		UNITED EDUCATION INSTITUTE	TSDR	LIVE
87511409		UNITED SOCCER COACHES	TSDR	LIVE
87511379		UNITED SOCCER COACHES	TSDR	LIVE
87483050	5370050	UNITED LUNCHADORES	TSDR	LIVE
87472439		UNITED COMMUNITY MORTGAGE SERVICES	TSDR	LIVE
87399602		VIET NAM VETS MC U.S.A.	TSDR	LIVE
87377538	5371665	UI	TSDR	LIVE
87345207	5371599	US INVOLVED WHERE YOUR OPINION MATTERS	TSDR	LIVE
87249478		DANCESPORT NATION UNITED BY DANCE	TSDR	LIVE
87224041		UNITED THERAPIES	TSDR	LIVE
87144922	5367462	UNITED LANGUAGE GROUP	TSDR	LIVE
87091776		USAA LIMITLESS	TSDR	LIVE
87716621		U	TSDR	LIVE
87618917		#UNITEDBYBEAUTY	TSDR	LIVE
87618895		UNITED BY BEAUTY	TSDR	LIVE
87618870		MUTTAHIDA QUAMI MOVEMENT - UNITED STATES OF AMERICA (MQMUSA)	TSDR	LIVE
87618627		CURE CHRISTIANS UNITED FOR RECOVERY	TSDR	LIVE
87618269		UNITED ZOES OF AMERICA UZA	TSDR	LIVE
87476882		UNITEDHEALTHCARE HEALTHY CHOICE REWARDS	TSDR	LIVE
87472963		UNITEDHEALTH GROUP	TSDR	LIVE
87444581		UHG	TSDR	LIVE
87398866		US GLOBAL U AIRWAYS	TSDR	LIVE
87275916		AT YOUR BEST BY UNITEDHEALTHCARE	TSDR	LIVE
87243425		UHCCF STEPPIN' UP FOR KIDS	TSDR	LIVE

87720524		INVI USA	TSDR	LIVE
87617758		UA UNITED AXLE	TSDR	LIVE
87615547		PLACER UNITED SOCCER CLUB EST. 1982	TSDR	LIVE
87078598		PEOPLE UNITED BUSINESS	TSDR	LIVE
87055170		UNITED STATES SUGAR CORPORATION	TSDR	LIVE
87683899		USA FLEX FOOTBALL	TSDR	LIVE
87617885		KETSUGO GOJU-RYU	TSDR	LIVE
87411819		UNITED WE VENTURE	TSDR	LIVE
87732890		HEIRLOOM UNITED	TSDR	LIVE
87732121		UNITED CONTROLS GROUP	TSDR	LIVE
87616379		UNITED STATES JUNIOR DISC GOLF CHAMPIONSHIP	TSDR	LIVE
87614779		ALL CARS UNITED	TSDR	LIVE
87582007		MFA MARCH FOR AMERICA UNITED WE STAND	TSDR	LIVE
87540844		UNITED GAMES	TSDR	LIVE
87460922	5364373	WE ARE YOUNITED	TSDR	LIVE
87460841	5364371	WE ARE YOUNITED	TSDR	LIVE
87460240		UNITED STATES CENSUS BUREAU	TSDR	LIVE
87460235		UNITED STATES CENSUS BUREAU	TSDR	LIVE
87452490	5364194	UNITED VOICES	TSDR	LIVE
87318582		NORTH DAKOTA UNITED	TSDR	LIVE
87272217		EUNITED	TSDR	LIVE
87730872		UNITED MARTIAL ARTS FAMILY CENTER	TSDR	LIVE
87611974		UBT	TSDR	LIVE
87606260		USBOI	TSDR	LIVE
87508616		USPS STAMPS	TSDR	LIVE
87365518		UNITED STATES PILATES ASSOCIATION	TSDR	LIVE
87255418		URI	TSDR	LIVE
87729091		UNITED MEDICAL GROUP QUALITY CARE	TSDR	LIVE
87728526		UNITED WE STAND	TSDR	LIVE
87728226		TEACHUNITED	TSDR	LIVE
87727942		UNITED PRAVAASA AATMEEYULA SOCIETY OF AMERICA	TSDR	LIVE
87613650		BU BROTHAZ UNITED SOUTH JERSEY "WE ALL WE GOT"	TSDR	LIVE
87373520		UNITED MARBLE FABRICATORS	TSDR	LIVE
87373502		UNITED MARBLE FABRICATORS	TSDR	LIVE
87727278		UNITED CONSCIOUS MINDS ENTERPRISE	TSDR	LIVE
87717275		UNITED IN THE WAR AGAINST VETERAN SUICIDE	TSDR	LIVE
87650487		UNITED RETIREMENT SPECIALIST A PASSION FOR PLANNING	TSDR	LIVE
87619054		WEALTHCOACH USA ... BRILLIANTLY SIMPLE	TSDR	LIVE
87596142		AHN UNITED TAEKWONDO ASSOCIATION	TSDR	LIVE
87118065	5151195	ONEUNITED	TSDR	LIVE
87617914		UNITED STATES CYBER COMMAND 9EC4C12949A4F31474F299058CE2B22A	TSDR	LIVE

87610180		BOLD BELIEVERS UNITED	TSDR	LIVE
87601984		GEEK POP USA	TSDR	LIVE
87379799		AZA UNITED ARIZONA AUTISM UNITED	TSDR	LIVE
87379773		ARIZONA AUTISM UNITED	TSDR	LIVE
87714119		NEW MEXICO UNITED F.C.	TSDR	LIVE
87714092		NEW MEXICO UNITED	TSDR	LIVE
87712296		NCHA NORTH CAROLINA HEALTHCARE ASSOCIATION UNITED HOSPITALS, HEALTH SYSTEMS AND CARE PROVIDERS FOR HEALTHIER COMMUNITIES	TSDR	LIVE
87621449		UNIDOS POR LOS NUESTROS	TSDR	LIVE
87608613		UNITED TEMPS	TSDR	LIVE
87564193		UNITED BY FLAVOR	TSDR	LIVE
87562100		USP	TSDR	LIVE
87561788		USP	TSDR	LIVE
87560373		EXPERTS UNITED. FAMILIES CONNECTED.	TSDR	LIVE
87543171		UNITED PHILANTHROPY FORUM	TSDR	LIVE
87458650		UNITED CATHOLIC MOVEMENT	TSDR	LIVE
87439335	5358982	US TIMES JOURNAL	TSDR	LIVE
87319691		NORTH DAKOTA UNITED GREAT PUBLIC EDUCATION GREAT PUBLIC SERVICE	TSDR	LIVE
87306440		MUTTAHIDA QUAMI MOVEMENT - MQM	TSDR	LIVE
87166778	5357709	UAS INTERNATIONAL TRIP SUPPORT	TSDR	LIVE
87166767	5357708	UAS INTERNATIONAL TRIP SUPPORT	TSDR	LIVE
87078994		P.R.O.'S UNITED M.C. SUV S.C. A.C	TSDR	LIVE
87711578		USAA	TSDR	LIVE
87711574		USAA PERSONAL BRAND ACADEMY	TSDR	LIVE
87711570		USAA PERSONAL BRAND ACADEMY	TSDR	LIVE
87606256		UNITED STATES BOARD OF ORAL IMPLANTOLOGY	TSDR	LIVE
87555410		NATIONAL RANGE OFFICERS INSTITUTE USPSA	TSDR	LIVE
87422064		UNITED AG & TURF	TSDR	LIVE
87147405		UNITED STATES WHIPPLEBALL ASSOCIATION	TSDR	LIVE
87711497		DINKERS & BANGERS UNITED	TSDR	LIVE
87711345		GT USA	TSDR	LIVE
87709882		USA SKATEBOARDING	TSDR	LIVE
87707426		MRS. U.S.A.	TSDR	LIVE
87707413		USA PTA PROPERTY TAX ASSOCIATES	TSDR	LIVE
87603741		USAA COMMUNITY	TSDR	LIVE
87378289		US BIONICS	TSDR	LIVE
87310088		UDTSECURED	TSDR	LIVE
87625011		SWITCH USA	TSDR	LIVE
87266908		A ADVOCATES UNITED WE RIGHT WRONGS.	TSDR	LIVE
87704088		THE UNITED TABLES	TSDR	LIVE

87622481		USPS RETAIL CUSTOMER APPOINTMENT SCHEDULER	TSDR	LIVE
87602021		UNITED SODAS OF AMERICA	TSDR	LIVE
87511033		UNITED 41	TSDR	LIVE
87475076		MADE WITH FLORIDA HOPS U.S.A.	TSDR	LIVE
87394102		UNIDOS INSPIRANDO	TSDR	LIVE
87346711		U.S. NAVAL RESEARCH LABORATORY	TSDR	LIVE
87004335	5353000	UCS	TSDR	LIVE
87702932		U.C.M.E.	TSDR	LIVE
87516508		YELLOWPAGESUNITED ... NEAR	TSDR	LIVE
87701664		UNITED INTERNATIONAL PAGEANTS	TSDR	LIVE
87699878		CONQUEST A UDT COMPANY	TSDR	LIVE
87699317		UNITED STATES POST OFFICE	TSDR	LIVE
87688742		USPS OPERATION SANTA	TSDR	LIVE
87080497		LENAWEE NOW, IDEAL FOR BUSINESS. PERFECT FOR LIFE. LENAWEE COUNTY. MICHIGAN USA	TSDR	LIVE
87593748		UDTSECURE	TSDR	LIVE
87696732		PSU PHYSIQUE SPORTS USA ASSOCIATION	TSDR	LIVE
87696647		U.S. ASSET MANAGEMENT	TSDR	LIVE
87696611		U. S. MUSIC CERTIFICATION EXAMS; USMCE	TSDR	LIVE
87696608		FIT BABES UNITED	TSDR	LIVE
87465890		GLOBAL CONSULTING LEAGUE EXCELLENCE UNITED	TSDR	LIVE
87260214	5218598	UNITED TISSUE RESOURCES	TSDR	LIVE
87038514		UNITED TO SUPPORT YOUR NEXT BREAKTHROUGH	TSDR	LIVE
87560192		USPS DIGITAL SERVICES	TSDR	LIVE
87520721		MONACUM UNITED	TSDR	LIVE
87434499	5350017	UNITED MILITARY COMMUNITIES OF AMERICA	TSDR	LIVE
87363601		UNITED BUSINESS PROPERTIES	TSDR	LIVE
87339949	5349126	UNITED ACCESS WHEELCHAIR ACCESSIBLE VEHICLES & EQUIPMENT MOBILITY FOR LIVING. SERVICE FOR LIFE.	TSDR	LIVE
87283813		UNITEDRESPECT	TSDR	LIVE
87247100		CHARTRIGHT USA	TSDR	LIVE
87178208	5351678	UNITED STROKE ALLIANCE	TSDR	LIVE
87693394		PURPLE LOVE UNITED	TSDR	LIVE
87693232		KITCHEN UNITED	TSDR	LIVE
87693229		KU	TSDR	LIVE
87693225		KITCHEN UNITED	TSDR	LIVE
87581063		UNITED NATIONS FOR ISRAEL ZECHARIAH 2 :11 - 13	TSDR	LIVE
87408268		NUCPP	TSDR	LIVE
87370757	5322658	UNITED CONCIERGE MEDICINE	TSDR	LIVE
87334851		USA JU-JITSU	TSDR	LIVE
87066259		HASHTAG UNITED	TSDR	LIVE
87044732		BANKUNITEDDIRECT	TSDR	LIVE

87034856		BANKUNITEDDIRECT	TSDR	LIVE
87690385		UNITED BY FLAME	TSDR	LIVE
87690383		GRILLSEEKER UNITED BY FLAME	TSDR	LIVE
87689820		UM	TSDR	LIVE
87362438		UPMA	TSDR	LIVE
87689233		COMU CHRISTIAN OUTREACH MINISTRIES UNITED	TSDR	LIVE
87688136		COMEXIM USA	TSDR	LIVE
87583619		OCR UNITED	TSDR	LIVE
87582611		UNITED SINCE 1878	TSDR	LIVE
87574550		US DGA US DISABLED GOLF ASSOCIATION	TSDR	LIVE
87458539		UNITED THREAD	TSDR	LIVE
87686729		CONSUMER SOURCE DIRECT UNITED WE SAVE	TSDR	LIVE
87686236		US5 CENTER	TSDR	LIVE
87686129		US5	TSDR	LIVE
87139624		UNITED 7S	TSDR	LIVE
87686013		NATIONAL PARKS NAVIGATOR: USA & CANADA	TSDR	LIVE
87534884		UNITED STATES OF E	TSDR	LIVE
87534843		UNITED STATES OF ESPRESSO	TSDR	LIVE
87454722		UNITED STATES WORKFORCE ASSOCIATIONS	TSDR	LIVE
87433160	5345820	UCG	TSDR	LIVE
87345685	5347850	UNITEDTEXAS CREDIT UNION	TSDR	LIVE
87336846	5300001	SAFETY UNITED	TSDR	LIVE
87301879		POWERLIFTING AAU USA	TSDR	LIVE
87301852		AAU USA	TSDR	LIVE
87263941		UNITED STATE OF WOMEN	TSDR	LIVE
87048597	5347182	UNITED INCOME	TSDR	LIVE
87683879		BION USA	TSDR	LIVE
87207243		M THE HEALTH NEWS UNITED STATES OF AMERICA THE HEALTH NEWS PREVENTION IS BETTER THAN CURE	TSDR	LIVE
87569970		SANDBAR SPORTS GRILL KEY WEST, FL. THE SANDBAR NATION HOME OF THE FISH TACO SOUTHERNMOST SANDBAR CONTINENTAL U.S.A. KEY WEST, FL	TSDR	LIVE
87223499		UNITEDMASTERS	TSDR	LIVE
87678215		NATURALLY UNITED	TSDR	LIVE
87237156		UNITED BEERWORKS OF OAKLAND	TSDR	LIVE
87237143		OAKLAND UNITED BEERWORKS	TSDR	LIVE
87618508		USDS UNITED STATES DIGITAL SERVICES	TSDR	LIVE
87511287		UNITED IMAGINATION	TSDR	LIVE
87510694		· WE STAND UNITED · WICHITA STATE UNIVERSITY STAND UNITED STAND AGAINST WE CAN STOP SEXUAL VIOLENCE IX	TSDR	LIVE
87506536		UCO OF MIAMI UNITED COMMUNITY OPTIONS	TSDR	LIVE
87506529		UCO OF SOUTH FLORIDA UNITED COMMUNITY OPTIONS	TSDR	LIVE

87488243		UNITED MEN	TSDR	LIVE
87448144	5340737	UNITED CHARITABLE	TSDR	LIVE
87428161	5339970	UNITED CHARITABLE	TSDR	LIVE
87379743	5338745	AZA UNITED	TSDR	LIVE
87177435	5342127	UMEC	TSDR	LIVE
87156981	5338059	A FAMILY MATHILE UNITED FOREVER	TSDR	LIVE
87038142		UNITED SKIN SPECIALISTS	TSDR	LIVE
87679015		NANNIES AND KIDS UNITED	TSDR	LIVE
87677624		UTL UNITED THROUGH LOYALTY	TSDR	LIVE
87676653		USA CALL CENTER	TSDR	LIVE
87561910		UNITED UMUADA IGBO CLUB INTERNATIONAL (UJICI) INC. HEADQUARTERS NYS UMUADA ODOZIE OBODO (THINKING GLOBAL, ACTING IN LOCAL COMMUNITIES)	TSDR	LIVE
87674009		DREAMERS UNITED THE POWER OF A DREAM CAN CHANGE THE WORLD	TSDR	LIVE
87673797		BRANDUNITED	TSDR	LIVE
87569876		UNITED CHARITABLE GREATER IMPACT GIVING	TSDR	LIVE
87673024		LOVE THY NEIGHBOR JEWISH UNITED FUND OF METROPOLITAN CHICAGO TOGETHER FOR GOOD	TSDR	LIVE
87671862		NOLA UNITED	TSDR	LIVE
87671020		DOG CITY, USA	TSDR	LIVE
87519296		BUILD BELIEVERS UNITED IN LIVING OUR DREAMS	TSDR	LIVE
87505718		UNITED TAE KWON DO CENTER	TSDR	LIVE
87484770		UNITED INSTITUTIONS	TSDR	LIVE
87230242	5333167	ARGOS REMEMBERS	TSDR	LIVE
87229417		MINNEAPOLIS UNITED SOCCER FOR THE CITY	TSDR	LIVE
87156954	5332834	A FAMILY UNITED FOREVER	TSDR	LIVE
87144914		ULG	TSDR	LIVE
87237347		GG UNITED	TSDR	LIVE
87667507		UNITED STATES APOSTILLE	TSDR	LIVE
87666601		GLOBAL ENERGY INSTITUTE U.S. CHAMBER OF COMMERCE	TSDR	LIVE
87558378		U. S. AEROSPACE DEFENSE GROUP	TSDR	LIVE
87328152		USPS EGL	TSDR	LIVE
87541287		UNITED STATES OF YOUTH	TSDR	LIVE
87510664		USO PATHFINDER	TSDR	LIVE
87510069		ROC UNITED	TSDR	LIVE
87500032		UNITED SIDING SOLUTIONS	TSDR	LIVE
87493442		AETHER UNITED	TSDR	LIVE
87492860		UUS UNITED SYSTEMS	TSDR	LIVE
87490224		UNITED CUP	TSDR	LIVE
87399631	5328968	LEGACY VETS MC U.S.A.	TSDR	LIVE
87388926	5328258	SANTA MONICA UNITED FOOTBALL CLUB EST. 1975	TSDR	LIVE

87388687	5328241	SANTA MONICA UNITED FOOTBALL CLUB	TSDR	LIVE
87388633	5328233	SANTA MONICA UNITED	TSDR	LIVE
87331726		UAS EVOLUTION	TSDR	LIVE
87662659		USL YOUTH	TSDR	LIVE
87662649		USL LEAGUE TWO	TSDR	LIVE
87662625		USL LEAGUE ONE	TSDR	LIVE
87662614		USL CHAMPIONSHIP	TSDR	LIVE
87554491		SOCIETY FOR THE PRESERVATION AND PROPAGATION OF BARBERSHOP QUARTET SINGING IN THE UNITED STATES	TSDR	LIVE
87661184		USP BIOLOGICS	TSDR	LIVE
87326483		USPS EGLOBAL	TSDR	LIVE
87658375		UNITED AMG PARTNERS INSURANCE SERVICES	TSDR	LIVE
87657248		ULA	TSDR	LIVE
87657257		ULA	TSDR	LIVE
87657135		ONE STAND UNITED	TSDR	LIVE
87553448		USASF	TSDR	LIVE
87655916		INCLUSION DRIVEN BY DIVERSITY UNITED THROUGH EXCELLENCE.	TSDR	LIVE
87655905		INCLUSION DRIVEN BY DIVERSITY UNITED THROUGH EXCELLENCE	TSDR	LIVE
87655412		UNITEDFORGROWTH	TSDR	LIVE
87654659		LOCK ARMS UNITED	TSDR	LIVE
87485053		VETERANS UNITED REALTY	TSDR	LIVE
87484952		VETERANS UNITED REALTY	TSDR	LIVE
87481328		UNITED STATES USABL AMATEUR BASEBALL LEAGUE EST 1986	TSDR	LIVE
87470029		YOUR CORPORATE SOLUTION IN THE UNITED STATES	TSDR	LIVE
87318712	5325750	UNITED TO PROTECT DEMOCRACY	TSDR	LIVE
87304012	5325720	UNITED TEXAS CREDIT UNION	TSDR	LIVE
87303933	5325719	UNITED TEXAS	TSDR	LIVE
87251617	5321117	BRANDS. TALENT. UNITED.	TSDR	LIVE
87026356	5320177	TURF UNITED	TSDR	LIVE
87549283		UNITED CAR CLUB OF CONNECTICUT	TSDR	LIVE
87651691		URGNET	TSDR	LIVE
87650633		SOLAR UNITED NEIGHBORS	TSDR	LIVE
87649974		USCARGO	TSDR	LIVE
87252704		US	TSDR	LIVE
87649445		USITCC	TSDR	LIVE
87010778		UNITED ACADEMY PASSPORT SYSTEM	TSDR	LIVE
87483058		UNITED LUNCHADORES PHOENIX ARIZONA STREET GOURMET	TSDR	LIVE
87482924		UNITED CRUSHERS	TSDR	LIVE
87399465	5316479	UNITED LANGUAGES OF AMERICA	TSDR	LIVE

87233137		UCWDC	TSDR	LIVE
87061446		UNITED THERAPEUTICS CORPORATION LUNG BIOTECHNOLOGY	TSDR	LIVE
87643998		AYSO UNITED	TSDR	LIVE
87540624		USU UNITED STATES UNIVERSITY	TSDR	LIVE
87531303		UNITED WE PLAN	TSDR	LIVE
87641791		UNITED RECYCLERS GROUP	TSDR	LIVE
87641672		UNITED DOGDOM	TSDR	LIVE
87534901		US OF COFFEE	TSDR	LIVE
87116738	5188498	USL USL CUP	TSDR	LIVE
87640712		DOTC UNITED GROUP	TSDR	LIVE
87043030		UDGTRACKER	TSDR	LIVE
87639957		UNITED COMMERCIAL ENERGY PARTNERS	TSDR	LIVE
87639564		UPS	TSDR	LIVE
87534907		UNITED STATES OF COFFEE	TSDR	LIVE
87481285		USABL	TSDR	LIVE
87271295	5313550	UNITED COMMERCE SERVICES INC.	TSDR	LIVE
87243284	5313462	ADVOCATES UNITED	TSDR	LIVE
87240585	5313449	N.U.R.S.E. INC NURSES UNITED REGIONALLYTHROUGH SERVICE AND EMPOWERMENT	TSDR	LIVE
87239155	5309496	UNITED KETSUGO & KARATE ASSOCIATION	TSDR	LIVE
87638819		UNITED TACTICAL FEDERATION	TSDR	LIVE
87638818		USIM	TSDR	LIVE
87638160		LANDSCAPE UNITED	TSDR	LIVE
87531032		UNITED MANAGEMENT ENTERTAINMENT	TSDR	LIVE
87530949		UNITED SHAKES OF AMERICA	TSDR	LIVE
87636509		PRINTUNITED	TSDR	LIVE
87636481		BRANDUNITED	TSDR	LIVE
87636219		USU UNITED SCHOOL UNIFORM	TSDR	LIVE
87634414		UNITED BUILT HOMES	TSDR	LIVE
87119194	5170092	UNITED SCAFFOLDING	TSDR	LIVE
87634104		UNITED MEDICAL BENEFITS	TSDR	LIVE
87527102		USAV	TSDR	LIVE
87478535		APLUS UNITED HOME CARE LLC	TSDR	LIVE
87975778	5308497	UNITED RENTALS	TSDR	LIVE
87630604		USOCR	TSDR	LIVE
87629779		UNITED ANIMAL HEALTH	TSDR	LIVE
87629778		UNITED ANIMAL HEALTH	TSDR	LIVE
87629777		UNITED ANIMAL HEALTH	TSDR	LIVE
87629775		UNITED ANIMAL HEALTH	TSDR	LIVE
87427568		DESIGN UNITED	TSDR	LIVE
87381050		CRUELTY FREE UNITED STATES	TSDR	LIVE

87627677		EC-UNITED EXECUTIVE CONSULTANTS UNITED TRANSFORMING BUSINESS	TSDR	LIVE
87627158		UNITED PATIENTS GROUP MEDICAL CANNABIS AUTHORITY STANDARDS · ETHICS · SAFETY	TSDR	LIVE
87625815		U.S. SUBMERGENT TECHNOLOGIES	TSDR	LIVE
87625607		OUR OUR UNITED REVOLUTION	TSDR	LIVE
87513325		AF UNITED STATES AIR FORCE ACADEMY	TSDR	LIVE
87413038	5303652	UNITED STATES STAMP COMPANY	TSDR	LIVE
87321827	5299846	U UNITED STATES NAVAL UNDERSEA MUSEUM	TSDR	LIVE
87301871	5299772	USCGA UNITED STATES CHRISTIAN GOLF ASSOCIATION	TSDR	LIVE
87217923		SAN FRANCISCO FILM ACADEMY	TSDR	LIVE
87199544		USAHARVEST	TSDR	LIVE
87086656	5299171	UNITED PRIVATE SCREENING	TSDR	LIVE
87622468		UNITED STRENGTH	TSDR	LIVE
87516044		UNITED COLLABORATION	TSDR	LIVE
87514502		NJ UNITED MIXED MARTIAL ARTS	TSDR	LIVE
87514402		US UNITED SLAB	TSDR	LIVE
87491303		SOCIETY OF FBI ALUMNI, INC. UNITED IN FELLOWSHIP FOUNDED 1973	TSDR	LIVE
87513321		UNITED STATES AIR FORCE ACADEMY	TSDR	LIVE
87476162		MARANATHA UNITED GLOBAL MINISTRIES INC.	TSDR	LIVE
87413039	5298570	UNITED STATES STAMP AND COIN COMPANY	TSDR	LIVE
87365091		UNITED INCOME	TSDR	LIVE
87334284	5295849	CHICAGO UNITED	TSDR	LIVE
87321393	5294873	UNITED WE DREAM	TSDR	LIVE
87508954		UNITED BERNEDOODLE REGISTRY	TSDR	LIVE
87508134		MISS UNITED STATES OF AMERICA	TSDR	LIVE
87508133		UNITED STATES OF AMERICA'S MISS	TSDR	LIVE
87249625		UNIDOSUS	TSDR	LIVE
87505603		UNITED TAE KWON DO CENTER	TSDR	LIVE
87500321		UNITED STEAKS	TSDR	LIVE
87500355		UNITED STEAKS	TSDR	LIVE
87318586	5290234	NDU	TSDR	LIVE
87249189	5289314	WE STAND UNITED WICHITA STATE UNIVERSITY IX STAND TOGETHER STAND AGAINST WE CAN STOP SEXUAL VIOLENCE	TSDR	LIVE
87175061	5292691	BETTER. UNITED.	TSDR	LIVE
87142732	5221586	ULG	TSDR	LIVE
87493236		S.W.A.G.G. UNITED SMART WORKING ATTENTIVE GROWING GENTLEMEN	TSDR	LIVE
87493186		UNITED WE WIN. LIVE UNITED.	TSDR	LIVE
87493157		UNITED WE WIN.	TSDR	LIVE
87492963		UNITED WE FIGHT. UNITED WE WIN. LIVE UNITED	TSDR	LIVE
87492885		UNITED WE FIGHT. UNITED WE WIN. LIVE UNITED.	TSDR	LIVE

87255142		UR	TSDR	LIVE
87118608		NAVY LEAGUE OF THE UNITED STATES	TSDR	LIVE
87387526		WOMEN AND SOCIAL MOVEMENTS IN THE UNITED STATES	TSDR	LIVE
87128854	5283904	UNITED LIFE ASSOCIATES	TSDR	LIVE
87261973		UNITED STATES POLICE AND FIRE GAMES	TSDR	LIVE
87169260		WINFIELD UNITED	TSDR	LIVE
87074134		LEADERS UNITED INTERNATIONAL	TSDR	LIVE
87468236		UNIDOS EN RED INNOVACION CON PASION	TSDR	LIVE
87321589		IWIRELESS USA	TSDR	LIVE
87506734		USPS EGLOBAL LOGISTICS	TSDR	LIVE
87475339		U.S. POWERSPORTS	TSDR	LIVE
87158962		UI UNITED INCOME	TSDR	LIVE
87456685		UMA UNITED MEMORY ARCHIVE	TSDR	LIVE
87102106		UNITED RENTALS	TSDR	LIVE
87469818		UNITED STATES TRIAL LAWYERS ASSOCIATION	TSDR	LIVE
87326914		USPS GEM	TSDR	LIVE
87467791		UNITED NATIONAL LIFE	TSDR	LIVE
87467726		UNL UNITED NATIONAL LIFE	TSDR	LIVE
87324925		MOORE UNITED ANIMAL THERAPY ASSOCIATION	TSDR	LIVE
87324350	5276237	UNITED PLATES OF AMERICA	TSDR	LIVE
87299482	5275847	UNITED CHINESE RESTAURANT	TSDR	LIVE
87290853	5275146	USCC CERTIFICATION COMMISSION	TSDR	LIVE
87389164		U.S. LOTMAN CHALLENGE	TSDR	LIVE
87380586		HERB LOTMAN UNITED STATES ROWING CHALLENGE	TSDR	LIVE
87303182	5270416	MODERNUNITED	TSDR	LIVE
87284157	5269892	USHJA	TSDR	LIVE
87241418		UNITED DERM PARTNERS	TSDR	LIVE
87216810	5269447	UPA	TSDR	LIVE
87162818	5272687	FIREFIGHTERSUNITED	TSDR	LIVE
87481407		UNITED NATIONS SOUTH	TSDR	LIVE
87199237		HEBREWS UNITED	TSDR	LIVE
87231390		UNITED ABILITY	TSDR	LIVE
87446549		SCT.USA	TSDR	LIVE
87037970		U-PLEDGE	TSDR	LIVE
87037966		U-PLEDGE FOR GOOD	TSDR	LIVE
87461880		USPS HEALTHCARE SOLUTIONS	TSDR	LIVE
87444318		UNITED STATES POSTAL SERVICE HEALTHCARE SOLUTIONS	TSDR	LIVE
87442442		USPS BLUETUBE	TSDR	LIVE
87335493	5268164	US BACK SPECIALISTS	TSDR	LIVE
87250912	5264176	UNITED WELLNESS & SPORTS REHAB	TSDR	LIVE
87161869		USWA UNITED STATES WALLBALL ASSOCIATION	TSDR	LIVE

87249274		UDT ACCOMPLISH MORE	TSDR	LIVE
87491072		CALIFORNIA UNITED	TSDR	LIVE
87491037		CUFC	TSDR	LIVE
87490995		CAL UNITED	TSDR	LIVE
87446670		CALIFORNIA UNITED FOOTBALL CLUB	TSDR	LIVE
87270788	5260393	UR UNITED RHEUMATOLOGY OPTIMIZING THE PRACTICE OF INDEPENDENT RHEUMATOLOGISTS	TSDR	LIVE
87261362	5259848	UNITED WORKERS OF AMERICA	TSDR	LIVE
87261349	5259847	UNITED WORKERS OF AMERICA	TSDR	LIVE
87257047	5255038	USDA GIBSONS PRIME ANGUS	TSDR	LIVE
87075168	5254141	UNITED BIBLE SOCIETIES	TSDR	LIVE
87136332		A HOUSE UNITED TO TACKLE CANCER	TSDR	LIVE
87368072		UNITED CRUSHERS	TSDR	LIVE
87229458	5244635	MINNEAPOLIS UNITED MU SOCCER CLUB 1984	TSDR	LIVE
87506312		UNITED WE HELP	TSDR	LIVE
87158657		MOSAIC UNITED A STRONGER JEWISH FUTURE. TOGETHER.	TSDR	LIVE
87414544		UNITED REALTY GROUP	TSDR	LIVE
87335448		5 EVERY PRIZE ONLY 5 A. 1 877 7 AUCTION L12 THE UNITED ES AME \$5 ONLY FIVE DOLLARS A PRIZE ONLY FIVE DOLLARS A PRIZE EVERYONES FAVORITE FIVE DOLLAR BILL 877 7A BILL FINNIF EVERYONES FAVORITE \$5 BILL SERIES 2003 OORAH AUCTIONS HOME OF THE \$5 AUCTION FW A 48 5 FIVE LINCOLN DOLLARS 5	TSDR	LIVE
87322009		CHOOSE U S HEALTH	TSDR	LIVE
87299593		DYNAMICS SPC USA	TSDR	LIVE
87408033		RING SPORTS UNITED RINGSPORTSUNITED.COM	TSDR	LIVE
87181093		UNITED STATES DIAMOND BUREAU	TSDR	LIVE
87185680		UNITED STATES ACADEMIC PENTATHLON	TSDR	LIVE
87252280	5236432	ALL SHADES UNITED	TSDR	LIVE
87249206	5236215	WE STAND UNITED	TSDR	LIVE
87404941		MR. UNITED NATIONS	TSDR	LIVE
87404732		TEEN UNITED NATIONS	TSDR	LIVE
87404637		MRS. UNITED NATIONS	TSDR	LIVE
87406106		I AM ASIAN, AND I DO NOT WANT TO BE DRAGGED BY UNITED.	TSDR	LIVE
87104495	5150680	SAN FRANCISCO UNITED F.C.	TSDR	LIVE
87104482	5150679	SAN FRANCISCO UNITED F.C.	TSDR	LIVE
87401554		UNITED NEGRO ABORTION FUND	TSDR	LIVE
87349322		CHRISTIANS UNITED FOR PALESTINE	TSDR	LIVE
87343438		UNITED THINKING	TSDR	LIVE
87309059		GOLD COIN UNITED	TSDR	LIVE
87308799		CANOPY PROGRAMS BY UNITED EDUCATORS	TSDR	LIVE
87191656	5231540	UNITED STATES POWER SQUADRONS	TSDR	LIVE
87396806		UNITED STATES CRIMINAL APPREHENSION	TSDR	LIVE

87042028		UNITED HEROES LEAGUE	TSDR	LIVE
87041961		UNITEDHEROESLEAGUE	TSDR	LIVE
87041903		UNITED HEROES LEAGUE	TSDR	LIVE
87387863		UT UNITED TRANSPORTATION	TSDR	LIVE
87171130	5226683	UNITED SCIENTIFIC GROUP (USG)	TSDR	LIVE
87334855		UNITED STATES JU-JITSU FEDERATION (USJJF)	TSDR	LIVE
87046055		MISS VENEZUELA UNITED STATES	TSDR	LIVE
87224004	5222402	DREAMSETTERS UNITED	TSDR	LIVE
87183731	5221802	UNITED IN PINK	TSDR	LIVE
87183414	5221800	UNITED IN PINK	TSDR	LIVE
87374370		UNITED LAW CENTER	TSDR	LIVE
87369604		UNITED TRUCKERS OF AMERICA	TSDR	LIVE
87318986		UMECNY.COM	TSDR	LIVE
87196415	5217140	SHINE N DINE EST. 2015 PRESENTED BY FRANKLIN COUNTY UNITED WAY	TSDR	LIVE
87020139		UNITED STATES OF BASKETBALL	TSDR	LIVE
87361825		UNITED ROOTER SERVICES	TSDR	LIVE
87198291	5212878	LITERARY UNITED VENTURES	TSDR	LIVE
87149895	5212495	UNITED PARKING ESTABLISHED 1955	TSDR	LIVE
87106521		M.O.B.B. UNITED	TSDR	LIVE
87100249		MOMS OF BLACK BOYS UNITED	TSDR	LIVE
87103365	5159649	UNITED YOGA	TSDR	LIVE
87210595	5209342	UNITED BY DRONE	TSDR	LIVE
87198997	5208823	UIA UNITED INVENTORS ASSOCIATION	TSDR	LIVE
87049295		AGS UNITED	TSDR	LIVE
87258487		CELEBRATE DIVERSIDTY IN AMERICA RACE COLOR RELIGION GENDER SEXUAL ORIENTATION LGBT+ CHALLENGED AGE HATE ELIMINATEHATEUSA.COM CONGRESS OF THE UNITED STATES	TSDR	LIVE
87198045	5199927	THE UNITED STATES OF ANXIETY	TSDR	LIVE
87188109	5199286	USIAHP INC.	TSDR	LIVE
87042240	5201580	FREEDOM UNITED	TSDR	LIVE
87172969	5195106	THE UNITED SOLAR, INC.	TSDR	LIVE
87161836	5194983	UNITED FOR THE TROOPS	TSDR	LIVE
87269112	5191416	RARE VOICE UNITED	TSDR	LIVE
87269086	5191415	RVU RARE VOICE UNITED	TSDR	LIVE
87179584	5190900	TEAMSIDE UNITED	TSDR	LIVE
87074673		US JIU JITSU ASSOCIATION	TSDR	LIVE
87404703		MS. UNITED NATIONS	TSDR	LIVE
87179567	5183803	UNITED STATES TRAFFIC NETWORK	TSDR	LIVE
87142948	5180339	UH UNITED HEARTLAND	TSDR	LIVE
87137742	5180145	UNITED2HEAL	TSDR	LIVE

87056052	5179712	K-9S UNITED	TSDR	LIVE
87032695	5179614	UNITED STATES POSTAL SERVICE	TSDR	LIVE
87130859	5175516	STUDENTS UNITED	TSDR	LIVE
87151707	5171326	UES	TSDR	LIVE
87149296	5171150	UPS COMPLETE VIEW	TSDR	LIVE
87283869		UNITED WE SWEAT	TSDR	LIVE
87110573	5164786	UWM UNITED WHOLESALE MORTGAGE	TSDR	LIVE
87128604	5156119	HIGH 5 FOR SICKLE CELL THE UNITED STATES OF AMERICA 5 RESERVE NOTE	TSDR	LIVE
87153372	5151280	USMA	TSDR	LIVE
87150588	5151274	IUIC	TSDR	LIVE
87095363	5150438	WORLD ARTISTS UNITED	TSDR	LIVE
87057638	5149793	UNITED COMEDY	TSDR	LIVE
87077800	5140642	M UNITED PROPERTY MANAGEMENT	TSDR	LIVE
87077799	5140641	UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87077793	5140640	M UNITED PROPERTY MANAGEMENT "PAYING ATTENTION TO EVERY DETAIL"	TSDR	LIVE
87075278	5140598	UNITED STATES HOCKEY LEAGUE	TSDR	LIVE
87130441	5137665	HONEST GREEN ESOLUTIONS BY UNFI	TSDR	LIVE
87057594	5136233	VETERANS UNITED	TSDR	LIVE
87080668	5133119	UNFI UNITED NATURAL FOODS	TSDR	LIVE
87050661	5127682	UNITED STATES BARTENDERS' GUILD	TSDR	LIVE
87050654	5127679	UNITED STATES BARTENDERS' GUILD I.B.A.	TSDR	LIVE
87022630	5127374	USCF	TSDR	LIVE
87042890	5122747	USSI FILLING THE VACUUM IN CONTRACT CLEANING SINCE 1912	TSDR	LIVE
87043487	5114233	UNITED	TSDR	LIVE
87154227		LIBERTY ARMS UNITED	TSDR	LIVE
87010577	5090954	UMDF'S PATH TO A CURE ONE BRICK. ONE STEP FORWARD.	TSDR	LIVE
87008424	5090767	UNITEDSTRONG	TSDR	LIVE
87001276	5086407	UCA	TSDR	LIVE
87052557	5082363	UNITED RENTALS	TSDR	LIVE
87052554	5082362	UNITED RENTALS	TSDR	LIVE
87056429		UNITED GROWERS INC.	TSDR	LIVE
87035181	5054792	HSUS	TSDR	LIVE
86898870	5370654	UNITED STATES POLO ASSOCIATION SINCE 1890 USPA POLO NETWORK	TSDR	LIVE
86829608		UHC	TSDR	LIVE
86774718	5346785	UNITEDHEALTHCARE OMW	TSDR	LIVE
86550599		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE
86550591		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE
86550585		DISCIPLESHIP MINISTRIES THE UNITED METHODIST CHURCH	TSDR	LIVE

86798095		UNITED STATIONERS	TSDR	LIVE
86154062	4588061	ONEUNITED BANK	TSDR	LIVE
86154018	4584010	ONE COMMUNITY, ONE BANK, ONEUNITED!	TSDR	LIVE
86154005	4584008	ONEUNITED BANK	TSDR	LIVE
86889505		USAA SERVES	TSDR	LIVE
86336788		UNITED STATES WHIPPLEBALL ASSOCIATION	TSDR	LIVE
86754873		UNITED FOR RESPECT	TSDR	LIVE
86754868		UNITED 4 RESPECT	TSDR	LIVE
86754294		MARVEL UNITED	TSDR	LIVE
86753324		ORGANIZATION UNITED 4 RESPECT	TSDR	LIVE
86753315		OUR - ORGANIZATION UNITED FOR RESPECT	TSDR	LIVE
86753306		ORGANIZATION UNITED FOR RESPECT	TSDR	LIVE
86790731	5352900	UNITED YEARBOOK	TSDR	LIVE
86437247	5355440	UF UNITED FITNESS	TSDR	LIVE
86867989		UNITED SPORT APPAREL	TSDR	LIVE
86603192		USPTA	TSDR	LIVE
86824014		URI	TSDR	LIVE
86125654		UDG HEALTHCARE	TSDR	LIVE
86580531	4799858	MARKETING UNITED	TSDR	LIVE
86727573	5337823	UNITED CAPITAL FINANCIAL LIFE MANAGEMENT	TSDR	LIVE
86033259	5340942	SABADELL UNITED	TSDR	LIVE
86578079		UNITED HOME BRANDS	TSDR	LIVE
86645528		UNITED DANCE LEAGUE	TSDR	LIVE
86694664		UNITED WAY CENTER ON HUMAN TRAFFICKING & SLAVERY	TSDR	LIVE
86925672			TSDR	LIVE
86854094		USO 75 YEARS	TSDR	LIVE
86832137		BE UNITED IN CHRIST	TSDR	LIVE
86920776	5202811	T&T SUPERMARKET	TSDR	LIVE
86868837	5319978	UNITED GIPS	TSDR	LIVE
86868745	5319977	UNITED GIPS	TSDR	LIVE
86529367	5324174	UPS UNITED PROBLEM SOLVERS	TSDR	LIVE
86529363	5324173	UNITED PROBLEM SOLVERS	TSDR	LIVE
86733449		UNITEDHEALTHCARE HASSLE-FREE EXPERIENCE	TSDR	LIVE
86733440		UNITEDHEALTHCARE HASSLE-FREE GUARANTEE	TSDR	LIVE
86733413		UNITEDHEALTHCARE HASSLE-FREE	TSDR	LIVE
86918906	5143237	UNITED BY INDEPENDENTS	TSDR	LIVE
86856975	5075056	UNITED BY DREAMS	TSDR	LIVE
86973312		UNITED YEARBOOK	TSDR	LIVE
86898880	5317779	UNITED STATES POLO ASSOCIATION SINCE 1890 USPA POLO NETWORK	TSDR	LIVE
86435476	4772058	UNITED WIND	TSDR	LIVE
86269147	4687481	UNIDOS CONTRA EL CANCER	TSDR	LIVE

86875590		UNITED WE BUILD	TSDR	LIVE
86937354		UNITED CANCER FRONT THE RESEARCH INITIATIVE TO DELIVER BREAKTHROUGH THERAPIES	TSDR	LIVE
86937303		UNITED CANCER FRONT	TSDR	LIVE
86935804		CAGE BOXING ORGANIZATION UNITED STATES OF AMERICA	TSDR	LIVE
86525412	5196042	USL	TSDR	LIVE
86389378	5311695	USPS HEALTH CONNECT	TSDR	LIVE
86627896		CARE UNITED	TSDR	LIVE
86627895		JOHNSON & JOHNSON CARE UNITED	TSDR	LIVE
86716750		UNITEDHEALTHCARE MYHOUSING CONNECT	TSDR	LIVE
86716627		UNITEDHEALTHCARE MYDATA CONNECTION	TSDR	LIVE
86701231		UNITEDHEALTHCARE MYCOMMUNITY CONNECT	TSDR	LIVE
86694063		UNITEDHEALTHCARE MYCONNECTIONS	TSDR	LIVE
86566972	5304111	ONE UNITED	TSDR	LIVE
86304977		THE HOME DEPOT UNIDOS POR LA PASION	TSDR	LIVE
86771669		THE UNITED STATES OF CONSPIRACY	TSDR	LIVE
86761942	5125380	UNITED AMBASSADORS	TSDR	LIVE
86355349		UNITED STATIONS MEDIA NETWORKS	TSDR	LIVE
86355347		UNITED STATIONS AUDIO NETWORKS	TSDR	LIVE
86857570	5302185	UNITED METRO ENERGY	TSDR	LIVE
86389385		USPS CONNECT	TSDR	LIVE
86389382		USPS HEALTH	TSDR	LIVE
86946440		UNITED MASTERS	TSDR	LIVE
86716632	5051065	UNITEDHEALTHCARE MYMONEY CONNECT	TSDR	LIVE
86678092	5046623	UNITEDHEALTHCARE LEAN	TSDR	LIVE
86469499		UNITEDHEALTHCARE	TSDR	LIVE
86349707	5091636	UNITEDHEALTHCARE MEDICARERX	TSDR	LIVE
86310894	4705395	KICKIN' IT FOR KIDS UHCCF.ORG	TSDR	LIVE
86203521	4902395	UNITEDHEALTHCARE CHARTER	TSDR	LIVE
86111017		UNITEDHEALTHCARE CHILDREN'S FOUNDATION RESTORING HOPE	TSDR	LIVE
86103177	4672808	UNITEDHEALTHCARE MYPERKS	TSDR	LIVE
86099691	4668528	UNITEDHEALTHCARE CHILDREN'S FOUNDATION TICKETS FOR HOPE	TSDR	LIVE
86898801	5297238	USPA POLO NETWORK	TSDR	LIVE
86462968		USPS NEIGHBORPOST	TSDR	LIVE
86229531	5296667	USPS TEXT TRACKING	TSDR	LIVE
86925667		UNITED THERAPEUTICS CORPORATION LUNG BIOTECHNOLOGY	TSDR	LIVE
86678430		CHRISTIANS UNITED	TSDR	LIVE
86518395		AFP FOUNDATIONS FOR PHILANTHROPY UNITED STATES · CANADA · MEXICO	TSDR	LIVE
86173045	4916394	UK2 GROUP	TSDR	LIVE

86658173		UNITED SNACKS OF AMERICA	TSDR	LIVE
86445168	4825440	BEAUMONT UNITED CARE PARTNERS	TSDR	LIVE
86823332	5288570	UNITED SOULS MOTORCYCLE ASSOC.	TSDR	LIVE
86614681	4838674	UNITED STATES COURTS ARCHIVE	TSDR	LIVE
86688356		UPS SYNCHRONIZED DELIVERY	TSDR	LIVE
86941510		U.S. GENIUS	TSDR	LIVE
86807723	5286922	UNITED STATE OF MIND	TSDR	LIVE
86532961		UNITED GREENERIES	TSDR	LIVE
87514815		REFORM PARTY	TSDR	LIVE
87616685		THE REPUBLICAN WING OF THE REPUBLICAN PARTY	TSDR	LIVE
87719274		AMERICAN NATIONAL PARTY	TSDR	LIVE
87718935		THE FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87471821		THE WINE PARTY	TSDR	LIVE
87502943		HONEST LEADERSHIP REAL SOLUTIONS WWW.REFORMPARTY.ORG	TSDR	LIVE
87701344		FEDERALIST PARTY NATIONAL COMMITTEE	TSDR	LIVE
87669025		FEDERALIST PARTY	TSDR	LIVE
87667992		FEDERALIST PARTY OF AMERICA	TSDR	LIVE
87552232		BANGLADESH NATIONALIST PARTY	TSDR	LIVE
87636192		M.A.G. PARTY MAKE AMERICA GREAT PARTY	TSDR	LIVE
87234577		THE AMERICA FIRST PARTY	TSDR	LIVE
87081551	5229449	THE RESPONSIBLE PARTY	TSDR	LIVE
87162631	5189861	REALIGNMENT PARTY OF AMERICA	TSDR	LIVE
87046437	5075505	GENDER PARTY	TSDR	LIVE
86920068		AMERITORIAN PARTY	TSDR	LIVE
86973564	5168650	FREE ENTERPRISE PARTY	TSDR	LIVE
86649880	4892341	TRUE HUMANITY PARTY	TSDR	LIVE
86208527	5038110	COLLABORATIVE-POLITICAL PARTY	TSDR	LIVE
86784301	5088595	TRANSHUMANIST PARTY	TSDR	LIVE
86043587	4482846	NATIONAL INDEPENDENT PARTY	TSDR	LIVE
86845676	5039574	REALTOR PARTY	TSDR	LIVE
86677052	5029839	REPUBLICAN PARTY OF TEXAS	TSDR	LIVE
86679401	4961600	THE HUMANITY PARTY	TSDR	LIVE
86038833	4542448	WWW.PAGOP.ORG REPUBLICAN PARTY OF PENNSYLVANIA	TSDR	LIVE
86038808	4542447	WWW.PAGOP.ORG	TSDR	LIVE
86573807	4942761	IRP INDEPENDENT REFORM PARTY	TSDR	LIVE
86086248	4639692	ETHIOPIAN PEOPLE'S REVOLUTIONARY PARTY YOUTH LEAGUE (EPRPYL)	TSDR	LIVE
86083261	4595805	ETHIOPIAN PEOPLE'S REVOLUTIONARY PARTY (EPRP)	TSDR	LIVE
85164260	5367100	TEA PARTY NATION	TSDR	LIVE
85866259	4527974	UNITED INDEPENDENT PARTY	TSDR	LIVE
85369419	4097383	CONSERVATIVE PARTY USA	TSDR	LIVE

85423199	4107098	CHRISTIAN PARTY OF AMERICA	TSDR	LIVE
85548708	4337151	DANG DÂN CHU VIET NAM	TSDR	LIVE
85762507	4905425	WORLD PRESERVATION PARTY	TSDR	LIVE
85944915	4561314	PEOPLE'S PARTY OF AMERICA	TSDR	LIVE
85654266	4291657	TRUE BLUE PARTY	TSDR	LIVE
85400752	4115010	GOTP GALT'S ONE TEA PARTY	TSDR	LIVE
85389174	4128400	INDEPENDENT AMERICAN PARTY	TSDR	LIVE
85335943	4185111	THE CANARY PARTY	TSDR	LIVE
85151375	4471162	THE INDEMOCAN PARTY	TSDR	LIVE
78510281	3103189	AMERICAN REVOLUTIONARY PARTY	TSDR	LIVE
78848507	3314487	PATRIOT PARTY	TSDR	LIVE
78585919	3980125	THE GREENS/GREEN PARTY USA	TSDR	LIVE
77828614	3933358	OPEN PARTY	TSDR	LIVE
77758149	3746339	HUMANE PARTY	TSDR	LIVE
77330185	4118798	THE THIRD PARTY	TSDR	LIVE
77462038	3629038	AMERICAN CITIZEN PARTY	TSDR	LIVE
75937476	2423459	LIBERTARIAN PARTY	TSDR	LIVE
75937475	2423458	THE PARTY OF PRINCIPLE	TSDR	LIVE

Federal Trademarks

After the evaluation of the marks listed above, the following were selected as the most relevant for inclusion in your report.

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Uniting Americas

Word Mark UNITING AMERICAS

Goods and Services IC 035. US 100 101 102. G & S: Business consulting services in the field of mergers and acquisitions and international trading information. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160701

IC 041. US 100 101 107. G & S: Education services, namely, providing live and on-line classes in the field of mergers and acquisitions and international trading information. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160701

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87210622

Filing Date October 20, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 14, 2017

Registration Number 5213548

Registration Date May 30, 2017

Owner (REGISTRANT) Uniting Americas LIMITED LIABILITY COMPANY TEXAS 31 Caulfield Ct. THE WOODLANDS TEXAS 77382

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

United America

Word Mark UNITED AMERICA
Goods and Services IC 041. US 100 101 107. G & S: Entertainment in the nature of beauty pageants.
FIRST USE: 20041008. FIRST USE IN COMMERCE: 20041008
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85970622
Filing Date June 26, 2013
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 3, 2013
Registration Number 4484474
Registration Date February 18, 2014
Owner (REGISTRANT) Rushing, Annette K. INDIVIDUAL UNITED STATES 301 Springwood Rd. Dripping Springs TEXAS 78620
Prior Registrations 3251569
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

AMERICANS UNITED

Word Mark AMERICANS UNITED
Goods and Services (CANCELLED) IC 009. US 021 023 026 036 038. G & S: [electronic publications namely, books, magazines, newsletters, press releases featuring constitutional law and constitutional issues recorded on computer media; pre-recorded video tapes, laser disks and DVDs featuring constitutional law and constitutional issues]. FIRST USE: 19951025. FIRST USE IN COMMERCE: 19951025

IC 035. US 100 101 102. G & S: public relations to media and legislature for policy relating to constitutional law and constitutional issues. FIRST USE: 19640301. FIRST USE IN COMMERCE: 19640301

IC 041. US 100 101 107. G & S: Providing education and training in the field of constitutional law and constitutional issues, namely, courses of instruction for communities, [companies,] churches, [employee groups,] volunteers, schools, colleges and universities, groups and associations, and distribution of course materials in connection therewith; publication of [books and other] printed matter, namely, brochures, magazines, newsletters, press releases in the field of constitutional law and constitutional issues; providing on-line publications in the nature of electronic newsletters via e-mail and via the Internet in the field of constitutional law and constitutional issues and on-line journals, namely, blogs featuring constitutional law and constitutional issues; educational research; educational services, namely, conducting and hosting public and private lectures, speeches, workshops, seminars, conferences and conventions in the field of constitutional law and constitutional issues and distributing course materials in the nature of recordings on compact disks, [cassette tapes,] video tapes, [floppy disks,] MP3 files, DVDs in connection therewith; entertainment services, namely, production of radio and [television] shows; [televisions] and radio programming; entertainment services, namely, providing a website featuring photographic, audio, video and prose presentations featuring constitutional law and constitutional issues; publication of printed documents in the field of training, science, public law and social affairs. arranging and conducting of educational exhibitions, conferences, conventions and public lectures locally, regionally and nationally featuring booths and tables with visual and audio information in the field of constitutional law and constitutional issues and distribution of course materials in connection therewith. FIRST USE: 19640301. FIRST USE IN COMMERCE: 19640301

IC 042. US 100 101. G & S: Providing legal services and legal advocacy on constitutional issues, in the nature of opinion work, counseling and initiation of lawsuits and representation at trial. FIRST USE: 19640301. FIRST USE IN COMMERCE: 19640301

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78834676

Filing Date March 10, 2006

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 8, 2008
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 3401815
Registration Date March 25, 2008
Owner (REGISTRANT) Americans United for Separation of Church and State CORPORATION D.C.
518 C Street, NE Washington D.C. 20002
Attorney of Record Kathleen Gallagher-Duff
Type of Mark Register TRADEMARK. SERVICE MARK
PRINCIPAL
Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR).
Live/Dead Indicator **LIVE**

Great America Party

Word Mark	GREAT AMERICA PARTY
Goods and Services	IC 025. US 022 039. G & S: Baseball caps; T-shirts
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87591820
Filing Date	August 31, 2017
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	February 6, 2018
Owner	(APPLICANT) Walsh, John INDIVIDUAL UNITED STATES 401 Buttercup Creek 101 Cedar Park TEXAS 78613
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

AMERICAN PARTY

Word Mark AMERICAN PARTY

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Coffee cups, tea cups and mugs; Drinking glasses

IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Beanies; Shirts

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87699600

Filing Date November 28, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) American Party CORPORATION WYOMING P.O. Box 457 Elizabeth NEW JERSEY 07207

Prior Registrations 3902290;5333096

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

THE AMERICA FIRST PARTY

Word Mark THE AMERICA FIRST PARTY

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Bumper stickers; Paper banners; Posters

IC 025. US 022 039. G & S: Hats; Shirts; Sweatpants; Sweatshirts; T-shirts; Ties; Wristbands

IC 035. US 100 101 102. G & S: Political party services, namely, promoting the interests of a political organization; Providing a website featuring information about political issues

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87234577

Filing Date November 11, 2016

Current Basis 1B

Original Filing Basis 1B

Published for Opposition August 1, 2017

Owner (APPLICANT) Ralph & Associates, LLC LIMITED LIABILITY COMPANY NEVADA 700 Tern Point Circle Boca Raton FLORIDA 33431

Attorney of Record David R. Parkinson

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA" AND "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

AMERICA'S FIT PARTY

Word Mark AMERICA'S FIT PARTY

Goods and Services IC 041. US 100 101 107. G & S: Entertainment services, namely, an on-going series featuring fitness/dance based lifestyle, nutrition, fitness and wellness provided through television, webcasts and radio broadcasts; Production of a live fitness/dance based lifestyle program. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20090101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85530539

Filing Date February 1, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 10, 2012

Registration Number 4213388

Registration Date September 25, 2012

Owner (REGISTRANT) Billy Blanks Jr.'s Dance with Me, LLC. LIMITED LIABILITY COMPANY CALIFORNIA #366 6433 Topanga Canyon Blvd. Canoga Park CALIFORNIA 91303

Attorney of Record Raj Abhyanker

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIT PARTY" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

PARTY AMERICA

Word Mark	PARTY AMERICA
Goods and Services	IC 035. US 100 101 102. G & S: On-line retail store services featuring party supplies and paper goods; Retail store services featuring party supplies and paper goods. FIRST USE: 19880518. FIRST USE IN COMMERCE: 19880518
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85482524
Filing Date	November 29, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 23, 2012
Registration Number	4270819
Registration Date	January 8, 2013
Owner	(REGISTRANT) Amscan Holdings, Inc. CORPORATION DELAWARE 80 Grasslands Road Elmsford NEW YORK 10523
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Karin Segall
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

AMERICAN PARTY

Word Mark AMERICAN PARTY

Goods and Services IC 035. US 100 101 102. G & S: Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics. FIRST USE: 20100204. FIRST USE IN COMMERCE: 20100204

IC 036. US 100 101 102. G & S: Political fund raising services. FIRST USE: 20100204. FIRST USE IN COMMERCE: 20100204

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77814576

Filing Date August 27, 2009

Current Basis 1A

Original Filing Basis 1B

Date Amended to Current Register April 8, 2010

Registration Number 3902290

Registration Date January 4, 2011

Owner (REGISTRANT) Cowles, Roger E INDIVIDUAL UNITED STATES P.O. Box 457 Elizabeth NEW JERSEY 07207

(LAST LISTED OWNER) AMERICAN PARTY NON-PROFIT CORPORATION WYOMING P.O. BOX 457 ELIZABETH NEW JERSEY 07207

Assignment Recorded ASSIGNMENT RECORDED

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register SUPPLEMENTAL

Affidavit Text SECT 8 (6-YR).

Live/Dead Indicator LIVE

AMERICAN CITIZEN PARTY

Word Mark AMERICAN CITIZEN PARTY

Goods and Services IC 035. US 100 101 102. G & S: Political party services, namely, promoting the interests of a political party through promoting the formation of, and providing administrative support to, grassroots, community-based organizations engaged in advocating political issues, holding elected officials accountable and supporting the election of candidates; Political party services, namely, providing information regarding political issues; providing information about political elections. FIRST USE: 20090302. FIRST USE IN COMMERCE: 20090302

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77462038

Filing Date April 30, 2008

Current Basis 1A

Original Filing Basis 1B

Date Amended to Current Register April 15, 2009

Registration Number 3629038

Registration Date May 26, 2009

Owner (REGISTRANT) McNeil, Robert A. INDIVIDUAL UNITED STATES #498 1302 Waugh Drive Houston TEXAS 77019

Attorney of Record Wendy K.B. Buskop

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark Register SERVICE MARK SUPPLEMENTAL

Affidavit Text SECT 8 (6-YR).

Live/Dead Indicator LIVE

UNITED INDEPENDENT PARTY

Word Mark UNITED INDEPENDENT PARTY

Goods and Services IC 035. US 100 101 102. G & S: Political action committee services, namely, promoting the interests of independent voters in the field of politics; **political party** services, namely, promoting the interests of a **political organization**; lobbying services and grassroots advocacy, namely, promoting the interests of independent voters in the fields of politics, legislation, and regulation; providing a web site featuring news and information about political issues; providing information regarding political issues, candidates, elections, and campaign finance rules. FIRST USE: 20121219. FIRST USE IN COMMERCE: 20130218

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85866259

Filing Date March 4, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 25, 2014

Registration Number 4527974

Registration Date May 13, 2014

Owner (REGISTRANT) Falchuk for Governor Campaign Committee UNINCORPORATED ASSOCIATION MASSACHUSETTS Post Office Box 66010 Auburndale MASSACHUSETTS 02466

Attorney of Record Sean Ploen

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INDEPENDENT PARTY" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

UNITED BANK

Word Mark UNITED BANK

Goods and Services IC 036. US 100 101 102. G & S: Bank tendering, namely, tendering of money; Banking consultation; Banking services; Banking services featuring the provision of certificates of deposit; Banking services provided by mobile telephone connections; Banking and financing services; Investment banking services; Issuance of bank checks; Mortgage banking; On-line banking services; Online banking; Providing banking information; Savings bank services; Telephone banking services; ATM banking services; Financial services, namely, funding online cash accounts from prepaid cash cards, bank accounts and credit card accounts; Merchant banking and investment banking services; Providing a website featuring information in the field of banking

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87738007

Filing Date December 29, 2017

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) United Financial Bancorp, Inc. CORPORATION MARYLAND 225 Asylum Street Hartford CONNECTICUT 06103

Attorney of Record Thomas F. Dunn

Prior Registrations 3020666;3020671;4849299;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator

BETTER. UNITED.

Word Mark BETTER. UNITED.
Goods and Services IC 036. US 100 101 102. G & S: Banking services. FIRST USE: 20170218. FIRST USE IN COMMERCE: 20170218
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87175061
Filing Date September 19, 2016
Current Basis 1A
Original Filing Basis 1B
Published for Opposition February 7, 2017
Registration Number 5292691
Registration Date September 19, 2017
Owner (REGISTRANT) United Bank & Capital Trust Company CORPORATION KENTUCKY 125 WEST MAIN STREET FRANKFORT KENTUCKY 40601
Attorney of Record Laura H. Pulliam
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

UNITED LUXURIES

Word Mark UNITED LUXURIES

Goods and Services IC 035. US 100 101 102. G & S: Online retail store services featuring clothing, namely, coats, business suits, tuxedos, jackets, shirts, shoes, vests, pants, sweaters, sweatshirts, t-shirts, shorts, sweat pants, swimwear, skirts, dresses, gowns, hats, scarves; Online retail store services featuring shoes, namely, oxfords, boots, loafers, derby, monk straps, boots, sneakers, heels, sandals, slippers, flats; Online retail store services featuring bags, namely, backpacks, beach bags, briefcase bags, clutch bags, duffle bags, gym bags, hobo bags, laptop bags, luggage bags, messenger bags, newsboy bags, muff bags, saddle bags, satchel bags, shoulder bags, sling bags, tote bags; Online retail store services featuring jewelry, namely, bracelets, necklaces, rings, earrings, anklets, pendants; Online retail store services featuring furniture, namely, cabinets, armoires, bed frames, dresses, chests, nightstands, dining tables, dining chairs, office desks, office chairs, book cases; Online retail store services featuring belts, cufflinks, pocket squares, cologne, sunglasses, ties, ascot ties, bow ties, wallets, watches, watch cases, cigar humidors, flasks, key holders, money clips, keyboards, laptops, computer mice, umbrellas, wall art, golf clubs, decanters, and dinnerware. FIRST USE: 20150601. FIRST USE IN COMMERCE: 20150601

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86907055

Filing Date February 12, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 24, 2017

Registration Number 5179230

Registration Date April 11, 2017

Owner (REGISTRANT) Del Rio, Gregorio A DBA United Luxuries INDIVIDUAL UNITED STATES 6410 Seascape Dr. San Diego CALIFORNIA 92139

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LUXURIES" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

American National Party

Word Mark	AMERICAN NATIONAL PARTY
Goods and Services	IC 035. US 100 101 102. G & S: Political party services, namely, promoting the interests of a political organization
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87719274
Filing Date	December 13, 2017
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Aiello, Robert INDIVIDUAL UNITED STATES Suite 190 14881 Quorum Dr. Dallas TEXAS 75254
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

American Revolutionary Party

Word Mark AMERICAN REVOLUTIONARY PARTY

Goods and Services IC 035. US 100 101 102. G & S: **Political party** services, namely, promoting and advocating a political philosophy based upon natural law, inalienable human rights, personal sovereignty, universal principles of economic and social justice, limited government, and free market populism as a framework for a peaceful and secure culture of life, and as a new paradigm of sustainable development beyond capitalism and socialism that enables civil government to provide all citizens with equal access to "the means of acquiring and possessing property," as set forth in the Virginia Declaration of Rights on June 7, 1776. FIRST USE: 20041022. FIRST USE IN COMMERCE: 20041022

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78510281

Filing Date November 2, 2004

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 21, 2006

Registration Number 3103189

Registration Date June 13, 2006

Owner (REGISTRANT) American Revolutionary Party CORPORATION VIRGINIA 4318 31st Street North Arlington VIRGINIA 222074116

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICAN" and "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20160919.

Renewal 1ST RENEWAL 20160919

Live/Dead Indicator LIVE

Reform Party

Word Mark	REFORM PARTY
Goods and Services	IC 035. US 100 101 102. G & S: Political party services, namely, promoting the interests of a political organization . FIRST USE: 19950101. FIRST USE IN COMMERCE: 19950101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87514815
Filing Date	July 3, 2017
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 2, 2018
Owner	(APPLICANT) Reform Party UNINCORPORATED ASSOCIATION TEXAS 1461 Lakeland Avenue Suite 16 Bohemia NEW YORK 11716
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Open Party

Word Mark OPEN PARTY

Goods and Services IC 035. US 100 101 102. G & S: **Political party** services, namely, promoting the interests of a **political organization**. FIRST USE: 20090921. FIRST USE IN COMMERCE: 20091216

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77828614

Filing Date September 17, 2009

Current Basis 1A

Original Filing Basis 1B

Published for Opposition January 4, 2011

Registration Number 3933358

Registration Date March 22, 2011

Owner (REGISTRANT) The Silo, LLC LIMITED LIABILITY COMPANY CALIFORNIA 603 Wilshire Blvd. #931 Los Angeles CALIFORNIA 90017

(LAST LISTED OWNER) ELIZABETHTOWN HOLDINGS LIMITED LIMITED LIABILITY COMPANY NEVADA 7345 S. DURANGO DR. SUITE 248 LAS VEGAS NEVADA 89113

Assignment Recorded ASSIGNMENT RECORDED

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARTY" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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TTC Clear™

Is My Trademark Available to be Registered?
1. Is your trademark identical or highly similar to a trademark cited in your report? No
2. Are the goods or services in your trademark application identical or highly similar to the goods or services to the trademark referenced above in No. 1? No
3. Is your trademark in use and, if so, do you know of any instances where consumers have confused your trademark with the trademark referenced above in No.1? No
Based upon your responses your trademark is has a 99% of registering.

How to Use This Software

To use our Trademark Clearance software simply review the relevant trademarks listed in your report and answer the three simple questions per identified trademark to determine whether your trademark is cleared to be registered. Of note, because our search results are sorted by relevance the typical customer only needs to answer these questions for the first one or two trademarks listed in the report. Additionally, if the answer to question 1 is "No" questions 2 and 3 should remain as "No".

About This Software

Our Trademark Clearance software was created by the Top Trademark Law Firm in the United States. Having conducted thousands of research reports and clearance opinions over the years, the algorithm used in this software is designed to mirror the advice you would receive from counsel through your input to these simple questions. Use of this software is subject to our Terms of Service.

What do my Results Mean?

If your score is 99% it means that it is almost certain that your trademark will not be refused due to the trademark identified in your report that you have answered the questions concerning. If your score is 74% it means that your trademark may receive an initial refusal but that a properly drafted office action response should be able to get past the refusal and move your application on to registration. If your score is 24% it is likely that your trademark will be refused and unlikely that a response will be able to get it past the refusal and registered. In this instance, it is often better to select a different trademark unless enforcement to secure your rights is an option. Finally, if your score is 0% it is highly unlikely that your trademark can be registered and, as before, selecting another trademark unless enforcement to get your trademark registered is an option is what most businesses would do.

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

AMERICAN PARTY, INC.

Opposer,

v.

PAUL MICHAEL STUART

Applicant,

Opposition No. 91248963

Serial No. 87809067

Mark: United Americans Party

OPPOSER'S MOTION TO COMPEL WITH BRIEF

COMES NOW, Opposer and pursuant to TBMP §§ 408.01 and 411.02 and Rule 37 of the Federal Rules of Civil Procedure moves to compel Applicant to comply with his discovery obligations. Opposer states as follows:

FACTUAL BACKGROUND

Opposer served its first Interrogatories and Requests for Production on Applicant via e-mail on July 26, 2021. There are only 25 Interrogatories including sub-parts. The relevant sections of the first Interrogatories and Requests for Production may be viewed in Exhibit A appended below.

Applicant's responses were received via e-mail on August 25, 2021. They are attached as Exhibits B, C, D and E.

The discovery period in this matter is scheduled to close September 1, 2021.

ARGUMENT

A fair reading of Applicant's responses shows that they are insufficient and do not constitute a good faith effort to satisfy reasonable discovery requests. They include false, contradictory, evasive answers and non-answers as shown in the following text. There are only 25 Interrogatories including sub-parts.

Applicant has responded to both Opposer's Interrogatories and Requests for Document Production with a set of general objections shown in Appendix B and C which appear to be boilerplate. General, blanket and boilerplate objections are fundamentally disfavored insofar as they fail to explain with any specificity the grounds for the objections to each particular production request or interrogatory. See *Medtronic, Inc. v. Pacesetter Sys., Inc.*, 22 USPQ 80, 83 (TTAB 1984) (party must articulate objections with particularity); see also Fed. R. Civ. P. 34(b)(2)(B) ("For each item or category, the response must state...with specificity the grounds for objecting to the request, including the reasons.").

Additionally, Applicant's attorney has cited "attorney work-product" as the basis for the failure to answer some Interrogatories directed to this Applicant for his filings with the USPTO when no attorney represented the Applicant and no attorney work-product was involved. Work-product doctrine can protect documents that are prepared in anticipation of litigation or for trial. However, none of our Interrogatories concern recent work

product or work product being prepared in anticipation of litigation. All of our Interrogatories concern either Applicant's pro se Application on February 23, 2018 or his pro se Response to Office Action on December 13, 2018. Applicant did not retain any trademark attorney in 2018. Applicant retained attorney Jeffrey Furr initially on August 16, 2019 only after our Opposition was filed on June 19, 2019.

Applicant's objection that "attorney-client privilege" can bar responses to certain Interrogatories should be overruled to the extent that the Board's standard protective order automatically applies to all *inter partes* proceedings as of institution of the proceeding. See Trademark Rule 2.116(g); see also *Amazon Techs. Inc. v. Wax*, 93 USPQ2d 1702, 1706 n.6 (TTAB 2009). Applicant is not entitled to withhold discovery responses or documents on the grounds that they contain confidential business information. See *Intex Recreation Corp. v. The Coleman Co.*, 117 USPQ2d 1799, 1801 (TTAB 2016) ("To the extent any of the documents at issue contain confidential information, Applicant should have designated those documents under the appropriate tier of confidentiality as set forth in the Board's standard protective order."). Therefore, discovery of confidential material may be conducted in accordance with the standard order.

Applicant used an online trademark search service, TTC Business Solutions, <https://ttcbusinesssolutions.com/> to conduct a \$95 basic keyword search for conflicts. The results of this search, which TTC calls a "Federal" search, are shown in Exhibit D. This search reported that there were 702 registered marks with potential conflicts, and hundreds more with potential conflicts that had not yet registered. This search did identify both of Opposer's marks for "American Party" as among the 20 "most relevant" to this search. This is shown on p. 50 and 54 of Exhibit D. Applicant therefore was aware of Opposer's registered marks but chose to file for his conflicting mark anyway. TTC Business Solutions website contains a disclaimer that "We are not a law firm or a substitute for an attorney or law firm. We cannot provide any kind of advice, explanation, opinion, or recommendation about possible legal rights, remedies, defenses, options, selection of forms or strategies."

The Board's standard protective order is in place. No civil litigation has been filed. The "attorney work-product" objections should be overruled.

Opposer cannot reasonably prepare for trial until Applicant has completely and forthrightly complied with his outstanding discovery obligations.

All of our Interrogatories are directly and incontrovertibly related to Applicant's pro se filings with the USPTO. Applicant Paul Michael Stuart made the decision to file and prosecute his Application pro se without

consulting or retaining any trademark attorney. He now seeks to evade truthful, forthright and complete Discovery cooperation with a set of unserious responses and legal boilerplate generated by his current attorney. We believe that the USPTO and Opposer are entitled to truthful, complete, and non-evasive responses to Interrogatories and Requests for Production as provided for in the Lanham Act.

Specific examples of Applicant's non-cooperation follow:

Example A – Evasiveness

Opposer's Interrogatory No. 3. "Did you understand at the time of your Application that this filing began a legal process?"

Applicant's Response: "Cannot be answered as legal process is not defined."

Example B - False Statement

Opposer's Interrogatory No. 7: "You told the USPTO on December 13, 2018 in your reply to an Office Action that "The Applicant's goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet / Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets. Was this statement accurate and truthful, or not?"

Applicant's Response: "Yes. This statement was accurate."

a. In Applicant's Response to Interrogatory No. 6, Exhibit B p. 40-42, Applicant specifically denied that he has ever used any of these marketing methods. Thus, Applicant's response is false.

Example C – Evasiveness and Refusal to Answer by Citing Attorney Work-Product when Applicant filed pro se and no attorney work-product was used.

Opposer's Interrogatory No. 8(d): On p. 6 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated: "Within this context, there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s). What portion or component of your proposed description of services unambiguously and clearly tells the consuming public that your services are different from, and should not be mistaken with, the registered mark "American Party"?"

Applicant's Response: See General Objections. Objection legal argument, Attorney work product. "Clearly" and "unambiguously" are subjective terms which make the question unclear. The question asks the Applicant to compare services with a mark, making the question unclear. The mark "American Party" is not in the proposed list of services.

- a. There was no "attorney work-product" at issue because Interrogatory No. 8 is about Applicant's pro se statements made on December 13, 2018 to the Office Action of June 14, 2018. At that time Applicant had not retained an attorney, nor was preparation for litigation contemplated by any party.
- b. The meaning of the word "clearly" is well known and commonly used in U.S. trademark law. For example, TBMP § 1103.01(e) states in part, "Rather, applicant's duty is to list any entity known to it to be a senior user of a clearly conflicting mark, as well as any junior user known to it to have clearly conflicting rights which are clearly established, as, for example, by court decree, by settlement agreement, or by a registration."
- c. The response is deliberately evasive, because we are clearly asking Applicant how his proposed services differ from, and could not be confused with, those of the registered mark "American Party." We are not, as Applicant claims, asking how Applicant's proposed services compare with the word mark "American Party" without respect to its services.
- d. Applicant's non-answer is important because of the USPTO's likelihood of confusion test in which marks may be so similar and the goods and/or services for which they are used are so related that consumers would mistakenly believe they come from the same source.

One of the grounds cited in this Opposition is Priority and likelihood of confusion, Trademark Act Section 2(d).

REQUEST FOR RELIEF

Opposer moves this Board for an Order compelling Applicant, within fifteen (15) days from the date of the Order, to truthfully, accurately and completely respond to all of Opposer's July 26, 2021 Interrogatories and Requests for Production, including each Interrogatory and each Request for Production, without objections regarding burden, vagueness, confidentiality, or relevance.

Opposer moves this Board to overrule Applicant's use of "General Objections" as shown in Exhibits B and C and bar the use of any other boilerplate or blanket objections.

Opposer moves this Board to overrule the use of "attorney work-product" as an objection to any Interrogatory. Civil litigation has not been filed, and a final Board decision is nearly a year away per its Schedule.

Opposer moves this Board to overrule the use of "attorney-client privilege" as an objection to any Interrogatory.

Opposer moves this Board to require that Applicant's responses to Interrogatories No. 3, 7 and 8(d) be amended and supplemented to address evasive, false and non-responsive answers.

Opposer moves this Board to extend and reset the close of discovery and subsequent deadlines to allow Opposer time to conduct follow up discovery after the time allocated for Applicant to provide complete and full responses to the discovery detailed herein.

Opposer further moves this Board for any other relief it deems appropriate.

WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board grant its Motion to Compel and grant all other appropriate relief.

Roger E. Cowles
Lead Director
American Party, Inc.

August , 2021

EXHIBIT A

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PAUL MICHAEL STUART

Opposer American Party, Inc. propounds the following Interrogatories and Request For Production of Documents pursuant to Fed. R. Civ. Pro. 26, 33 and 34, to be answered under oath pursuant to said rules by Paul Michael Stuart. You are required to answer these interrogatories separately and fully in writing, under oath. All of these interrogatories and document requests are directly and incontrovertibly related to your Application and filings with the USPTO. You are required to respond to these interrogatories no later than thirty (30) calendar days after receipt of these interrogatories, via e-mail to the undersigned at: organizers@americanparty.mobi.

Federal agencies such as the U.S. Patent and Trademark Office rely upon truthful information in order to make informed decisions. For this reason, Discovery must include inquiries relating to all of Applicant's statements and representations in this case. You may answer these interrogatories using this document if you have access to MS Word. You may also answer these interrogatories with a separate Microsoft Word or WordPerfect document using a numbering system that corresponds to the numbering system below. Alternatively, if you do not have access to Microsoft Word or WordPerfect, please answer with your word processor and then convert the document to the MS Word, WordPerfect or PDF document

format before sending it to us. If your answers are incomplete, illegible, missing, out of order, obviously false or unresponsive, a Motion to Compel will be promptly filed.

I. INTERROGATORIES DIRECTED to PAUL MICHAEL STUART

INTERROGATORY NO. 1 List the names and business addresses of all attorneys who you communicated with about this Application, if any, prior to your pro se Application filing. If you did not communicate with any attorney(s), please answer with “none” or equivalent wording.

INTERROGATORY NO. 2 Did you, or did you not, search for servicemarks that could be considered confusingly similar to your proposed mark before filing your Application?

- a. If you searched, describe your search method and what, if any, servicemarks you found.

INTERROGATORY NO. 3 Did you understand at the time of your Application that this filing began a legal process?

INTERROGATORY NO. 4 Your Application required you to sign a verified statement pursuant to 15 U.S.C. §1051(a)(3)(D) that reads: “to the best of the verifier’s knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

- (i) state exceptions to the claim of exclusive use; and
- (ii) shall specify, to the extent of the verifier’s knowledge—

- § (I) any concurrent use by others;
- § (II) the goods on or in connection with which and the areas in which each concurrent use exists;
- § (III) the periods of each use; and
- § (IV) the goods and area for which the applicant desires registration.”

Did you read and fully understand this requirement when signing your Application?

INTERROGATORY NO. 5 On p. 3 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated that “Applicant’s trademark UNITED AMERICANS PARTY differs in appearance from the blocking trademark in that it is spelled differently, looks different and has less words than the blocking trademark.”

- a. In what way does your proposed mark “United Americans Party” have fewer words than the registered mark “American Party?”
- b. Both Applications for “American Party” and “United Americans Party” included the required USPTO Mark Statement: “The mark consists of standard characters, without claim to any particular font style, size or color.” Therefore, what difference does it make if the two marks “look different” as you stated?

INTERROGATORY NO. 6 On p. 7 of your reply on December 13, 2018 to the Office Action of June 14, 2018, you stated that “The Applicant’s goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.”

- a. List the Internet domain(s) that you have you registered for the commercial use of “United Americans Party” including the specific domain name and date of registration.
- b. List the name of the Facebook account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.
- c. List the name of the Instagram account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.
- d. List the name of the Twitter account(s) that you have registered for the commercial use of “United Americans Party” including the account name and date of creation.
- e. List the television channels, program details and run dates for all commercial appearances by, or on behalf of, “United Americans Party.”

- f. List the radio stations, program details, and run dates for all commercial broadcasts or advertisements by, or on behalf of, "United Americans Party."
- g. List all newspaper columns, articles, publications or advertisements by, or on behalf of, of "United Americans Party."
- h. List all magazine columns, articles, publications or advertisements by, or on behalf of, "United Americans Party."
- i. List the Internet World Wide Name URL(s) of all Internet websites you have created and maintained for the commercial use of "United Americans Party."
- j. Provide the publication details including the distribution companies and methods for all direct mailing efforts for the commercial use of "United Americans Party."
- k. List the names of the catalogs and publication dates for all catalog commercial listings and advertisements for, or on behalf of, "United Americans Party."
- l. List the names, creation methods and distribution methods including evidence of creation and distribution for all leaflets made, or on behalf of, "United Americans Party."

INTERROGATORY NO. 7 You told the USPTO on December 13, 2018 in your reply to an Office Action that "The Applicant's goods and services are marketed in a manner distinct from the marketing of the cited

trademark(s). Specifically, Applicant markets its goods and services by and through Internet / Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.”

Was this statement accurate and truthful, or not?

INTERROGATORY NO. 8 On p. 6 of your reply on December 13, 2018 to the Office Action of June 14, 2018 you stated: “Within this context, there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s).”

- a. Is your Application designated for International Class 035, as is the registered mark “American Party?”
- b. Did you list the goods and services in your Application as “Political party services, namely, promoting the interests of a political organization?”
- c. Does the registered servicemark “American Party” list its goods and services in Class 035 as “Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics?”
- d. What portion or component of your proposed description of services unambiguously and clearly tells the consuming public that your services are different from, and should not be mistaken with, the registered mark “American Party”?

- e. What legal references, authorities or texts support your statement that “there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s)?”

**II. REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED to PAUL MICHAEL STUART**

REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS identified, directly or indirectly, in YOUR answers to Interrogatories.

REQUEST FOR PRODUCTION NO. 2: All written reports of all expert witnesses with whom YOU or YOUR attorneys have consulted, including, of course, those persons YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS upon which any expert witness YOU intend to call at trial relied to form an opinion.

REQUEST FOR PRODUCTION NO. 4: The most recent resume or curriculum vitae of each expert, if any, whom YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 5: All notes, correspondence, documents, legal references or other documents prepared or reviewed by each person whom YOU expect to call as an expert witness at trial.

REQUEST FOR PRODUCTION NO. 6: All written, recorded, or signed statements of any party concerning the research, preparation and submission of your Application.

REQUEST FOR PRODUCTION NO. 7: All DOCUMENTS, records, legal references or other information that were used to research, prepare and submit your Application.

REQUEST FOR PRODUCTION NO. 8: Copies of any standards in the industry, legal authority, rule, case, statute, or code that will be relied upon in your defense.

/Roger E. Cowles/

Roger E. Cowles
Lead Director
American Party, Inc.

Dated: July 26, 2021

CERTIFICATE OF SERVICE

I hereby certify that on August , 2021 I caused a true and correct copy of American Party, Inc.'s **OPPOSER'S MOTION TO COMPEL WITH BRIEF** to Paul M. Stuart to be served by email address JeffMFurr@FurrLawFirm.com on Attorney Jeffrey M. Furr, 2622 Debolt Road, Utica, Ohio 43080.

By,

Roger E. Cowles
Lead Director
American Party, Inc.

To: Stuart, Paul Michael (pmstuart@msn.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87809067 - UNITED AMERICANS PARTY - N/A
Sent: 6/14/2018 8:01:21 PM
Sent As: ECOM104@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
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[Attachment - 36](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION
SERIAL NO. 87809067**

**MARK: UNITED
AMERICANS PARTY**

87809067

**CORRESPONDENT
ADDRESS:**
STUART, PAUL
MICHAEL
16530 NE 95TH ST.
REDMOND, WA
98052-3104

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APPLICANT: Stuart,
Paul Michael

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**

N/A

**CORRESPONDENT E-
MAIL ADDRESS:**
pmstuart@msn.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 6/14/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Refusal-Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3902290; 4469841; and 3811317. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a consumer would be confused, mistaken, or deceived as to the source of the services of the applicant and registrants. *See* 15 U.S.C. §1052(d). Determining likelihood of confusion is made on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). However, “[n]ot all of the [*du Pont*] factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1366, 101 USPQ2d 1713, 1719 (Fed. Cir. 2012) (quoting *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010)). The USPTO may focus its analysis “on dispositive factors, such as similarity of the marks and relatedness of the goods [and/or services].” *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *see* TMEP §1207.01.

I. Similarity of the Marks

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560

(TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

The registered marks are outlined below:

1. U.S. Registration No. 3902290 for the mark AMERICAN PARTY in standard characters;
2. U.S. Registration No. 4469841 for the mark UNITED AMERICANS-EVERY ONE COUNTS and design; and
3. U.S. Registration No. 3811317 for the mark AU AMERICANS UNITED and design.

The proposed mark is UNITED AMERICANS PARTY in standard characters. It is likely to cause confusion with U.S. Registration No. 3902290 for the mark AMERICAN PARTY in standard characters because it evokes a similar mental reaction as the registered mark as a result of the wording “AMERICANS PARTY.” This wording conveys the same commercial impression as the wording “AMERICAN PARTY” in the registered mark. As a result of this wording, the marks are similar in sound, appearance and commercial impression.

In addition, the proposed mark is likely to cause confusion with U.S. Registration No. 4469841 for the mark UNITED AMERICANS-EVERY ONE COUNTS and design. The marks of the parties are similar in sound, appearance and commercial impression as a result of the wording “UNITED AMERICANS,” which is significant to the commercial impression of the marks. As a result of this wording, the marks evoke the same mental reaction concerning persons, namely, Americans who are united. As indicated by the enclosed dictionary evidence from <https://www.infoplease.com/dictionary/united> indicates that the term “UNITED” is defined as “formed or produced by the uniting of things or persons: a united effort. 3. agreed; in harmony.” Please also see the enclosed evidence from <https://en.wiktionary.org/wiki/American> indicating that “AMERICANS” is the plural form of the term “AMERICAN,” which is defined as “Originally, a native or inhabitant of the British North American colonies of European descent; now, a person born in, or a citizen or inhabitant of, the United States of America.”

The proposed mark is also likely to cause confusion with U.S. Registration No. 3811317 for the mark AU AMERICANS UNITED and design because the wording “UNITED AMERICANS” is similar in meaning and commercial impression as the wording “AMERICANS UNITED” in the registered mark. The marks convey the meaning of persons born in, or a citizen or inhabitant of, the United States of America, who are united.

When comparing marks, “[t]he proper test is not a side-by-side comparison of the marks, but instead ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that [consumers] who encounter the marks would be likely to assume a connection between the parties.” *In re U.S. Warriors Ice Hockey Program, Inc.*, 122 USPQ2d 1790, 1795 (TTAB 2017) (citing *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (citing *Spoons Rests. Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff’d per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); TMEP §1207.01(b).

II. Similarity of the Services

The compared services need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The services identified in U.S. Registration No. 3902290 are:

- International Class 35: Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics.
- International Class 36: Political fund raising services.

The services identified in U.S. Registration No. 4469841 are:

- International Class 35: Conducting public opinion polls; Market opinion polling studies; Public opinion polling.

The services identified in U.S. Registration No. 3811317 are:

- International Class 35: Public relations; public relations to media and legislature for policy relating to constitutional law and constitutional issues; publication of press releases in the field of constitutional law and constitutional issues.
- International Class 41: providing educational services, namely, conferences, workshops, classes and seminars and training in the field of constitutional law and constitutional issues; providing courses of instruction for churches, volunteers, schools, colleges and universities, groups and associations and distribution of course materials in connection therewith; publication of brochures, magazines, newsletters in the field of constitutional law and constitutional issues; providing on-line publications in the nature of electronic newsletters via e-mail and via the Internet in the field of constitutional law and constitutional issues and on-line journals, namely, blogs featuring constitutional law and constitutional issues; educational research; conducting and hosting public and private lectures, speeches, workshops, seminars, conferences and conventions in the field of constitutional law and constitutional issues.

Applicant's services are:

- International Class 35: Political party services, namely, promoting the interests of a political organization.

According to the identifications, applicant services are related to and travel in the same channels of trade as the services in U.S. Registration No. 3902290 because they are related political activities. The attached Internet evidence, consisting of third party advertising, establishes that the same entity commonly provides political action committee services, political fund raising services as well as political party services and markets the services under the same mark. Thus, applicant's and registrant's services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Please see the evidence outlined below:

1. Evidence from <https://www.democrats.org/> featuring political fund raising services as well as political party services all originating from the same source and travelling in the same channels of trade.
2. Evidence from <https://www.mddems.org/party-organization> featuring political fundraising services as well as political party services all originating from the same source.
3. Evidence from <https://www.voterealtorparty.com/> featuring political fundraising services as well as political party services and political action committee services all originating from the same source.
4. Evidence from <https://www.ohiogop.org/about> featuring political fundraising services as well as political party services all originating from the same source.
5. Evidence from <http://www.florida.gop/> featuring political fundraising services, political party services and opinion polls all originating from the same source.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Based upon the evidence, the proposed mark is refused registration under Section 2(d) of the Trademark Act.

Prior Pending Application

In addition, the filing date of pending U.S. Application Serial No. 87699600 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Informality

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in

support of registration.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Disclaimer Required

Applicant must disclaim the wording “AMERICANS PARTY” because it merely describes a purpose and feature of applicant’s services, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

The attached evidence from <https://en.wiktionary.org/wiki/American> indicates that “AMERICANS” is the plural form of the term “AMERICAN,” which is defined as “Originally, a native or inhabitant of the British North American colonies of European descent; now, a person born in, or a citizen or inhabitant of, the United States of America.” In addition, the recitation of services indicates that applicant’s services are political party services. Therefore, the wording “AMERICAN PARTY” immediately describes a feature and purpose of the services, which is to function as a political party of Americans, namely, of persons who are born in, are citizens or inhabitants of the United States.

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods and/or services in the marketplace. *See Dena Corp. v. Belvedere Int’l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

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

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

Conclusion

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see “[Responding to Office Actions](#)” on the USPTO’s website.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and [may be filed online via the Trademark Electronic Application System \(TEAS\)](#) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

Applicant May Wish to Consult an Attorney

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a private attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining

attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06.

For attorney referral information, applicant may consult the [American Bar Association's Consumers' Guide to Legal Help](#); an online directory of legal professionals, such as [FindLaw®](#); or a local telephone directory. The USPTO, however, may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

Communications with the USPTO

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

NOTICE

The USPTO proposes to change federal trademark rules to require applicants and registrants to (1) file submissions concerning applications and registrations online using the USPTO's Trademark Electronic Application System (TEAS) and (2) provide and maintain an accurate email address for receiving correspondence from the USPTO. [See the Mandatory Electronic Filing Rules webpage for more information.](#)

/Linda M. Estrada/
Trademark Examining Attorney
Law Office 104
(571) 272-9298
(571) 273-9104 Fax
Linda.Estrada@USPTO.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87809067
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87809067/large
LITERAL ELEMENT	UNITED AMERICANS PARTY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_706314783-20181213103931328291_United_Americans_Party_-_2d_Office_Action_Response.pdf
CONVERTED PDF FILE(S) (8 pages)	\\TICRS\EXPORT17\IMAGEOUT17\878\090\87809067\xml5\ROA0002.JPG
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ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use AMERICANS PARTY apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/STUART/
SIGNATORY'S NAME	P M STUART
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	425-766-5226
DATE SIGNED	12/13/2018
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION	
SUBMIT DATE	Thu Dec 13 11:04:06 EST 2018
TEAS STAMP	USPTO/ROA-XX.XX.XXX.XX-20 181213110406395595-878090 67-6107a39bf56a131983197c 8cd32efc2317a8ab91123f5e3 a663ca55cdc48edc40-N/A-N/ A-20181213103931328291

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PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87809067** UNITED AMERICANS PARTY(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87809067/large>) has been amended as follows:

EVIDENCE

Original PDF file:

[evi_706314783-20181213103931328291_-_United_Americans_Party_-_2d_Office_Action_Response.pdf](#)

Converted PDF file(s) (8 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use AMERICANS PARTY apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /STUART/ Date: 12/13/2018

Signatory's Name: P M STUART

Signatory's Position: Owner

Signatory's Phone Number: 425-766-5226

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87809067

Internet Transmission Date: Thu Dec 13 11:04:06 EST 2018

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XX-20181213110406395

595-87809067-6107a39bf56a131983197c8cd32

efc2317a8ab91123f5e3a663ca55cdc48edc40-N
/A-N/A-20181213103931328291

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Stuart, Paul Michael
Serial No. 87809067
Trademark: UNITED AMERICANS PARTY
Filing Date: Feb. 23, 2018

RESPONSE TO OFFICE ACTION

COMES NOW the Applicant Stuart, Paul Michael (hereinafter “Applicant”) and respectfully requests that the Examining Attorney withdraw the refusal to register Applicant’s trademark UNITED AMERICANS PARTY, Serial No. 87809067, under Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

ARGUMENT IN SUPPORT OF REGISTRATION

The Examining Attorney refused registration of Applicant’s mark on the basis that, if registered, it would create a likelihood of confusion with the trademark(s) AMERICAN PARTY, UNITED AMERICANS-EVERY ONE COUNTS and AU AMERICANS UNITED as more fully set forth in U.S. Ser. / Reg. No(s). 3902290, 4469841 and 3811317 .

The Likelihood of Confusion Standard

A determination of a likelihood of confusion between trademarks is made on a case-by-case basis. *In re Dixie Restaurants Inc.*, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). An examining attorney is required to apply *each* of the applicable factors set forth in *In re E.I. du Pont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973). As the Examining Attorney is aware, the relevant *du Pont* factors are:

- (1) The similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression;
- (2) The similarity or dissimilarity and nature of the goods as described in an

application or registration or in connection with which a prior mark is in use;

- (3) The similarity or dissimilarity of established, likely-to-continue trade channels;
- (4) The conditions under which and buyers to whom sales are made, i.e., ‘impulse’ vs. careful, sophisticated purchasing;
- (5) The number and nature of similar marks in use on similar services; and
- (6) The absence of actual confusion as between the marks and the length of time in which the marks have co-existed without actual confusion occurring.

Id.

Applying the legal standards as enumerated above, it is clear that confusion is not likely as between Applicant’s trademark and the cited trademark(s) and, accordingly, it respectfully requested that the refusal to register UNITED AMERICANS PARTY be withdrawn.

Differences in Appearance

The points of comparison for a word mark are appearance, sound, meaning, and commercial impression. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005) (citing *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973)). Similarity of the marks in one respect – sight, sound, or meaning – will not automatically result in a determination that confusion is likely even if the goods are identical or closely related. Additions or deletions to marks are often sufficient to avoid a likelihood of confusion if: (1) the marks in their entireties convey significantly different commercial impressions; or (2) the matter common to the marks is not likely to be perceived by purchasers as distinguishing source because it is merely descriptive or diluted.

An examining attorney is tasked with evaluating the overall impression created by the marks and not merely comparing individual features of the same. *Mead Data Cent., Inc. v.*

Toyota Motor Sales, U.S.A., Inc., 875 F.2d 1026, 1029, 10 USPQ2d 1961 (2d Cir. 1989). In this regard, an examining attorney must determine whether the total effect conveyed by involved marks is confusingly similar, not simply whether the marks sound alike or look alike. *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1870 (10th Cir. 1996) (recognizing that while the dominant portion of a mark is given greater weight, each mark still must be considered as a whole)(citing *Universal Money Centers, Inc. v. American Tel. & Tel. Co.*, 22 F.3d 1527, 1531, 30 USPQ2d 1930 (10th Cir. 1994)).

Even if the marks contain the same dominant word or terms such does not automatically lead to a conclusion that the two trademarks are confusingly similar. In *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 627, 3 USPQ2d 1442 (8th Cir. 1987), the court held that “Oatmeal Raisin Crisp” and “Apple Raisin Crisp” are not confusingly similar as trademarks. Also, in *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1874 (10th Cir. 1996), marks for “FirstBank” and for “First Bank Kansas” were found not to be confusingly similar. Further, in *Luigino’s Inc. v. Stouffer Corp.*, 50 USPQ2d 1047, the mark “Lean Cuisine” was not confusingly similar to “Michelina’s Lean ‘N Tasty” even though both marks use the word “Lean” and are in the same class of services, namely, low-fat frozen food.

In the instant case, Applicant’s trademark UNITED AMERICANS PARTY differs in appearance from the blocking trademark in that it is spelled differently, looks different and has less words than the blocking trademark. In this regard, Applicant’s trademark creates an overall separate and distinct commercial impression apart from the cited trademark(s) given the differences in the appearances of the marks.

Given these separate and distinct commercial impressions, it is respectfully submitted that this *du Pont* factor favors a finding of an absence of a likelihood of confusion between the

Applicant's and the cited trademark(s).

Differences Between Goods and Services

The nature and scope the goods or services offered in connection with the Applicant's and the registrant's trademarks must be determined on the basis of the goods or services identified in the application or registration. *See, e.g., Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014); *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1370, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460, 1463, 18 USPQ2d 1889, 1892 (Fed. Cir. 1991); *Octocom Sys., Inc. v. Houston Computer Servs., Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *Canadian Imperial Bank of Commerce, N.A. v. Wells Fargo Bank*, 811 sF.2d 1490, 1493, 1 USPQ2d 1813, 1815 (Fed. Cir. 1987); *Paula Payne Prods. Co. v. Johnson Publ'g Co.*, 473 F.2d 901, 902, 177 USPQ 76, 77 (CCPA 1973); *In re Giovanni Food Co.*, 97 USPQ2d 1990, 1991 (TTAB 2011); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1500 (TTAB 2010).

The issue is not whether the goods and services will be confused with each other, but rather whether *the relevant consuming public* will be confused as to their source. *See Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000). If the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there

is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156, 1158 (TTAB 1990) (finding liquid drain opener and advertising services in the plumbing field to be such different goods and services that confusion as to their source is unlikely even if they are offered under the same marks); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668, 1669 (TTAB 1986) (holding QR for coaxial cable and QR for various apparatus used in connection with photocopying, drafting, and blueprint machines not likely to cause confusion because of the differences between the parties’ respective goods in terms of their nature and purpose, how they are promoted, and who they are purchased by).

There is no rule that certain goods or services are *per se* related such that there must be a likelihood of confusion from the use of similar marks in relation thereto. *See, e.g., In re White Rock Distilleries Inc.*, 92 USPQ2d 1282, 1285 (TTAB 2009) (regarding alcoholic beverages); *Info. Res. Inc. v. X*Press Info. Servs.*, 6 USPQ2d 1034, 1038 (TTAB 1988) (regarding computer hardware and software); *Hi-Country Foods Corp. v. Hi Country Beef Jerky*, 4 USPQ2d 1169, 1171–72 (TTAB 1987) (regarding food products); *In re Quadram Corp.*, 228 USPQ 863, 865 (TTAB 1985) (regarding computer hardware and software); *In re British Bulldog, Ltd.*, 224 USPQ 854, 855-56 (TTAB 1984) (regarding clothing); *see also M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 1383, 78 USPQ2d 1944, 1947–48 (Fed. Cir. 2006)

(noting that relatedness between software-related goods may not be presumed merely because the goods are delivered in the same media format and that, instead, a subject-matter-based mode of analysis is appropriate).

In the instant matter, Applicant provides the following identification in the subject application:

Political party services, namely, promoting the interests of a political organization.

To the contrary, the registered trademark provides the following:

Political action committee services, namely, promoting the interests of U.S. citizens in the field of politics, Conducting public opinion polls; Market opinion polling studies; Public opinion polling AND public relations; public relations to media and legislature for policy relating to constitutional law and constitutional issues; publication of press releases in the field of constitutional law and constitutional issues .

Within this context, there is little to no similarity between the goods and services of the Applicant and those provided in connection with the cited trademark(s). Returning to the rule at hand, based upon the goods and services identified in the Application and cited trademark(s), *the relevant consuming public* would simply be confused as to their respective sources. *See Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000).

Given these separate and distinct goods and services, it is respectfully submitted that this *du Pont* factor favors a finding of an absence of a likelihood of confusion between the Applicant's and the cited trademark(s).

Distinctions Between Marketing Channels

The Applicant's goods and services are marketed in a manner distinct from the marketing of the cited trademark(s). Specifically, Applicant markets its goods and services by and through Internet / Website, Social Media (e.g., Facebook, Instagram, Twitter), Television, Radio, Newspaper(s) Magazine(s) and Direct mail, Catalogs or Leaflets.

In contrast, there is no evidence of record that would indicate that the registered trademark's goods and services are marketed by and through these same means. In this regard, there is no evidence of an overlap as between the marketing channels of the Applicant and the cited trademark(s).

Accordingly, it is respectfully submitted that this *du Pont* factor favors a finding of an absence of a likelihood of confusion.

Absence of Actual Confusion

Finally, there is no evidence of record indicating that there has been actual confusion in the marketplace as between Applicant's trademark and the cited trademark(s).

The absence of any instances of actual confusion is a meaningful factor where the record indicates that, for a significant period of time, an applicant's sales and advertising activities have been so appreciable and continuous that, if confusion were likely to happen, any actual incidents thereof would be expected to have occurred and would have come to the attention of one or all affected trademark owners. *See Gillette Canada Inc. v. Ranir Corp.*, 23 USPQ2d 1768, 1774 (TTAB 1992).

As the Examining Attorney has alleged, the Office believes that the Applicant's goods and services and those of the registered trademark travel in similar trade channels and are marketed in a similar enough manner to create a likelihood of confusion. While not conceding

this point, provided that this is, in fact, the Office's position it would be contradictory to discount the absence of actual confusion as between the trademarks at issue where the Office contends there is an overlap in marketing and trade channels.

Accordingly, consistency in the Office's position, whether or not countered by the Applicant in the instant Argument, suggests that the Office should consider the absence of evidence of actual confusion to be a meaningful factor in the instant analysis, a factor which clearly supports registration of Applicant's Trademark under this *du Pont* factor.

CONCLUSION

Based upon the foregoing it is submitted that the *du Pont* factors addressed herein favor registration of the Applicant's Trademark.

WHEREFORE it is respectfully requested that the Examining Attorney reconsider the instant refusal, remove as an impediment the cited trademark(s), and approve the instant Application for publication.

Respectfully submitted this November 9, 2018,

Stuart, Paul Michael
16530 NE 95th St.
Redmond, WASHINGTON UNITED STATES 980523104

AFFIDAVIT

THE STATE OF NEW JERSEY

§

§

COUNTY OF UNION

§

I, Roger E. Cowles, Founder and Lead Director of American Party, Inc., make this affidavit and hereby on oath state the following:

On June 19, 2019 I filed Opposition # 91248963 with the Trademark Trial and Appeal Board to oppose Application SN 87809067.

On July 28, 2020 I participated in the Discovery Conference conducted by telephone with the Interlocutory Attorney and Applicant's attorney Jeffrey Furr. In the Discovery Conference we agreed that:

- The Board's Standard Protective Order would be imposed.
- Opposer confirmed that he is not an attorney.
- Opposer requested that all communications be made using email as he is appearing pro se.
- The parties then agreed to exchange discovery and discovery related matters only by email.
- There was no discussion as to the use of voice communications between Opposer and Applicant for any purpose. Accordingly, as of this date no verbal communications with Applicant or Applicant's attorney of any kind have been conducted.

This affidavit is entered into evidence because the Interlocutory Attorney, in denying our Motion to Compel Discovery, wrote that "Opposer chose not to meet and confer with Applicant, to actually discuss the matters it set forth in the draft motion to compel, before filing it." For the reasons cited above, this was not possible.

Signed this 18th day of March, 2022



Signature of Affiant

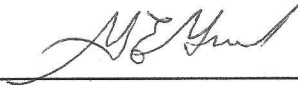
Roger E Cowles

Affiant

BEFORE ME, the undersigned authority, this day personally appeared
Roger E Cowles
and by oath stated that the facts herein stated are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME before me on this 18 day of

March, 20 21



Notary Public in and for the State of New Jersey

My commission expires: 11/19/2024

Gabriela E. Guillen DeCordova
NOTARY PUBLIC OF NEW JERSEY
Commission No. #2459487
My Commission Expires 11/19/2024



In re Majestic Distilling Co., Inc.

315 F.3d 1311 (Fed. Cir. 2003)
Decided Jan 2, 2003

Nos. 02-1243, 74,622,781.

1312 January 2, 2003. *1312

William G. Pecau, Pennie Edmonds LLP, of New York, NY, argued for appellant. With him on the brief was Carol M. Wilhelm.

Linda Moneyis Isacson, Associate Solicitor, Office of the Solicitor, United States Patent and Trademark Office, of Arlington, VA, argued for appellee. With her on the brief were John M. Whealan, Solicitor; and Cynthia C. Lynch, Associate Solicitor.

Before NEWMAN, LOURIE, and SCHALL, Circuit Judges.

1313*1313

LOURIE, Circuit Judge.

Majestic Distilling Company, Inc. appeals from the decision of the United States Patent and Trademark Office ("PTO") Trademark Trial and Appeal Board ("TTAB" or "Board") affirming the examining attorney's refusal to register the mark "RED BULL" for tequila. *In re Majestic Distilling Co.*, Serial No. 74/622,781, Paper No. 22 (TTAB Nov. 29, 2001). The Board held that the examining attorney correctly refused registration on the basis of likelihood of confusion with previously registered "RED BULL" marks for malt liquor. We affirm.

BACKGROUND

Majestic seeks to register the mark "RED BULL" for tequila. Despite having asserted use in commerce since November 1, 1984, Majestic did not file its application for registration until January 18, 1995. In a first Office Action mailed August 10, 1995, the examining attorney refused registration of the mark under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d) (2000), on the ground of likelihood of confusion with Registration No. 1,071,580 ("RED BULL" for Scotch whiskey), issued August 16, 1977, to George Willsher Co., Ltd.; Registration No. 1,542,792 ("RED BULL A SCHLITZ MALT LIQUOR BRAND" for malt liquor), issued June 6, 1989, to The Stroh Brewery Company; and Registration No. 1,541,794 (stylized "RED BULL" for malt liquor), issued May 30, 1989, also to Stroh. *Office Action*, Serial No. 74/622,781 (Aug. 10, 1995). The examining attorney also cited four of Stroh's pending applications for registration, Serial Nos. 74/541,371, 1314 74/541,372, *1314 74/589,654, and 74/589,656, against Majestic's application. *Id.*

After petitioning to cancel Willsher's mark for Scotch whiskey on the ground of abandonment, Majestic responded to the Office Action. Finding Majestic's response unpersuasive, however, the examining attorney made his refusal final. *Office Action*, Serial No. 74/622,781 (June 6, 1996). Majestic then appealed to the

Board. *In re Majestic Distilling Co.*, Serial No. 74/622,781 (TTAB Apr. 15, 1997).

While Majestic's appeal was pending, Willsher's mark was canceled and Stroh's four pending applications matured into registrations. At the examining attorney's request, the Board remanded the case to him. *Id.*, slip op. at 1. He then issued another non-final Office Action, in which he refused registration of Majestic's mark not only over the '580, '792, and '794 registrations, but also over Stroh's newly matured registrations: Registration No. 1,923,974 ("RED BULL" with design for malt liquor), issued from Serial No. 74/589,656 on October 3, 1995; Registration No. 1,935,272 ("RED BULL" for malt liquor), issued from Serial No. 74/589,654 on November 14, 1995; Registration No. 2,046,277 ("RED BULL REPRESENTIN' THE REAL" for brewed malt liquor), issued from Serial No. 74/541,371 on March 18, 1997; and Registration No. 2,046,278 ("RED BULL REPRESENTIN'" for brewed malt liquor), issued from Serial No. 74/541,372 on March 18, 1997. *Office Action*, Serial No. 74/622,781 (Apr. 23, 1997).

Majestic made several unsuccessful attempts to traverse the examining attorney's refusal to register its mark, but the examining attorney again made his refusal final. *Office Action*, Serial No. 74/622,781 (Mar. 15, 2000). Majestic again appealed to the Board, which affirmed the examining attorney's second final refusal. *In re Majestic Distilling Co.*, Serial No. 74/622,781 (TTAB Nov. 29, 2001). Majestic now appeals to this court. We have jurisdiction pursuant to [15 U.S.C. § 1071](#) and [28 U.S.C. § 1295\(a\)\(4\)\(B\)](#).

DISCUSSION

Under § 2(d) of the Lanham Act, the PTO may refuse to register a trademark if it "so resembles" a previously registered mark "as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive." [15 U.S.C. § 1052\(d\)](#) (2000). We review a determination of likelihood of confusion as a question of law based on findings of relevant underlying facts. *Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, [748 F.2d 669, 671, 223 USPQ 1281, 1282](#) (Fed. Cir. 1984). Although we review the Board's ultimate legal conclusion *de novo*, *In re Int'l Flavors Fragrances, Inc.*, [183 F.3d 1361, 1365, 51 USPQ2d 1513, 1515](#) (Fed. Cir. 1999), we review the Board's underlying findings of fact under the substantial evidence standard. *On-Line Careline Inc. v. Am. Online Inc.*, [229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474](#) (Fed. Cir. 2000). Thus, we ask whether a reasonable person might find that the evidentiary record supports the Board's conclusion. *Id.* at 1085, [229 F.3d 1080, 56 USPQ2d at 1475](#). When reviewing for substantial evidence, we take the entire record into account, including evidence that detracts from an agency's finding as well as evidence that justifies it. *Id.* at 1086, [229 F.3d 1080, 56 USPQ2d at 1475](#). The possibility that inconsistent conclusions may be drawn from the same record does not render a Board's finding unsupported by substantial evidence. *Id.*; *In re Gartside*, [203 F.3d 1305, 1312, 53 USPQ2d 1769, 1773](#) (Fed. Cir. 2000).

We determine likelihood of confusion by focusing on the question whether the purchasing public would ¹³¹⁵mistakenly assume ^{*1315} that the applicant's goods originate from the same source as, or are associated with, the goods in the cited registrations. *Paula Payne Prods. Co. v. Johnson Publ'g Co.*, [473 F.2d 901, 902, 177 USPQ 76, 77](#) (CCPA 1973). We make that determination on a case-by-case basis, *On-Line Careline*, [229 F.3d at 1084, 56 USPQ2d at 1474](#), aided by the application of the factors set out in *In re E.I. DuPont DeNemours Co.*, [476 F.2d 1357, 177 USPQ 563](#) (CCPA 1973). Those factors are:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods . . . described in an application or registration or in connection with which a prior mark is in use.

- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" v. careful, sophisticated purchasing.
- (5) The fame of the prior mark. . . .
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and the conditions under which there has been concurrent use without evidence of actual confusion.
- (9) The variety of goods on which a mark is or is not used. . . .
- (10) The market interface between the applicant and the owner of a prior mark. . . .
- (11) The extent to which applicant has a right to exclude others from use of its mark on its goods.
- (12) The extent of potential confusion. . . .
- (13) Any other established fact probative of the effect of use.

Id. at 1361, [476 F.2d 1357](#), [177 USPQ at 567](#). Not all of the *DuPont* factors may be relevant or of equal weight in a given case, and "any one of the factors may control a particular case," *In re Dixie Rests., Inc.*, [105 F.3d 1405](#), [1406-07](#), [41 USPQ2d 1531](#), [1533](#) (Fed. Cir. 1997).

Both the examining attorney and the Board applied the relevant *DuPont* factors to the facts of the present case. With regard to the first factor, they found that one of Stroh's registered marks, Reg. No. 1,935,272, is identical to Majestic's applied-for mark. They also found that a second registration, Reg. No. 1,541,794, is almost identical to Majestic's mark, but for the use of stylized lettering in the former. As pointed out by the examining attorney, because the drawing for Majestic's mark is in typed format and hence can potentially be represented in any manner, that stylized lettering does not provide a significant difference between the marks. We have previously held that, when word marks are identical but neither suggestive nor descriptive of the goods associated with them, the first *DuPont* factor weighs heavily against the applicant, *In re Martin's Famous Pastry Shoppe, Inc.*, [748 F.2d 1565](#), [1566](#), [223 USPQ 1289](#), [1290](#) (Fed. Cir. 1984), and "even when goods or services are not competitive or intrinsically related, the use of identical marks can lead to the assumption that there is a common source," *In re Shell Oil Co.*, [992 F.2d 1204](#), [1207](#), [26 USPQ2d 1687](#), [1689](#) (Fed. Cir. 1993).

The Board found that, if marketed under the identical mark, consumers would be likely to believe that malt ¹³¹⁶liquor and tequila emanate from, or are sponsored or endorsed by, the same entity. Majestic ^{*1316} argues against the Board's finding, asserting that malt liquor and tequila are unrelated. First, Majestic argues, malt liquor is a brewed product, whereas tequila is distilled. Secondly, the PTO's evidence of a relationship between malt liquor and tequila consists only of (1) articles demonstrating that malt liquor and tequila are occasionally found in some of the same places and (2) articles relating to Anheuser-Busch's Tequiza, a tequila-flavored beer.

The PTO responds, and we agree, that malt liquor and tequila are similar by virtue of the fact that both are alcoholic beverages that are marketed in many of the same channels of trade to many of the same consumers. Although the PTO apparently found no evidence of any manufacturer who both brews malt liquor and distills tequila, Majestic has not shown that the PTO's lack of evidence in that regard is relevant. Unless consumers are aware of the fact, if it is one, that no brewer also manufactures distilled spirits, that fact is not dispositive. The

DuPont factors require us to consider only "trade channels," which may be, but are by no means necessarily, synonymous with manufacturing channels. In this case, Majestic has not demonstrated that consumers distinguish alcoholic beverages by manufacturer rather than brand name. Because substantial evidence supports the Board's conclusions that malt liquor and tequila are similar goods and are sold in many of the same established and likely-to-continue trade channels, we conclude that the second and third *DuPont* factors, respectively, weigh against Majestic, as well as the first.

The fourth *DuPont* factor seems to us to be a close question. On the one hand, the Board found that malt liquor and tequila are both relatively inexpensive products that are likely to be purchased on impulse rather than selected with careful, studied consideration and sophistication. As we have held in the past, "[w]hen the products are relatively low-priced and subject to impulse buying, the risk of likelihood of confusion is increased because purchasers of such products are held to a lesser standard of purchasing care." *Recot Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). On the other hand, Majestic's response that common experience suggests that "beer drinkers and drinkers of distilled spirits are extremely, and often fiercely, brand-conscious and discriminating" also has some merit. Still, Majestic has provided no survey data or evidence other than Stroh's identification of consumers of its products as "reasonably intelligent and discerning" to support its argument, and it is unclear in any event that evidence of such brand-consciousness would even favor Majestic. First, even if Majestic were correct that "common experience" shows that consumers sometimes become attached to a particular brand of beer or spirits after purchasing and consuming that brand at least once, that would say little, if anything, about whether the consumer's *initial selection* of that brand was based on studied consideration and sophistication or, alternatively, on impulse. Secondly, it appears to us that brand-consciousness not only can be expected to lead a consumer who already has a favorite brand of tequila to be loyal to that brand, but it also should compel a consumer who enjoys "RED BULL"-brand malt liquor but has not yet developed a taste for a particular brand of tequila to purchase "RED BULL"-brand tequila in the mistaken belief that it is manufactured or sponsored by the same entity. It seems to us that that is precisely the mistake that § 2(d) of the Lanham Act seeks to prevent. To be sure, a side-by-side
1317 comparison of the two products' labels would probably dispel the mistake *1317 for most consumers. It is doubtful, however, that such a comparison would be undertaken prior to purchase of these relatively inexpensive products.

Thus, we can hardly say that the PTO's finding with respect to the fourth factor is lacking in substantial evidence. We will not upset the Board's conclusion, based on its balancing of the evidence, that these goods are more likely than not purchased on impulse.

Although the Board did not evaluate the fifth *DuPont* factor, Majestic argues that Stroh's "RED BULL" marks for malt liquor are not famous marks with decades of prior use, and that the present case can accordingly be distinguished from cases such as *Schieffelin Co. v. Molson Cos.*, 9 USPQ2d 2069 (TTAB 1989); *In re Leslie Hennessy, Jr.*, 226 USPQ 274 (TTAB 1985); and *Fleischmann Distilling Corp. v. Maier Brewing Co.*, 314 F.2d 149, 136 USPQ 508 (9th Cir. 1963), which were cited by the Board. However, we find no evidence in the record to substantiate Majestic's counsel's argument that Stroh's marks are not famous. Even if such evidence were of record, though, it would have little probative value. Although we have previously held that the fame of a registered mark is relevant to likelihood of confusion, *DuPont*, 476 F.2d at 1361, 177 USPQ at 567 (factor five), we decline to establish the converse rule that likelihood of confusion is precluded by a registered mark's not being famous.

With regard to the seventh *DuPont* factor, we agree with the Board that Majestic's uncorroborated statements of no known instances of actual confusion are of little evidentiary value. See *In re Bissett-Berman Corp.*, 476 F.2d 640, 642, 177 USPQ 528, 529 (CCPA 1973) (stating that self-serving testimony of appellant's corporate president's unawareness of instances of actual confusion was not conclusive that actual confusion did not exist or that there was no likelihood of confusion). A showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion. The opposite is not true, however. The lack of evidence of actual confusion carries little weight, *J.C. Hall Co. v. Hallmark Cards, Inc.*, 52 C.C.P.A. 981, 340 F.2d 960, 964, 144 USPQ 435, 438 (CCPA 1965), especially in an *ex parte* context.

Majestic's principal challenge appears to focus on the sixth, eighth, and tenth *DuPont* factors. First, Majestic asserts that other companies have marketed distilled spirits under the trade name "RED BULL" without any incidents of actual confusion over the course of the sixteen years that it has been selling its "RED BULL" tequila. Secondly, Majestic points to evidence showing that, over a twelve-year period, Stroh not only argued before the PTO that the "RED BULL" mark can be used concurrently for its malt liquor and others' distilled spirits without creating confusion, but also entered into agreements with George Willsher Co., Ltd., which, as noted above, had registered "RED BULL" for Scotch whiskey, and Red Bull GmbH, which Majestic alleges manufactures "RED BULL" gin, vodka, brandy spirits, and wine. According to Majestic, the Board and the examining attorney improperly discredited the objective evidentiary value of the agreements among Stroh, Willsher, and Red Bull GmbH, as those agreements reflect the opinions of persons most familiar with the actual trade and marketing practices surrounding the goods and marks at issue, and "[d]ecisions of men who stand to lose if wrong are normally more reliable than those of examiners and judges." (quoting *DuPont*, 476 F.2d at 1363, 177 USPQ at 569).

1318 As the Board and the examining attorney have pointed out, however, there has *1318 been no consent agreement executed between Majestic and Stroh, only between Stroh and third parties. The record appears to be silent as to whether Majestic ever attempted to negotiate an agreement with Stroh, but, in any event, we agree that no presumption can be made that Stroh consents to Majestic's use of the mark or that Stroh has determined or admits that confusion of the public by Majestic's concurrent use of the mark is unlikely. Moreover, the Stroh agreements with Willsher and Red Bull GmbH are several years old and may not reflect current views. For example, Stroh may now have knowledge of incidents of actual confusion, and may no longer hold the same view with respect to likelihood of confusion as it did when it executed those third-party agreements or when it argued to the PTO that there was no likelihood of confusion. Moreover, the consent agreements between Stroh and the third parties contain express limitations; in particular, the Willsher Stroh agreement prohibits Stroh's use or registration of "BLACK BULL" or "THE MAGNIFICENT BULL" for brewed malt liquor, beer, or ale, even though Willsher apparently uses those marks only on Scotch whiskey.

Majestic invited the PTO to simply pass its mark to publication so that Stroh could oppose the mark if it saw fit to do so. The PTO properly turned down Majestic's request. The appellant in *Dixie Restaurants* raised essentially the same argument, 105 F.3d at 1408, 41 USPQ2d at 1535, and we held in that case that:

[I]t is the duty of the PTO and this court to determine whether there is a likelihood of confusion between two marks. *In re Apparel, Inc.*, 54 C.C.P.A. 733, 366 F.2d 1022, 1023, 151 USPQ 353, 354 (CCPA 1966). It is also our duty "to afford rights to registrants without constantly subjecting them to the financial and other burdens of opposition proceedings." *Id.*; see also *In re Clorox Co.*, 578 F.2d 305, 308, 198 USPQ 337, 341 (CCPA 1978); McCarthy, [*McCarthy on Trademarks and Unfair Competition*] § 23.24[1][d] (where PTO rejects an application under section 1052(d), "it is no answer for the applicant to ask that the application be passed to publication to see whether the owner of the cited mark will oppose the registration"). Otherwise protecting their rights under the Lanham Act would be an onerous burden for registrants.

Id.

Majestic also argues that it is the senior user and, as such, its "decision . . . not to petition to cancel Stroh's registrations, or to sue Stroh to stop its use of the RED BULL trademark, is significant evidence that confusion is not likely." In support of its position, Majestic cites *Bongrain International (American) Corp. v. Delice de France, Inc.*, 811 F.2d 1479, 1 USPQ2d 1775 (Fed. Cir. 1987), for the proposition that "conduct of a prior user in not objecting to subsequent use of a similar mark by another is objective evidence to be considered when determining likelihood of confusion." It is unclear where Majestic derived that paraphrase, because the only statement in *Bongrain* that relates to objections raised by a prior user is: "As the prior user, Delice would be the one to object to the use and registration of Bongrain's mark. It has never objected to the use and, notwithstanding this cancellation proceeding, it has not seriously objected to its registration." *Id.* at 1485, 1 USPQ2d at 1779. That statement merely shows that Delice's actions were consistent with a belief that no likelihood of confusion existed. Neither that statement nor any other in *Bongrain*, however, suggests to us that the inaction of a prior user is "objective evidence to be considered when determining likelihood of confusion."

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In any event, the Board's decision in the present case is not in conflict with our decision in *Bongrain*, for there are at least three critical distinctions that can be drawn between the facts in *Bongrain* and those in this case. First, unlike in the present case, there was an agreement executed *between the parties to the suit* in *Bongrain*, governing the uses of the respective marks. *Id.* at 1482, 811 F.2d 1479, 1 USPQ2d at 1776. Secondly, the products in connection with which the marks at issue in *Bongrain* were to be used were significantly different from each other (*i.e.*, milk and cheese on one hand, and baked goods on the other). *Id.* at 1481, 811 F.2d 1479, 1 USPQ2d at 1776. Third, the court in *Bongrain* distinguished *DuPont*, which, as here, involved identical marks, on the basis that the marks (*i.e.*, "DELICE DE FRANCE" and "LE PETIT DELICE DE FRANCE"), although similar, were not identical. *Id.* at 1483, 811 F.2d 1479, 1 USPQ2d at 1777. Thus, whereas in *Bongrain* we held that it was "not necessary, in view of cumulative differences between the marks and the goods enumerated, to hold that confusion is likely," we hold that, in view of the *similarities* between the marks and the goods enumerated in the present case, we see no error in the Board's conclusion that confusion is likely.

We also agree with the Board that Majestic's decision not to avail itself of the statutory provisions for opposition and cancellation before Stroh's marks became incontestable could have been made for any number of business reasons unrelated to the likelihood of confusion between the marks, and is not entitled to any significant weight. Although prior use can be relevant to the questions whether a party can enjoin another's use of a mark, whether and where a party has a right to use a mark after the same mark is registered by another party for use in connection with the same goods or services, and whether a party can successfully oppose or petition to cancel another party's registration, it is not one of the *DuPont* factors and does not directly bear on likelihood of confusion. Several of the *DuPont* factors contain the phrase "the prior mark," but it is clear from

their context that that phrase refers to a prior *registered* mark and not simply to a prior *used* mark. In any event, vindication of Majestic's asserted position of priority is more appropriately raised in proceedings designed to evaluate such a position.

Neither the Board nor either party has raised arguments that relate to any of the ninth, eleventh, twelfth, and thirteenth *DuPont* factors, and we therefore do not discuss them.

In summary, we find no fault in the Board's affirmance of the examining attorney's refusal to register Majestic's mark. The Board found, on the basis of substantial evidence, that Majestic's mark is identical to at least one of the previously registered marks, that malt liquor and tequila are related as alcoholic goods sold through the same trade channels to many of the same consumers, and that malt liquor and tequila are both fairly inexpensive and likely to be purchased on impulse. Although Majestic's principal arguments are not without merit, analysis under *DuPont* requires a balancing of the relevant factors, and we find the balance in this case tilts towards a likelihood of confusion. See *Dixie Rests.*, 105 F.3d at 1407, 41 USPQ2d at 1533 ("We see no error in the board's decision to focus on the *DuPont* factors it deemed dispositive.").

We have considered Majestic's other arguments and find them unpersuasive.

CONCLUSION

Substantial evidence supports the Board's findings. On the basis of those findings, we agree with the Board's conclusion *1320 that consumers who are aware of Stroh's "RED BULL" malt liquor and who then encounter Majestic's "RED BULL" tequila are likely to mistakenly believe that both come from or are sponsored or licensed by the same entity. Accordingly, the Board's decision is

AFFIRMED.

M2 Software, Inc. v. M2 Communications, Inc.450 F.3d 1378 (Fed. Cir. 2006)
Decided Jul 13, 2006

No. 05-1599.

June 7, 2006. Rehearing En Banc Denied July 13,
2006. *1379

Appealed from United States Patent Trademark Office Trademark Trial Appeal Board United States Court of Appeals for the Federal Circuit.

Mark L. Pettinari, Law Offices of Mark L. Pettinari, of San Francisco, California, for appellant.

Jacquelyn Inserra, Budd Larner P.C., of Short Hills, New Jersey, for appellee. With her on the brief was Ronald James Campione.

Before MAYER, BRYSON, and PROST, Circuit Judges.

MAYER, Circuit Judge.

M2 Software, Inc. ("M2 Software") appeals the decision of the United States Patent and Trademark Office ("PTO") Trademark Trial and Appeal Board, dismissing its opposition to M2 Communications, Inc.'s ("M2 Communications") registration of M2 COMMUNICATIONS for interactive multimedia CD-ROMs containing information on the fields of health, pharmacy, and medicine. *M2 Software, Inc. v. M2 Commc'ns, Inc.*, Opposition No. 91/158, 118, 2005 WL 1822550 (TTAB July 21, 2005) ("*Board Opinion*"). Because the board did not err in finding no likelihood of confusion, we affirm.

Background

M2 Communications provides educational and promotional goods and services for companies within the pharmaceutical and medical industries. Its products fit within three broad categories: "live media," e.g., assistance with symposia presentations; "traditional media," e.g., educational videos for patients and printed newsletters; and "new media," e.g., interactive CD-ROMs with symposia proceedings, patient educational materials on DVD-ROMs, and website development. Approximately ninety-five percent of its clients are pharmaceutical companies, and the remaining clients are biotechnology companies and medical associations. *Board Opinion* at 8-9.

The board found that M2 Communications used its mark in commerce no earlier than 1998, and neither party challenges that determination. On December 26, 2001, M2 Communications applied to register the mark M2 COMMUNICATIONS (standard character form) for goods identified as:

Interactive multimedia CD-ROMs containing educational information *in the fields of pharmaceutical and medical product information, therapies and strategies, and medical, pharmaceutical, and healthcare issues* in Class 9.

Serial No. 76352778 (emphasis added).- Given the restriction emphasized above, the board found that M2 Communications' mark is limited to use on goods in the pharmaceutical and medical fields. *Board Opinion* at 11. On September 10, 2003, M2 Software filed an opposition to the application.



M2 Communications' application also seeks to register its mark for services under classes 35 and 41, again with the restriction that its use be limited to services in the pharmaceutical and medical fields. M2 Software did not challenge registration of M2 COMMUNICATIONS for those services. Therefore, M2 Communications is entitled to a registration for them.

M2 Software provides goods and services exclusively to the music and entertainment industries. *See id.* at 13-14. In so far as the record establishes, all of its clients are in those fields, and it does not market or sell any of its products to consumers in the pharmaceutical or medical fields. Accordingly, the board concluded that any overlap between the parties' prospective purchasers or channels of trade is *de minimis*. *Id.* at 15. It further found that M2 Software first used its mark in commerce prior to 1998, thereby establishing priority both as to the trademark in question and for the purposes of establishing rights derived from its trade name and service marks. *Id.* at 6, 14-15.

M2 Software holds the registration for the mark "M2" (standard character form) for goods described as:

computer software featuring business management applications *for the film and music industries*; and interactive multimedia applications for entertainment, education and information, *in the nature of artists' performances and biographical information from the film and music industries*; and instructions and information *for playing musical instruments*.


U.S. Registration No. 1,931,182 (emphasis added). Based on the restriction in M2 *1381 Software's registration (limiting the use of its marks to goods in the film and music industries), and the restriction in M2 Communications' application (limiting use of its mark to goods in

the pharmaceutical and medical industries), the board found that M2 Communications' goods were not explicitly encompassed by the scope of goods identified in M2 Software's registration. *Board Opinion* at 11. Moreover, it found that the parties' goods were not related. *Id.* at 18. It reasoned that while both parties sell goods in the same media format, i.e., interactive CD-ROMs, that fact alone renders them neither identical nor related. *See id.* at 9-12. Instead, paramount to this case is the industry-specific focus of the parties' claimed goods. Both the registration and the application identify subsets of CD-ROMs, defined by industry, not CD-ROMs generally. The board concluded that because the claimed industries are distinct and separate, the software prepared for them, notwithstanding similarities in media platform, are different goods. *Id.*

With respect to the similarity of the marks, the board found them to be "very similar." *Id.* at 7. M2 Communications disclaimed the term "COMMUNICATIONS," and the board, following our precedent, compared the marks as a whole, including the disclaimed term, to determine the level of similarity between them. On that basis, while recognizing the limited import of "communications" in altering the appearance, sound, meaning, and commercial impression of the challenged mark, the board declined to find the marks identical. Given that finding, because of the unrelated nature of the parties' goods, no demonstrated overlap of purchasers or channels of trade, and an absence of other factors suggesting a likelihood of confusion, the board found that confusion is not likely, and dismissed M2 Software's opposition. *Id.* at 18. M2 Software appeals, and we have jurisdiction under [28 U.S.C. § 1295\(a\)\(4\)\(B\)](#).

Discussion


Under the Lanham Act, [15 U.S.C. § 1052\(d\)](#), the PTO may refuse to register a trademark that is so similar to a registered mark "as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake,


 or to deceive." Likelihood of confusion is a question of law, based on findings of relevant underlying facts, namely findings under the *DuPont* factors.— See *Palm Bay Imps., Inc. v. 1382 Veuve Clicquot* *1382 *Ponsardin*, 396 F.3d 1369, 1371 (Fed. Cir. 2005). "We review the board's legal conclusions *de novo*, and its findings of fact for substantial evidence." *Shen Mfg. Co. v. Rit Hotel Ltd.*, 393 F.3d 1238, 1240 (Fed. Cir. 2004) (citations omitted). Neither we nor the board, however, are required to consider every *DuPont* factor. *Id.* at 1241. Rather, we need to consider only the factors that are relevant and of record. See *id.* Moreover, any one factor may control a particular case. *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407 (Fed. Cir. 1997) (citing *DuPont*, 476 F.2d at 1361-62).

— When testing for likelihood of confusion, the following factors, when of record, must be considered:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
- (5) The fame of the prior mark (sales, advertising, length of use).
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
- (9) The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark).
- (10) The market interface between applicant and the owner of a prior mark
- (11) The extent to which applicant has a right to exclude others from use of its mark on its goods.
- (12) The extent of potential confusion, i.e., whether *de minimis* or substantial.
- (13) Any other established fact probative of the effect of use. *In re E.I. DuPont DeNemours Co.*, 476 F.2d 1357, 1361 (CCPA 1973).

Bearing these principles in mind, we turn to M2 Software's challenge. It contests the board's ultimate conclusion that confusion is not likely, and its findings as related to five *DuPont* factors: (1) the similarity of the goods in question; (2) intersecting channels of trade and purchasers; (3)

 the similarity of the marks; (4) the strength of its mark; and (5) M2 Communications' intent in registering its mark. We address each of the challenged determinations in turn, find them to be appropriately supported, and conclude that the board correctly determined that there is no likelihood of confusion.


The board placed the greatest weight on its findings that the goods in question were not related and that the channels of trade and purchasers are different. Because of the dominant role these factors play in this case, we find no error in the weight the board accorded them.

Beginning with the relatedness of the goods, the board's determination that the parties' goods were not related is supported by substantial evidence. When reviewing its conclusion, we consider the applicant's goods as set forth in its application, and the opposer's goods as set forth in its registration. *See Bose Corp. v. QSC Audio Prods.*, 293 F.3d 1367, 1376 (Fed. Cir. 2002) (citing *DuPont*, 476 F.2d at 1361). The board found, and M2 Software does not challenge, that M2 Communications' goods are limited to interactive multimedia CD-ROMs in the fields of pharmacy and medicine. Any incidental music or entertainment features contained in M2 Communications' goods do not bring them within the music or entertainment fields, or alter the fact that they are produced for, and are, therefore, products within the pharmaceutical and medical fields.

By comparison, M2 Software's registration, in relevant part, describes its goods as "computer software featuring business management applications for the film and music industries; and interactive multimedia applications for entertainment, education and information, in the nature of artists' performances and biographical information from the film and music industries." U.S. Registration No. 1,931,182 (emphasis added). Accordingly, the board correctly found the scope of M2 Software's registration to be limited to the film and music industries. M2 Software

argues, however, that because its registration relates to "interactive multimedia applications for entertainment, *education and information*," the board erred in declining to read the scope of its registration more broadly, as encompassing interactive multimedia software in any field. We disagree. Such a reading would require us to improperly ignore scope limiting language within the clause it cites, i.e., language plainly limiting its registration to goods in the music and entertainment fields. Therefore, the board properly found that M2 Communications' goods do not come within the actual scope of M2 Software's registration. This finding, however, does not end the inquiry because the goods might, nevertheless, be related based on other considerations.

M2 Software argues that the goods in question are related based on the mere fact that they both take the form of interactive multimedia CD-ROMs. While this argument has some merit, we reject it. As stated above, the application and registration make clear that the relevant goods are not interactive multimedia CD-ROMs broadly conceived, but rather CD-ROMs produced for a particular field. Here the board found the pharmaceutical and medical fields to be distinct from the music and entertainment fields, which we affirm below. Therefore, it was proper for the board to ground its determination of relatedness in the fields for which the goods are created, rather than the media format in which they are delivered. This subject-matter-based mode of analysis is consistent with our precedent, *see, e.g., Octocom Sys., Inc. v. Houston Computer Servs., Inc.*, 918 F.2d 937, 941 (Fed. Cir. 1990), and the board's precedent, *see, e.g., Elec. Data Sys. Corp. v. Edsa Micro Corp.*, 23 USPQ2d 1460, 1463 (TTAB 1992) ("[T]he fact that both parties provide computer programs does not establish a relationship between the goods or services, such that consumers would believe that all computer software programs emanate from the same source simply because they are sold under similar marks."). Moreover, given the pervasiveness of

 software and software-related goods in society, it would be inappropriate to presume relatedness on the mere basis of goods being delivered in the same media format, especially where, as here, the goods described in both the application and registration are defined narrowly, along distinct industry lines.

Further supporting the board's determination is that M2 Software's actual business activities are limited to the film and music industries. It did not introduce any evidence that it sells goods or services beyond those fields or within the fields of pharmacy or medicine; nor did it introduce any evidence that it is likely to expand into the pharmaceutical or medical fields. Therefore, to the extent that its trade name and service marks might have afforded it protection beyond that secured by its registration, nothing in the record supports extending any such protection here. *Cf. Shen Mfg.*, 393 F.3d at 1244 ("[G]oods that are neither used together nor related to one another in kind may still 'be related in the mind of the consuming public as to the origin of the goods. It is this sense of relatedness that matters in the likelihood of confusion analysis.'" (citing *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000))).

Relatedly, with respect to the third *DuPont* factor, the board found, and we agree, that the parties' channels of trade and purchasers are different. M2 Software concedes that all of its known customers are in the music or entertainment industries. Furthermore, its marketing targets those industries. By comparison, M2 Communications deals only with pharmaceutical and medical customers, and all of its marketing is directed towards those fields. Neither party submitted any evidence of inherent overlap of customers or trade channels between the pharmaceutical and medical industries, on one hand, and the music and entertainment industries, on the other. Although both parties operate websites, that fact, without more, is insufficient to overcome the vast weight of evidence establishing that no overlap exists.

Therefore, substantial evidence supports the board's conclusion that any overlap in this factor is


1384 *de minimis*. *1384

Citing 15 U.S.C. § 1125(a),— M2 Software nevertheless argues that the board erred in failing to consider confusion as to affiliation, connection, association, sponsorship, or approval in the software trade. However, it did not introduce any direct evidence suggesting the existence of such confusion, and the absence of any demonstrated overlap as to the parties' channels of trade or purchasers eliminates any basis from which one might infer it. Therefore, even if the section 1125(a) elements are applicable to a section 1052(d) opposition, whether through the third or thirteenth *DuPont* factor, the board committed no error in failing to explicitly consider them. Indeed, it is required to consider only those factors that are of record, *see Shen Mfg.*, 393 F.3d at 1241, which is not the case here.

— 15 U.S.C. § 1125(a)(1)(A) provides in pertinent part:

Any person who, on or in connection with any goods or services . . . uses in commerce any word, term, name, symbol, or device . . . which . . . is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person . . . shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

The unrelated nature of the parties' goods and their different purchasers and channels of trade are factors that weigh heavily against M2 Software. It is difficult to establish likelihood of confusion in the absence of overlap as to either factor. Analysis

 of the remaining aspects of M2 Software's challenge confirms the correctness of the board's ultimate conclusion.

Turning to the similarity of the marks, M2 Software owns the registered trademark "M2" in standard character form. U.S. Registration No. 1,931,182. The board's finding that the marks in question are "very similar" is supported by substantial evidence. *See Board Opinion* at 7. When comparing the similarity of marks, a disclaimed term, here "COMMUNICATIONS," may be given little weight, but it may not be ignored. *See In re Hearst Corp.*, 982 F.2d 493, 494 (Fed. Cir. 1992). Accordingly, while the board found the "M2" portion of the marks to be identical and that the disclaimed term did not create any significant difference in meaning or commercial impression, it did not err in finding that the marks, when considered as a whole, were not identical. In its likelihood of confusion analysis, the board appropriately weighed this factor as favoring M2 Software.

Next, M2 Software argues that the board failed to give sufficient weight to the strength of its mark. It asserts, and M2 Communications does not dispute, that its mark is fanciful, and, therefore, inherently distinctive and deserving of heightened trademark protection. *See Nautilus Group, Inc. v. Icon Health Fitness, Inc.*, 372 F.3d 1330, 1340 (Fed. Cir. 2004). However, the board explicitly rejected the notion that third-party usage of "M2" rendered M2 Software's mark weak, *Board Opinion* at 18, and stated that factors other than *DuPont* factors one, two, and three did not alter the outcome dictated by those three factors alone, *id.* at 16. Therefore, we can fairly infer that the board gave due consideration to the fanciful nature of M2 Software's mark. Moreover, we agree that, in view of the degree to which factors one and three weigh in M2 Communications' favor, heightened

protection deriving from the fanciful nature of M2 Software's mark does not affect the finding of no likelihood of confusion. *1385

Finally, M2 Software argues that the board erred in finding no bad intent in M2 Communications' application for its mark. However, M2 Communications established before the board that it adopted its mark because, in its conception of the term, "M2" was shorthand for "medical marketing." *Id.* at 18. It further provided an uncontroverted statement that it was unaware of M2 Software's mark when it designed the M2 COMMUNICATIONS mark. *Id.* While a finding of bad intent would alter the likelihood of confusion analysis in M2 Software's favor, substantial evidence supports the board's conclusion that M2 Communications' intent is not a factor favoring M2 Software.

Therefore, because the *DuPont* factors favoring M2 Communications, i.e., the unrelated nature of the parties' goods and the fact that the marks are used in different channels of trade and with respect to different purchasers, outweigh the factors favoring M2 Software, i.e., the similarity of the marks and the fanciful nature of its mark, the board properly found that confusion was not likely.

Conclusion

Accordingly, the judgment of the United States Patent and Trademark Office Trademark Trial and Appeal Board is affirmed.

AFFIRMED

106 *106



Federated Foods . Fort Ho ard Paper Co.

544 F.2d 1098 (C.C.P.A. 1976)
Decided Nov 24, 1976

Patent Appeal No. 76-624.

1099 November 24, 1976. *1099

Richard Bushnell of Olson, Trexler, Wolters, Bushnell Fosse, Ltd., Chicago, Ill., attorney of record, for appellant.

Chester L. Davis, Jr. of Barnes, Kisselle, Raisch Choate, Detroit, Mich., attorney of record, for appellee.

Appeal from the Trademark Trial and Appeal Board.

Before MARKEY, Chief Judge, and RICH, BALDWIN, LANE and MILLER, Judges.

RICH, Judge.

This appeal is from the decision of the Trademark Trial and Appeal Board (TTAB) of the Patent and Trademark Office (PTO), 189 USPQ 310 (1975), sustaining appellee's opposition to the registration of the woodmark HY-TOP for sanitary paper products, aluminum foil, plastic bags, and sponges, as described in application Serial No. 395,671, filed June 24, 1971. Familiarity with the opinion below is assumed. We affirm in part and reverse in part.

Appellant filed a "combined" application seeking to register HY-TOP for a full line of grocery store goods falling within eleven different classes. The same mark had previously been registered for canned vegetables.¹ Appellant, a brokerage firm which has developed several private brand programs for supermarket goods, supplies marked

labels and quality standards to manufacturers and acts as an agent in arranging the sale of the marked goods to regional grocery distributors.

1100 Products *1100 bearing some of appellant's other brands go to both institutional and retail distributors, but HY-TOP products are intended exclusively for retail sale.

¹ Registration No. 754,306, August 6, 1963.

Appellee, a large manufacturer of sanitary paper products (facial and toilet tissue, paper towels, napkins, etc.), sells its products under a number of trademarks primarily to institutional suppliers. Ten percent of opposer's sales of sanitary paper products are to retail outlets. Opposer owns the registered trademarks HY-TEX for toilet tissue² and HYNAP for paper napkins,³ but goods so marked are sold, at present, only to institutional suppliers.

² Registration No. 310,364, February 20, 1934.

³ Registration No. 616,574, November 22, 1955.

The testimony taken by both parties indicates, inter alia, that distributors of sanitary paper products might also carry plastic bags, aluminum foil, and sponges, and that all of these goods might be found in the same area of a supermarket. The record also indicates that appellant distributed various products other than canned vegetables under HY-TOP labels bearing the (R) mark, allegedly due to mistaken notions as to the scope of the rights attaching to the prior registration.

Appellee did not oppose the previous HY-TOP registration and chose to oppose the instant registration only as to four of the classes of goods in the combined application, namely: plastic bags (class 2), aluminum foil (class 14), sponges (class 29), and facial tissue, napkins, paper towels, plastic wrap, and toilet tissue (class 37). It was alleged that HY-TOP so resembles opposer's registered trademarks HY-TEX and HYNAP as to be likely, when applied to the above-noted four classes of goods, to cause confusion, or to cause mistake, or to deceive, and that registration should, therefore, be denied under § 2(d) of the Trademark Act of 1946 (15 U.S.C. § 1052(d)).⁴ Opposer's priority of use and registration are uncontested.

⁴ Sec. 2(d) reads in pertinent part:

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it □

OPINION

The TTAB, in sustaining the opposition, dealt primarily with four issues:

- (1) Whether opposer can be further damaged by registration of HY-TOP in view of appellant's legitimate use of the mark on a large number of grocery products and appellee's election not to oppose other registrations of the mark;
- (2) Whether appellant's alleged misuse of the statutory notice provided for in § 29 of the Trademark Act of 1946 (15 U.S.C. § 1111), namely, (R), bars registration to it of HY-TOP.
- (3) Whether HY-TOP so resembles opposer's HYNAP mark for paper napkins as to be likely, when applied to the goods of appellant, to cause

confusion, or to cause mistake, or to deceive (§ 2(d)); and

- (4) Whether HY-TOP so resembles opposer's HY-TEX mark for toilet tissue as to be similarly objectionable under § 2(d).

In view of the detailed treatment of these issues by the TTAB, we shall only summarily treat its sustainable conclusions.

Having carefully considered appellant's arguments with respect to the first issue, we conclude that the TTAB correctly held that opposer was not barred by acquiescence from opposing the instant registration in view of the substantial differences between the instant goods and the goods described in the unopposed applications. Appellant now argues that opposer, although not barred, has, nonetheless, failed to *prove* that it may be "damaged." Actual "damage" is not mentioned in § 2(d) and is neither a requirement for, nor a guarantee of, a successful opposition on the merits. *American Novawood Corp. v. United States Plywood-Champion Papers Inc.*, 57 CCPA 1276, 426 F.2d 823, 165 USPQ 613 (1970). Since the concept of "damage" is involved here only because of its mentioned in § 13 of the Trademark Act of 1946 (15 U.S.C. § 1063), which provides that "Any person who believes that he would be damaged by the registration of a mark upon the principal register" may oppose, we construe appellant's argument as an allegation that opposer has not demonstrated its standing to oppose. We must reject this contention. A party has standing to oppose within the meaning of § 13 if that party can demonstrate a *real interest* in the proceeding. *Universal Oil Products Co. v. Rexall Drug and Chemical Co.*, 59 CCPA 1120, 463 F.2d 1122, 174 USPQ 458 (1972). The record shows that opposer is the owner of registered trademarks similar to appellant's HY-TOP for goods identical to some of those described in appellant's application. Opposer's real commercial interest in protecting

its registered marks is manifest and, in our opinion, justifies opposer's belief that it would be "damaged" by the registration.⁵

⁵ If appellant is arguing that opposer has failed to prove that it has been "legally damaged" and, therefore, cannot prevail on the merits of the § 2(d) claim, the answer is that "legal damage" will be *presumed* if opposer can show that confusion would be likely. See *Massey Junior College v. Fashion Institute of Technology*, 492 F.2d 1399, 181 USPQ 272 (Cust. Pat.App. 1974) and cases cited therein at note 4.

As to the second issue, the alleged misuse of (R), we agree with the reasoning and conclusion of the TTAB that the evidence of record does not reveal an intentionally deceptive misuse which would, by itself, justify denial of appellant's registration. We see no reason to remand for a factual determination that the improper use of (R), has stopped, as opposer would have us do, in view of the testimony of appellant's witness exactly to that effect.

We are also in agreement with the decision of the TTAB with respect to the third issue, under § 2(d), that HYNAP and HY-TOP, having different visual, aural, and suggestive impressions, would not be likely, even if applied to *identical goods*, to cause confusion, or to cause mistake, or to deceive. Opposer does not strenuously argue the likelihood of confusion with respect to its HYNAP mark here on appeal, and we see no reason to discuss this issue further.

However, as to the fourth issue, § 2(d) based on HY-TEX, we are not in complete agreement with the TTAB. We do agree with its analysis concluding that since the descriptions of the goods of the parties are not limited "as to trade channels and/or classes of purchasers," and since all of the goods could and do move through similar trade channels to both institutional and retail customers, the goods of the parties should be presumed, for purposes of this proceeding, to move through the

same channels of trade. We also agree with the TTAB's conclusions that the paper products of the parties are substantially identical and that the marks must be compared in their entireties. We cannot, however, agree with the conclusion that confusion between the HY-TEX and HY-TOP marks would be likely with respect to *all* of the opposed classes of goods.

The instant opposition is to the registration of a mark in a *combined application*; that is, a single application to register the mark for goods falling within a plurality of classes, as provided by § 30 of the Trademark Act of 1946 (15 U.S.C. § 1112)⁶ and 37 CFR 2.86 and 2.87.⁷ The *1102 combined application is regarded by the PTO as though it were a group of individual applications which have been physically assembled in a single file wrapper and assigned a single serial number. Trademark Manual of Examining Procedure (TMEP) 1113.01. To file such an application, a separate fee must be paid for each class in which registration is sought.⁸ Although treated as a unitary application for examination purposes (a delay in one class will delay the whole application), the combined application is freely severable to allow registration of the mark in unopposed classes. TMEP 1113.02, 1113.03. The severable nature of the combined application is manifest in the requirement of § 31 of the Trademark Act of 1946 (15 U.S.C. § 1113)⁹ that a separate fee be paid for *each class opposed* in an opposition to the registration of a mark in a combined application. See *Colgate-Palmolive Co. v. Brenner*, 248 F. Supp. 378, 148 USPQ 535 (S.D.N.Y. 1965). The TTAB has, itself, recognized that oppositions to combined applications require separate analyses for each class of goods opposed. *Frant v. Sky Distributing Co.*, 169 USPQ 185, 189, and n. 3 (TTAB 1971). We conclude, therefore, that this opposition proceeding as to four classes of a combined application is, effectively, four different oppositions which require four different factual determinations and four different conclusions on the ultimate issue of

likelihood of confusion under § 2(d). As noted by the TTAB in *Frant* these analyses must compare appellant's described goods in each opposed class to the goods of opposer, not with each other.

⁶ Sec. 30 reads in pertinent part:

The applicant may file an application to register a mark for any or all of the goods and services upon or in connection with which he is actually using the mark: *Provided*, That when such goods or services fall within a plurality of classes, a fee equalling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate of registration for such mark.

⁷ § 2.86 Plurality of goods or services comprised in single class may be covered by single application.

⁸ Section 30, note 6, *supra*.

⁹ Sec. 31 reads in pertinent part:

(a) The following fees shall be paid to the Patent and Trademark Office under this chapter:

Doing so, we agree with the TTAB that HY-TOP so resembles HY-TEX in appearance, spelling, and sound, as to be likely, when applied to *identical* goods, to cause confusion, or to cause mistake, or to deceive, despite the differences in suggestive impression noted below.¹⁰ We, therefore, affirm the decision of the TTAB sustaining the

opposition to the registration of HY-TOP in class 37 since the paper products described in the application include toilet tissue, a product *identical* to the goods described in opposer's HY-TEX registration.

¹⁰ Appellee contends that the marks convey the same suggestive impression because "surface" is a synonym for both "top" and "texture," thereby implying that "top" and "texture" are synonymous. We do not believe that the mathematical proposition that things equal to the same thing are equal to each other can be applied with confidence to a system as imprecise as language.

Considering appellant's other three classes of goods, there is no evidence that opposer makes or sells plastic bags, aluminum foil, or sponges. The only basis for the opposition is the HY-TEX registration, which is restricted to toilet tissue. What, then, is the evidence showing toilet tissue to be so related to plastic bags, aluminum foil, and sponges that confusion in trade would be likely, even if the goods were marketed under somewhat different marks? Appellant urges, we think correctly, that the only link opposer has established between these goods is that they might be expected to be found in the same area of a supermarket.¹¹ We hold that this evidence is not sufficient to sustain the opposition in classes 2, 14, and 29.

¹¹ We are cognizant of the fact that the testimony indicated that all of the goods might also be carried by distributors, but in our opinion, confusion between the marked goods would be even less likely at the distributor level than in the supermarket where the goods might actually be displayed in proximity.

A wide variety of products, not only from different manufacturers within an industry but also from diverse industries, have been brought together in the modern supermarket for the convenience of the customer. The mere existence

of such an environment should not foreclose further inquiry into the likelihood of confusion arising from the use of similar marks on *any* goods so displayed. See *Canada Dry Corp. v. American Home Products Corp.*, 468 F.2d 207, 175 USPQ 557 (Cust. Pat.App. 1972). The means of distribution and sale, although certainly relevant, are areas of peripheral inquiry. The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.

The class 2 goods, plastic bags, are products of the polymer processing industry. The class 29 goods, sponges, might be considered either products of the polymer industry or harvested products of nature. The class 14 product, aluminum foil, is obviously a product of the metal processing industry. Opposer's toilet tissue, on the other hand, is plainly a product of the paper-making industry. Nobody, during the course of this proceeding, has asserted that the utilities of opposer's toilet tissue and appellant's aluminum foil, plastic bags, and sponges are even remotely associated by the consumer, nor has it been asserted that, under these circumstances, a consumer might pick up sponges or aluminum foil when he really wanted toilet tissue. Opposer has failed to adduce any evidence of a nexus between these products in the mind of the consumer which would negate the above-noted obvious dissimilarities. In our opinion, the cumulative differences between the respective goods and the respective marks are sufficient to preclude likelihood of confusion, mistake, or deception.

Summary

The decision of the TTAB sustaining the opposition is *affirmed* with respect to class 37 and *reversed* with respect to classes 2, 14, and 29.

MODIFIED

BALDWIN, J., dissents from the reversal.

* * * * *

(d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive * * *.

* * * * *

5. On filing opposition or application for cancellation for each class, \$25.

[26] MILLER, Judge (concurring).

I agree with everything in the majority opinion except the portion which speaks to the various industries which produce the different classes of goods here involved, a point which I consider irrelevant to the issue of likelihood of confusion in this case.

97 *97

Stone Lion Capital Partners, L.P. v. Lion Capital LLP

746 F.3d 1317 (Fed. Cir. 2014)
Decided Mar 26, 2014

No. 2013-1353.

2014-03-26

STONE LION CAPITAL PARTNERS, L.P.,
Appellant, v. LION CAPITAL LLP, Appellee.

Pratik A. Shah, Akin Gump Strauss Hauer & Feld, LLP, of Washington, DC, argued for appellant. Of counsel on the brief were Karol A. Kepchar, Ruthanne M. Deutsch and Emily C. Johnson. Michael Chiappetta, Fross, Zelnick, Lehrman & Zissu, P.C. of New York, New York, argued for appellee.

WALLACH

1318*1318

Pratik A. Shah, Akin Gump Strauss Hauer & Feld, LLP, of Washington, DC, argued for appellant. Of counsel on the brief were Karol A. Kepchar, Ruthanne M. Deutsch and Emily C. Johnson. Michael Chiappetta, Fross, Zelnick, Lehrman & Zissu, P.C. of New York, New York, argued for appellee.

Before RADER, Chief Judge, REYNA, and WALLACH, Circuit Judges.

WALLACH, Circuit Judge.

Stone Lion Capital Partners, L.P. (Stone Lion) appeals from the Trademark Trial and Appeal Board's (Board) decision refusing registration of the mark STONE LION CAPITAL due to a likelihood of confusion with opposer Lion Capital LLP's (Lion) registered marks, LION CAPITAL and LION. Because

the Board's decision is supported by substantial evidence and in accordance with the law, this court affirms.

Background

I. The Parties

Both Stone Lion and Lion are investment management companies. Appellant Stone Lion is a New York based company founded in November 2008, and manages a hedge fund that focuses on credit opportunities. Appellee Lion is a private equity firm based in the United Kingdom that invests primarily in companies that sell consumer products.

Lion has two registered marks with the Patent and Trademark Office (PTO), LION CAPITAL and LION. Lion started using these marks in the United States in April 2005, and filed the applications for LION CAPITAL and LION in May 2005 and October 2007, respectively.¹ The services recited in connection with Lion's registered trademarks include financial and investment planning and research, investment management services, and capital investment consultation for LION; and equity capital investment and venture capital services for LION CAPITAL. J.A. 7-8. There is no dispute that Lion has priority over Stone Lion with respect to these marks.

¹ The PTO granted Lion's application for LION CAPITAL in December 2008 and for LION in June 2009.

II. Proceedings Before the Board

On August 20, 2008, Stone Lion filed an intent-to-use application to register the mark □ STONE LION CAPITAL□ with the PTO. It proposed using the mark in connection with □ financial services, namely investment advisory services, management of investment funds, and fund investment services.□ U.S. Trademark Application Serial No. 77551196 (filed Aug. 20, 2008). Lion opposed the registration under section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d) (2006), alleging Stone Lion's proposed mark would be likely to cause confusion with Lion's registered marks when used for Stone Lion's recited financial services.

The Board conducted the likelihood of confusion inquiry pursuant to the thirteen factors set forth in *Application of E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A.1973):

- (1) The similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e. □ impulse□ vs. careful, sophisticated purchasing.
- (5) The fame of the prior mark (sales, advertising, length of use).
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent*1320 use without evidence of actual confusion.

(9) The variety of goods on which a mark is or is not used (house mark, □ family□ mark, product mark).

(10) The market interface between applicant and the owner of a prior mark....

(11) The extent to which applicant has a right to exclude others from use of its mark on its goods.

(12) The extent of potential confusion, i.e., whether *de minimis* or substantial.

(13) Any other established fact probative of the effect of use.

Id. The parties presented evidence regarding factors one through six. The Board found that factors one through four weighed in favor of finding a likelihood of confusion, and that the remaining factors were neutral. With respect to the first factor, the similarity of the marks, the Board reasoned that Stone Lion's mark □ incorporates the entirety of [Lion's] marks,□ and that the noun □ LION□ was □ the dominant part of both parties' marks.□ J.A. 13□ 14. The addition of the adjective □ STONE□ was □ not sufficient to distinguish the marks,□ and the Board concluded the marks were □ similar in sight, sound, meaning, and overall commercial impression.□ J.A. 14.

The Board determined the second *DuPont* factor, the similarity of the services, □ weigh[ed] strongly in favor of likelihood of confusion,□ J.A. 10, because at least some of the services recited in Stone Lion's application were □ legally identical□ to Lion's covered services, J.A. 11. For example, Stone Lion's applied-for services □ management of investment funds□ and □ investment advisory services□ were at least coextensive with Lion's recited services □ management of a capital investment fund□ and □ capital investment consultation,□ respectively. J.A. 10.

The Board found the third *DuPont* factor, considering the application's and registrations' □ channels of trade,□ also weighed strongly in favor of finding a likelihood of confusion. □ [B]ecause the services described in the application and

opposer's registrations are in part legally identical, the Board presumed the services [travel] in the same channels of trade and [were] sold to the same class of purchasers. J.A. 11 (quoting *In re Smith & Mehaffey*, 31 U.S.P.Q.2d 1531, 1532 (T.T.A.B.1994)).

Finally, the Board found that factor four, the sophistication of the purchasers, weighed in favor of Lion. Although the Board acknowledged that the parties in fact targeted sophisticated investors and required large minimum investments, it was constrained to consider the parties' services as they are recited in the application and registrations, respectively. J.A. 19. Because Stone Lion's investment advisory services and Lion's capital investment consultation could be offered to, and consumed by anyone ..., including ordinary consumers seeking investment services, the Board found the fourth *DuPont* factor favored Lion. J.A. 19.

The remaining factors were found to be neutral. In particular, the Board found factor five the strength of Lion's marks was neutral because Lion failed to show that its marks are well-known in the financial services field. J.A. 14. With respect to the sixth factor regarding the number and nature of similar third-party marks, the Board attached little importance to Stone Lion's internet printouts referencing third-party investment groups with LION in their name, stating that such third-party evidence ... generally has minimal probative value where, as here, it is not accompanied by any evidence of consumer awareness. J.A. 16. The Board ultimately found there was not a crowded field of LION-formative marks for similar investment services. J.A. 18. Upon weighing all of the pertinent *DuPont* factors, the Board found Lion met its burden to establish a likelihood of confusion by a preponderance of the evidence, and refused Stone Lion's application.

Stone Lion filed this timely appeal. This court has jurisdiction pursuant to 15 U.S.C. § 1071(a)(1) (2012) and 28 U.S.C. § 1295(a)(4)(B) (2012).

Discussion

Section 2(d) of the Lanham Act provides that a trademark may be refused registration if it so resembles a prior used or registered mark as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive. 15 U.S.C. § 1052(d). Likelihood of confusion is a question of law with underlying factual findings made pursuant to the *DuPont* factors. *M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 1381 (Fed.Cir.2006). This court reviews the Board's factual findings on each *DuPont* factor for substantial evidence, *In re Pacer Tech.*, 338 F.3d 1348, 1349 (Fed.Cir.2003), and its legal conclusion of likelihood of confusion de novo, *On Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1084 (Fed.Cir.2000). Substantial evidence is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. *Consol. Edison Co. of N.Y. v. N.L.R.B.*, 305 U.S. 197, 229, 59 S.Ct. 206, 83 L.Ed. 126 (1938).

On appeal, Stone Lion challenges the Board's findings with respect to *DuPont* factors one, three, and four. It contends the Board: (1) conducted an erroneous comparison of the marks, pursuant to factor one, Appellant's Br. 32, (2) erred in analyzing the purchasers and trade channels in factor three, *id.* at 42, and (3) committed legal error in dismissing purchaser sophistication and conditions of sale in factor four. *id.* at 22. Each argument is considered in turn.

I. The Board Properly Compared the Marks Pursuant to the First *DuPont* Factor

The similarity of the marks is determined by focusing on the marks in their entirety as to appearance, sound, connotation, and commercial

impression. □ *Palm Bay Imps. Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371 (Fed.Cir.2005) (quoting *DuPont*, 476 F.2d at 1361). With respect to the Board's reasoning that Stone Lion's mark □ incorporates the entirety of [Lion's] marks, □ Stone Lion contends □ the Board's analysis rests on the faulty assumption that incorporating an opposer's mark necessarily results in a likelihood of confusion, □ which, it says, □ is not the law.² Appellant's Br. 34. Stone Lion further criticizes the Board's finding that the noun □ LION □ was □ the dominant part of both parties' marks. □ J.A. 14. □ □ [L]ikelihood of confusion cannot be predicated on dissection of ... only part of a mark, □ □ and Stone Lion argues □ the Board's analysis undertook the very dissection of the mark that this Court forbids. □ Appellant's Br. 33 (quoting *In re Nat'l Data Corp.*, 753 F.2d 1056, 1059 (Fed.Cir.1985)). According to Stone Lion, the Board improperly 1322*1322 □ fail [ed] to assess the commercial impression made by STONE LION CAPITAL as a whole. □ *Id.* at 33.

² Stone Lion argues the Board's □ incorporation □ analysis is improper for the additional reason that it gave □ CAPITAL □ meaningful weight, even though both parties □ disclaimed the exclusive right to the term. □ Appellant's Br. 33 □ 34. The Board recognized the parties' disclaimer, however, and accordingly attached less significance to that term. J.A. 13 (quoting *In re Code Consultants, Inc.*, 60 U.S.P.Q.2d 1699, 1702 (T.T.A.B.2001) (disclaimed subject matter is often □ less significant in creating the mark's commercial impression □)).

These arguments misconstrue the Board's analysis. The Board properly considered whether the marks were □ similar in sight, sound, meaning, and overall commercial impression. □ J.A. 14. Although it reasoned that □ LION □ was □ dominant □ in both parties' marks, □ there is nothing improper

in stating that ... more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. □ *In re Nat'l Data Corp.*, 753 F.2d at 1059. Nor did the Board err by according little weight to the adjective □ STONE, □ on the ground that it did not □ distinguish the marks in the context of the parties' services. □ J.A. 13 □ 14; see J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 23:50 (4th ed.) (□ [A]ddition of a suggestive or descriptive element is generally not sufficient to avoid confusion. □); see also *In re Rexel Inc.*, 223 U.S.P.Q. 830 (T.T.A.B.1984) (finding likelihood of confusion between GOLIATH for pencils and LITTLE GOLIATH for a stapler). The Board properly rested its □ ultimate conclusion □ of similarity □ on consideration of the marks in their entireties. □ See *In re Nat'l Data Corp.*, 753 F.2d at 1059.

Stone Lion also challenges the Board's finding that the proposed mark has the same overall commercial impression as Lion's registered marks. It contends that □ STONE LION □ □ is the most communicative and evocative aspect of the mark, □ and □ contains an initial sibilant sound not found in either of Lion Capital's marks. □ Appellant Br. 38. Its □ meaning[is] also quite different, □ according to Stone Lion, and connotes □ patience, courage, fortitude and strength □ as opposed to □ just LION, which communicates no such lithic significance. □ *Id.* The record adequately supports the Board's contrary conclusions, however, and the Board did not err in finding that □ STONE LION CAPITAL □ is □ similar in sight, sound, meaning, and overall commercial impression □ to □ LION CAPITAL □ and □ LION. See J.A. 14.

Finally, Stone Lion argues the Board gave inadequate weight to Lion's statements during prosecution of its □ LION CAPITAL □ registration distinguishing the third-party mark □ ROARING LION. □ Appellant's Br. 40. A party's prior arguments may be considered as □ illuminative of shade and tone in the total picture, □ but do not

alter the Board's obligation to reach its own conclusion on the record. *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 576 F.2d 926, 929 (C.C.P.A.1978). The Board's findings under the first *DuPont* factor are affirmed.³

³ Stone Lion contends □ the Board committed legal error by according excessive weight to the perceived similarities between the marks. □ Appellant's Br. 39. According to Stone Lion, □ having concluded that the Lion Capital marks are not strong or well-known in the financial services field, the Board overlooked that the level of renown of an opposer's mark is supposed to play a □ dominant role in the process of balancing the *DuPont* factors. □ *Id.* (quoting *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327 (Fed.Cir.2000)). The Board never found that Lion's marks were weak. It found that in spite of news about Lion's investments featured in, e.g., *The Wall Street Journal* and *The New York Times*, the marks were not □ well-known. □ J.A. 14. Stone Lion does not challenge these fact-findings on appeal, and the Board did not err in declining to give this neutral factor determinative weight in its likelihood of confusion analysis.

II. The Board Properly Compared the Relevant Trade Channels Pursuant to the Third *DuPont* Factor

The third *DuPont* factor considers □ [t]he similarity¹³²³ or dissimilarity of established,^{*1323} likely-to-continue trade channels. □ *DuPont*, 476 F.2d at 1361. The Board found the application and the registrations contained □ no limitations □ on the channels of trade and classes of purchasers and therefore □ presume[d] that the parties' services travel through all usual channels of trade and are offered to all normal potential purchasers. □ J.A. 11. The parties' recited services were in part legally identical, so the Board concluded the □ channels of trade and classes of purchasers are the same. □ J.A. 11. Because the application and

registrations shared the same channels of trade and classes of purchasers, the Board determined the third *DuPont* factor weighed in favor of finding a likelihood of confusion.

On appeal, Stone Lion contends the Board □ fail[ed] to examine the record to determine *which types of persons* within these organizations the parties normally dealt with. □ Appellant's Br. 43. It contends the Board's findings on the third *DuPont* factor are unsupported by substantial evidence because there was no overlap between the parties' *actual* investors.

It was proper, however, for the Board to focus on the application and registrations rather than on real-world conditions, because □ the question of registrability of an applicant's mark must be decided on the basis of the identification of goods set forth in the application. □ *Octocom Sys., Inc. v. Houston Comp. Servs. Inc.*, 918 F.2d 937, 942 (Fed.Cir.1990). This is so □ regardless of what the record may reveal as to the particular nature of an applicant's goods, the particular channels of trade or the class of purchasers to which sales of the goods are directed. □ *Id.* Even assuming there is no overlap between Stone Lion's and Lion's current customers, the Board correctly declined to look beyond the application and registered marks at issue. An application with □ no restriction on trade channels □ cannot be □ narrowed by testimony that the applicant's use is, in fact, restricted to a particular class of purchasers. □ *Id.* at 943. The Board thus properly found Stone Lion's application and Lion's registrations covered the same potential purchasers and channels of trade.

III. The Board Properly Considered the Sophistication of Potential Customers Under the Fourth *DuPont* Factor

The fourth *DuPont* factor considers □ [t]he conditions under which and buyers to whom sales are made, i.e. □ impulse □ vs. careful, sophisticated purchasing. □ *DuPont*, 476 F.2d at 1361. Although recognizing that Stone Lion and Lion in fact

require large minimum investments and target sophisticated investors, the Board focused on the sophistication of all *potential* customers of □ the parties' services as they are recited in the application and registrations, respectively.□ J.A. 19. Stone Lion's application includes all □ investment advisory services,□ and Lion's registrations include □ capital investment consultation.□ J.A. 8, 10. Such services, the Board found, □ are not restricted to high-dollar investments or sophisticated consumers,□ but rather □ could be offered to, and consumed by, anyone with money to invest, including ordinary consumers seeking investment services.□ J.A. 19.

Stone Lion does not contest the broad scope of the services claimed in its application, but nevertheless argues the Board erred in considering the sophistication of potential customers. Both parties agree their current investors are sophisticated. In light of the services currently offered by Stone Lion and Lion, securities regulations require substantive, preexisting relationships with potential investors before they may invest. Stone Lion contends the Board failed¹³²⁴ to give proper weight to this *1324 clientele sophistication. Appellant's Br. 24.⁴

⁴ Once such sophistication is considered, Stone Lion maintains there is no likelihood of confusion at the point of sale, because any potential confusion would be resolved during the lengthy qualification process for qualified investors. Appellant's Br. 24 (citing J.A. 303). It contends this court has declined to recognize any form of confusion other than point-of-sale confusion. *Id.* at 28 (citing *Weiss Assocs., Inc. v. HRL Assocs., Inc.*, 902 F.2d 1546, 1549 (Fed.Cir.1990) (□ reserv[ing]□ consideration of initial interest confusion □ for another time□)). Lion responds that, even assuming a lack of point-of-sale confusion, □ the Board did not err in finding likelihood of confusion□ in light of the multiple other forms of □ actionable confusion, including confusion as to

affiliation or connection, initial interest confusion, post-sale confusion, reverse confusion, confusion of non-purchasers causing damage to reputation, etc.□ Appellee's Br. 41 (citing 3 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 23:5 (4th ed.)).

There is no need to address these contentions. As discussed below, the Board properly held the recited services may be offered to ordinary consumers and Stone Lion does not contest that such consumers may be confused at the point of sale. This finding is sufficient to affirm the Board's conclusion that the fourth *DuPont* factor favored opposer Lion.

Stone Lion effectively asks this court to disregard the broad scope of services recited in its application, and to instead rely on the parties' current investment practices. This would be improper because the services recited in the application determine the scope of the post-grant benefit of registration. □ [R]egistration provides the registrant with prima facie evidence of ... the registrant's □ exclusive right□ to use the mark on or in connection with *the goods and services specified in the certificate of registration.*□ *U.S. Search LLC v. U.S. Search.com Inc.*, 300 F.3d 517, 524 (4th Cir.2002) (emphasis added); *see also* 15 U.S.C. § 1115(a) (the registration is prima facie evidence of the registrant's exclusive right to use the mark □ in connection with the goods or services specified in the registration□). Other benefits of registration are likewise commensurate with the scope of the services recited in the application, not with the applicant's then-existing services. *See, e.g.*, 15 U.S.C. § 1072 (federal registrants enjoy nationwide constructive notice of their ownership of the registered mark); *id.* § 1117 (allowing recovery of defendant's profits, plaintiff's damages, and the costs of the action for violation of a registered mark). It would make little sense for the Board to consider only the parties' current

activities when the intent-to-use application, not current use, determines the scope of this post-grant benefit. Parties that choose to recite services in their trademark application that exceed their actual services will be held to the broader scope of the application. See *Octocom Sys.*, 918 F.2d at 943 (stating that a broad application is not narrowed by testimony that the applicant's use is, in fact, restricted).

At oral argument, Stone Lion contended that although it is normally proper to focus on the services recited in the application, investor sophistication should be ascertained from the record as a whole. It argued that limiting the investor sophistication analysis to the four corners of the application is contrary to *DuPont*, where our predecessor court considered all of the evidence on sophistication, not only the services recited in the application. In *DuPont*, the Board found likelihood of confusion between DuPont's applied-for mark, RALLY, for combination polishing, glazing and cleaning agent for use on automobiles, and the opposer's registered mark RALLY for an all-purpose detergent. *DuPont*, 476 F.2d at 1359. While DuPont's appeal was pending before the Board, DuPont had purchased

Horizon's mark in the context of automobile products and the parties entered into an agreement allowing DuPont to use the mark in the automotive aftermarket and incidentally usable products, and limiting Horizon to the commercial building or household market. *Id.*

Our predecessor court reversed the Board's refusal of DuPont's application, holding that substantial weight should be given to the parties' detailed agreement. *Id.* at 1362. Although such reasoning reaches beyond the application, it does so only to the extent that the parties legally bound themselves to using the mark in their respective product category. See *id.* at 1363 (explaining that if either party strays beyond their product category set forth in the agreement, they would be subject to a breach of contract action). Such a binding agreement limits the benefits of registration. For

instance, the agreement's provision limiting each party to different product categories would rebut the evidentiary value of a registered mark provided in 15 U.S.C. § 1115(a) (registration provides prima facie evidence of the registrant's exclusive right to use the mark in connection with the goods or services specified in the registration). The *DuPont* court contrasted such a binding agreement to a naked consent, which it found would merit little weight because the consenter may continue or expand his use. *Id.* at 1362.

Stone Lion has not provided a naked consent, much less contractually restricted itself to its current high-minimum-investment services. To the contrary, it admitted during oral argument that it could someday offer investment services in connection with college education funds. Oral Arg. at 29:10-29:28, *Stone Lion Capital Partners v. Lion Capital LLP*, available at <http://www.cafc.uscourts.gov/oral-argument-recordings/all/stone-lion.html>. Granting Stone Lion's application would entitle it to the full scope of services recited therein, and Stone Lion cannot now distance itself from such breadth when faced with an opposition.

Accordingly, the Board properly considered all potential investors for the recited services, including ordinary consumers seeking to invest in services with no minimum investment requirement. Although the services recited in the application also encompass sophisticated investors, Board precedent requires the decision to be based on the least sophisticated potential purchasers. *Gen. Mills, Inc. v. Fage Dairy Proc. Indus. S.A.*, 100 U.S.P.Q.2d 1584, 1600 (T.T.A.B.2011), judgment set aside on other grounds, 2014 WL 343267 (T.T.A.B. Jan. 22, 2014); cf. *Ford Motor Co. v. Summit Motor Prods., Inc.*, 930 F.2d 277, 293 (3d Cir.1991) (stating, in the context of a trademark infringement case, that when a buyer class is mixed, the standard of care to be exercised by the reasonably prudent purchaser will be equal to that

of the least sophisticated consumer in the class). Substantial evidence supports the Board's finding that such ordinary consumers will exercise care when making financial decisions, but are not immune from source confusion where similar marks are used in connection with related services. J.A. 19 (citing *In re Research & Trading Corp.*, 793 F.2d 1276 (Fed.Cir.1986)). The Board's conclusion that the fourth *DuPont* factor weighs in opposer Lion's favor is consistent with Stone Lion's application, Lion's registrations, and with applicable law.

Conclusion

The Board properly determined that the first four *DuPont* factors weighed in favor of finding a likelihood of confusion and that the remaining factors were neutral. The refusal of Stone Lion's ¹³²⁶application for ^{*1326}trademark registration is therefore affirmed.

AFFIRMED

----- Notes:

Octocom Systems, Inc. v. Houston Computer Services

918 F.2d 937 (Fed. Cir. 1990) □ 16 U.S.P.Q.2d 1783
Decided Nov 2, 1990

No. 90-1196.

938 November 2, 1990. *938

Brian M. Dingman, Law Offices of Joseph S. Iandiorio, Waltham, Mass., argued for appellant. With him on the brief was Joseph S. Iandiorio.

J. Paul Williamson, Arnold, White Durkee, Arlington, Va., argued for appellee.

Appeal from the Patent and Trademark Office, Trademark Trial and Appeal Board.

Before NIES, Chief Judge, ARCHER and CLEVINGER, Circuit Judges.

NIES, Chief Judge.

Octocom Systems, Inc. (OSI), appeals from the final decision of the U.S. Patent and Trademark Office, Trademark Trial and Appeals Board, in Opposition No. 76345, refusing registration of OSI's alleged trademarks OCTOCOM alone and with a stylized "O" design for "modems," Serial Numbers 618,049 and 618,030, respectively. On a motion for summary judgment, the board held that OSI's marks so resemble the previously used and registered trademark OCTACOMM for computer programs of Houston Computer Services, Inc., as to be likely to cause confusion, mistake or deception and were, therefore, unregistrable under section 2(d) of the Lanham Act, [15 U.S.C. § 1052\(d\)](#) (1988). Our jurisdiction rests on [28 U.S.C. § 1295\(a\)\(4\)](#) **(B)**. We affirm and grant Houston's motion for sanctions for a frivolous appeal. *939

I

OSI filed applications on September 2, 1986, for registration of the marks OCTOCOM and O/OCTOCOM for "data communications equipment □ namely, modems and computer programs for use in or in conjunction with modems, such programs being distributed in magnetic media and read-only memory and in other forms." Despite the presence on the register of Reg. No. 1,338,874 issued June 4, 1985, to Houston for the virtually identical mark OCTACOMM for "computer programs recorded on magnetic tapes and discs and manuals therefor all sold as a unit," the examiner approved OSI's alleged marks for publication.¹ Houston timely opposed.

¹ The application files have not been furnished and we do not know whether the Houston registration was cited during prosecution.

As grounds for opposition, Houston alleged that it produces and sells a variety of personal and professional computers to be connected in networks with a host computer; that it offers its computer programs under the mark OCTACOMM and has done so since long prior to use of OCTOCOM by OSI; that it is the owner of Reg.

No. 1,338,874 issued June 4, 1985, covering such use of the OCTACOMM mark; and that OSI's marks OCTOCOM alone or with the design so resemble Houston's previously used and registered mark OCTACOMM as to be likely, when used in conjunction with applicant's goods, to cause confusion, to cause mistake or to deceive. OSI responded with a general denial. On April 27, 1988, Houston filed the motion for summary judgment which, after much legal maneuvering, was ultimately granted in August 1989. The decision was reaffirmed on a petition for reconsideration in October 1989.

As indicated, OSI originally sought registration of the OCTOCOM marks for modems and computer programs. OSI first filed a motion to amend its answer to add a counterclaim to cancel Houston's registration in part. OSI asserted the theory that Houston had "abandoned" its registration, which covered computer programs broadly, to the extent that the description therein encompassed types of computer programs which Houston had never sold under the mark. In effect, OSI sought to narrow the description of goods in Houston's registration to limited types of computer programs sold to a specific class of customers. In denying the motion, the board held, *inter alia*, that even if Houston's registration were to be restricted, Houston's goods would be encompassed within OSI's unrestricted description of its goods as "computer programs". It further opined that the relief sought was not supported by any precedent.

OSI then filed a motion to delete all reference to "computer programs" in its application. This motion to amend was granted. However, in accordance with board practice, OSI was required to agree to entry of a judgment against it that the marks OCTOCOM and OCTOCOM with the "O" design, when used for the broader identification (i.e., including computer programs), would be likely to cause confusion with Houston's mark OCTACOMM. *Houston Computer Servs. v. Octocom Sys.*, Opp. No. 76345, slip op. at 3 (TTAB Apr. 11, 1989). Thus, OSI's application came to be limited to registration of the mark OCTOCOM for "modems" only.

Having restricted its application to "modems", OSI again tried to add a counterclaim for partial cancellation of Houston's registration. The board again denied the motion. The board found, *inter alia*, that even though the direct overlap in the parties' goods had been eliminated, the likelihood-of-confusion issue without the restriction of Houston's goods would be essentially the same as with the proposed restriction. The board noted that Houston's programs are intended for use whenever there is need for communications between a host computer and other equipment such as a "modem" and that OSI's identification of its "modems" was
940 unrestricted. Because allowing the amendment would serve no purpose, the board denied OSI's motion. *940 In this appeal, OSI does not challenge the denial of that motion.

Having finally disposed of preliminary skirmishes, the board turned to the merits of Houston's pending motion for summary judgment. Houston's motion was based on the marks and goods as set forth in the application and registration, respectively, as well as evidence that the goods of the parties were closely related, that the OCTACOMM mark was arbitrary, and that there was no other variation of the OCTACOMM mark for computer products known to Houston. In response to Houston's motion, OSI submitted a brief in opposition accompanied by an affidavit of its president, Ian R. Davison. Mr. Davison averred that he was not aware of any confusion as to the source of OSI's modems, and further averred: that not all data communications equipment requires software of the type offered for sale by Houston under the OCTACOMM mark; that Houston's software need not operate with modems; that OSI software controls the principal features of OSI's family of modems and modem controllers; and that Houston's software may not be used to perform this control function. The declaration also presented information directed toward differentiating OSI's channels of trade and advertising media from those for Houston's computer programs.

Upon consideration of the record, the board concluded that there was no genuine issue of material fact and that the use of OCTOCOM with or without the "O" design for modems would be likely to cause confusion with the prior use of OCTACOMM for computer programs. OSI challenges both of these rulings.²

² No separate argument is made that the addition of the "O" design distinguishes OCTOCOM from OCTACOMM.

II A [9] *Alleged Factual Disputes*

Rule 56 of the Federal Rules of Civil Procedure is made applicable to proceedings before the Trademark Trial and Appeal Board by [37 C.F.R. § 2.116\(a\)](#) (1989).

Rule 56 provides in pertinent part:

(c) . . . The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. . . .

(e) . . . When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

Where a motion for summary judgment is made and supported in accordance with the above rule, it is incumbent on the nonmovant in a summary judgment proceeding to proffer countering evidence sufficient to create a genuine factual dispute. A dispute is genuine only if, on the entirety of the record, a reasonable jury could resolve a factual matter in favor of the non-movant. *Sweats Fashions v. Pannill Knitting Co.*, [833 F.2d 1560, 1562, 4 USPQ2d 1793, 1795](#) (Fed. Cir. 1987). The party opposing a motion for summary judgment must point to an evidentiary conflict created on the record at least by a counterstatement of facts set forth in detail in an affidavit by a knowledgeable affiant. The record must be viewed in a light most favorable to the party opposing the motion. *Barmag Barmer Maschinenfabrik AG v. Murata Machinery, Ltd.*, [731 F.2d 831, 836, 221 USPQ 561, 564](#) (Fed. Cir. 1984).

⁹⁴¹ As stated in *Barmag Barmer Maschinenfabrik AG*, [731 F.2d at 835-36, 221 USPQ at 564](#): *941

A critical factor in a motion for summary judgment . . . is the determination by the court that there is no *genuine* issue of *material* fact. . . . The party opposing the motion must point to an evidentiary conflict created on the record at least by a counter statement of a fact or facts set forth in detail in an affidavit by a knowledgeable affiant.

See also Pure Gold, Inc. v. Syntex (U.S. A.), Inc., [739 F.2d 624, 222 USPQ 741](#) (Fed. Cir. 1984) (trademark opposition).

OSI argues that the board erred in holding that the record created no genuine issue of material fact in view of the affidavit of its president, Ian R. Davison, which averred certain facts which, per OSI, must be considered in resolving the ultimate issue of likelihood of confusion under the precedent of *In re E.I. DuPont DeNemours Co.*, [476 F.2d 1357, 1361, 177 USPQ 563, 567](#) (CCPA 1973). OSI argues that the averments in Davison's affidavit "establish a genuine issue necessitating a trial on the merits." This argument is wholly without evidentiary foundation. OSI points to no conflicting evidence which would establish an underlying fact one way or the other depending on which party's evidence is believed. When pressed at oral argument, OSI's

counsel could not identify a single factual issue in dispute. The ostensible "fact" disputes, argued over four pages of OSI's brief, amount to no more than OSI's disagreement with the board's ultimate conclusion on the likelihood-of-confusion issue, which in proceedings before the board is a conclusion of law. *Sweats Fashions*, 833 F.2d at 1565, 4 USPQ2d at 1797; *Kimberly-Clark Corp. v. H. Douglas Enter.*, 774 F.2d 1144, 1146, 227 USPQ 541, 542 (Fed. Cir. 1985). OSI's argument of nonexistent issues placed a wholly unnecessary burden on its opponent and on the time of the court.

B [16] *Alleged Per Se Rule*

OSI next argues that the Trademark Trial and Appeal Board erred, as a matter of law, by applying a *per se* rule of likelihood of confusion between marks in the computer field.

OSI had petitioned the board for reconsideration of the board's decision on that ground. In rejecting the petition, the board pointed out that it had relied on the evidence clearly showing that modems are used in conjunction with Houston's computer programs. Thus, the broad description in OSI's application, *i.e.*, "modems", encompasses goods associated and used with those of opposer. Indeed, that such goods might come from a single source is shown by OSI's original application, which indicates OSI itself used the mark OCTOCOM for both modems and computer programs.

OSI points to no statement or analysis in the board's opinions which in any way supports OSI's argument that the board imposed a *per se* rule. A deliberate mischaracterization of an appealed decision goes beyond legitimate advocacy.

C [20] *Alleged "Ignored" Facts*

OSI argues that the board did not consider its evidence which establishes no likelihood of confusion, namely: that modems differ from computer programs; that it sold its goods principally to large institutions; that it promoted its goods through industrial trade magazines and trade shows relating to data communications hardware; that typical buyers are sophisticated purchasers; that its goods are expensive; and that there is no evidence of actual confusion.

Contrary to OSI's argument to us, we see no basis for saying the board "ignored" any part of the record. For example, the board specifically acknowledged OSI's evidence in stating:

Although [OSI] has attempted to establish specific trade channels for its goods, as we have previously noted, [OSI's] identification of goods is not limited in any manner and encompasses all of the normal trade channels and customers of any type, of any price, or for use with any computer program.

942 *942

Houston Computer Servs. v. Octocom Sys., Opp. No. 76345, slip op. at 11 (TTAB Aug. 2, 1989). The board also considered the argument that confusion was unlikely because of the alleged expertise of purchasing agents and found it neither controlling nor persuasive. As the board stated, confusion had to be considered with respect to users as well as actual purchasers. *Id.*

OSI's statement that the board "did not consider specific evidence presented by Octocom relating to the issue of likelihood of confusion" is without basis. The board's opinion specifically addresses the allegedly ignored evidence. The board's ultimate conclusion is simply not to OSI's liking. Again, OSI manufactures a nonexistent issue.

D [25] *The DuPont Factors*

In its brief and at oral argument, OSI's counsel took the position that under *DuPont*, once evidence is presented on a factor (e.g., on an applicant's specific trade channels), such evidence is controlling regardless of the lack of any limitation in the applicant's description of goods reflecting the newly asserted limitation. OSI's interpretation of the *DuPont* case has long been rejected.

The issue in an opposition is the right of an applicant to register the mark depicted in the application for the goods identified therein. The authority is legion that the question of registrability of an applicant's mark must be decided on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant's goods, the particular channels of trade or the class of purchasers to which sales of the goods are directed. See *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1042, 216 USPQ 937, 940 (Fed. Cir. 1983); *Tuxedo Monopoly, Inc. v. General Mills Fun Group, Inc.*, 648 F.2d 1335, 1337, 209 USPQ 986, 988 (CCPA 1981); *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 684-85, 196 USPQ 1, 2 (CCPA 1977); *Broderick Bascom Rope Co. v. Goodyear Tire Rubber Co.*, 531 F.2d 1068, 1070, 189 USPQ 412, 413 (CCPA 1976); *Pennwalt Corp. v. Center Laboratories, Inc.*, 524 F.2d 235, 236, 187 USPQ 599, 601 (CCPA 1975); *Paula Payne Prods. Co. v. Johnson Publishing Co.*, 473 F.2d 901, 902, 177 USPQ 76, 77 (CCPA 1973); *International Paper Co. v. Valley Paper Co.*, 468 F.2d 937, 938, 175 USPQ 704, 705 (CCPA 1972); *Vornado, Inc. v. Breuer Elec. Mfg. Co.*, 390 F.2d 724, 726, 156 USPQ 340, 342 (CCPA 1968); *Kalart Co. v. Camera-Mart, Inc.*, 258 F.2d 956, 957, 119 USPQ 139, 140 (CCPA 1958); and *Miles Laboratories, Inc. v. Naturally Vitamin Supplements, Inc.*, 1 USPQ2d 1445, 1450 (TTAB 1986) (amended 1987).

As the predecessor of this court stated in *Tuxedo Monopoly*, 648 F.2d at 1337, 209 USPQ at 988:

Here, appellant seeks to register the word MONOPOLY as its mark without any restrictions reflecting the facts in its actual use which it argues on this appeal prevent likelihood of confusion. We cannot take such facts into consideration unless set forth in its application. *Toro Co. v. Hardigg Industries, Inc.*, 549 F.2d 785, 790, 193 USPQ 149, 155 (CCPA 1977).

Here, as well, the factors which OSI asks to have considered are not reflected, either expressly or inherently, in its application. Thus, it was not error, as OSI argues, for the board to give no weight to OSI's evidence purporting to show that OCTOCOM modems are bought by a particular class of purchasers. It would have been error to do otherwise. Because OSI seeks an *unrestricted* registration, such evidence as there is of a specific class of customers did not relate to a *material* fact.³ See *Barmag Barmer Maschinenfabrik AG*, 731 F.2d at 836, 221 USPQ at 565 *943 (applicable legal standard determines *materiality* of alleged fact).

³ We must add that the evidence of record shows that about 60 percent of OSI's sales are to large buyers and 40 percent are to distributors who may sell to anyone. Accordingly, OSI's argument concerning the difference in the parties' classes of purchasers is, in any event, without foundation.

In essence OSI's argument concerning the *DuPont* factors is backwards. A factor listed in *DuPont* is not made material by submission of evidence on the point; rather, the factor must be shown to be material or relevant *in the particular* case before any evidence offered on the factor should be considered. Evidence that the goods of the applicant and opposer, as identified in the respective application and registration, are the types of goods that would be expected to move in different trade channels or be sold to different classes of purchasers may be material and relevant. See *David Crystal, Inc. v. Soo Valley Company*, 471 F.2d 1245, 176 USPQ 326 (CCPA 1973). However, an application with an identification of goods having no restriction on trade channels obviously is not narrowed by testimony that the applicant's use is, in fact, restricted to a particular class of

purchasers. *Tuxedo Monopoly*, 648 F.2d at 1337, 209 USPQ at 988 (restricted outlets irrelevant when application not so limited). Thus, such evidence does not support OSI's alleged right to registration of the mark for the goods *set forth in the application* at issue.

OSI made no attempt to distinguish its situation from the voluminous precedent or even to argue that the precedent was wrong and should be overturned. OSI simply ignored it. This court deems such advocacy to be unacceptable. *See In re Oximetrix, Inc.*, 748 F.2d 637, 644, 223 USPQ 1068, 1073 (Fed. Cir. 1984) (frivolous where no colorable basis for arguments).

E [32] *Conclusion on Likelihood of Confusion*

OSI's applications originally encompassed modems and computer programs. In view of the judgments against OSI's registration of OCTOCOM (with or without the "O" design) for computer programs, it is indisputable that OSI's OCTOCOM marks and Houston's OCTACOMM mark would be likely to cause confusion when used for identically described goods. Further, the record supports no other factual findings but that modems and computer programs are commonly used together in networking, could come from a single source, and be identified with the same mark. Thus, OSI's elimination of "computer programs" from its application leaving only "modems" was pointless maneuvering. We agree with the board that purchasers would likely be confused when goods as closely related as modems and computer programs are sold under the virtually identical marks of these parties. Thus, the board's decision denying registration to OSI of the OCTOCOM marks for "modems" is affirmed.

III [34] *Motion for Sanctions*

Under *Fed.R.App.P. 38*, a court of appeals may award "just damages and single or double costs" where it determines that an appeal is frivolous. As this court held in *Connell v. Sears, Roebuck Co.*, 722 F.2d 1542, 1554, 220 USPQ 193, 203 (Fed. Cir. 1983), an appeal is frivolous where "no basis for reversal in law or fact can be or is even arguably shown." Houston seeks to recover its costs and attorney fees under Rule 38 in connection with this appeal.

Sanctions may be imposed in a summary judgment case as in any other. *Chemical Eng'g Corp. v. Marlo, Inc.*, 754 F.2d 331, 334-35, 222 USPQ 738, 741 (Fed. Cir. 1984). We have indicated above the grounds for holding each of OSI's arguments to be frivolous. There was no reasonable basis for arguing that the board erred in holding that there were no material factual disputes; in applying a *per se* rule of confusion; in ignoring evidence; or in disregarding the *DuPont* factors.

Where a party blindly disregards long established authority and raises arguments with no factual foundation, as OSI has in this case, the judicial process has not been used, but abused, and sanctions under Rule 38 are warranted. *Amstar Corp. v. Envirotech Corp.*, 730 F.2d 1476, 1486, 221 USPQ 649, 657 (Fed. Cir.), *cert. denied*, 469 U.S. 924, 105 S.Ct. 306, 83 L.Ed.2d 240 *944 (1984); *Connell*, 722 F.2d at 1555, 220 USPQ at 204; *Asberry v. United States Postal Serv.*, 692 F.2d 1378, 215 USPQ 921 (Fed. Cir. 1982). Houston's request for sanctions is, therefore, granted to the extent of just damages and costs in connection with the appeal. Under Rule 38, an award may include an amount for attorney fees incurred by appellee. *See Refac Int'l, Ltd. v. Hitachi, Ltd.*, 921 F.2d 1247, 1256 (Fed. Cir. 1990) (attorney fees awarded); *Pac-Tec, Inc. v. Amerace Corp.*, 903 F.2d 796, 804-05, 14 USPQ2d 1871, 1879 (Fed. Cir. 1990) (attorney fees awarded); *SunTek Indus. v. Kennedy Sky-Lites, Inc.*, 865 F.2d 1254, 9 USPQ2d 1574 (Fed. Cir. 1989) (attorney fees awarded); *Devices for Medicine v. Boehl*, 822 F.2d 1062, 1069, 3 USPQ2d 1288, 1294 (Fed. Cir. 1987) (attorney fees awarded); *Porter v. Farmers Supply Serv., Inc.*, 790 F.2d 882, 887, 229 USPQ 814, 817-18 (Fed. Cir. 1986) (attorney fees

awarded); *Beghin-Say Int'l, Inc. v. Rasmussen*, 733 F.2d 1568, 1573-74, 221 USPQ 1121, 1125 (Fed. Cir. 1984) (sanctions, but attorney fees not warranted). Houston shall submit documentation to the court of its costs and attorney fees within the time period set forth in Fed. Cir.R. 47.9(a).

AFFIRMED.

SANCTIONS IMPOSED.



Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin

396 F.3d 1369 (Fed. Cir. 2005)
Decided Feb 9, 2005

No. 04-1042.

February 9, 2005. *1370

Edmund J. Ferdinand, III, Grimes Battersby, LLP, of Norwalk, Connecticut, argued for appellant. With him on the brief was Gregory J. Battersby.

Marie V. Driscoll, Fross Zelnick Lehrman Zissu, P.C., of New York, New York, argued for appellee. With him on the brief was John Margiotta.

Before MICHEL, Chief Judge,¹ RADER, and PROST, Circuit Judges.

¹ Paul R. Michel assumed the position of Chief Judge on December 25, 2004.

RADER, Circuit Judge.

Palm Bay Imports, Inc. (Palm Bay) appeals from the decision of the United States Patent and Trademark Office Trademark Trial and Appeal Board (Board) refusing registration of the mark VEUVE ROYALE for sparkling wine on the ground of likelihood of confusion with three of opposer Veuve Clicquot Ponsardin's (VCP's) marks. *Veuve Clicquot Ponsardin v. Palm Bay Imports, Inc.*, Opp'n No. 115,438, 2003 WL 21953664 (T.T.A.B. Aug. 4, 2003). This court concludes that the Board did not err in finding a likelihood of confusion, but substantial evidence does not support such a finding for one of the marks. Even though this court reverses the Board's conclusion as to one of the marks, the Board's refusal to register Palm Bay's VEUVE ROYALE mark is affirmed.

I.

In April 1998, Palm Bay filed an intent-to-use trademark application under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for the mark VEUVE ROYALE for "alcoholic beverages, namely, sparkling wine." *Veuve Clicquot Ponsardin*, slip op. at 1. The examining attorney found no evidence of a similar mark that would bar registration on the ground of likelihood of confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). In response to the June 22, 1999 Official Gazette publication of Palm Bay's application, VCP filed an opposition with the Board, alleging a likelihood of confusion between VEUVE ROYALE and five of its own marks. Specifically, VCP asserted a likelihood of confusion based on the following marks: (1) VEUVE CLICQUOT PONSARDIN; (2) VEUVE CLICQUOT; (3) VEUVE CLICQUOT PONSARDIN Design; (4) THE WIDOW; and (5) LA VIUDA.

On August 4, 2003, the Board refused registration of VEUVE ROYALE, finding a likelihood of confusion with (1) VEUVE CLICQUOT PONSARDIN, (2) VEUVE CLICQUOT, and (3) THE WIDOW. The Board dismissed VCP's Section 2(d) claim for LA VIUDA finding the doctrine of foreign equivalents inapplicable to

marks in two different foreign languages, *i.e.*, Spanish and French. Palm Bay appeals.

II.

Likelihood of confusion under the Lanham Act, [15 U.S.C. § 1052\(d\)](#), is a legal determination based upon factual underpinnings. *On-Line Careline, Inc. v. Am. Online, Inc.*, [229 F.3d 1080, 1084](#) (Fed. Cir. 2000). This court determines the question on a case-specific basis, applying the thirteen factors set forth in *In re E.I. DuPont DeNemours Co.*, [476 F.2d 1357, 1361](#) (C.C.P.A. 1973), without deference. *In re Int'l Flavors Fragrances, Inc.*, [183 F.3d 1361, 1365](#) (Fed. Cir. 1999). At the same time, this court reviews factual underpinnings for that legal conclusion, namely the *DuPont* factors, for substantial evidence. *Dickinson v. Zurko*, [527 U.S. 150, 156, 119 S.Ct. 1816, 144 L.Ed.2d 143](#) (1999); *Bose Corp. v. QSC Audio Prods.*, [293 F.3d 1367, 1370](#) (Fed. Cir. 2002). Evidence is substantial if "a reasonable person might find that the evidentiary record supports the agency's conclusion." *On-Line Careline*, [229 F.3d at 1085](#).

III. The VEUVE Marks

Palm Bay asserts that the Board erred in its findings on four *DuPont* factors during analysis of VEUVE CLICQUOT and VEUVE CLICQUOT PONSARDIN: (1) the similarity of the marks; (2) third-party use of the term VEUVE; and (3) the fame of VCP's marks; and (4) purchaser sophistication (corresponding to the first, sixth, fifth and fourth *DuPont* factors, respectively).

A.

The first *DuPont* factor requires examination of "the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression." *DuPont*, [476 F.2d at 1361](#). Palm Bay contends that the Board made two errors in finding that VEUVE ROYALE was confusingly similar to VCP's marks. First, it claims that the Board misstated the legal test of similarity by treating "commercial impression" as the ultimate conclusion rather than as a separate factor. Second, Palm Bay claims the Board erred in finding that VEUVE was the "prominent feature" of VCP's marks. Instead, argues Palm Bay, CLICQUOT is the dominant feature.

1. Test for Similarity

The Board phrased the legal test for similarity as whether the marks "when compared in their entirety in terms of appearance, sound and connotation, are similar or dissimilar in their overall commercial impressions." *Veuve Clicquot Ponsardin*, slip op. at 26-27. After conducting a thorough analysis of the appearance, sound, meaning, and commercial impression of the marks, the Board concluded that they were "more similar than dissimilar in their overall commercial impression for purposes of the first *DuPont* factor." *Id.* at 29. In both instances, the Board treated "commercial impression" as the ultimate conclusion under this prong rather than as a separate factor along with appearance, sound, and meaning. Palm Bay contends that the ¹³⁷² Board's inaccurate paraphrase of the legal standard infected its analysis and constitutes reversible error.

This court declines to find reversible error merely because the Board, in two instances, made a minor misstatement of the similarity test in an otherwise proper analysis. Moreover, this court's precedent counsels that the phrase "commercial impression" is occasionally used as a proxy for the ultimate conclusion of similarity or dissimilarity of marks resulting from a comparison of their appearance, sound, and meaning. *Hewlett-Packard Co. v. Packard Press, Inc.*, [281 F.3d 1261, 1266-67](#) (Fed. Cir. 2002) (holding that PACKARD TECHNOLOGIES and HEWLETT PACKARD differ in appearance and sound, but the marks convey a similar commercial impression because consumers would be aware of Hewlett-Packard's heavy involvement in technology-based goods, and therefore the marks are similar in their entirety); *Kenner Parker Toys, Inc. v.*

Rose Art Indus., Inc., 963 F.2d 350, 355 (Fed. Cir. 1992) (holding that in light of the appearance, sound and meaning of the marks PLAY-DOH and FUNDOUGH, consumers may receive the "same commercial impression" from the marks); *Morton-Norwich Prods., Inc. v. S.C. Johnson Son, Inc.*, 531 F.2d 561, 562 (C.C.P.A. 1976) (holding that RAINFRESH is confusingly similar to RAIN BARREL given the close relationship of the goods and "similarity of commercial impressions").

2. Significance of CLICQUOT

Palm Bay next asserts that the Board gave insufficient weight to the relative dominance of CLICQUOT, while placing too much emphasis on the weaker VEUVE portion of VCP's marks. Palm Bay notes that VCP admitted that CLICQUOT was the most distinctive portion of its marks in a World Intellectual Property Organization (WIPO) Internet domain name proceeding, and that VCP has used CLICQUOT in its marketing materials, including radio spots, promotional products, and as the URL of its website (www.clicquot.com). Moreover, Palm Bay argues, VCP has no enforceable trademark rights in the term VEUVE, and has never used the term, standing alone, on its champagne bottles or in its marketing efforts.

The Board correctly weighed the relative importance of VEUVE and CLICQUOT. VEUVE is an arbitrary term as applied to champagne and sparkling wine, and thus conceptually strong as a trademark. *See, e.g., Nautilus Group, Inc. v. Icon Health Fitness, Inc.*, 372 F.3d 1330, 1340 (Fed. Cir. 2004) (defining an arbitrary mark as "a known word used in an unexpected or uncommon way" and observing that such marks are typically strong). Indeed, VCP has made VEUVE a theme of its marketing efforts because of the history, and the widow Clicquot herself, connected with the origins of the company. To be sure, CLICQUOT is an important term in the mark, but VEUVE nevertheless remains a "prominent feature" as the first word in the mark and the first word to appear on the label. Not only is VEUVE prominent in the commercial impression created by VCP's marks, it also constitutes "the dominant feature" in the commercial impression created by Palm Bay's mark. *Veuve Clicquot Ponsardin*, slip op. at 31-32 (VEUVE is first word in mark; significance of ROYALE is more laudatory and less source-indicating than VEUVE or "widow"; arbitrary term VEUVE contributes more to commercial impression of product than ROYALE). The presence of this strong distinctive term as the first word in both parties' marks renders the marks similar, especially in light of the largely laudatory (and hence non-source identifying) significance of the word ROYALE.

This case is distinguishable from cases upon which Palm Bay relies where this court found no likely confusion between marks involving a common term. *See, e.g., Kellogg Co. v. Pack 'em Enters., Inc.*, 951 F.2d 330 (Fed. Cir. 1991) (FROOTEE ICE for flavored ice bars not likely to cause confusion with FROOT LOOPS for breakfast cereal and related products); *Keebler Co. v. Murray Bakery Prods. Inc.*, 866 F.2d 1386 (Fed. Cir. 1989) (PECAN SHORTIES not likely to cause confusion with PECAN SANDIES for cookies). In these cases, the common term is a generic or non-distinctive term. Here, the common term □ VEUVE □ is distinctive, and as such its presence in both parties' marks enhances the likelihood of confusion. Substantial evidence therefore supports the Board's finding that the marks are similar under the first *DuPont* factor.

B.

Palm Bay next contends that the Board erred in rejecting evidence of third-party use of at least five different alcoholic beverages that use the term VEUVE (or a foreign equivalent). This assertion requires analysis of the sixth *DuPont* factor, which considers "the number and nature of similar marks in use on similar goods." *DuPont*, 476 F.2d at 1361. Evidence of third-party use of similar marks on similar goods is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection. *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 626-27 (8th Cir. 1987); J. Thomas McCarthy, *2 McCarthy on Trademarks and Unfair*

Competition § 11:88 (4th ed. 2001) (hereinafter *McCarthy on Trademarks*). In particular, Palm Bay argues that third-party evidence consists of at least five different alcoholic beverages that use the term VEUVE: (1) VIUDA DE ROMERO (tequila); (2) VEUVE CASTARDE BAS ARMAGNAC (brandy); (3) VEUVE ROTH BRANDY (brandy); (4) VEUVE DE LALANDE (sparkling wine); and (5) VEUVE DU VERNAY (sparkling wine). Each of these brands has at various points of time appeared in an industry trade publication, the Beverage Media Guide, which lists all beverage products in the wine and spirits categories sold by wholesalers to restaurants and retail stores in New York State. The Board rejected this evidence on the ground that the Beverage Media Guide is only distributed to the trade, and thus does not show the extent to which consumers actually encounter these brands in the marketplace.

The probative value of third-party trademarks depends entirely upon their usage. *E.g.*, *Scarves by Vera, Inc. v. Todo Imports, Ltd.*, 544 F.2d 1167, 1173 (2d Cir. 1976) ("The significance of third-party trademarks depends wholly upon their usage. Defendant introduced no evidence that these trademarks were actually used by third parties, that they were well promoted or that they were recognized by consumers."). While the Beverage Media Guide is compelling evidence that distributors were aware that the term VEUVE was used for other alcoholic products, it is not evidence that the consuming public was likewise aware. At best, the Beverage Media Guide is evidence that the consuming public could potentially be cognizant of third-party use of the term VEUVE. Absent evidence of the consuming public's awareness, however, the Beverage Media Guide standing alone does not suffice. As this court has previously recognized where the "record includes no evidence about the ¹³⁷⁴extent of [third-party] uses . . . [t]he probative value of this evidence is thus minimal." ^{*1374} *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1338 (Fed. Cir. 2001) (emphasis added).

Lloyd's Food Products, Inc. v. Eli's, Inc., 987 F.2d 766 (Fed. Cir. 1993), does not alter that reasoning. In *Lloyd's*, this court held that the Board erred in failing to consider evidence of third-party use of service marks in phone directories. *Id.* at 768. Unlike the *Lloyd's* phone directories that were distributed to the public, the Beverage Media Guide is only sent to distributors, not to the consuming public. Additionally, the issue in *Lloyd's* involved service marks, for which advertising in phone directories is evidence of use. Here, by contrast, the marks are trademarks applied to goods for which a mere listing in a directory is not evidence of such use. Thus, the *Lloyd's* holding is inapposite to the facts of this case.

Palm Bay further argues that the Board erred in minimizing the import of retail marketing evidence it presented for the third-party mark VEUVE DE VERNAY. Specifically, Palm Bay notes that its private investigator discovered that six New York stores displayed for sale the VEUVE DE VERNAY sparkling wine as well as internet web sites and restaurant lists. Though the Board determined that such evidence exhibited more than de minimis use, it did not credit the single mark use with much weight. As the Board observed, "[t]he purpose of a defendant introducing third party uses is to show that customers have become so conditioned by a plethora of such similar marks that customers `have been educated to distinguish between different [such] marks on the bases of minute distinctions.'" *Veuve Clicquot Ponsardin*, slip op. at 25 (citing *McCarthy on Trademarks*, at § 11:88). Palm Bay's evidence does not rise to the level of demonstrating that the single third-party use was so widespread as to "condition" the consuming public.

Accordingly, substantial evidence supports the Board's finding that the strength of VCP's mark was not undermined by third-party use in either the Beverage Media Guide or the retail market.

C.

Palm Bay argues that the Board erred in concluding that VCP's marks are famous, per the fifth DuPont factor, and therefore entitled to a wide scope of protection. In its view, the Board applied an incorrect legal standard for measuring fame by focusing on a narrow class of consumers limited to purchasers of champagne and sparkling wine. The proper standard for fame, Palm Bay asserts, is whether a mark has achieved "extensive public recognition and renown" among the general public. *Kenner Parker Toys, Inc.*, 963 F.2d at 353. Palm Bay further contends there was insufficient evidence to support a finding of fame.

Fame of an opposer's mark, if it exists, plays a "dominant role in the process of balancing the *DuPont* factors." *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327 (Fed. Cir. 2000). Famous marks enjoy wide latitude of legal protection since they are more likely to be remembered and associated in the public mind than weaker marks, and are thus more attractive as targets for would-be copyists. *Id.* Indeed, "[a] strong mark . . . casts a long shadow which competitors must avoid." *Kenner Parker Toys*, 963 F.2d at 353. Fame for likelihood of confusion purposes and fame for dilution purposes, however, are distinct concepts. *The Toro Co. v. ToroHead, Inc.*, 61 1375 U.S.P.Q.2d 1164, 1170 (T.T.A.B. 2001).² *1375 While dilution fame is an either/or proposition □ fame either does or does not exist □ likelihood of confusion fame "aries along a spectrum from very strong to very weak." *In re Coors Brewing Co.*, 343 F.3d 1340, 1344 (Fed. Cir. 2003).

² Under the 1996 Federal Trademark Dilution Act (FTDA), 15 U.S.C. § 1125(c), only "famous" marks are protected. The FTDA lists eight nonexclusive factors courts are to consider in determining whether a mark is "distinctive and famous." See 15 U.S.C. § 1125(c)(1)(A) □ (H) (2004).

This court's statement in *Kenner Parker Toys* that fame for likelihood of confusion purposes is to be measured by whether a mark has achieved "extensive public recognition and renown" was not intended to require public awareness among every segment of the U.S. population. Indeed, the court in *Kenner Parker Toys* did not consider the issue of the extent of public renown necessary to qualify for treatment as a famous mark. Palm Bay's argument for a general public standard would be contrary to the trend of our case law and improperly elevate likelihood of confusion fame to the higher and more rigorous standard for dilution fame required under the FTDA. In this case, some classes of consumers would not have occasion to be exposed to VCP's champagne products, such as children or adolescents below the drinking age, or adults who for religious or other reasons choose not to consume alcoholic beverages. Thus, a general public awareness standard does not adequately reflect the mark's fame amongst the purchasing public. Fame for confusion purposes arises as long as a significant portion of the relevant consuming public, namely, purchasers of champagne and sparkling wine, recognizes the mark as a source indicator. Although this court has not directly addressed the question of what segment of the consuming public must be aware of a mark in order for it to be considered famous in a likelihood of confusion analysis, it has indirectly suggested that a mark's renown within a specific product market is the proper standard. See *Bose Corp.*, 293 F.3d at 1376 (2002) ("Large market shares of product sales or large percentages of advertising expenditures in a product line would buttress claims to fame."). Similarly, this court's precedent has defined the relevant product market for purposes of determining likelihood of confusion as customers and potential customers. *Elec. Design Sales, Inc. v. Elec. Data Sys. Corp.*, 954 F.2d 713, 716 (Fed. Cir. 1992) (holding that purchaser confusion is the "primary focus" and, in case of goods and services that are sold, "the inquiry generally will turn on whether actual or potential `purchasers' are confused"). Accordingly, this court holds that the proper legal standard for evaluating the fame of a mark under the fifth *DuPont* factor is the class of customers and potential customers of a product or service, and not the general public. The Board did not err in so holding.

Given this clarification of the proper relevant market for evaluating the fame of a mark, this court finds that there was sufficient factual evidence of fame within the market of purchasers of champagne and sparkling wine to support the Board's conclusion. The record indicates that VCP's sales volume and advertising expenditures since 1990 have been substantial. VEUVE CLICQUOT champagne is the second leading brand sold in the U.S. The brand is sold in 8,000 restaurants nationwide, and in liquor stores, wine shops, and other retail establishments. VCP advertises in general interest magazines such as *Vanity Fair* and in wine specialty magazines, radio ads, point-of-sale displays, through in-store and in-restaurant wine tastings and events, ¹³⁷⁶through sponsorship of events, and on its Internet site. VCP's products have ^{*1376} been featured in articles and reviews in both specialized and general interest magazines. According to an April 2001 issue of *Wine and Spirits*, VEUVE CLICQUOT was the most-ordered wine in the "sparkling wine" category of the 363 survey respondents. VCP's products have also been featured in *Business Week*, *American Way* (in-flight magazine of American Airlines), *The New York Times*, the *Boston Globe*, *Money* magazine, and the *Detroit News*. Moreover, Palm Bay's President, David Taub, admitted that the VEUVE CLICQUOT mark is famous. His later qualification that such fame was limited to the "top-end" segment of the market does not diminish the significance of his admission in view of the Board's finding that high-end champagne and less-expensive sparkling wines are marketed in the same channels of trade to the same consumers. Finally, the Board noted that several WIPO domain name arbitration decisions had found VCP's marks to be famous. While acknowledging Palm Bay's argument that a mark must be famous among purchasers in the United States, whereas WIPO examined VCP's marks worldwide, the Board properly noted that such evidence nonetheless provided a "confirmatory context" for VCP's other evidence of fame. Considering this evidence in its totality and in context, this court finds that substantial evidence supports the Board's finding of fame.

D.

The fourth *DuPont* factor examines the conditions under which, and to whom, sales are made. *DuPont*, [476 F.2d at 1361](#). Purchaser sophistication may tend to minimize likelihood of confusion. Conversely, impulse purchases of inexpensive items may tend to have the opposite effect. *Recot, Inc.*, [214 F.3d at 1329](#).

In concluding that this factor was "neutral, at best," *Veuve Clicquot Ponsardin*, slip op. at 15, the Board found that champagne and sparkling wines are not necessarily expensive goods which are always purchased by sophisticated purchasers who exercise a great deal of care in making their purchases. This court agreed with the Board's finding. Although some champagne can be expensive, many brands sell for around \$25 a bottle, and sparkling wines for less than \$10 a bottle. Moreover, general consumers, not just connoisseurs, occasionally purchase champagne or sparkling wines on celebratory occasions, with little care or prior knowledge. And even more sophisticated purchasers might be aware that champagne houses offer both types of products under similar marks, and could easily conclude that VEUVE ROYALE was Veuve Clicquot's sparkling wine. This market expansion rationale undercuts Palm Bay's argument that because VCP has never sold a sparkling wine product or low-priced champagne, and that it has always used its CLICQUOT house mark in connection with its sales, consumers would be unlikely to confuse Palm Bay's inexpensive sparkling wine and VCP's slightly more expensive champagne products. Considering this evidence in its entirety, this court concludes that substantial evidence supports the Board's finding under this *DuPont* factor.

IV.

The Board held that Palm Bay's VEUVE ROYALE was confusingly similar to VCP's mark THE WIDOW, in part because under the doctrine of foreign equivalents, an appreciable number of purchasers in the U.S. speak and/or understand French, and they "will translate" applicant's mark into English as "Royal Widow." *Veuve* ¹³⁷⁷*Clicquot Ponsardin*, slip op. at 36. The Board erred in so finding. ^{*1377}

Under the doctrine of foreign equivalents, foreign words from common languages are translated into English to determine genericness, descriptiveness, as well as similarity of connotation in order to ascertain confusing similarity with English word marks. See *In re Sarkli, Ltd.*, 721 F.2d 353 (Fed. Cir. 1983); *In re Am. Safety Razor Co.* 2 U.S.P.Q.2d 1459, 1460 (T.T.A.B. 1987) (finding BUENOS DIAS for soap confusingly similar to GOOD MORNING for shaving cream). When it is unlikely that an American buyer will translate the foreign mark and will take it as it is, then the doctrine of foreign equivalents will not be applied. *In re Tia Maria, Inc.*, 188 U.S.P.Q. 524 (T.T.A.B. 1975) (no likelihood of confusion between TIA MARIA for a Mexican restaurant and AUNT MARY's for canned vegetables).

In comparing VEUVE ROYALE with VEUVE CLICQUOT PONSARDIN and VEUVE CLICQUOT, the Board found that "an appreciable number of purchasers are unlikely to be aware that VEUVE means 'widow' and are *unlikely to translate* the marks into English." *Veuve Clicquot Ponsardin*, slip op. at 11 (emphasis added). In comparing VEUVE ROYALE with THE WIDOW, however, the Board found that "[A]n appreciable number of purchasers in the United States speak and/or understand French, and they *will translate* applicant's mark into English as ROYAL WIDOW." *Id.*, slip op. at 14 (emphasis added). An appreciable number of U.S. consumers either will or will not translate VEUVE into "widow," and the Board was inconsistent in its application of the doctrine of foreign equivalents.

Although words from modern languages are generally translated into English, the doctrine of foreign equivalents is not an absolute rule and should be viewed merely as a guideline. *In re N. Paper Mills*, 20 C.C.P.A. 1109, 64 F.2d 998, 999 (1933); *McCarthy on Trademarks*, at § 11:34. The doctrine should be applied only when it is likely that the ordinary American purchaser would "stop and translate [the word] into its English equivalent." *In re Pan Tex Hotel Corp.*, 190 U.S.P.Q. 109, 110 (T.T.A.B. 1976). This court agrees with the T.T.A.B. that it is improbable that the average American purchaser would stop and translate "VEUVE" into "widow." Substantial evidence does not support the Board's finding regarding the doctrine of foreign equivalents. This court, therefore, reverses the Board's finding of likelihood of confusion for THE WIDOW.

CONCLUSION

This court affirms the Board's decision that a likelihood of confusion exists between applicant's VEUVE ROYALE mark and opposer's marks VEUVE CLICQUOT PONSARDIN and VEUVE CLICQUOT. We reverse the Board's conclusion of the likelihood of confusion as to the THE WIDOW mark and we affirm the Board's refusal to register Palm Bay's VEUVE ROYALE mark.

COSTS

Each party shall bear its own costs.

AFFIRMED.

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Metro Traffic Control □ . Shado □ Net □ ork

104 F.3d 336 (Fed. Cir. 1997)
Decided Jan 7, 1997

No. 96-1153

DECIDED January 7, 1997 Rehearing Denied FEBRUARY 5, 1997.

Appealed from: U.S. Patent and Trademark Office Trademark Trial and Appeal Board. (Cancellation No. 337 19,291) *337

Roberta Jacobs-Meadway, Panitch Schwarze Jacobs Nadel, P.C., Philadelphia, PA, argued for appellant. With her on the brief was Karol A. Kepchar.

Arthur Makadon, Ballard Spahr Andrews Ingersoll, Philadelphia, PA, argued for appellees. With him on the brief were Jamie B. Bischoff, and Robert R. Baron, Jr. Of counsel was Diane Elizabeth Brehm.

Before PLAGER, RADER, and BRYSON, Circuit Judges.

RADER, Circuit Judge.

Metro Traffic Control, Inc. (Metro Traffic) appeals the August 25, 1996, decision of the Trademark Trial and Appeal Board (the Board) denying Metro Traffic's petition to cancel Citi Traffic Corporation's (Citi Traffic) service mark Registration No. 1,363,743 for "SHADOW TRAFFIC." Metro Traffic seeks cancellation due to Metro Traffic's alleged prior use of the registered mark and Citi Traffic's alleged fraud in the procurement of its registration. Because the Board based its decision on a clearly erroneous factual finding, this court vacates and remands.

BACKGROUND

The factual background in this case is as congested as the streets of New York or Philadelphia during rush hour. This court, therefore, profits from the Board's guidance in navigating through the factual snarls and tangles.

The story begins in Philadelphia in 1976, when Michael Lenet founded a radio and television traffic reporting business. Mr. Lenet incorporated his traffic reporting business as Shadow Network, Inc., a Pennsylvania corporation (SNI-PA). SNI-PA used the "SHADOW TRAFFIC" mark to identify its traffic reporting services throughout the Philadelphia area. In 1979, Mr. Lenet and Mark Goldman, the head of a New York media marketing company, embarked on a joint venture to establish a "SHADOW TRAFFIC" traffic reporting service in the New York area. The venture was incorporated in New Jersey as Shadow Network, Inc. (SNI-NJ). Although SNI-PA and SNI-NJ were separate corporate entities, the two companies cooperated on advertising and other aspects of their respective businesses. For example, the two companies shared employees, shared advertising accounts, and exchanged traffic information in overlapping geographic areas.

In January 1981, a rift arose between Mr. Lenet and Mr. Goldman and the two decided to separate. Mr. Lenet took control of SNI-PA and the "SHADOW TRAFFIC" operations in Philadelphia. Mr. Goldman took control of SNI-NJ and the "SHADOW TRAFFIC" operations in New York. Even after the split, however, SNI-PA and SNI-NJ continued to cooperate in soliciting advertising.

In October 1984, Rand Communications Corporation (Rand) purchased SNI-PA. Rand reorganized SNI-PA's traffic reporting business in Pennsylvania as Shadow Traffic Network, Inc. (STNI). STNI continued to use the "SHADOW TRAFFIC" mark to identify its services in Philadelphia as SNI-PA had done before it.

On January 14, 1985, SNI-NJ filed an application with the United States Patent and Trademark Office (PTO) for registration of the "SHADOW TRAFFIC" mark. In its application, SNI-NJ filed a declaration of one of its officers indicating that SNI-NJ was the owner of the "SHADOW TRAFFIC" mark. The declaration also stated that SNI-NJ had first used the mark on December 3, 1979, and that since that time it had been the "substantially exclusive" user of the mark. The application made no mention of SNI-PA's or STNI's use of the mark in Philadelphia dating back to 1976. On October 1, 1985, the PTO issued Registration No. 1,363,743 to SNI-NJ for "SHADOW TRAFFIC" for use in connection with "radio broadcasting of traffic and transit information."

In December 1986, several owners and directors of STNI formed Shadow Traffic Network, a New Jersey partnership (STNNJ), for the purpose of buying the assets and New York area traffic reporting business of SNI-
338 NJ. STNNJ purchased all the assets of *338 SNI-NJ, including Registration No. 1,363,743, on December 10, 1986.

STNNJ financed its acquisition of SNI-NJ, in part, through a bank loan from First Pennsylvania Bank. As security for the bank loan, the investors pledged certain collateral, including the assets of STNNJ. These assets comprised the tangible and intangible assets of the newly-acquired SNI-NJ, including the registered service mark "SHADOW TRAFFIC." Some of the investors in STNNJ also guaranteed their indebtedness by pledging their stock in STNI. Although a party to the transaction, STNI pledged none of its assets to secure the loan.

In 1990, STNNJ defaulted on its bank loan. In January 1990, First Pennsylvania Bank sold that part of the pledged collateral that had previously comprised SNI-NJ to Citi Traffic. The sale of SNI-NJ's assets to Citi Traffic included service mark Registration No. 1,363,743. The sale to Citi Traffic, however, did not include the pledged STNI stock. Instead, Mr. Allan Kalish purchased this stock in March 1990. In September 1991, Metro Traffic purchased the Philadelphia assets and traffic reporting business of STNI. On its face, the purchase included all of STNI's common law service mark rights in the "SHADOW TRAFFIC" mark. Since that time, Metro Traffic has continued to use the "SHADOW TRAFFIC" mark to identify its services in Philadelphia, just as SNI-PA and STNI had done before it.

The present dispute arises from Metro Traffic's petition to cancel Citi Traffic's service mark Registration No. 1,363,743. That petition, originally filed by STNI on October 1, 1990, alleges that Metro Traffic had senior common law rights in the name "SHADOW TRAFFIC" arising from SNI-PA's first use of the name in Philadelphia in 1976. The petition also alleges that Citi Traffic's predecessor-in-interest fraudulently procured Registration No. 1,363,743 by intentionally concealing the fact that SNI-PA used the "SHADOW TRAFFIC" mark in Philadelphia as early as 1976.

The Board conducted a trial on the issues of priority of use, fraud in the procurement, and several defenses alleged by Citi Traffic, including laches, waiver, acquiescence, estoppel, licensee estoppel, unclean hands, in pari delicto, and bad faith. After trial, the Board concluded that Metro Traffic had established a prior and continuous use of the mark "SHADOW TRAFFIC" in the Philadelphia area, as well as likelihood of confusion

with Citi Traffic's claimed use. Nonetheless, the Board determined that Metro Traffic still could not prevail on the priority issue because whatever common law rights it had established in "SHADOW TRAFFIC" were forfeited when the First Pennsylvania Bank foreclosed on the loan collateral. According to the Board:

Petitioner nonetheless cannot prevail here because it does not have priority. . . . [A]lthough petitioner may have continued to use the mark throughout the relevant period, whatever prior rights it had were relinquished following the 1990 default on the loan used for the purchase of SNI-NJ. As the security for that loan, the registration (and the registered mark) became the bank's property and was subsequently sold to respondent with petitioner's consent and waiver of any claim of defense it may have had in connection with the sale. Once petitioner ceased to own the registration, (and the registered mark), petitioner ceased having any claim to priority based on SNI-PA's first use in 1976, which was the basis for obtaining registration in the first place.

The Board then proceeded to address the fraud issue, concluding that Metro Traffic had not carried its burden of proof on that issue either. Weighing the testimony of witnesses before it, the Board concluded that any misstatements of fact made by SNI-NJ's declarant in the 1985 application were innocent and justifiable in light of the complex interrelationship between SNI-NJ and SNI-PA. The Board concluded that Metro Traffic had failed to prove by clear and convincing evidence that SNI-NJ had knowingly made false statements of fact with the intention of procuring a service mark registration. Metro Traffic filed this appeal. *339

DISCUSSION [15] Priority of Use

A person may petition to cancel a registered service mark on the basis of a prior use of the mark by someone other than the registrant. [15 U.S.C. § 1052\(d\)](#), 1064 (1994); *West Fla. Seafood, Inc. v. Jet Restaurants, Inc.*, [31 F.3d 1122, 1124-25](#), [31 USPQ2d 1660, 1662-63](#) (Fed. Cir. 1994). The petitioner shows prior use with evidence that the registered mark "so resembles . . . a mark or trade name previously used in the United States by another and not abandoned, as to be likely . . . to cause confusion." [15 U.S.C. § 1052\(d\)](#). A petitioner seeking cancellation on these grounds bears the burden of proving the alleged prior use by a preponderance of the evidence. *West Fla. Seafood*, [31 F.3d at 1125](#).

This court reviews factual findings underlying the Board's priority determination for clear error. *Id.* This court rejects a factual finding as clearly erroneous only when its review of the entire body of evidence leaves the firm conviction that a mistake has been made. *Inwood Lab., Inc. v. Ives Lab., Inc.*, [456 U.S. 844, 855](#) (1982); *United States v. United States Gypsum Co.*, [333 U.S. 364, 395](#) (1948). In this case, this court reaches that firm conviction with respect to the Board's finding that Metro Traffic did not show priority of use. The Board correctly found that, regardless of the complex corporate interrelations among Metro Traffic and Citi Traffic and their various predecessors-in-interest, SNI-PA first used the "SHADOW TRAFFIC" mark in 1976 □ three years before SNI-NJ's first use. Thus, Metro Traffic's predecessor-in-interest used the mark before Citi Traffic's predecessor-in-interest. Further, the Board correctly found a likelihood of confusion between Metro Traffic's and Citi Traffic's respective uses of "SHADOW TRAFFIC." In fact, the Board concluded that confusion was "so likely that it is virtually inevitable, because the parties are using the identical mark for the identical services." With respect to these findings, this court detects no error.

However, the Board went astray when it held that Metro Traffic lost its priority because "whatever rights it had were relinquished following the 1990 default on the loan used for the purchase of SNI-NJ." The Board clearly erred in finding that "STNI defaulted on the loan," thereby surrendering to the bank its common law rights in the name "SHADOW TRAFFIC" in the Philadelphia area.

The Board failed to recognize that STNI and STNNJ were separate entities. STNNJ, not STNI, entered into the loan and collateral agreement with the bank. Thus, STNNJ, not STNI, defaulted on the loan. STNI was the successor to SNI-PA which originally used the "SHADOW TRAFFIC" mark in 1976. STNI, as a distinct corporate entity, never pledged its assets (including any common law rights in the mark) to the bank. Thus, STNI did not forfeit its assets to the bank.

It is true that some of STNNJ's owners pledged their STNI stock (as opposed to STNI's underlying assets) to secure their indebtedness on the loan. This stock was eventually forfeited to the bank, but the record shows that the bank segregated the forfeited STNI stock from the forfeited assets of STNNJ. In fact, the STNI stock was sold separately from the assets of STNNJ, and eventually became the property of Metro Traffic's predecessor-in-interest. Thus, throughout the entire loan transaction, STNI remained a separate legal entity from STNNJ.

For these reasons, this court vacates the Board's decision on priority of use. Because STNI and its assets remained separate from STNNJ throughout the asset forfeiture, Citi Traffic did not acquire STNI's common law rights in the "SHADOW TRAFFIC" mark when it acquired STNNJ's assets from First Pennsylvania Bank in 1990. Even the forfeited STNI stock, which did not include rights to the service mark, did not go to Citi Traffic, but to Metro Traffic's predecessor-in-interest. Thus, neither First Pennsylvania Bank nor Citi Traffic acquired

340 STNI's rights in the mark. *340

This court's reversal of the Board's decision on priority, however, does not automatically entitle Metro Traffic to cancellation. Rather, this court remands to the Board for consideration of whether STNI and STNNJ, although formally separate entities, were operated in such a way that they appeared to the consuming public as one entity. See *West Fla. Seafood*, 31 F.3d at 1126-27 (recognizing that separate corporate, business and personal entities that operate as a single entity in the eyes of the consuming public may be treated as such for trademark purposes).

Without deciding the issue, this court notes that the record discloses a close relationship between STNI and STNNJ. These facts may be relevant to whether STNI and STNNJ held themselves out to the public as a single operation and whether STNI's prior common law rights in the name "SHADOW TRAFFIC" merged into STNNJ's Registration No. 1,363,743 during that period of joint operation and control.

On a related note, this remand will also permit the Board to consider Citi Traffic's assignor estoppel theory, which is distinguishable from Citi Traffic's other equitable defenses, all of which relate to Metro Traffic's delay in seeking cancellation. According to that theory, STNNJ's assignment of Registration No. 1,363,743 to First Pennsylvania Bank estops STNI, as STNNJ's alter ego, from contesting the validity of the assigned registration in this proceeding. See generally 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* Section(s) 18.04[2] (1996). See *Intel Corp. v. United States Int'l Trade Comm'n*, 946 F.2d 821, 836-39, 20 USPQ2d 1161, 1175-77 (Fed. Cir. 1991); *Diamond Scientific Co. v. Ambico, Inc.*, 848 F.2d 1220, 1224-25, 6 USPQ2d 2028, 2030-31 (Fed. Cir. 1988).

Inequitable Conduct

A third party may petition to cancel a registered service mark on the grounds that the registration was obtained fraudulently. 15 U.S.C. § 1064(3); *Torres v. Cantine Torresella S.r.l.*, 808 F.2d 46, 47-48, 1 USPQ2d 1483, 1483-84 (Fed. Cir. 1986). Fraud in procuring a service mark occurs when an applicant knowingly makes false, material representations of fact in connection with an application. *Id.* "[T]he obligation which the Lanham Act imposes on an applicant is that he will not make knowingly inaccurate or knowingly misleading statements in the verified declaration forming a part of the application for registration." *Id.* at 48 (quoting *Bart Schwartz Int'l*

Textiles Ltd. v. Federal Trade Comm'n, 289 F.2d 665, 669, 129 USPQ 258, 260 (CCPA 1961)). The Board has previously held a party seeking cancellation for fraudulent procurement must prove the alleged fraud by clear and convincing evidence. Smith Int'l, Inc. v. Olin Corp., 209 USPQ 1033, 1044 (TTAB 1981).

Metro Traffic bases its allegations of fraudulent inducement on three statements by Mr. Roy Schwartz in his declaration to the PTO. Specifically, Mr. Schwartz declared (1) that SNI-NJ owned the "SHADOW TRAFFIC" mark, (2) that he knew of no other entity who had the right to use another mark that was likely to cause confusion, and (3) that the mark had become distinctive because of SNI-NJ's "substantially exclusive" use for the five years preceding the application for registration. According to Metro Traffic, all of these statements are false and Mr. Schwartz knew them to be false at the time he signed his declaration.

The Board has consistently acknowledged a distinction between a false statement and a fraudulent statement. *Id.* at 1043 ("If it can be shown that the statement was a 'false misrepresentation' occasioned by an 'honest' misunderstanding, inadvertence, negligent omission or the like rather than one made with a willful intent to deceive, fraud will not be found."); *Kemin Indus., Inc. v. Watkins Prods., Inc.*, 192 USPQ 327, 329 (TTAB 1976) ("There is, however, a material legal distinction between a 'false' representation and a 'fraudulent' one, the latter involving an intent to deceive, whereas the former may be occasioned by a misunderstanding, an inadvertence, a mere negligent omission, or the like.").

In this case, the Board determined that Mr. Schwartz's statements, though false, were not uttered with the intent to mislead *341 the PTO. Based on its review of the record, the Board found that the complex factual situation in this case apparently left Mr. Schwartz with an unclear understanding of the legal implications of his statement. The Board accepted Mr. Schwartz's testimony that, although he knew the history of the mark in Philadelphia, he did not intend his statements to distinguish between the Philadelphia operations and the New Jersey operations □ both of which operated under the name "SHADOW TRAFFIC." Rather, he intended the registration to secure valuable rights for all "SHADOW TRAFFIC" operations. In sum, the Board found that Mr. Schwartz's misstatements did not represent a "conscious effort to obtain for his business a registration to which he knew it was not entitled." This court, deferring as it should to the Board on matters of fact, cannot say that these findings were clearly erroneous.

COSTS

Each party shall bear its own costs.

VACATED AND REMANDED

This Opinion is a
Precedent of the TTAB

Hearing: February 8, 2018

Mailed: August 16, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board
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In re i.am.symbolic, llc
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Serial No. 85916778
—

Jill M. Pietrini of Sheppard Mullin Richter & Hampton LLP,
for i.am.symbolic, llc.

Brendan McCauley, Trademark Examining Attorney, Law Office 114,
K. Margaret Le, Managing Attorney.

—

Before Kuhlke, Cataldo and Heasley,
Administrative Trademark Judges.

Opinion by Kuhlke, Administrative Trademark Judge:

i.am.symbolic, llc (“Applicant”) seeks registration on the Principal Register of the
mark #WILLPOWER in standard characters for:

Clothing, namely, bandanas, beachwear, blazers, blouses, dresses, earmuffs, formal wear in the nature of bridal dresses, cocktail dresses, evening dresses, gowns, evening tops, wraps, evening slacks, suits, tuxedos, evening jackets, formal shirts, vests, cummerbunds, ties, and formal shoes; gloves, hooded shirts, infantwear, jackets, jeans, jerseys, leggings, loungewear, mittens, neckwear, outerwear in the nature of wraps, pants, ponchos, scarves, shirts, shorts, skirts, sleepwear, socks, sports clothing, namely, bandanas, baseball uniforms, base layer bottoms and tops,

footwear, headwear, hooded sweatshirts, jackets, jerseys, pants, polo shirts, scarves, shorts, sports pants, sports shorts, sports shirts, sweatshirts, shirts, t-shirts, trousers, underpants, vests, warm-up suits; suits, sweaters, sweatpants, sweatshirts, swimwear, tank tops, trackpants, track suits, t-shirts, tunics, undergarments, vests, wind resistant jackets, outdoor winter clothing, namely, skiwear, coats, coveralls, ear muffs, gloves, jackets, mittens, overalls, overcoats, pants, parkas, sweaters, vests, and snowsuits; and yoga pants; footwear and insoles for footwear; belts; headwear; and wrist bands made of cloth, leather, or imitation leather, in International Class 25.¹

The Trademark Examining Attorney refused registration of Applicant's mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark, when used in connection with the identified goods, so resembles the mark shown below, registered on the Principal Register for "Hats; Jackets; Pants; Shirts; Shoes," in International Class 25,² as to be likely to cause confusion, mistake or deception.



¹ Application Serial No. 85916778 was filed on April 27, 2013, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based upon Applicant's allegation of a *bona fide* intention to use the mark in commerce.

² Registration No. 3765222, issued on March 23, 2010, Section 8 declaration accepted. The word "WEAR" is disclaimed. "The mark consists of two offset, identical mountain peaks with the stylized text 'WILLPOWER WEAR' below. To the right there is the stylized text 'Have the will...'"

When the refusal was made final, Applicant appealed and requested reconsideration. Upon the denial of the request for reconsideration, the appeal was resumed and briefs were filed. We affirm the refusal to register.

I. Likelihood of Confusion

When the question is likelihood of confusion, we analyze the facts as they relate to the list of relevant factors set out in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (“*du Pont*”) (cited in *B&B Hardware, Inc. v. Hargis Ind., Inc.*, 135 S. Ct. 1293, 113 USPQ2d 2045, 2049 (2015)). See also *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003). Even within the *du Pont* list, only factors that are “relevant and of record” need be considered. *M2 Software, Inc. v. M2 Commc’ns, Inc.*, 450 F.3d 1378, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006); *ProMark Brands Inc. v. GFA Brands, Inc.*, 114 USPQ2d 1232, 1242 (TTAB 2015) (“While we have considered each factor for which we have evidence, we focus our analysis on those factors we find to be relevant.”). In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the goods. See *In re i.am.symbolic, llc*, 866 F.3d 1315, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017) (“The likelihood of confusion analysis considers all DuPont factors for which there is record evidence but ‘may focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods.’”) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 303 F.3d 1156, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the

cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”).

A. *Similarity of the Goods/Channels of Trade/Consumers*

With regard to the goods, channels of trade and classes of consumers, we must make our determinations based on the identifications of goods in the application and cited registration. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *Octocom Sys., Inc. v. Houston Computers Servs. Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

Applicant’s “jackets,” and “pants” are identical to Registrant’s “Jackets” and “Pants.” Applicant’s “formal shirts,” “hooded shirts,” “formal shoes,” “outerwear in the nature of ... pants, shirts,” “sports clothing, namely, ... footwear, headwear, jackets, pants, polo shirts ... sports pants ... sports shirts ... shirts,” “footwear,” and “headwear” encompass or are encompassed within Registrant’s “Hats; Jackets; Pants; Shirts; Shoes.” Thus, these goods are legally identical. *Tuxedo Monopoly, Inc. v. General Mills Fun Group*, 648 F.2d 1335, 209 USPQ 986 (CCPA 1981) (it is sufficient for a finding of likelihood of confusion if relatedness is established for any item encompassed by the identification of goods within a particular class in the application); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball America Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004).

We must presume that Applicant's and Registrant's goods will be sold in the same channels of trade and will be bought by the same classes of purchasers, because the goods are identical and legally identical in part and there are no limitations as to channels of trade or classes of purchasers in either the application or cited registration. *In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (even though there was no evidence regarding channels of trade and classes of consumers, the Board was entitled to rely on this legal presumption in determining likelihood of confusion). *See also Hewlett-Packard Co. v. Packard Press Inc.*, 62 USPQ2d 1001; *Canadian Imperial Bank v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Genesco Inc. v. Martz*, 66 USPQ2d 1260 (TTAB 2003); *In re Smith and Mehaffey*, 31 USPQ2d 1531 (TTAB 1994).

Applicant explains that its "founder is Will Adams, who is known globally under his stage name WILL.I.AM as the front man for the Grammy Award winning and platinum winning musical group The Black Eyed Peas and as a soloist in his own right [and] Mr. Adams' fourth music album is titled '#willpower.'" 66 TTABVUE 3. Applicant argues "[t]he goods are targeted to, and purchased by, wholly different consumers, namely, consumers seeking merchandise in connection with Applicant's album and with Applicant. Because each party's respective goods are not marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, it is highly unlikely that consumers would confuse Applicant's goods and Registrant's goods." 70 TTABVUE 10. Applicant's arguments are not persuasive, because we must

consider the goods as they are identified. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 110 USPQ2d at 1161. Their respective actual uses and marketing are not reflected in the identification of goods in the application or the cited registration. While the Applicant may be associated with William Adams, there is nothing in the application that limits the marketing of the goods to methods that would unmistakably associate the goods with him, his persona, or his album.

Moreover, such a restriction would not obviate a finding that the trade channels and classes of consumers overlap. The Federal Circuit considered a restriction limiting goods to the marketing of the same individual's persona in an identification of goods in *In re i.am.symbolic, llc*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017), *aff'g* 116 USPQ2d 1406 (TTAB 2015). In that case the identification of goods included the wording "associated with William Adams, professionally known as 'will.i.am'" and Applicant argued that its mark would be perceived as identifying Mr. Adams, and that this perception would, in some way, affect the marketing of the goods and the customers to whom they are directed. The Board rejected this argument because the record did not establish that Mr. Adams was widely known by the mark "i.am" and, even if the Board "accept[ed] Applicant's contention that Mr. Adams is known by 'i.am' and that this brand has gained notoriety, the statute still 'protects the registrant and senior user from adverse commercial impact due to use of a similar mark by a newcomer.'" *In re i.am.symbolic, llc*, 116 USPQ2d at 1410 (quoting *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993)). The Court of Appeals for the Federal Circuit affirmed the Board's decision, explaining:

We agree with the PTO that Symbolic has failed to show reversible error in the Board's determination that the will.i.am restriction does not impose a meaningful limitation in this case for purposes of likelihood of confusion analysis. It is well established that the Board may not read limitations into an unrestricted registration or application. *See SquirtCo v. Tomy Corp.*, 697 F.2d 1038, 1043 [216 USPQ 937] (Fed. Cir. 1983) ("There is no specific limitation here, and nothing in the inherent nature of SquirtCo's mark or goods that restricts the usage of SQUIRT for balloons to promotion of soft drinks. The board, thus, improperly read limitations into the registration."); *see also* 15 U.S.C. § 1057(b) ("A certificate of registration of a mark upon the principal register ... [is] prima facie evidence ... of the owner's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated in the certificate." (emphases added)). However, where both the applicant's and the registrant's identifications of goods recite limitations, those limitations may be considered in analyzing the *DuPont* factors. *See M2 Software*, 450 F.3d at 1382-83. Here, the registrations do not contain an express limitation, and, for the reason discussed in more detail below with respect to the *DuPont* factors, the will.i.am restriction does not distinguish the mark sufficiently from the registrants' marks to overcome the evidence of likelihood of confusion.

In re i.am.symbolic, llc, 123 USPQ2d at 1748.

The same conclusion holds true here. In view thereof, the *du Pont* factors concerning the goods, channels of trade and classes of consumers weigh in favor of a finding of likelihood of confusion.

B. Similarity/Dissimilarity of the Marks

Under this factor, we compare Applicant's and Registrant's marks "in their entireties as to appearance, sound, connotation and commercial impression." *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin*, 396 F.3d 1369, 73 USPQ2d 1689, 1691

(Fed. Cir. 2005) (quoting *du Pont*, 177 USPQ at 567). The proper perspective on which the analysis must focus is on the recollection of the average customer, who retains a general rather than specific impression of marks. *Geigy Chem. Corp. v. Atlas Chem. Indus., Inc.*, 438 F.2d 1005, 169 USPQ 39, 40 (CCPA 1971); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Winnebago Indus., Inc. v. Oliver & Winston, Inc.*, 207 USPQ 335, 344 (TTAB 1980); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975). Because the goods are clothing without any restrictions or limitations as to price point or classes of consumers, as discussed above, the average customer is an ordinary consumer of the respective goods.

Finally, when the goods are identical or virtually identical, as we have in this case, the degree of similarity between the marks necessary to support a determination that confusion is likely declines. *See Bridgestone Americas Tire Operations, LLC v. Fed. Corp.*, 673 F.3d 1330, 102 USPQ2d 1061, 1064 (Fed. Cir. 2012); *In re Viterra*, 101 USPQ2d at 1908; *In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1248 (TTAB 2010).

Looking at the marks in their entireties, the shared term WILLPOWER stands out as the most dominant element of Applicant's mark, conveying a stronger commercial impression than the # symbol. In addition, with regard to Registrant's mark, generally it is "the verbal portion of a word and design mark [that] likely will be the dominant portion." *In re Viterra*, 101 USPQ2d at 1911. *See also CBS Inc. v.*

Morrow, 708 F.2d 1579, 218 USPQ 198, 200 (Fed. Cir. 1983) (“[T]he verbal portion of the mark is the one most likely to indicate the origin of the goods to which it is affixed.”). The design of stylized mountains in Registrant’s mark does not overwhelm, detract from, or change the commercial impression of, the wording WILLPOWER WEAR and HAVE THE WILL, but rather serves as an upper border that attracts the eye to the wording WILLPOWER WEAR. The mountains also resemble stylized W’s, focusing attention on the alliterative wording WILLPOWER WEAR, immediately beneath them, as the source identifier. The slogan HAVE THE WILL reinforces the word WILLPOWER. In addition, WILLPOWER WEAR “comes across as a single, unified component of the mark” and HAVE THE WILL “as a separate part of the mark.” *In re The United States Shoe Corp.*, 229 USPQ 707, 709 (TTAB 1985) (finding CREST CAREER IMAGES and CAREER IMAGE confusingly similar). The descriptive, disclaimed word WEAR is less significant and does not detract from the dominance of the term WILLPOWER in creating the mark’s commercial impression. *In re Dixie Rests., Inc.*, 105 F.3d 1405, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997) (affirming TTAB’s finding that “DELTA,” not the disclaimed generic term “CAFE,” is the dominant portion of the mark THE DELTA CAFE).

With regard to the appearance of the marks, Applicant argues that “a consumer who sees the two marks in the marketplace, which appear dramatically and substantially different in appearance, would plainly conclude that the goods come from distinct sources. The ‘impact’ of the appearance portion of the mark, both semantically and from a design perspective, is that they are, in fact distinguishable.”

66 TTABVUE 10. However, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Further, the marks ““must be considered ... in light of the fallibility of memory ...” *In re St. Helena Hosp.*, 113 USPQ2d at 1085 (quoting *San Fernando Elec. Mfg. Co. v. JFD Elecs. Components Corp.*, 565 F.2d 683, 196 USPQ 1 (CCPA 1977)). As found above, the focus of Registrant’s mark is on the word WILLPOWER, which would be retained by the consumer more than the other elements.

Applicant also argues that:

Applicant selected the phrase WILLPOWER in connection with the # in order to convey a completely different connotation than “energetic determination.” William Adams’ stage name is will.i.am. (*See* Mar. 14, 2017 Request for Reconsideration, TSDR Ex. A.) Because of the uniqueness of this stage name, Mr. Adams playfully uses different portions of his name in many different contexts. For example, he has gone by “Will 1X” and offers a variety of goods and services, *including clothing*, under the “I.Am” portion of his stage name. (*Id.*) The evidence Applicant attached to its Request for Reconsideration clearly establishes that Mr. Adams and his music are closely associated with his successful career as a fashion influencer, designing notable pieces of clothing. (*Id.*) Thus, the selection of #WILLPOWER is simply an extension of this trend and is meant to play on the first portion of his stage name, “Will.” It is thus, plainly, Will’s “power.” When combined with the hashtag, which he has uniquely used for his album, merchandise, and songs, the connotation to the consumer is clear consumers are participating in the

experience that is Will's power, or #WILLPOWER. Such use has no semblance to the supposedly spirit-lifting "energetic determination" conveyed by Registrant's mark, which is only reinforced by the inclusion of the design elements and additional language of HAVE THE WILL. The Examining Attorney is right that the design element and additional matter in Registrant's mark reinforces that connotation, which lines up with the common use of the term "willpower." However, the same cannot be said for Applicant's mark. When viewed in its entirety, the meanings are plainly different, especially when the use of the # is present and given the recognition of #WILLPOWER with will.i.am and his musical endeavors. That use, in connection with the actual source of the goods (Applicant) creates distinct commercial impressions in the minds of the consumer. Thus, when the consumer approaches these marks in the marketplace, or references them to another, it is clear that the additional subject matter in both marks, "have the will" and "#," or "hashtag," will convey very distinct meanings in the mind of that consumer so that they understand plainly that the goods come from different sources.

66 TTABVUE 17.

However, we must also consider the impact of Applicant's mark on consumers who are not familiar with that particular album or Mr. Adams' persona. The relevant trade channels and classes of consumers for the identified goods include all ordinary channels of trade (regardless of any association with Mr. Adams or his album) and all customers (regardless of any familiarity with Mr. Adams or his album) for such goods. These trade channels include general clothing stores, both online and brick and mortar; they are not restricted to Applicant's and Registrant's respective websites. In view thereof, we must consider consumers of the goods who would simply take the ordinary meaning of the word WILLPOWER from Applicant's mark #WILLPOWER. Thus, both marks present the same connotation of "ability to control

yourself” “strong determination that allows you to do something difficult”³ or “the strength of will to carry out one’s decisions, wishes, or plans.”⁴

In discounting the ability of the hash character (#) to meaningfully distinguish Applicant’s mark from the registered mark, the Examining Attorney argues that:

Applicant’s use of a hashtag before the term “WILLPOWER” does not obviate the similarity between the marks. Hashtags are used on social-networking sites to identify or search for a keyword or topic of interest. *See* [Trademark Manual of Examining Procedure] TMEP § 1202.18 [Oct. 2017]. Because a hashtag will usually be perceived as part of an online social media search term, a hashtag generally serves no source-indicating function and adding such symbol or term to an otherwise unregistrable mark typically does not render the mark registrable. TMEP § 1202.18; *cf. In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1177, 71 USPQ2d 1370, 1374 (Fed. Cir. 2004) (holding that the addition of a top-level domain to an otherwise unregistrable mark does not typically add any source-identifying significance); *Interactive Prods. Corp. v. a2z Mobile Office Solutions, Inc.*, 326 F.3d 687, 696-97, 66 USPQ2d 1321, 1327-28 (6th Cir. 2003) (holding that the post-domain path of a URL does not typically signify source). In the present case, the hashtag portion of applicant’s mark will be perceived as part of an online social media campaign related to the word “WILLPOWER” and does not necessarily provide any additional source indication. For this reason, the essence of applicant’s mark is “WILLPOWER” which is the overall commercial impression of registrant’s mark. In addition, as the hashtag is used as part of online social media campaigns, consumers may perceive applicant’s mark as the social media campaign derivative of registrant’s mark.

...

³ MERRIAM-WEBSTER DICTIONARY (www.merriam-webster.com) April 4, 2017, Reconsideration Letter at 5-7.

⁴ THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (www.ahdictionary.com) April 4, 2017, Reconsideration Letter at 14-15.

The use of the hash tag symbol in applicant's mark calls to mind the social media significance of the use of the term "WILLPOWER" which is significant given that registrant's mark contains the similar wording "WILLPOWER". Indeed, the evidence submitted by applicant shows that applicant advertises and sells products under the "#WILLPOWER" mark in connection with his work as a recording artist. March 17, 2017, Paper Correspondence Incoming, (Request for Reconsideration), TSDR pp. 14-81 (i.e. Exhibits A-G). Applicant is correcting [sic] in submitting that there is no evidence that registrant sells merchandise online or has an online presence of record. However, this does not negate the line of reasoning that a consumer familiar with registrant's "WILLPOWER WEAR" line of clothing maybe [sic] confused that applicant's mark is part of a social media campaign on the part of registrant despite the fact that as applicant contends applicant is a famous and world renowned recording artist. This is particularly true given that the overriding concern is not only to prevent buyer confusion as to the source of the goods, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer.

69 TTABVUE 10, 21-22.

A hashtag is "a word or phrase that starts with the symbol # and that briefly indicates what a message (such as a tweet) is about."⁵ According to Wikipedia, a hashtag "is a type of label or metadata tag used on social network and microblogging services which makes it easier for users to find messages with a specific theme or content. Users create and use hashtags by placing the hash character # (also known as the number sign or pound sign) in front of a word or unspaced phrase, either in the main text of a message or at the end. Searching for that hashtag will yield each

⁵ MERRIAM-WEBSTER DICTIONARY (<https://www.merriam-webster.com/dictionary/hashtag>), Reconsideration Letter at 20.

message that has been tagged with it.”⁶ As such, the use of a hashtag in the social media context plays a functional role in facilitating searches on social media platforms.⁷

As the Examining Attorney points out, TMEP § 1202.18 discusses the impact of the addition of a # character to a word. We agree that, as stated there, a hash symbol or the word HASHTAG generally adds little or no source-indicating distinctiveness to a mark. We find, in this case, the hash symbol does not have source-indicating distinctiveness and at most simply appears as the social media tool to create a metadata tag.

⁶ (<https://en.wikipedia.org/wiki/Hashtag>) April 4, 2017 Reconsideration Letter at 27. The Board has considered evidence taken from Wikipedia, bearing in mind the limitations inherent in this reference work, so long as the non-offering party had an opportunity to rebut that evidence. *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1959 n.3 (TTAB 2016). The Board has been reluctant to consider Wikipedia excerpts submitted with the denial of a request for reconsideration, reasoning that although the opportunity to request remand to submit new evidence is available to applicants, the application record should be complete prior to the filing of an ex parte appeal. However, in the last several years excerpts from Wikipedia have frequently been submitted during the prosecution of an application and have rarely been rebutted by an updated excerpt. In view thereof, we will now consider such excerpts submitted with a denial of a request for reconsideration, keeping in mind that an applicant has the opportunity to rebut such entry, when necessary, by requesting remand to submit rebutting evidence.

⁷ Placing the hash character in front of a word is also used “to informally express context around a given message, with no intent to categorize the message for later searching, sharing, or other reasons. ... This can help express contextual cues or offer more depth to the information that appears with the hashtag.” April 4, 2017 Reconsideration Letter at 29. Hashtags may be “used to express personal feelings and emotions. For example, with ‘It’s Monday!! #excited #sarcasm’ in which the adjectives are directly indicating the emotions of the speaker.” *Id.* However, in such a case the hashtag simply emphasizes the sentiment conveyed by the term that follows, similar to the function of an exclamation point, and does not significantly alter the commercial impression of the wording. *Cf. In re Litehouse, Inc.*, 82 USPQ2d 1471, 1474 (TTAB 2007).

Applicant particularly relies on *In re Covalinski*, 113 USPQ2d 1166, 1169 (TTAB



2014) wherein the Board found the mark sufficiently different to avoid likely confusion with the standard character mark RACEGIRL. The mark in that case included prominent double RRs, the addition of the term “redneck,” and the remainder of the common word RACEGIRL was displayed with ACE in tiny letters that were difficult to notice. The Board found that the commercial impression of Applicant’s mark was dominated by the double-letter RR configuration. Here, there is nothing in either Applicant’s mark or Registrant’s mark that is so prominent as to diminish the significance of the common word WILLPOWER. We acknowledge that, as in *Covalinski*, consumers would likely encounter the marks in a retail setting on hang tags or neck labels and in that context the visual impression of the mark is likely to be more important. *Id.* at 1168. However, even on a label the word WILLPOWER in Registrant’s mark cannot be missed.

Another decision relied on by Applicant, *In re Coors Brewing Co.*, 343 F.3d 1340, 68 USPQ2d 1059 (Fed. Cir. 2003), does not persuade us of a different result. In that case, the Court considered the marks depicted below:



The Court made the following observations regarding the factor of the similarity of the marks:

Although we uphold the Board’s finding that the two marks are generally similar, principally because they both use the term “Blue Moon,” we note that similarity is not a binary factor but is a matter of degree. Because there are significant differences in the design of the two marks, the finding of similarity is a less important factor in establishing a likelihood of confusion than it would be if the two marks had been identical in design or nearly indistinguishable to a casual observer.

Id. at 1062.

The Court’s conclusion that confusion was unlikely relied heavily on its determination that the Board’s finding that beer and restaurant services were related was in error. Here, we have goods that are legally identical in part, less prominent design elements in Registrant’s mark, and only the addition of the hash character in Applicant’s mark.

The dominant element in the marks is the word WILLPOWER and it is identical in sound and meaning in both marks. Although the additional wording and design element in Registrant’s mark and the hash character in Applicant’s mark present dissimilarities, they are not sufficient to overcome the strong similarities in

connotation and overall commercial impression that the marks share due to the identity of the dominant element, WILLPOWER. We find the similarities outweigh the dissimilarities.

In the end, “we find that the marks, when used in connection with the goods as set forth in the identifications of goods, would be perceived similarly.” *In re i.am.symbolic, llc*, 116 USPQ2d at 1411. This *du Pont* factor weighs in favor of a likelihood of confusion.

C. *The Number and Nature of Similar Marks in Use on Similar Goods*

Applicant argues that the word “willpower” is weak in the field of clothing, and should not be accorded a broad scope of protection. In support of this argument, Applicant points to five examples of third-party use of the term “willpower” as part of a mark. The relevant portions are shown below:

Website for the Willpower online store specializing in running clothing;⁸

⁸ March 17, 2017, Response Exhibit H at 87 (willpower-running.com). The prices for the clothing are quoted in Euros, indicating that this is not a United States based online store, and we lack evidence indicating whether U.S. consumers were likely exposed to the website or can purchase clothing from the website, which reduces its probative value in determining U.S. consumer perception of the term WILLPOWER for clothing. However, we do not wholly discount it, as U.S. consumers may have some exposure to such websites retrieved from an Internet search. *In re Well Living Lab Inc.*, 122 USPQ2d 1777, 1781 n.10 (TTAB 2017) (“We evaluate the probative value of foreign information sources on a case-by-case basis.”).



Website for the Title Nine online store featuring a Will Power jacket;⁹



⁹ *Id.* Exhibit I at 103 (www.titlenine.com).

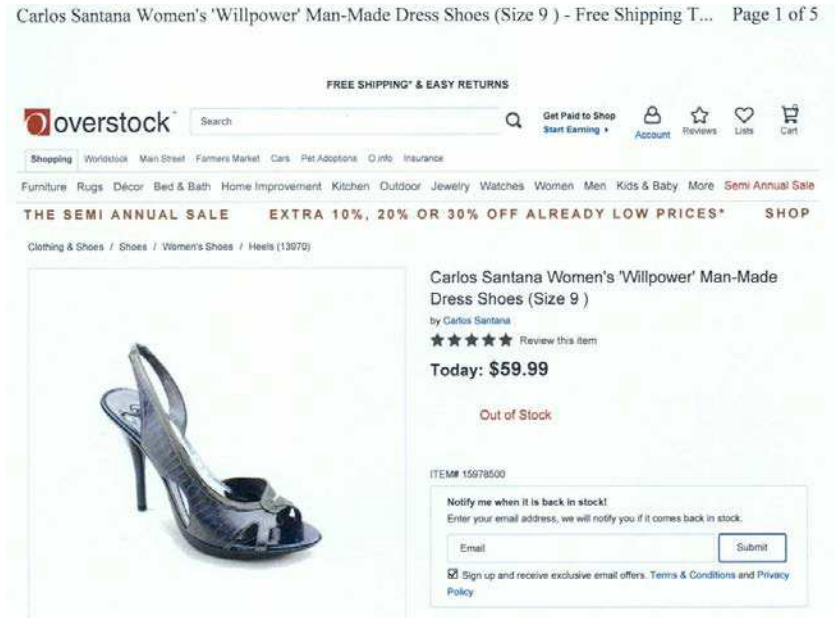
Website for the Willpower Method online store displaying a The Willpower Method hoodie;¹⁰

The screenshot shows the homepage of The Willpower Method website. At the top left is the logo, which consists of a yellow footprint icon above the text "The willPower Method®". Below the logo is the URL "(http://willpowermethod.com/)" and the tagline "MOVE WITH INTEGRITY.". To the right of the logo is a navigation link "INSPIRE" with the URL "(HTTP://WILLPOWERMETHOD.COM/BLOG/CATEGORY//WORD-OF-THE-WEEK/)". Below the navigation is a horizontal line, followed by the text "CLOTHING & GEAR" on the left and "FREE SHIPPING FOR ORDERS OVER \$65!" on the right. Below this is another horizontal line. The main content area is divided into two columns. The left column features a product image of two black wristbands, one standing upright with "GIRLPOWER" written in red, and another lying flat with the Willpower Method logo. Below the image is the URL "(http://willpowermethod.com/shop/clothing-gear/girlpower-gracelets/)", the text "GIRLPOWER", and the product name "“GRACELETS” (HTTP://WILLPOWERMETHOD.COM/SHOP/CLOTHING-GEAR/GIRLPOWER-GRACELETS)". The right column features a product image of a woman wearing a dark blue hoodie with the Willpower Method logo on the chest, standing against a red textured wall. Below the image is the URL "(http://willpowermethod.com/shop/clothing-gear/the-willpower-method-hoodie/)", the text "HOODIE: THE WILLPOWER METHOD®", and the product name "(HTTP://WILLPOWERMETHOD.COM/SHOP/CLOTHING-GEAR/THE-WILLPOWER-METHOD-HOODIE/)".

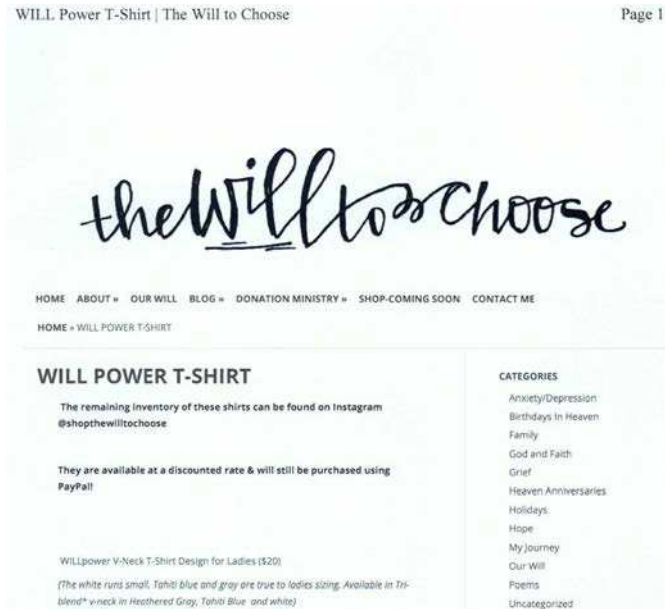
Website for the Overstock online store displaying Carlos Santana’s women’s “Willpower” dress shoes with the notation “Out of Stock”;¹¹ and

¹⁰ *Id.* Exhibit J at 126 (willpowermethod.com).

¹¹ *Id.* Exhibit K at 129 (www.overstock.com).



Website for the Will to Choose online store discussing the “remaining inventory” of a Will Power T-shirt for ladies available for purchase “at a discounted rate”;¹²



¹² *Id.* Exhibit L at 135 (www.thewilltochoose.com).

Under the sixth *du Pont* factor, we consider “[t]he number and nature of similar marks in use on similar goods.” *du Pont*, 177 USPQ at 567. Evidence of third-party use bears on the strength or weakness of a registrant’s mark. *In re i.am.symbolic, llc* 123 USPQ2d at 1751. If the evidence establishes that the consuming public is exposed to third-party uses of similar marks for similar goods, it “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.” *Palm Bay v. Veuve Clicquot*, 73 USPQ2d at 1693.

While Applicant has not presented specific evidence concerning the extent and impact of these uses, it nevertheless presented “evidence of these marks being used in internet commerce” for certain of the clothing items identified in the application and cited registration. *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. v. Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129, 1136 (Fed. Cir. 2015), *cert. denied*, 136 S. Ct. 982 (2016); *see also Rocket Trademarks Pty Ltd. v. Phard S.p.A.*, 98 USPQ2d 1066, 1072 (TTAB 2011) (internet printouts “on their face, show that the public may have been exposed to those internet websites and therefore may be aware of the advertisements contained therein”).

These five uses of WILLPOWER, while somewhat probative, are insufficient to “show that customers ... have been educated to distinguish between different ... marks on the basis of minute distinctions.” *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1674 (Fed. Cir. 2015) (internal quotations omitted). The third-party evidence here is far less in quantity and quality than that in *Juice Generation*, which included at least 26 uses or registrations of the same phrase for

restaurant services, *Juice Generation*, 115 USPQ2d at 1673 n.1, or in *Jack Wolfskin* where there were at least fourteen, 116 USPQ2d at 1136 n.2.

On balance, we find the evidence of third-party use of WILLPOWER for clothing articles is insufficient to demonstrate that registrant's mark is weak or entitled to a narrow scope of protection. We treat this factor as neutral in our analysis.¹³

II. Balancing of Factors

When we consider that the goods, channels of trade and consumers are in part legally identical, and the marks are similar in appearance, connotation, and overall commercial impression based on the shared word WILLPOWER, the meaning of which is reinforced by the other wording in Registrant's mark, we find that confusion is likely.

Decision: The refusal to register Applicant's mark is affirmed.

¹³ We add that even if we had found the scope of the word WILLPOWER in the field of clothing to be somewhat narrowed based on this evidence, so as to slightly favor Applicant, it would not change the result.

In re TriVita, Inc.

783 F.3d 872 (Fed. Cir. 2015) □ 114 U.S.P.Q.2d 1574
Decided Apr 17, 2015

No. 2014□ 1383.

04-17-2015

In re TRIVITA, INC., Appellant.

Adam Stephenson, Adam R. Stephenson, LTD., Tempe, AZ, for appellant. Nathan K. Kelley, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for appellee. Also represented by Thomas L. Casagrande, Christina Hieber, Thomas W. Krause.

NEWMAN, Circuit Judge.

873 *873

Adam Stephenson, Adam R. Stephenson, LTD., Tempe, AZ, for appellant.

Nathan K. Kelley, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, for appellee. Also represented by Thomas L. Casagrande, Christina Hieber, Thomas W. Krause.

Before NEWMAN, MOORE, and HUGHES, Circuit Judges.

Opinion

NEWMAN, Circuit Judge.

TriVita filed trademark application Serial No. 77/658,158 to register the mark NOPALEA on the Principal Register for dietary and nutritional supplements □ containing, in whole or in substantial part, nopal juice.□ The examiner rejected the application under section 2(e)(1) of the Lanham Trademark Act as □ descriptive of a feature of applicant's goods on the grounds that applicant's products contain nopal which is derived from an [ex]tract of the nopalea plant.□ TriVita appealed to the Trademark Trial and Appeal Board, arguing that □ nopalea plant□ is not a term used in the food industry and that the term is not descriptive because TriVita's products contain extracts from the *Opuntia* genus of nopal cactus, not the *Nopalea* genus.

The Board affirmed the rejection. The Board cited various websites showing *Nopalea* as the name of a genus of cactus used in food and supplements, noting that some of the websites were those of TriVita's affiliates, and that some explicitly stated that TriVita's products were derived from the *Nopalea* cactus. The Board acknowledged that both *Opuntia* and *Nopalea* cacti may be referred to as nopal cacti, but that TriVita's registration application states only that the goods contain □ nopal juice,□ and does not state whether the nopal juice is derived from cacti in either the *Opuntia* or *Nopalea* genus. The Board cited instances of the word

874 □ nopal □ used interchangeably with the word □ nopalea,□ and ~~stated~~:

The record indicates that nopalea is indeed a genus of cacti which is used for food and medicine, and which is commonly referred to as nopal. Consumers may assume, (as apparently do some of [TriVita's] affiliates) that, as a characteristic of nopal juice, [TriVita's] goods derive from genus nopalea.

In re Trivita, Inc., 2013 WL 6858011, at *4 (T.T.A.B. Dec. 17, 2013). The Board concluded that there was no doubt that a consumer would understand the term nopal used in connection with [TriVita's] goods as conveying information about them, and affirmed its refusal to register NOPALEA because it is merely descriptive under section 2(e)(1). *Id.* at *5.

Discussion

Section 2(e)(1) of the Lanham Act provides that a term is not a registerable trademark when it consists of a mark which (1) when used on or in connection with the goods of the applicant is merely descriptive or deceptively misdescriptive of them. 15 U.S.C. § 1052(e)(1) (2014). A mark is merely descriptive if it consists merely of words descriptive of the qualities, ingredients or characteristics of the goods or services related to the mark. *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173 (Fed. Cir. 2004) (alteration in original) (quoting *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543, 40 S.Ct. 414, 64 L.Ed. 705 (1920)). The Board's determination that a mark is merely descriptive is a factual finding that is reviewed for support by substantial evidence. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 964 (Fed. Cir. 2007).

Whether a mark is merely descriptive is determined in relation to the goods or services for which registration is sought. See 15 U.S.C. § 1052(e)(1). The question is whether someone who is presented with the mark in connection with the goods or services would understand that the mark describes the goods or services. See 2 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 11:16 (4th ed. 2014) (Descriptiveness cannot be determined as an abstraction. The possible descriptiveness of a designation is highly dependent on the goods or services in connection with which the designation is used. A term can be descriptive of one product and nondescriptive of another. A merely descriptive mark qualifies for registration only if the applicant shows that it has acquired secondary meaning. *In re Nett Designs, Inc.*, 236 F.3d 1339, 1341 (Fed. Cir. 2001).

The record contains somewhat conflicting evidence as to the content of TriVita's goods. TriVita initially stated that the term NOPALEA refers to the nopalea plant in the relevant industry and that the goods contain nopal which is an extract of the nopalea plant. TriVita later stated that its goods contain extracts of a nopal cactus, but not of a *Nopalea* cactus. TriVita referred the examiner to a Master's thesis stating that the term nopal cactus is used to refer to prickly pear cacti from both the *Opuntia* and *Nopalea* genera. The TriVita labels list as ingredients of its products Nopal fruit puree (*Opuntia ficus indica*) and Nopal powder (*Opuntia ficus indica*).

On receiving these arguments, the examiner also rejected TriVita's application under section 2(a) of the Lanham Act, stating that [i]f the goods do not contain Nopalea or ingredients or extracts derived from the Nopalea plant, then the applied-for mark contains a term that is misdescriptive of the composition of the goods marketed thereunder. U.S. Trademark Appl. Serial No. 77658158, Office Action, at 2 (Jan. 7, 2011). The examiner withdrew the misdescriptiveness rejection after TriVita amended the description of the goods to state that the goods contained nopal juice.

TriVita makes four primary arguments on appeal. Although the PTO complains that some arguments were not presented to the Board, the need for these arguments did not appear until the Board's decision. Thus we have considered all of TriVita's arguments.

First, TriVita argues that the Board failed to compare the word "nopalea" to the word "nopal," the common name for prickly pear cacti of the *Nopalea* and *Opuntia* genera, and the term used in TriVita's description of the goods. TriVita argues that in *Bayer*, 488 F.3d at 964-65, this court endorsed comparing the appearance and sound of a mark with the "common word" for the goods to determine if the mark is "sufficiently similar" to the common word. TriVita argues that the addition of the letters "EA" at the end of "nopal" makes the mark NOPALEA substantially different in sight and sound. However, "nopalea" is not a made-up word obtained by adding arbitrary letters. The record shows, and the Board found, that "nopalea" is a genus of cacti from which nopal juice, the product at issue, is derived. Even if TriVita's product contains ingredients derived from the *Opuntia* and not the *Nopalea* cactus, substantial evidence supports the Board's finding that consumers are likely to assume that the NOPALEA mark denotes that TriVita's products contain ingredients from the *Nopalea* cactus.

Second, TriVita argues that the Board made no factual findings concerning the level of sophistication of the average consumer likely to encounter TriVita's goods. TriVita argues that the ordinary purchaser of its products will be of low botanical sophistication and will not immediately recognize the botanical meaning of the word "nopalea." TriVita is correct that descriptiveness is determined from the viewpoint of the relevant purchasing public. However, as the Board found, there is abundant evidence, scientific and non-scientific, of the words "nopalea" and "nopal" being used interchangeably. The interchangeability is seen largely in the context of discussion of the health benefits of this class of cactus.

Third, TriVita argues that its products are sold through "multi-level direct marketing," and that consumers purchase and obtain information about its products only directly from TriVita or its affiliates, and thus TriVita can "ensure the Mark is used non-descriptively in conjunction with the goods in question at the point of sale." Appellant Br. at 23. However, such non-descriptive use was not established by any factual showing. See *Roux Labs., Inc. v. Clairol, Inc.*, 57 C.C.P.A. 1173, 427 F.2d 823, 828 (1970) ("The mere fact that a combination of words or a slogan is adopted and used by a manufacturer with the intent Clairol has manifested here—that it identify its goods and distinguish them from those of others—does not necessarily mean that the slogan accomplishes that purpose in reality."). Further, the record shows that several of TriVita's distributors state that the products contain juice from the *Nopalea* cactus, rather than the limited non-descriptive use proposed by TriVita.

Fourth, TriVita argues that the Board erroneously relied on the Seventh Circuit's decision in *American Aloe Corp. v. Aloe Creme Labs., Inc.*, 420 F.2d 1248 (7th Cir. 1970), to support the descriptiveness finding. That decision embodies the principle that the trademark applicant "cannot appropriate for its own trademark use the generic name of the distinguishing and effective ingredient in its product." 420 F.2d at 1252. The Board did not err in applying this principle to the facts in the record.

The Board found that the relevant consumer, knowing that the goods are supplements containing nopal cactus juice, would understand the mark NOPALEA to convey information that the goods contain ingredients from the *Nopalea* cactus. The Board based its finding on evidence that "nopalea" is the name of a genus of cacti used in food and supplements, that the word "nopal" is a common name for prickly pear cacti including cacti in the genus *Nopalea*, and that the words "nopal" and "nopalea" are used interchangeably to refer to cacti of that genus. Substantial evidence supports the Board's findings, and its conclusion that "nopalea" is merely descriptive of TriVita's goods.

We affirm the Board's decision that NOPALEA is not registrable on the Principal Register for TriVita's nutritional supplements containing nopal juice.

AFFIRMED.



In re Steelbuilding.com

415 F.3d 1293 (Fed. Cir. 2005)
Decided Jul 11, 2005

Nos. 04-1447, 75/934, 75/927.

July 11, 2005.

Appeal from the United States Patent and Trademark Office, Trademark Trial and Appeal Board, 2003 WL 129423350100. *1294

Michael M. Zadrozny, Shlesinger, Arkwright Garvey, LLP, of Arlington, Virginia, argued for appellant.

Nancy C. Slutter, Associate Solicitor, Office of the Solicitor, United States Patent and Trademark Office, of Arlington, Virginia, argued for the Director of the Patent and Trademark Office. With her on the brief were John M. Whealan, Solicitor, and Cynthia C. Lynch, Associate Solicitor.

Before MICHEL, Chief Judge, RADER, and LINN, Circuit Judges.

1295*1295

Opinion for the court filed by Circuit Judge RADER.

1296Opinion concurring-in-part and dissenting-in-part filed by Circuit Judge LINN. *1296

RADER, Circuit Judge.

The Trademark Trial and Appeal Board (Board) affirmed the refusal of the United States Patent and Trademark Office (PTO) to register the mark STEELBUILDING.COM to appellant Steelbuilding.com. The Board held the mark was either generic or merely descriptive and without secondary meaning. *In re Steelbuilding.com*, 2003 WL 23350100 (TTAB Mar. 24, 2003). This court vacates the Board's determination that the mark is generic, but affirms its findings on descriptiveness and the absence of secondary meaning, and therefore affirms the denial of the application.

I.

Appellant filed an intent-to-use application under 15 U.S.C. § 1051(b)(1) to register the mark STEELBUILDING.COM as a service mark on March 3, 2000. In its original application, appellant stated that it intended to use the mark in connection with the "[s]ale of pre-engineered metal buildings and roofing systems." The examining attorney initially denied registration on the ground that the proposed mark was merely descriptive, under 15 U.S.C. § 1052(e)(1). Appellant then amended its application and requested reconsideration. In the amendment, the applicant changed the identification of its services to "computerized on-line retail services in the field of pre-engineered metal buildings and roofing systems." Appellant also filed an

allegation of use under [15 U.S.C. § 1051\(c\)](#), submitted samples of advertising that described the interactive design/purchase capabilities of its service, and submitted evidence of acquired distinctiveness. The examiner again refused registration, this time finding that the mark was generic for the specified goods and services without any acquired distinctiveness under [15 U.S.C. § 1052\(f\)](#).

The Board affirmed the PTO's rejection on the ground that STEELBUILDING.COM is generic for "a website that provides computerized on-line retail services in the field of pre-engineered metal buildings including steel buildings." *Steelbuilding.com*, 2003 WL 23350100, at *8. The Board also found that "if the terms 'steel building' [sic] and '.com' are not generic, they are at least highly descriptive." *Id.* at *11. The Board noted that the addition of the term ".com," a top level domain (TLD) indicator, was without source-identifying significance, citing *In re Martin Container, Inc.*, 65 USPQ2d 1058 (TTAB 2002) and *In re CyberFinancial.Net, Inc.*, 65 USPQ2d 1789 (TTAB 2002). *Steelbuilding.com*, 2003 WL 23350100, at *5. Finally, the Board found appellant's evidence inadequate to show acquired distinctiveness.

II.

To deny the registration of a mark as generic, the PTO has the burden of "substantial[ly] showing . . . that the matter is in fact generic . . . based on clear evidence of generic use." *In re Am. Fertility Soc'y.*, [188 F.3d 1341, 1346](#) (Fed. Cir. 1999). This court reviews a holding of genericness or descriptiveness for substantial evidence. *In re Oppedahl Larson LLP*, [373 F.3d 1171, 1173](#) (Fed. Cir. 2004). A generic term, by definition, identifies a type of product, not the source of the product. *In re Gould Paper Corp.*, [834 F.2d 1017, 1018](#) (Fed. Cir. 1987). A generic term cannot function as an indicator of the source of a product, and thus as a trademark, because the relevant public understands the term primarily as the common name for the product. *In re Dial-A-Mattress*, [240 F.3d 1341, 1344](#) (Fed. Cir. 2001). This court's test for genericness has two ¹²⁹⁷ parts: first, the court determines the genus of goods or services at issue, and second, the court determines whether the term sought to be registered is understood by the relevant public "primarily to refer to that genus of goods or services." *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs*, [782 F.2d 987, 990](#) (Fed. Cir. 1986). An inquiry into the public's understanding of a mark requires consideration of the mark as a whole. Even if each of the constituent words in a combination mark is generic, the combination is not generic unless the entire formulation does not add any meaning to the otherwise generic mark. *Am. Fertility Soc'y*, [188 F.3d at 1347](#); *Dial-A-Mattress*, [240 F.3d at 1345](#).

A merely descriptive mark describes "the qualities, ingredients or characteristics of" the goods or services related to the mark. *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, [252 U.S. 538, 543, 40 S.Ct. 414, 64 L.Ed. 705](#) (1920). A mark is "merely descriptive" if it "immediately conveys . . . knowledge of the ingredients, qualities, or characteristics of the goods . . . with which it is used." *In re Gyulay*, [820 F.2d 1216, 1217](#) (Fed. Cir. 1987). However, if a mark is not merely descriptive, because some imagination, thought, and perception are required to arrive at the qualities or characteristics of the goods, it may still qualify for registration. *See In re Nett Designs, Inc.*, [236 F.3d 1339, 1341](#) (Fed. Cir. 2001). Descriptive marks can qualify for registration on the Principal Register if they acquire secondary meaning, i.e., distinctiveness. *See 15 U.S.C. § 1052(f)*; *Two Pesos, Inc. v. Taco Cabana, Inc.*, [505 U.S. 763, 769, 112 S.Ct. 2753, 120 L.Ed.2d 615](#) (1992). To show that a mark has acquired distinctiveness, an applicant must demonstrate that the relevant public understands the primary significance of the mark as identifying the source of a product or service rather than the product or service itself. *Qualitex Co. v. Jacobson Prods. Inc.*, [514 U.S. 159, 163, 115 S.Ct. 1300, 131 L.Ed.2d 248](#) (1995).

Only in rare instances will the addition of a TLD indicator to a descriptive term operate to create a distinctive mark. *Oppedahl*, [373 F.3d at 1175](#). In those rare instances, a term that is not distinctive by itself may acquire some additional meaning from the addition of a TLD, such as ".com," ".net," etc. *See id.* at 1175-76. In those

unusual circumstances, the addition of the TLD can show Internet-related distinctiveness, intimating some "Internet feature" of the item. *See id.* at 1178. Because the evaluation of a mark proposed for registration requires consideration of the mark as a whole, the distinctiveness derived from a connection to the Internet, as indicated by the TLD indicator, is a part of the calculus for registration.

III.

The Board defined the genus for appellant's goods or services as "the sale of pre-engineered `steel buildings' on the Internet." *Steelbuilding.com*, 2003 WL 23350100, at *7, and "computerized on-line retail services in the field of pre-engineered metal buildings including steel buildings." *Id.* at *8. The Board, with this definition of genus in mind, first considered "STEELBUILDING" in isolation, and then considered the effect of adding ".COM." The Board found that "applicant's competitors use the term `steel buildings' generically," giving several examples of the use of "steel buildings" by competitors. The record shows, however, that the evidence cited by the Board relates to the phrase "steel building" or "steel buildings"; none refers to "steelbuilding" or "STEELBUILDING." Despite this distinction, the Board found STEELBUILDING.COM to be "simply the name of a website that sells, inter alia, steel buildings." *Id.*

As an initial matter, this court examines the Board's understanding of the genus of goods or services at issue. The applicant defined its goods and services, in its amended application, as "computerized on-line retail services in the field of pre-engineered metal buildings and roofing systems." Although the definitions of the applicant and of the Board appear nearly identical, the parties understand the phrase "computerized on-line retail services" differently. Applicant sells steel buildings on line, but the record indicates it provides services beyond mere sales. In other words, the services at issue are far more than an on-line catalogue. The applicant's web site permits a customer to first design, then determine an appropriate price for, its own unique design. Finally, the customer may purchase its unique building on line. The web site features a process that facilitates the customer's design of his building at his own computer via a complex interactive process.

The STEELBUILDING.COM web site thus includes more than a mere shopping guide for metal building structures. As the program-user develops the design, the program re-calculates design elements as necessary to meet codes and other engineering requirements. The program then calculates a price for the designed building. The purchaser can compare prices of different designs, and finally purchase a preferred design. Therefore, while correctly concluding that "[a] significant, if not primary feature, of applicant's services is the sale of steel buildings," *id.* at *4, the Board fails to acknowledge the interactive design feature of the applicant's goods and services.

Although the Board's misunderstanding of the proper genus for "STEELBUILDING.COM" alone requires this court to vacate its decision on genericness, this court also examines generally the Board's finding on this matter. In deciding whether the relevant public uses the term STEELBUILDING.COM as the genus or name of the genus of the specified goods or services, the Board considered "STEELBUILDING" and ".COM" separately. The Board decided that STEELBUILDING by itself is a generic term. *Id.* at *5. The Board apparently concluded that STEELBUILDING is generic for "steel buildings." The Board does not seem to acknowledge an alternative genus, namely the "the building of steel structures." In this case, the genus might be both formulations. The Board does not adequately define the genus.

In any event, the record does not show substantial evidence that "STEELBUILDING," in common usage, is a compound word used to mean either "steel building" or "steel buildings." *See Gould*, 834 F.2d at 1018 ("the PTO has satisfied its evidentiary burden if . . . it produces evidence including dictionary definitions that the separate words joined to form a compound have a meaning identical to the meaning common usage would

ascribe to those words as a compound"). In *Gould*, the applicant attempted to register "SCREENWIPE," but this court held that the applicant's own description of the product as "a . . . wipe . . . for . . . screens" provided adequate evidence that merely combining the words "screen" and "wipe" did not render the mark registerable, and held that "the terms remain as generic in the compound as individually, and the compound thus created is itself generic." *Id.* at 1019. In *Gould*, the applicant admitted that "screenwipe" denoted a "screen wipe." In contrast, the applicant here denies that "STEELBUILDING" describes merely "steel buildings." The record does not contain any examination of dictionary definitions or other sources that might have indicated that joining the separate words "steel" and "building" would create a word that, in context, would be generic. The Board merely cited evidence that showed that when customers or competitors talked about a steel building, they used the phrase "steel building." That evidence shows that "steel building" is generic, but does not address directly the composite term STEELBUILDING.

The Board considered the effect of attaching the term ".COM" to "STEELBUILDING." The Board construed ".COM" as no more than a designation of a commercial entity on the Internet, like "company." Therefore, the combination of "STEELBUILDING" and ".COM" was, to the Board, no more registerable than "STEELBUILDING" alone. *Steelbuilding.com*, 2003 WL 23350100, at *6 (citing *Goodyear's Rubber Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03, 9 S.Ct. 166, 32 L.Ed. 535 (1888) ("nor will the incorporation of a company in the name of an article of commerce, without other specification, create any exclusive right to the use of the name")). However, *Goodyear's* did not create a per se rule for TLD indicators. In fact, in rare circumstances, as noted before, "a TLD may render an otherwise descriptive term sufficiently distinctive for trademark registration." *Oppedahl*, 373 F.3d at 1177. In this unusual case, the addition of the TLD indicator expanded the meaning of the mark to include goods and services beyond the mere sale of steel buildings. Specifically, the TLD expanded the mark to include internet services that include "building" or designing steel structures on the web site and then calculating an appropriate price before ordering the unique structure. The record therefore does not contain evidence sufficient to support the board's finding that "STEELBUILDING.COM" is generic for applicant's services.

In sum, the Board erroneously: (1) construed the genus of applicant's services and goods too narrowly; (2) discounted the ambiguities and multiple meanings in the mark; and (3) dismissed the addition of the TLD indicator despite its expansion of the meaning of "STEELBUILDING.COM."

IV.

The Board also considered whether the mark STEELBUILDING.COM was, if not generic, then at least merely descriptive. The applicant's web site lists as its first feature: "Design your *steel building* with our advanced interactive system." (Emphasis added). One of applicant's advertisements includes the following sentence: "E-Commerce website offers instant pricing and on-line sales of *steel buildings*, mini storage systems, building accessories, component parts and all- *steel* homes." (Emphases added). Based on this evidence and more in the record, this court concurs in the statement of the Board: "[w]e, frankly, are at a loss to understand that if the retail sale of steel buildings is not the primary feature of applicant's services, what is. However, whether steel buildings are the 'primary feature' of applicant's services is not determinative, because they are at least a significant feature of applicant's services." *Steelbuilding.com*, 2003 WL 23350100, at *9. For descriptiveness, the record shows that a consumer would recognize the compound word "STEELBUILDING" as conveying the same impression, at least for trademark purposes, as the phrase "steel buildings."

The Board also considered how the addition of the TLD indicator may have affected descriptiveness. The Board correctly observed that adding ".COM" to "STEELBUILDING" "simply means that services associated with the generic term are performed in an on-line or 'e-commerce' environment." *Id.* at *10. Indeed,

the TLD indicator describes a significant feature of applicant's services, namely, the Internet commerce connection. Thus, the record sustains the Board's determination that applicant's mark is "merely descriptive" for the on-line services specified in the application.

V.

Finally, the Board considered whether the mark had acquired distinctiveness, or secondary meaning. In determining whether secondary meaning has been acquired, the Board may examine copying, advertising expenditures, sales success, length and exclusivity of use, unsolicited media coverage, and consumer studies (linking the name to a source). *Cicena Ltd. v. Columbia Telecomms. Group*, 900 F.2d 1546, 1551 (Fed. Cir. 1990). On this list, no single factor is determinative. A showing of secondary meaning need not consider each of these elements. Rather, the determination examines all of the circumstances involving the use of the mark. *See Thompson Med. Co., Inc. v. Pfi \square er Inc.*, 753 F.2d 208, 217 (2d Cir. 1985). Finally, the applicant's burden of showing acquired distinctiveness increases with the level of descriptiveness; a more descriptive term requires more evidence of secondary meaning. *In re Bongrain Intern. (Am.) Corp.*, 894 F.2d 1316, 1317 (Fed. Cir. 1990) ("the greater the degree of descriptiveness the term has, the heavier the burden to prove it has attained secondary meaning").

The Board considered evidence of print and Internet advertising, declarations from competitors and the applicant's own officers, sales data, web site traffic data, and customer communications. The Board assessed the evidence on advertising by comparing applicant's advertising expenditures with those of the unsuccessful applicant in *In re Leatherman Tool Group Inc.*, 32 USPQ2d 1443, 1443 (TTAB 1994), finding them to be "at a much smaller level." *Steelbuilding.com*, 2003 WL 23350100, at *11. The Board noted that applicant's advertising expenses "rely heavily on Internet banner advertisements." *Id.*

The Board considered applicant's Internet poll on name recognition. The poll, at a web site named MetalBuilding.com, first asked visitors a few questions about current events or sports, e.g., "Who will win Election 2000? Who will win the NBA title?," then asked "which one of the following building manufacturers is the most recognizable?" In the poll, the applicant was more recognizable than the others on the list: "Package Industries," "Parkline," Steelox," and "US Structures." This court agrees with the Board that this particular poll lacked sufficient signs of reliability. For instance, the poll results do not indicate the number of actual participants. The poll did not attempt to prevent visitors from voting more than once. The poll did not prevent interested parties, such as friends or associates or even employees of the applicant, from voting multiple times to skew the results. In sum, this poll does not even remotely follow the precepts of standard trademark name-recognition polls. Although the Board was correct to consider the survey for its very limited value, the survey did not show sufficient reliability to constitute sufficient evidence of acquired distinctiveness. *Id.* at *12 ("occasionally, people may recognize applicant's term as a trademark but much of this evidence may be attributable to domain name recognition").

¹³⁰¹The Board considered other evidence as well, but none of that evidence established ^{*1301} the proposed mark's distinctiveness. The proposed mark is highly descriptive. Therefore, applicant had the burden to show a concomitantly high level of secondary meaning. The Board correctly determined that, on this record, "applicant's evidence falls far short of its burden." *Id.*

VI.

In this case, the Board did not correctly describe the genus of goods and services offered by the applicant. Even using the Board's understanding of the genus, however, this record does not support a finding that "STEELBUILDING.COM" was generic. On the other hand, the record suffices to show that the proposed mark

was merely descriptive. This court also agrees that the applicant did not meet its high burden of showing acquisition of secondary meaning. For these reasons, this court affirms the decision of the Board, but only on grounds of descriptiveness and absence of distinctiveness.

COSTS

Each party shall bear its own costs.

VACATED-IN-PART and AFFIRMED-IN-PART

LINN, Circuit Judge, concurring-in-part and dissenting-in-part.

I agree with the majority's well-reasoned analysis in all respects but one. I dissent only from the majority's decision to sustain the Board's finding of no acquired distinctiveness. Because the Board legally erred in according too little weight to some of the evidence submitted to show the acquisition of secondary meaning, and because the Board acted arbitrarily in not considering other evidence, I would vacate the Board's determination of no acquired distinctiveness and remand for further consideration.

I agree with the majority that the poll results are inconclusive and do not prove acquired distinctiveness. However, applicant submitted declarations from competitors and others with industry knowledge, as well as customer letters, that demonstrate that individuals view STEELBUILDING.COM as source identifying. The Board found that these letters "provide some de facto evidence" of a recognized mark but accorded them little weight because "much of this evidence may be attributable to domain name recognition." *In re Steelbuilding.com*, 2003 WL 23350100, at *11 (TTAB Mar. 24, 2003). The Board's finding that the mark is also a domain name provides it no legal basis to discount this evidence of acquired distinctiveness. The question before the Board is whether consumers consider STEELBUILDING.COM to identify the source of Applicant's interactive, on-line, steel-building services. *In re Oppedahl Larson LLP*, 373 F.3d 1171, 1176 (Fed. Cir. 2004) (explaining that domain-name marks may obtain registration upon a showing of secondary meaning); 1 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 7:17.1 (4th ed. 2005) (noting that a domain name can become a service mark if it is used to identify and distinguish the source of services).

In the Internet world, domain-name recognition is a form of source identification and may even evidence the acquired distinctiveness of the domain-name mark. *See Paccar Inc. v. TeleScan Techs., L.L.C.*, 319 F.3d 243, 250 (6th Cir. 2003) ("[W]ords in many domain names can and do communicate information as to the source or sponsor of the web site."); *Brookfield Communications, Inc. v. W. Coast Entm't Corp.*, 174 F.3d 1036, 1055 (9th Cir. 1999) ("The domain name is more than a mere address: like trademarks, second-level domain names communicate information as to source."); *Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316, 1327 (9th Cir. 1998) ("We reject Toeppen's premise that a domain name is nothing more than an address. A significant purpose of a domain name is to identify the entity that owns the web site."); Xuan-Thao N. Nguyen Jeffrey A. Maine, *Taxing the New Intellectual Property Right*, 56 *Hastings L.J.* 1, 49-50 (2004) ("Courts have consistently held that domain names are not merely addresses, but powerful source indicators on the Internet."). The Board legally erred in discounting this evidence on the basis that the mark is also a domain name. Its decision must be vacated. *See Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327-28 (Fed. Cir. 2000) (holding that the Board legally erred in not according sufficient weight to evidence of a mark's fame in a likelihood of confusion analysis, vacating, and remanding for further consideration); *see also Sec. Exch. Comm'n v. Chenery Corp.*, 332 U.S. 194, 196, 67 S.Ct. 1575, 91 L.Ed. 1995 (1947) (holding that a reviewing court may not supply a reasoned basis for the agency's action that the agency itself has not given); *In re Thrift*, 298 F.3d 1357, 1366 (Fed. Cir. 2002) (applying the *Chenery* rule to decisions of the Board of Patent Appeals and Interferences); *In re Sang-Su*

Lee, 277 F.3d 1338, 1342 (Fed. Cir. 2002) ("Tribunals of the PTO are governed by the Administrative Procedure Act, and their rulings receive the same judicial deference as do tribunals of other administrative agencies.").

The Board also erred in giving Applicant's advertising through banner ads and other Internet channels too little weight, *Recot*, 214 F.3d at 1327-28, and acted arbitrarily in ignoring Applicant's evidence of consumer recognition based on the number of consumers who return to the site regularly and login, *see Sang-Su Lee*, 277 F.3d at 1343-45 (finding arbitrary the Board's finding of obviousness because of inadequate explanation on motivation to combine, vacating, and remanding); *Gechter v. Davidson*, 116 F.3d 1454, 1457-60 (Fed. Cir. 1997) (finding arbitrary the Board's finding of anticipation because of inadequate explanation on how the reference disclosed claim elements, vacating, and remanding). Applicant spent at least \$99,000 on Internet advertising in 2001, and about \$98,000 on print ads. Applicant purchased keyword Internet banner ads □ ads that appear as links on a search engine after a user has searched a keyword □ and "pay-per-performance" ads, which allow a company to garner a top ranking on a user's returned-search-result list.

Success of Internet ads is often measured by the "click-through rate." Applicant's banner ads appeared 75,000 times per month and enjoyed a click-through rate as high as 8% on search terms like "metal building." A click-through rate of only 4% would yield roughly 3,000 visits to the steelbuilding.com website per month. "Pay-per-performance" advertising would lead to several thousand more visits per month. Applicant presented evidence that each day 200 new users and 200 repeat users logged on to the steelbuilding.com website to request price quotes. Indeed, Internet advertising cost-effectively generated site traffic, which caused an association between Applicant's services and its domain-name mark. *See, e.g., Michael Korybut, Online Auctions of Repossessed Collateral Under Article 9*, 31 Rutgers L.J. 29, 54 (1999) ("By targeting the specific market segment and continuous delivery over the Internet, online advertising can efficiently reach the appropriate audience, in sharp contrast to traditional mass marketing where the target audience is constantly exposed to advertisements in which they have no interest."). The Board's reliance on *In re Leatherman Tool Group Inc.*, 32 U.S.P.Q.2d 1443 1303 (TTAB *1303 1994), in summarily dismissing Applicant's Internet advertising evidence is misplaced.

Leatherman was decided long before Internet advertising became a cost-effective alternative to traditional advertising media, and its relevance to the facts of the present case is questionable.

The Board also failed to address evidence that Applicant's sales rose quickly as a result of its advertising. In 2001, cumulative sales rose from \$500,000, for the first four months of the mark's use, to \$4,500,000 over the next seven months. The company was featured prominently in the trade press for its innovative services. Because the Board did not discuss this evidence, we are left with no basis to determine whether the Board considered this evidence in determining the extent to which Applicant might have leveraged the Internet and its mark's domain-name status to acquire secondary meaning, even with only modest advertising expenditures.

For the reasons articulated, I believe the Board committed legal error in weighing the evidence and acted arbitrarily in not considering evidence. These errors had a "bearing on . . . the substance of the decision reached" by the Board. *See In re Watts*, 354 F.3d 1362, 1370 (Fed. Cir. 2004) (internal quotations omitted). Therefore, I would vacate the Board's determination of no acquired distinctiveness and remand for reconsideration consistent with this opinion.

Coach Services, Inc. v. Triumph Learning LLC

668 F.3d 1356 (Fed. Cir. 2012) □ 101 U.S.P.Q.2d (BNA) 1713
Decided Feb 21, 2012

No. 2011 □ 1129.

2012-02-21

COACH SERVICES, INC., Appellant, v. TRIUMPH LEARNING LLC, Appellee.

Norman H. Zivin, Cooper & Dunham, LLP, of New York, NY, argued for appellant. With him on the brief was Tonia A. Sayour. R. David Hosp, Goodwin Procter, LLP, of Boston, MA, argued for appellee. With him on the brief was Anthony H. Cataldo. Of counsel was John T. Bennett.

O'MALLEY

1360*1360 Norman H. Zivin, Cooper & Dunham, LLP, of New York, NY, argued for appellant. With him on the brief was Tonia A. Sayour. R. David Hosp, Goodwin Procter, LLP, of Boston, MA, argued for appellee. With him on the brief was Anthony H. Cataldo. Of counsel was John T. Bennett.

Before NEWMAN, O'MALLEY, and REYNA, Circuit Judges.

O'MALLEY, Circuit Judge.

Coach Services, Inc. (CSI) appeals from the final decision of the Trademark Trial and Appeal Board (the Board) dismissing its opposition to Triumph Learning, LLC's (Triumph) use-based applications to register the mark COACH for educational materials used to prepare students for standardized tests. The Board found that: (1) there was no likelihood of confusion between the parties' COACH marks; (2) CSI failed to prove likelihood of dilution; and (3) although Triumph's marks are merely descriptive, they have acquired secondary meaning, and thus are entitled to registration. *Coach Services, Inc. v. Triumph Learning LLC*, 96 U.S.P.Q.2d 1600 (T.T.A.B. Sept. 17, 2010) (Board Decision). For the reasons discussed below, we find no error in the Board's decisions regarding likelihood of confusion and dilution, and thus affirm as to those grounds. With respect to the Board's acquired distinctiveness analysis, however, we find that certain evidentiary errors require us to vacate and remand solely with respect to the Board's determination of Triumph's substantially exclusive and continuous use of its marks. Accordingly, we affirm-in-part, vacate-in-part, and remand this matter for further proceedings.

Background

A. Triumph's Use of the COACH Mark

Triumph publishes books and software used to assist teachers and students in preparing for standardized tests. Triumph claims that it has used the COACH mark in connection with its products since at least 1986. According to Triumph: (1) the market for test preparation materials for state-sponsored standardized tests is

highly specific and targeted□ ; and (2) much of the marketing takes place through face to face contact with sales representatives or in the form of direct mailings to previously identified educational department heads. Appellee's Br. 6.

Triumph explains that, when Congress passed the No Child Left Behind Act in 2001, which mandated that all states administer standardized tests to monitor academic advancement, Triumph made additional investments in its marketing. It began focusing on the style of its brand and developed a mascot□ a cartoon coach□ and a slogan: □ America's best for student success.□ Triumph invested significantly in its marketing efforts, and, according to Triumph, it has had substantial commercial success selling products under its COACH mark.

In December 2004, Triumph filed use-based applications for three marks: (1) the COACH word mark (Serial No. 78/535,642); (2) a stylized COACH mark (Serial No. 78/536,065); and (3) a COACH mark and design (Serial No. 78/536,143) (referred to collectively as □ Triumph's COACH marks□). The COACH mark with a design appears as follows:

Image 1 (2.57" X 1.61") Available for Offline Print

1361*1361

Each of the applications is for the following goods in International Classes 9 and 16:

Computer software for use in child and adult education, namely, software to assist teachers and students at all levels in mastering standards-based curricula and in preparing for standardized exams; prerecorded audio and video tapes in the field of child and adult education, featuring materials to assist teachers and students at all levels in mastering standards-based curricula and in preparing for standardized exams, in Class 9; and

Printed materials in the field of child and adult education, namely, textbooks, workbooks, teacher guides and manuals, posters and flashcards, all featuring materials to assist teachers and students at all levels in mastering standards-based curricula and in preparing for standardized exams, in Class 16. Triumph's COACH marks were published for opposition on September 20, 2005.

B. CSI's COACH Marks

CSI advertises and sells a wide variety of □ accessible luxury□ products, including handbags, luggage, clothing watches, eye glasses, and wallets. It has been using the COACH mark in connection with its products since at least December 28, 1961.¹ CSI owns sixteen incontestable trademark registrations for the COACH mark, all but one of which issued before Triumph's applications were filed in December 2004.

¹ CSI claims that its predecessor first began using the COACH mark in 1957.

CSI sells its COACH products in its own 400 retail stores, in department stores, and over the Internet through its website. It also promotes its goods by catalogs. CSI advertises and markets its COACH line of products throughout the United States using □ magazine and newspaper ads, billboards and bus and phone kiosks.□ Appellant's Br. 5. For example, CSI's COACH brand products have been advertised in national fashion publications, including *Elle*, *Vogue*, *Mademoiselle*, and *Vanity Fair*.

Although CSI's briefing to this court includes advertising and sales figures from 2000□ 2008, including a representation that its sales exceeded \$10 billion over that time frame, as discussed below, this evidence was not properly submitted to the Board and thus was not considered. In fact, the Board found that CSI introduced evidence of its advertising and sales only for 2008. Specifically, CSI introduced the testimony deposition of

Carole P. Sadler, the former Vice President, General Counsel, and Secretary of CSI, who testified that, in 2008: (1) CSI's annual sales were roughly \$3.5 billion; and (2) CSI spent about \$30-60 million a year on advertising. Joint Appendix (J.A.) 3659-60.

To further support the popularity and commercial success of its COACH mark, CSI points to: (1) its joint marketing efforts with other popular brands, including LEXUS and CANON; (2) unsolicited media attention from the fashion press; (3) an internal market study conducted in June and July 2007 of persons between the ages of 18-24, which showed that the COACH brand had 66% aided awareness; and (4) the fact that CSI has taken steps to enforce its trademark rights against past infringers.

It is undisputed that CSI is not in the education or test-preparation industry, does not consider Triumph a competitor, and did not present any evidence of any actual confusion stemming from Triumph's use of the Coach mark in conjunction with its educational materials.

C. TTAB Opposition Proceedings

On March 17, 2006, CSI filed a Notice of Opposition opposing registration of all three of Triumph's COACH marks on grounds of likelihood of confusion under 15 U.S.C. § 1052(d) and dilution under 15 U.S.C. § 1125(c). On October 5, 2006, CSI amended its Notice to add a claim that COACH is merely descriptive when used on goods in the educational and test preparation industries, such that the mark is not registrable to Triumph pursuant to 15 U.S.C. § 1052(e).

On September 17, 2010, the Board issued a judgment dismissing CSI's opposition. Specifically, the Board found that there was: (1) no likelihood of confusion between the parties' marks; and (2) no likelihood of dilution of CSI's COACH mark for lifestyle goods by Triumph's COACH marks for educational materials. While the Board found that CSI's COACH mark was famous for likelihood of confusion purposes, it concluded that CSI failed to provide sufficient evidence of fame to support its dilution claim under the Trademark Dilution Revision Act of 2006 (TDRA), 15 U.S.C. § 1125(c). Finally, the Board held that, although Triumph's COACH marks were merely descriptive, they had acquired secondary meaning and thus were entitled to registration.

CSI timely appealed to this court. We have jurisdiction pursuant to 28 U.S.C. § 1295(a)(4)(B).

Standard of review

We review the Board's legal conclusions *de novo* and its factual findings for substantial evidence. *In re Pacer Tech.*, 338 F.3d 1348, 1349 (Fed.Cir.2003). Substantial evidence is "more than mere scintilla" and "such relevant evidence as a reasonable mind would accept as adequate" to support a conclusion. *Id.* (quoting *Consol. Edison v. Nat'l Labor Relations Bd.*, 305 U.S. 197, 229, 59 S.Ct. 206, 83 L.Ed. 126 (1938)).

Discussion

CSI's primary arguments on appeal fall into three categories. It argues that the Board erred when it: (1) improperly balanced the factors set forth in *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A.1973), to find no likelihood of confusion; (2) ignored substantial evidence showing that CSI's COACH mark was famous for dilution purposes, including corporate annual reports that CSI had attempted to introduce via a notice of reliance; and (3) found that Triumph's descriptive COACH marks have acquired distinctiveness.

In response, Triumph argues that the Board correctly found: (1) no likelihood of confusion in light of the vast differences in the parties' respective goods, the channels of trade through which those goods are sold, and the vastly different commercial impressions made by the marks on consumers ; (2) no likelihood of dilution ¹³⁶³because CSI did not meet the stringent standards for fame under the TDRA and ^{*1363} because its mark has not become the principal meaning of the word coach and (3) that Triumph's marks have attained secondary meaning. Appellee's Br. 12 13.

For the reasons set forth below, we find Triumph's arguments regarding likelihood of confusion and likelihood of dilution well-taken. Because we find that the Board made evidentiary errors with respect to its acquired distinctiveness analysis, we vacate that portion of the Board's decision and remand for further proceedings on that issue alone.

A. Evidentiary Ruling Regarding CSI's Notice of Reliance

On appeal, CSI takes issue with the Board's decision to exclude the corporate annual reports it attempted to admit through a notice of reliance. According to CSI, the Board should have considered its 2000 2008 annual reports as evidence of CSI's annual sales figures and the amount it expended in advertising, design, and promotion of its COACH products. In response, Triumph argues that the Board properly struck the documents from the record because they were not submitted in accordance with the Board's rules and were not otherwise authenticated. We agree with Triumph.

This court reviews evidentiary rulings for abuse of discretion. *Crash Dummy Movie, LLC v. Mattel, Inc.*, [601 F.3d 1387, 1390](#) (Fed.Cir.2010) (citing *Chen v. Bouchard*, [347 F.3d 1299, 1307](#) (Fed.Cir.2003)). We will reverse only if the Board's evidentiary ruling was: (1) clearly unreasonable, arbitrary, or fanciful ; (2) based on an erroneous conclusion of law ; (3) premised on clearly erroneous findings of fact ; or (4) the ~~record~~ contains no evidence on which the Board could rationally base its decision. *Id.* at 1390 91.

The Trademark Rules of Practice, which govern inter partes trademark proceedings before the Board, provide, in part, that printed publications which are available to the general public in libraries or of general circulation among members of the public or that segment of the public which is relevant under an issue in a proceeding ... may be introduced in evidence by filing a notice of reliance on the material being offered. [37 C.F.R. § 2.122\(e\)](#). Historically, corporate annual reports were not considered printed publications available to the general public and thus were not admissible via a notice of reliance without any authentication. *See Jeanne Marc, Inc. v. Cluett, Peabody & Co., Inc.*, 221 U.S.P.Q. 58, 59, n. 4 (T.T.A.B.1984) (It is well settled that annual reports do not fall within the category of printed publications as contemplated under the Trademark Rules.); *see also Midwest Plastic Fabricators Inc. v. Underwriters Labs. Inc.*, 12 U.S.P.Q.2d 1267, 1270 n. 5 (T.T.A.B.1989) ([P]rinted material in the nature of annual reports is not considered printed publications available to the general public such that it may be relied on pursuant to [Rule 2.122\(e\)](#). Rather, such material must be introduced in connection with the deposition testimony of a competent witness.) *Tech Holdings Ltd. v. Varian Semiconductor Equip. Assocs., Inc.*, Opp. No. 91156936, 2007 WL 2972233, at *4, 2007 TTAB LEXIS 245, at *11 (T.T.A.B. Sept. 21, 2007) (Oppose's corporate annual reports, newsletters and other house publications are not self-authenticating printed publications or official records and may not be made of record by notice of reliance. We sustain applicant's objection to all such documents and shall give them no consideration.) (internal citations omitted).

In a 2010 decision, however, the Board expanded the types of documents that can be introduced by way of a notice of reliance. *Safer Inc. v. OMS Investments Inc.*, 94 U.S.P.Q.2d 1031, 1039 (T.T.A.B.2010). In *Safer*, the ¹³⁶⁴Board held that: ^{*1364}

if a document obtained from the Internet identifies its date of publication or date that it was accessed and printed, and its source (e.g., the URL), it may be admitted into evidence pursuant to a notice of reliance in the same manner as a printed publication in general circulation in accordance with Trademark Rule 2.122(e) ... The Board will henceforth deem a document obtained from the Internet displaying a date and its source as presumptively true and genuine. Of course, the document must be publicly available. The date and source information on the face of Internet documents allow the nonoffering party the opportunity to verify the documents. *Id.* (emphasis in original). In a footnote, the Board recognized that documents could be treated differently depending on their format. For example, □ a corporate annual report available only in papeform may not be admissible through a notice of reliance because it is not a document in general circulation, □ while a report □ in digital form publically available overthe Internet would be admissible through a notice of reliance because its publication on the Internet places it in general circulation. □*Id.* at 1039 n. 18.

Here, CSI's First Notice of Reliance, which was dated October 20, 2008, listed its annual reports from 2002 to 2008.² Triumph objected on grounds that □ annual repots may not be introduced through a notice of reliance, but must be introduced and authenticated by competent testimony. □*Board Decision*, 96 U.S.P.Q.2d at 1603. The Board, relying on Trademark Rule 2.122(e) and the related cases cited above, indicated that □ orporate annual reports are not considered to be printed publications available to the general public. □*Id.* In a footnote, the Board acknowledged the recent *Safer* decision and found that, □ [b]ecause the annual repots were not printed from the Internet, they may not be admitted into evidence pursuant to a notice of reliance. □*Id.* at 1603 n. 2 (citing *Safer*, 94 U.S.P.Q.2d at 1039 n. 18). The Board further noted that CSI did not have any witness testify to the authenticity of the reports. Accordingly, the Board sustained Triumph's objection and gave CSI's annual reports no consideration.

² Although its Notice of Reliance listed its annual reports for 2002 □ 2008, in its briefing, CSI argues that the Board should have considered its annual reports from 2001 to 2008. This discrepancy is irrelevant, however, given the Board's decision to exclude all of the reports on grounds that they were improperly introduced.

On appeal, CSI argues that the Board should have considered the annual reports in light of the *Safer* decision. According to CSI, because its annual reports from 2001 to 2008 were available online, the Board should have accepted the printed versions of the reports. In the alternative, CSI argues that, if the court agrees with the Board that the paper versions of the annual reports are not admissible via a notice of reliance, but that □ identical copies printed off the Internet are admissible, Coach submitted the testimony of its Vice President and General Counsel that Coach's sales and advertising information is reported publicly because it is a public company. □ Appellant's Br. 29 □ 30.

The record reveals that CSI's former Vice President and General Counsel □ Carole Sadler □ testified as follows:

Q. About how much does Coach spend on advertising every year?

A. Currently we spend about 30 to \$60 million a year. If you include design and promotional expenditures with advertising, it is closer to 125 million.

Q. Annually?

1365 A. Annually, yes.*1365

Q. And is that information available publicly?

A. Yes, it is in our annual report.

Q. What are Coach's sales approximately today?

A. About three-and-a-half billion dollars.

Q. Is that information available publicly?

A. Yes.

Q. Is Coach a public company?

A. Yes.

Q. So it reports that information publicly?

A. Yes. J.A. 3659-60. According to CSI, this testimony corroborates that the advertising spending and sales figures from 2000 to 2008 are publicly available through the annual reports CSI proffered. It is undisputed, however, that Ms. Sadler was not shown the annual reports during her deposition and did not authenticate the documents at issue.

Despite CSI's contentions to the contrary, we find that the Board's decision to exclude the annual reports is consistent with both the Trademark Rules and the Board's related case law. It is significant, moreover, that CSI submitted its Notice of Reliance in October 2008, and the Board did not decide *Safer* until 2010. At the time the Notice of Reliance was submitted, therefore, the Board's rules and existing case law were clear that corporate annual reports were not admissible via a notice of reliance. Even under the Board's *Safer* decision, moreover, CSI's printed versions of its annual reports could not be admitted into evidence pursuant to a notice of reliance because they lacked identifying information such as the online source and date accessed. Indeed, *Safer* specifically contemplated this situation where a corporate annual report is inadmissible in paper form by way of a notice of reliance because it is not a document in general circulation whereas the same annual report in digital form, publicly available over the internet, would be admissible through a notice of reliance because its publication on the internet places it in general circulation. Gary D. Krugman *Trademark Trial & App. Board Prac. & Proc.* § 3.138 (2011).

With respect to Ms. Sadler's testimony, the Board found that her statements were limited to 2008 because she specified that her sales and advertising estimates were "current" estimates, and her deposition was taken in 2008. And, as Triumph notes and CSI concedes, the sales figure Ms. Sadler quoted during her testimony was for worldwide sales, not sales within the United States, and there was no indication as to whether the advertising figures quoted were limited to the United States. Simply put, there was no testimony authenticating the annual reports or independently establishing the information contained therein.

Although the Board's requirements for admission of evidence via a notice of reliance are specific, and do not mirror the Federal Rules of Evidence, they can be readily learned and easily satisfied. Because CSI offered only paper versions of its annual reports, which are not self-authenticating, we find that the Board did not abuse its discretion when it excluded those reports. Accordingly, we affirm the Board's evidentiary ruling.

B. Likelihood of Confusion

Next, CSI argues that the Board erred in finding no likelihood of confusion under the factors articulated in *DuPont*. Likelihood of confusion is a legal determination based on underlying facts. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 945 (Fed.Cir.2000); see also *M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 1381 (Fed.Cir.2006) (Likelihood of confusion is a question of law, based on findings of relevant

underlying facts, namely findings under the *DuPont* factors. □). Although we review the Board's findings a to the *DuPont* factors for substantial evidence, we review its overall determination of likelihood of confusion without deference. *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342 (Fed.Cir.2004)

Under Section 2(d) of the Lanham Act, the Patent and Trademark Office (□ PTO □) may refuse to register a trademark if it is so similar to a registered mark □ as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive. □ 15 U.S.C. § 1052(d). Whether a likelihood of confusion exists between an applied-for mark and a prior mark is determined on a case-by-case basis applying the thirteen non-exclusive factors set forth in *DuPont*.³ *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1349 (Fed.Cir.2011) (citation omitted). □ Not all of the *DuPont* factors are relevant to every case, and only factors of significance to the particular mark need be considered. □ *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346 (Fed.Cir.2010). For example, the Board can □ focus.. on dispositive factors, such as similarity of the marks and relatedness of the goods. □ *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164 (Fed.Cir.2002) (citation omitted).

³ The *DuPont* factors include:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e., □ impulse □ vs. careful, sophisticated purchasing.
- (5) The fame of the prior mark (sales, advertising, length of use).
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
- (9) The variety of goods on which a mark is or is not used (house mark, □ family □ mark, product mark).
- (10) The market interface between applicant and the owner of a prior mark....
- (11) The extent to which applicant has a right to exclude others from use of its mark on its goods.
- (12) The extent of potential confusion, i.e., whether de minimis or substantial.
- (13) Any other established fact probative of the effect of use.

DuPont, 476 F.2d at 1361.

Here, the Board focused on the following *DuPont* factors: (1) the strength or fame of CSI's COACH marks; (2) the similarity of the goods; (3) the channels of trade; (4) the classes of consumers; and (5) the similarity of the marks in their entireties. The Board weighed each of these factors and found that there was no likelihood of confusion because the parties' marks □ have different meanings and engender different commercial impressions, □ and the goods involved □ are not similar or related in any way. □ *Board Decision*, 96 U.S.P.Q.2d at 1609.

CSI argues that the Board failed to give proper weight to: (1) the fame of its COACH mark; (2) the identical nature of the parties' marks; and (3) the □ overlap between the parties' goods and the overlap and lack of sophistication of the parties' customers. □ Appellant's Br19. We address each of the challenged determinations in turn and find that they are supported by substantial evidence. After careful review and balancing of the *DuPont* factors, we conclude that the Board correctly found no likelihood of confusion.

1. Strength or Fame of CSI's Coach Mark

¹³⁶⁷The fame of the registered mark plays a □ dominant □ role in the *DuPont* *¹³⁶⁷ analysis, as famous marks □ enjoy a wide latitude of legal protection. □ *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1327 (Fed.Cir.2000); see also *Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1374

(Fed.Cir.2005) (□ [A] strong mark ... casts a long shadow which competitors must avoid□ (citation omitted))A famous mark is one that has □ extensive public recognition and renown.□*Bose Corp. v. QSC Audio Prods. Inc.*, 293 F.3d 1367, 1371 (Fed.Cir.2002) (citation omitted).

Fame for purposes of likelihood of confusion is a matter of degree that □ varies along a spectrum from very strong to very weak.□*Palm Bay*, 396 F.3d at 1375 (quoting *In re Coors Brewing Co.*, 343 F.3d 1340, 1344 (Fed.Cir.2003)). Relevant factors include sales, advertising, length of use of the mark, market share, brand awareness, licensing activities, and variety of goods bearing the mark. *Recot*, 214 F.3d at 1326; see also *Bose*, 293 F.3d at 1371 (□ [O]ur cases teach that the fame of a mark may be measured indirectly, among other things, by the volume of sales and advertising expenditures of the goods traveling under the mark, and by the length of time those indicia of commercial awareness have been evident.□). The party asserting that its mark is famous has the burden to prove it. *Leading Jewelers Guild, Inc. v. LJOW Holdings, LLC*, 82 U.S.P.Q.2d 1901, 1904 (T.T.A.B.2007) (□ It is the duty of a party asserting that its mark is famous to clearly prove it.□).

It is well-established that fame is insufficient, standing alone, to establish likelihood of confusion. *Univ. of Notre Dame Du Lac v. J.C. Gourmet Food Imports Co., Inc.*, 703 F.2d 1372, 1374 (Fed.Cir.1983) (□ Likely ... to cause confusion means more than the likelihood that the public will recall a famous mark on seeing the same mark used by another.□) (internal quotations omitted)Although fame cannot overwhelm the other *DuPont* factors, we are mindful that it □ deserves its full measure of weight in assessing likelihood of confusion.□*Recot*, 214 F.3d at 1328 (noting that □ fame alone cannot overwhelm the other *DuPont* factors as a matter of law□).

To show the strength and fame of its mark, CSI introduced the following evidence before the Board:

- CSI began using the COACH mark at least as early as December 28, 1961.
- There are approximately 400 COACH retail stores throughout all 50 states.
- CSI's COACH products are sold by approximately 1,000 third-party retailers throughout the US.
- In 2008, CSI's annual sales were roughly \$3.5 billion.
- In 2008, CSI spent □ about \$30□ 60 million a year□ advertising.
- CSI has advertised in magazines such as Elle, Vogue, Vanity Fair, and The New Yorker.
- CSI has advertised in newspapers in major metropolitan areas.
- CSI's COACH products have received unsolicited publicity from newspapers and magazines discussing fashion trends.
- CSI has been the subject of articles that refer to the renown of its products.
- CSI's internal brand awareness study, which issued in March 2008, showed a high level of awareness of the COACH brand for women between the ages of 13□ 24.
- CSI's COACH products are the subject of counterfeiting.

Based on this evidence, the Board found that CSI's COACH mark is famous for purposes of likelihood of confusion. Substantial evidence supports this finding. As discussed below, however, the Board found ¹³⁶⁸ that the other factors, on balance, dispel any likelihood of confusion between the parties' marks.

2. Similarity of the Marks

Under the next *DuPont* factor, the Board must consider the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression. 476 F.2d at 1361. CSI argues that the substantial similarity of the marks should have weighed heavily in favor of likelihood of confusion. Triumph responds that, although the marks for both companies contain the word Coach, when viewed in their commercial contexts, together with the relevant designs and in connection with their respective goods, they convey entirely different commercial impressions. Appellee's Br. 36-37.

It is well-established that it is improper to dissect a mark, and that marks must be viewed in their entireties. *In re Shell Oil Co.*, 992 F.2d 1204, 1206 (Fed.Cir.1993) (The marks are considered in their entireties, words and design.) *see also Sports Auth. Mich., Inc. v. PC Auth., Inc.*, 63 U.S.P.Q.2d 1782, 1792 (T.T.A.B.2002) (same). In some circumstances, however, one feature of a mark may be more significant than another, and it is not improper to give more weight to this dominant feature in determining the commercial impression created by the mark. *Leading Jewelers Guild*, 82 U.S.P.Q.2d at 1905; *see also In re Nat'l Data Corp.*, 753 F.2d 1056, 1058 (Fed.Cir.1985) ([T]here is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties.).

The proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties. *Leading Jewelers Guild*, 82 U.S.P.Q.2d at 1905. In this fact-specific inquiry, if the parties' goods are closely related, a lesser degree of similarity between the marks may be sufficient to give rise to a likelihood of confusion. *In re Inca Textiles, LLC*, 344 Fed.Appx. 603, 606 (Fed.Cir.2009) (citing *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877 (Fed.Cir.1992)). Even where the marks at issue are identical, or nearly identical, the Board has found that differences in connotation can outweigh visual and phonetic similarity. *See Blue Man Prods. Inc. v. Tarmann*, 75 U.S.P.Q.2d 1811, 1820-21 (T.T.A.B.2005) (finding that BLUE MANGROUP has the connotation of the appearance of the performers and that applicant's BLUEMAN mark has no such connotation for cigarettes or tobacco. Thus, the marks differ in their connotations and commercial impressions.) *see also In re Sears, Roebuck & Co.*, 2 U.S.P.Q.2d 1312, 1314 (T.T.A.B.1987) (considering CROSSOVER for brassieres and CROSSOVER for ladies' sportswear and finding that, [a]s a result of their different meanings when applied to the goods of applicant and registrant, the two marks create different commercial impressions, notwithstanding the fact that they are legally identical in sound and appearance).

Here, the Board found that, although the marks are identical in terms of sight and sound, they differ as to connotation and commercial impression. The Board stated that, in assessing connotation and commercial impression, we are compelled to consider the nature of the respective goods and services. *Board Decision*, 96 U.S.P.Q.2d at 1609 (citing *TBC Corp. v. Holsa, Inc.*, 126 F.3d 1470 (Fed.Cir.1997)). Applying this analysis, the

1369 Board found that:¹³⁶⁹

Opposer's COACH mark, when applied to fashion accessories is clearly either arbitrary or suggestive of carriage or travel accommodations (e.g., stagecoach, train, motor coach, etc.) thereby engendering the commercial impression of a traveling bag (e.g., a coach or carriage bag). On the other hand, applicant's COACH marks call to mind a tutor who prepares a student for an examination. *Id.* Given the completely different meanings and commercial impressions engendered by the marks, the Board concluded that Triumph's COACH marks are not similar to CSI's COACH mark. *Id.*

As noted, Triumph's applications seek to register COACH in standard character form, COACH in a stylized font, and COACH with a mascot and the tagline "America's Best for Student Success." It is undisputed that the word marks for both parties are identical in sound and appearance: they both use the word "Coach." This fact is significant to the similarity inquiry. We, nevertheless, agree with the Board that, despite their undisputed similarity, the marks have different meanings and create distinct commercial impressions. This is particularly true given that the word "coach" is a common English word that has many different definitions in different contexts.

Specifically, we find that substantial evidence supports the Board's determination that Triumph's COACH mark, when applied to educational materials, brings to mind someone who instructs students, while CSI's COACH mark, when used in connection with luxury leather goods, including handbags, suitcases, and other travel items, brings to mind traveling by carriage. We agree with the Board that these distinct commercial impressions outweigh the similarities in sound and appearance, particularly since, as discussed below, the parties' goods are unrelated. *See Blue Man Prods.*, 75 U.S.P.Q.2d at 1820-21 ("We consider these differences in the connotations and the commercial impressions of the marks to outweigh the visual and phonetic similarity."). Accordingly, this factor favors Triumph

3. Similarity of the Goods

With respect to the *DuPont* factor assessing the similarity of the goods, the Board found, and we agree, that the parties' goods are unrelated. This factor requires a comparison between the goods or services described in the application and those described in the registration. *See M2 Software*, 450 F.3d at 1382 (noting that, when reviewing the relatedness of the goods, this court considers "the applicant's goods as set forth in its application, and the opposer's goods as set forth in its registration.")

When analyzing the similarity of the goods, "it is not necessary that the products of the parties be similar or even competitive to support a finding of likelihood of confusion." *Eleven Inc. v. Wechsler*, 83 U.S.P.Q.2d 1715, 1724 (T.T.A.B.2007). Instead, likelihood of confusion can be found "if the respective products are related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that they emanate from the same source." *Id.* When trademarks would appear on substantially identical goods, "the degree of similarity necessary to support a conclusion of likely confusion declines." *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1355 (Fed.Cir.2011) (citing *Century 21 Real Estate*, 970 F.2d at 877).

The Board found "clear and significant differences" between the parties' goods. *Board Decision*, 96 U.S.P.Q.2d 1370 at 1608. While Triumph's applications identify computer software and printed materials for use in preparing students for standardized exams, the various products identified in CSI's registrations include handbags, fashion accessories, luggage, and clothing. The Board further noted that, although CSI uses its mark on many different types of goods, it does not use COACH on educational products.

On appeal, CSI concedes that the parties' products are not the same, but contends that there is some overlap between their goods because it "has used the mark in connection with books and audio and videotapes and in connection with tote bags, caps and shirts." Appellants' Br. 49. This alleged overlap does not help CSI's position, however, particularly since there is no evidence in the record regarding the sales or marketing of these items.⁴

⁴ As Triumph correctly points out, CSI provided no evidence as to the sales of these books, any marketing efforts, when the books were last sold, or whether CSI generated revenue from the books. For example, during Ms. Sadler's deposition, she testified that CSI has published books about its history including a book called "Portrait of a Leather

Goods Factory. □ J.A. 3647. On cross-examination, however, Ms. Sadler could not provide any information regarding the sales of this book or whether it was even sold by CSI. J.A. 3675 □ 76. With respect to CSI's □ audio and video tapes, □ the record reveals that these are materials it prepares and provides to U.S. Customs to intercept counterfeit goods. There is no evidence that CSI sells these tapes.

Finally, although CSI argues that the parties' products are related because Triumph uses its marks on shirts, caps, and tote bags, the Board correctly noted that Triumph's applications do not seek to register its COACH marks for those items, and likelihood of confusion must be based on the goods identified in the application. *Board Decision*, 96 U.S.P.Q.2d at 1608. And, there is no evidence that Triumph sells these products, which, according to Triumph, are worn by its sales agents to market Triumph's test preparation materials.

Based on the foregoing, substantial evidence supports the Board's conclusion that the parties' goods are not related.

4. Channels of Trade and Classes of Customers

Next, we consider the similarity or dissimilarity of the trade channels in which the parties' goods are sold and the purchasers to whom the parties' goods are marketed. The Board correctly recognized that, because Triumph's description of goods is not limited to sales to educational professionals, the goods are presumed to travel in all normal channels and to all prospective purchasers for the relevant goods. *See Packard Press, Inc. v. Hewlett □ Packard Co.* 227 F.3d 1352, 1360 □ 61 (Fed. Cir. 2000) (□ When the registration does not contain limitations describing a particular channel of trade or class of customer, the goods or services are assumed to travel in all normal channels of trade. □).

With respect to the trade channels, the Board noted that CSI sells its products through its 400 retail stores and through third-party retailers. It also advertises in newspapers, fashion magazines, and catalogs that target female consumers between the ages of 25 □ 65 in all income brackets. For its part, Triumph markets its products through catalogs, direct mail, and personal sales representatives.

With respect to the classes of customers, CSI argues that customers of both products are ordinary consumers, including teachers, □ who may buy the products at issue without a great deal of thought. □ Appellant's Br. 48 The Board found, however, that Triumph targets educational professionals with responsibility for purchasing 1371 educational materials. The Board *1371 further found that, although educational professionals □ may include females between the ages of 25 □ 65, □ the products are not sold under circumstances likely to give rise to the mistaken belief that the products emanate from the same source. □ *Board Decision*, 96 U.S.P.Q.2d at 1608. In fact, the Board found that educational professionals are likely to exercise a high level of care in making purchasing decisions, which would minimize likelihood of confusion.

Under these circumstances, the Board did not err in concluding that the goods are not related and the channels of trade are distinct. Although there could be some overlap in the classes of purchasers for the parties' products, we agree it is unlikely that, in the circumstances in which the products are sold, customers would associate CSI's COACH brand products with educational materials used to prepare students for standardized tests. And, there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source. *See Sports Auth. Mich.*, 63 U.S.P.Q.2d at 1794 (□ There is nothing in the record however, to suggest that merely because the same consumer may purchase these items, such consumer would consider the goods as likely to emanate from the same source or have the same sponsorship. □). Accordingly, substantial evidence supports the Board's decision that this factor favors Triumph.

5. Balancing the *DuPont* Factors

The Board found that two of the *DuPont* factors weighed in favor of CSI, in whole or in part: (1) CSI's COACH mark is famous for likelihood of confusion; and (2) the classes of consumers may overlap. In contrast, the Board found that the following factors weighed in favor of Triumph: (1) the goods of the parties are not similar or related; (2) the goods move in different trade channels; (3) the marks used by the parties have different meanings and engender different commercial impressions; and (4) Triumph markets to sophisticated purchasers.⁵ After balancing these factors, the Board determined that no likelihood of confusion would arise between the parties' marks.

⁵ Although the Board did not make any explicit findings on these *DuPont* factors, Triumph also points out that: (1) CSI provided no evidence of actual confusion between the marks; and (2) there was more than 20 years of concurrent use.

On appeal, CSI argues that the Board should have given more weight to its determination that its COACH mark was famous. As the Board correctly found, however, fame, while important, is insufficient standing alone to establish likelihood of confusion. On the record before us, and after weighing the relevant *DuPont* factors *de novo*, we agree with the Board that customer confusion is not likely between the parties' respective COACH marks. Although CSI's COACH mark is famous for likelihood of confusion purposes, the unrelated nature of the parties' goods and their different channels of trade weigh heavily against CSI. Absent overlap as to either factor, it is difficult to establish likelihood of confusion. Because the *DuPont* factors favoring Triumph outweigh the factors favoring CSI, the Board was correct in finding no likelihood of confusion.

C. Dilution

The TDRA, which was signed into law on October 6, 2006, amended Section 43(c) of the Lanham Act, [15 U.S.C. § 1125\(c\)](#). It provides that:

¹³⁷²the owner of a famous mark that is distinctive, inherently or through acquired^{*1372} distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury. [15 U.S.C. § 1125\(c\)\(1\)](#). Therefore, to prevail on a dilution claim under the TDRA, a plaintiff must show that: (1) it owns a famous mark that is distinctive; (2) the defendant is using a mark in commerce that allegedly dilutes the plaintiff's famous mark; (3) the defendant's use of its mark began after the plaintiff's mark became famous; and (4) the defendant's use of its mark is likely to cause dilution by blurring or by tarnishment.

The TDRA defines dilution by blurring as an □ associatio arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. □[15 U.S.C. § 1125\(c\)\(2\)\(B\)](#). Dilution by tarnishment is defined as □ an association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark. □[15 U.S.C. § 1125\(c\)\(2\)\(C\)](#).

In its Opposition, CSI argued that Triumph's marks would blur the distinctiveness of its COACH mark and tarnish its reputation. On appeal, however, CSI abandons its dilution by tarnishment claim and focuses its arguments solely on blurring.⁶ The Board found that CSI could not succeed on its dilution claims because it failed to show that its COACH mark was famous for dilution purposes. For the reasons explained below, we agree. Because we find that CSI failed to prove fame for dilution, we need not address the other statutory factors courts can consider to determine whether a mark is likely to cause dilution by blurring.

- ⁶ During oral argument, counsel for CSI specifically indicated that CSI is not pursuing a tarnishment claim on appeal. See Oral Argument at 0:49, available at <http://www.ca9.uscourts.gov/oral-argument-recordings/2011-1129/all> (We are not pursuing a tarnishment claim on appeal.. we are going to limit it to blurring.).

1. Fame for Dilution

A threshold question in a federal dilution claim is whether the mark at issue is famous. Under the TDRA, a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. 15 U.S.C. § 1125(c)(2)(A). By using the general consuming public as the benchmark, the TDRA eliminated the possibility of niche fame, which some courts had recognized under the previous version of the statute.⁷ See *Top Tobacco, LP v. N. Atl. Operating Co.*, 509 F.3d 380, 384 (7th Cir.2007) (noting that the reference to the general public eliminated any possibility of niche fame, which some courts had recognized before the amendment). The TDRA lists four non-exclusive factors for courts to consider when determining whether a mark is famous:

- ⁷ The previous version of the statute, prior to the 2006 revision, was the Federal Trademark Dilution Act of 1995 or FTDA.

(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

1373 (iii) The extent of actual recognition of the mark.*1373

(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register. 15 U.S.C. § 1125(c)(2)(A). Whether a mark is famous under the TDRA is a factual question reviewed for substantial evidence.

Fame for likelihood of confusion and fame for dilution are distinct concepts, and dilution fame requires a more stringent showing. 4 J. Thomas McCarthy, *McCarthy On Trademarks and Unfair Competition* § 24:104 at 24-290 (4th ed. 2011) (The standard for the kind of fame needed to trigger anti-dilution protection is more rigorous and demanding than the fame which is sufficient for the classic likelihood of confusion test). While fame for dilution is an either/or proposition either exists or does not fame for likelihood of confusion is a matter of degree along a continuum. *Palm Bay*, 396 F.3d at 1374-75 Accordingly, a mark can acquire sufficient public recognition and renown to be famous for purposes of likelihood of confusion without meeting the more stringent requirement for dilution fame. *Eleven* 83 U.S.P.Q.2d at 1722.

It is well-established that dilution fame is difficult to prove. See *Toro Co. v. ToroHead Inc.*, 61 U.S.P.Q.2d 1164, 1180 (T.T.A.B.2001) (Fame for dilution purposes is difficult to prove.) *Everest Capital, Ltd. v. Everest Funds Mgmt. LLC*, 393 F.3d 755, 763 (8th Cir.2005) (The judicial consensus is that fame is a rigorous standard.) see also 4 *McCarthy*, § 24:104 at 24-286, 24-293 (noting that fame for dilution is a difficult and demanding requirement and that, although all trademarks are distinctive very few are famous). It is particularly true where, as here, the mark is a common English word that has different meanings in different contexts. Importantly, the owner of the allegedly famous mark must show that its mark became famous prior to the filing date of the trademark application or registration against which it intends to file an opposition or cancellation proceeding. *Toro*, 61 U.S.P.Q.2d at 1174.

As noted, fame for dilution requires widespread recognition by the general public. 15 U.S.C. § 1125(c)(2)(A). To establish the requisite level of fame, the mark's owner must demonstrate that the common or proper noun uses of the term and third-party uses of the mark are now eclipsed by the owner's use of the mark. *Toro*, 61 U.S.P.Q.2d at 1180.⁸ An opposer must show that, when the general public encounters the mark in almost any context, it associates the term, at least initially, with the mark's owner. *Id.* at 1181. In other words, a famous mark is one that has become a household name. *Nissan Motor Co. v. Nissan Computer Corp.*, 378 F.3d 1002, 1012 (9th Cir.2004) (quoting *Thane Int'l, Inc. v. Trek Bicycle Corp.*, 305 F.3d 894, 911 (9th Cir.2002)). With this framework in mind, we turn to CSI's evidence of fame.

⁸ Although the Board's *Toro* decision predates the TDRA, its discussion of fame for dilution purposes remains relevant.

2. CSI Failed to Introduce Sufficient Evidence of Fame for Dilution

The Board found that CSI's evidence of fame was insufficient to support a dilution claim. On appeal, CSI argues that the same evidence establishing fame for likelihood of confusion also establishes fame for dilution purposes. Specifically, CSI argues that the Board disregarded: (1) sales and advertising figures for years 2000-2008;¹³⁷⁴ (2) its sixteen federal trademark registrations; (3) unsolicited media attention;¹³⁷⁴ (4) joint marketing efforts; (5) two Second Circuit decisions finding the Coach hangtag, which features the COACH mark, to be famous; and (6) CSI's internal brand awareness survey showing awareness among 18-24 year old consumers. We address each category of evidence in turn. For the reasons set forth below, we find substantial evidence supporting the Board's decision that CSI failed to show the requisite level of fame for dilution.

Turning first to CSI's evidence of sales and advertising expenditures, CSI argues that the Board erred when it ignored the annual reports that were attached to a Notice of Reliance. As previously discussed, however, the Board correctly held that these reports were unauthenticated and thus inadmissible. The only sales and advertising figures in the record via Ms. Sadler's testimony were for one year—2008—which, notably, is after Triumph filed its use-based applications in December 2004. We agree with the Board that this limited evidence of sales and advertising is insufficient to show fame. Even if the Board had considered the annual reports, moreover, such evidence, standing alone, would be insufficient. *See Toro*, 61 U.S.P.Q.2d at 1181 (Merely providing evidence that a mark is a top-selling brand is insufficient to show this general fame without evidence of how many persons are purchasers.).

With respect to CSI's registrations, the Board found that the mere existence of federally registered trademarks is insufficient to show that the mark is famous for purposes of dilution because ownership of a registration is not proof of fame. On appeal, CSI argues that the Board erred in this determination because one of the statutory factors a court can consider in the fame analysis is whether the mark is registered on the principal register. *See 15 U.S.C. § 1125(c)(2)(A)(iv)*. As Triumph points out, however, [o]ne cannot logically infer fame from the fact that a mark is one of the millions on the Federal Register. *McCarthy*, § 24:106 at 24-310. While ownership of a trademark registration is relevant to the fame inquiry, and to the extent the Board decision implies otherwise—the Board erred on this point, proof of registration is not *conclusive* evidence of fame.

With respect to media attention, the Board found that CSI's evidence fell short of showing widespread recognition of opposer's mark [by] the general population. *Board Decision*, 96 U.S.P.Q.2d at 1611. Specifically, the Board found that:

the vast majority of unsolicited media recognition for opposer's COACH mark comprises a reference to one of opposer's products as one of many different fashion buys or trends, and the news articles noting opposer's renown are too few to support a finding that opposer's mark has been transformed into a household name. *Id.*

On appeal, CSI argues that the Board ignored hundreds of unsolicited articles mentioning the COACH mark over the years. CSI points to several examples, including the following:

□ □ In fact, Coach's growth ... has been phenomenal. ~~When~~ Sara Lee acquired the firm in 1985, its volume was about \$18 million. In Sara Lee's latest fiscal year, which ended last June 30, Coach's sales exceeded \$500 million. The name also resonates with consumers. The brand ranked eighth among the top 10 in accessories firms in the latest Fairchild 100 consumer survey of fashion labels, in 1995. □ J.A. 3607 (Women's Wear Daily, May 5, 1997).

□ □ Coach, one of the top makers of status handbags in the United States ... □ J.A. 3598 (The New York Times, 1375 Jan. 27, 1999).^{*1375}

□ □ Coach's creative director has helped transform the 160-year old company into a must-have American icon. □ J.A. 3156 (Women's Wear Daily, June 2001).

□ □ Will Coach Become Too Popular? ... Coach, the ~~leader~~ and retailer of stylish handbags, just had a blowout season.... Clearly Coach has recorded some of the best growth numbers of any retailer or accessories maker in recent years. □ J.A. 3543 (Business Week, Jan. 24, 2007).

Looking at the media attention in the record, there is certainly evidence that CSI's COACH mark has achieved a substantial degree of recognition. That said, many of the articles submitted are dated *after* Triumph filed its registration applications and thus do not show that CSI's mark was famous *prior* to the filing date. *See Toro*, 61 U.S.P.Q.2d at 1174 (□ an owner of an allegedly famous mark must establish that its mark had become famous prior to the filing date of the trademark application □ which it opposes). And, there is substantial evidence supporting the Board's determination that many of the references are limited to mentioning one of CSI's COACH products among other brands. Accordingly, even though there is some evidence of media attention, substantial evidence supports the Board's conclusion that the media evidence submitted fails to show widespread recognition.

With respect to joint marketing efforts, CSI argued that other popular brands, including LEXUS and CANON, have used the COACH mark in connection with their products. The Board found that CSI □ failed to provide any testimony regarding the success of the joint marketing efforts and the effect of those efforts in promoting opposer's mark. □ *Board Decision*, 96 U.S.P.Q.2d at 1611, n. 37. We agree. Without evidence as to the success of these efforts or the terms of any contracts involved, they have little value here.

Next, the Board found that CSI's 2008 brand awareness study was □ of dubious probative value □ because it did not offer a witness with first-hand knowledge of the study to explain how it was conducted. *Id.* at 1611. The Board further noted that, although the study showed a high level of brand awareness among women ages 13 □ 24, it provided no evidence of brand awareness among women generally, or among men. *See Top Tobacco*, 509 F.3d at 384 (noting that the TDRA eliminated the possibility of □ niche fame □ as a basis for finding a mark famous). And, the survey was conducted in 2007, several years after Triumph filed its applications. Given these circumstances, we find no error in the Board's decision to give this survey limited weight.

CSI also argues that the Board failed to adequately consider two Second Circuit decisions finding that the hangtag attached to its various handbags, which features the COACH mark, is distinctive. *See Coach Leatherware Co., Inc. v. AnnTaylor, Inc.*, 933 F.2d 162, 166 (2d Cir.1991) (finding that Coach's lozenge-shaped leather tags embossed with the name □ Coach Leatherware □ which are attached to Coach's handbags by beaded brass chains, □ have become distinctive and valuable through Coach's promotional efforts and by virtue of its upscale reputation □) *see also Coach, Inc. v. We Care Trading Co., Inc.*, 67 Fed.Appx. 626, 630 (2d Cir.2002)

(affirming the jury's dilution verdict on grounds that □ the jury's determination that the hang tag was famous and distinctive was not unreasonable□ and □ the substantial similarity of the two marks here coupled with the use of Coach's very distinctive hang tag shape amply justified the jury's verdict□). Although the Board did not specifically address these cases, we agree with Triumph *1376 that they are unrelated and irrelevant, particularly because: (1) the 1991 case did not involve a dilution claim; and (2) both cases focus on the hangtag feature on CSI's handbags, not on the alleged fame of the COACH mark generally.

Based on the foregoing, we agree with the Board that CSI failed to provide sufficient evidence of fame for dilution purposes. Absent a showing of fame, CSI's dilution claim fails, and we need not address the remaining statutory factors for dilution by blurring.

Before moving on, we pause to emphasize the fact-specific nature of our holding today. While the burden to show fame in the dilution context is high□ and higher than that for likelihood of confusion purposes□ it is not insurmountable. We do not hold that CSI could never establish the requisite level of fame for dilution purposes. We hold only that, on the record presented to it, the Board had substantial support for its conclusion that CSI's evidentiary showing was just too weak to do so here.

D. Whether Triumph's Marks Were Registrable

As an alternative ground for opposition, CSI argued that Triumph's COACH mark is merely descriptive and thus not registrable under 15 U.S.C. § 1052(e). The Board found that, although CSI had standing to oppose Triumph's applications on descriptiveness grounds, Triumph demonstrated that its COACH marks had acquired distinctiveness.

Both parties take issue with portions of the Board's decision on descriptiveness. For its part, Triumph argues that the Board incorrectly found that CSI had standing to oppose registration on descriptiveness grounds. In contrast, CSI argues that it had standing and that □ there was no evidence in the record to support a finding that Triumph's descriptive □ Coach□ marks have acquired distinctiveness.□ Appellant's Br. 19. We address the parties' arguments in turn.

1. Standing

Standing is a question of law that this court reviews *de novo*. Under Article III of the United States Constitution, a plaintiff must show a □ case or controversy□ between the parties to establish standing *Ritchie v. Simpson*, 170 F.3d 1092, 1094 (Fed.Cir.1999). The □ case□ and □ controversy□ requirements do not, however, apply to matters before administrative agencies. *Id.* Instead, for an agency such as the PTO, standing is conferred by statute. Here, standing is conferred by Section 13 of the Lanham Act, which provides, in pertinent part, that □ [a]ny person who believes that he would be damaged by the registration of a mark ... may, upon payment of the prescribed fee, file an opposition in the Patent and Trademark Office, stating the grounds therefor.□ 15 U.S.C. § 1063(a). The purpose of the standing requirement is □ to prevent litigation where there is no real controversy between the parties, where a plaintiff, petitioner or opposer, is no more than an intermeddler.□ *Lipton Indus., Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 1028□ 29(C.C.P.A.1982).

In addition to meeting the broad requirements of Section 13, an opposer must satisfy two judicially-created standing requirements. *Ritchie*, 170 F.3d at 1095. Specifically, an opposer must show: (1) a □ real interest□ in the proceeding; and (2) a □ reasonable basis□ for believing that it would suffer damage if the mark is registered. *Id.* Under the □ real interest□ requirement, an opposer must have □ a legitimate personal interest in the opposition.□ *Id.* With respect to the second inquiry, the opposer's belief of damage □ must have a reasonable basis in fact. *Id.* at 1098 (citation and quotation omitted). *1377

Here, the Board found that, [b]ecause opposer's registrations are of record, opposer has established its standing. [Board Decision, 96 U.S.P.Q.2d at 1604. Although this case is unusual because CSI asserted likelihood of confusion, dilution, and mere descriptiveness, without asserting that it has the right to use the mark descriptively, the Board found no question that opposer has established a real interest in preventing the registration of applicant's mark. Id. at 1605. In reaching this decision, the Board noted that standing and grounds may be related, but they are distinct inquiries. Id. (citation omitted).

On appeal, Triumph argues that: (1) CSI's only witness testified that it would not be harmed from the alleged descriptive nature of Triumph's mark;⁹ (2) CSI failed to establish that it uses the mark COACH in a descriptive fashion or in a manner to describe its goods; and (3) because CSI does not have an interest in using the Triumph marks descriptively, it lacks standing to oppose Triumph's marks on descriptiveness grounds. Appellee's Br. 46-47. Triumph's arguments are not persuasive.

⁹ During her deposition, Sadler testified as follows:

Q. You believe that a descriptive use of the word "Coach" by someone is going to cause your company harm?

A. No.

Q. So it is dilution and likelihood of confusion that would cause your company harm, correct?

A. Correct.

Mr. Zivin: Objection. Mischaracterization.

J.A. 3672: 4-13. We do not view this testimony as an admission that registration of Triumph's marks would not harm CSI.

As the Board noted in its decision, this court has previously found that, [o]nce standing is established, the opposer is entitled to rely on any of the grounds set forth in section 2 of the Lanham Act which negate applicant's right to its subject registration. [Jewelers Vigilance v. Ullenberg Corp., 823 F.2d 490, 493 (Fed.Cir.1987) (citation omitted); see also Enter. Rent A Car Co. v. Advantage Rent A Car, Inc., 330 F.3d 1333, 1345 (Fed.Cir.2003) (Once standing is established, in order to state a claim, an opposer must base its ground of opposition on a statutory claim found in the Lanham Act.) see also Estate of Biro v. Bic Corp., 18 U.S.P.Q.2d 1382, 1385-86 (T.T.A.B.1991) (noting that once the opposer shows a personal interest in the outcome of the case ... the opposer may rely on any ground that negates applicant's right to the registration sought). Accordingly, in this context, once an opposer meets the requirements for standing, it can rely on any of the statutory grounds for opposition set forth in 15 U.S.C. § 1052.

Triumph does not challenge CSI's standing to assert claims for likelihood of confusion and dilution, and instead focuses its standing arguments solely on CSI's descriptiveness challenge. There is no question that CSI has a personal stake in the outcome of the opposition and has asserted it will be harmed by registration of Triumph's marks. Therefore, any theory that would prevent Triumph from registering its marks would necessarily prevent the alleged harm to CSI. Because CSI has established a real interest and reasonable basis for believing registration of Triumph's marks will cause harm in the form of likelihood of confusion or dilution, it also has standing to assert a claim on descriptiveness grounds.

2. Mere Descriptiveness

¹³⁷⁸ Marks that are merely descriptive of goods and services are not entitled to protection. ^{*1378} *In re Abcor Dev. Corp.*, 588 F.2d 811, 813 (C.C.P.A.1978). A mark is merely descriptive if it immediately conveys knowledge of a quality, feature, function, or characteristic of the goods or services with which it is used. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963 (Fed.Cir.2007) (*Bayer*) (citing *In re Gyulay*, 820 F.2d 1216, 1217

(Fed.Cir.1987)). A mark may be merely descriptive even if it does not describe the full scope and extent of the applicant's goods or services. *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173 (Fed.Cir.2004) (citation omitted).

It is well-established that [d]escriptiveness of a mark is not considered in the abstract. *Bayer*, 488 F.3d at 963-64. Instead, the mark must be considered in relation to the particular goods for which registration is sought, the context in which it is being used, and the possible significance that the term would have to the average purchaser of the goods because of the manner of its use or intended use. *Id.* at 964. Evidence that a term is merely descriptive may be obtained from any competent source, such as dictionaries, newspapers, or surveys. *Bayer*, 488 F.3d at 964 (quoting *In re Bed & Breakfast Registry*, 791 F.2d 157, 160 (Fed.Cir.1986)). A determination that a mark is merely descriptive is a factual finding that this court reviews for substantial evidence. *Bayer*, 488 F.3d at 964.

The Board found that COACH is merely descriptive when used in connection with educational materials used to prepare students for standardized tests because it immediately conveys to purchasers the purpose of the materials. *Board Decision*, 96 U.S.P.Q.2d at 1617. In support of this finding, the Board pointed to dictionary definitions of the word coach, which include: (1) a private tutor who prepares a student for an examination; (2) a person who trains an athlete; and (3) to give instruction or advice in the capacity of a coach; instruct. *Id.* at 1616-17. The Board also relied on evidence of third-party use of the term coach. For example, CSI introduced forty-three titles of books and software incorporating the word coach, including: *The Business Coach* and *My SAT Coach*. Based on the evidence record, the Board concluded that the word coach is a personification of the act of instructing or tutoring for an examination. *Id.* at 1616-17.

Substantial evidence supports the Board's decision that Coach is merely descriptive. Specifically, we agree that the dictionary definitions in the record, coupled with evidence of third parties that use the term coach to describe services that are similar to those identified in Triumph's application, support the Board's descriptiveness finding.

3. Secondary Meaning

Although the Board found that Triumph's marks were merely descriptive when used in connection with its goods, it concluded that Triumph provided sufficient evidence showing that its COACH marks had acquired secondary meaning through use in commerce.

It is well-established that a descriptive mark can be registered if it has acquired secondary meaning. Section 2(f) of the Lanham Act provides, in part, that:

nothing herein shall prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods in commerce. The Director may accept as prima facie evidence that the mark has become distinctive, as used on or in connection with the applicant's goods in commerce, proof of substantially exclusive¹³⁷⁹ and continuous use thereof as a mark by the applicant in commerce for the ^{*1379} five years before the date on which the claim of distinctiveness is made. 15 U.S.C. § 1052(f).

To establish secondary meaning, or acquired distinctiveness, an applicant must show that in the minds of the public, the primary significance of a product feature or term is to identify the source of the product rather than the product itself. *In re Dial-A-Mattress Operating Co.*, 40 F.3d 1341, 1347 (Fed.Cir.2001) (citation omitted). To determine whether a mark has acquired secondary meaning, courts consider: advertising expenditures and sales success; length and exclusivity of use; unsolicited media coverage; copying of the mark

by the defendant; and consumer studies. *In re Steelbuilding.com*, 415 F.3d 1293, 1300 (Fed.Cir.2005). Acquired distinctiveness is a question of fact which is reviewed under the clearly erroneous standard. *Yamaha Int'l Corp. v. Hoshino Gakki Co., Ltd.*, 840 F.2d 1572, 1581 (Fed.Cir.1988).

As the Board noted, Triumph raised acquired distinctiveness as its sixth affirmative defense in its answer to CSI's amended notice of opposition. Based on the record before it, the Board made the following factual findings:

- Triumph is the largest publisher of educational materials for preparing for standardized tests and COACH is its primary trademark;
- Between 2003 □ 2008, Triumph's advertising expenditures quadrupled and exceeded six figures;
- Between 2003 □ 2007, Triumph's revenues have reached seven figures;
- Triumph has been promoting COACH as the name of its series of books since at least 1989. *Board Decision*, 96 U.S.P.Q.2d at 1617. CSI challenged Triumph's evidence on grounds that: (1) there was no direct evidence of consumer recognition; (2) Triumph introduced and relied upon self-serving, uncorroborated testimony from its Vice President of Marketing: Jane Fisher; (3) Triumph's sales success is not necessarily indicative of acquired distinctiveness; (4) Triumph's use has not been substantially exclusive; and (5) Triumph did not present evidence of media recognition. The Board rejected each of these arguments and found that Triumph met its burden of showing that its COACH marks have acquired distinctiveness.

First, the Board stated that, contrary to CSI's contention, Triumph was not required to introduce a consumer survey and that the Board could determine consumers' reactions to the mark based on inferences from the record. Next, the Board found that Ms. Fisher's testimony was subject to cross-examination and found her testimony □ which dealt with Triumph's advertising expenditures and revenue between 2003 and 2008 □ credible. The Board further found that Triumph's use of its COACH mark in connection with educational materials for preparing for standardized tests □ is, and has been, substantially exclusive. *Board Decision*, 96 U.S.P.Q.2d at 1619. And, the Board concluded that Triumph has been □ promoting itself as the □ Coach □ brand since 1989 through its references to □ Coach series, □ Coach Books and Software, □ and □ the Coach. *Id.* Based on the foregoing, the Board found Triumph established its affirmative defense of acquired distinctiveness.

On appeal, CSI argues that Triumph's sales figures are insufficient to prove secondary meaning and that Triumph's use of the COACH mark is not □ substantially exclusive, □ particularly given that there was □ evidence of 43 different book and software titles showing use of the designator □ Coach □ for coaching materials. □ Appellant's Br. 53 □ 54. CSI also argues that, in finding that Triumph has used its COACH marks □ since 1989, □ 1380 the Board improperly relied on evidence it said it would not consider because it was not authenticated.*1380 Specifically, CSI argues that: (1) Triumph's witness, Ms. Fisher, lacked any personal knowledge of certain marketing documents because she was not working for Triumph at the time the materials allegedly were used; and (2) □ review of the alleged brand since 1989 would show that Triumph did not seek to use □ Coach □ as a □ brand □ until Fall 2003. □ Appellant's Reply 14. We address CSI's arguments in turn.

With respect to the forty-three book and software titles not affiliated with Triumph that include the word □ coach, □ the Board found no evidence in the records to their sales and that most of the titles do not relate to educational materials for preparing for standardized tests. Although the Board found five titles of record that arguably relate to Triumph's subject matter □ including □ A Writer's Coach □ , □ My SAT Coach □ , and □ My Word Coach □ □ it dismissed those titles at least in part on grounds that they were published *after* Triumph filed its applications in 2004. The Board cites no authority for its decision to disregard these titles based on their

publication dates, and Triumph has offered none. Indeed, the Board has previously noted that “[a]cquired distinctiveness and buyer recognition is to be tested in an opposition proceeding as of the date the issue is under consideration. The filing date is not a cutoff for any evidence developing after that time.” *Target Brands, Inc. v. Hughes*, 85 U.S.P.Q.2d 1676, 1681 (T.T.A.B.2007) (citing *McCormick & Co. v. Summers*, 53 CCPA 851, 354 F.2d 668 (1966); *Harsco Corp. v. Electrical Sciences, Inc.*, 9 U.S.P.Q.2d 1570, (T.T.A.B.1988)). We conclude that the Board’s failure to consider all pre-decision third-party use of the term “coach” for educational materials undermines its secondary meaning analysis and requires remand so that the Board can assess the extent to which those titles might cut against a claim of “substantially exclusive use.”

With respect to Triumph’s use of the COACH mark, the Board concluded that Triumph has been promoting itself as “the “Coach” brand since 1988.” *Board Decision*, 96 U.S.P.Q.2d at 1619. Triumph offered Ms. Fisher’s testimony to authenticate advertising materials dating back to the early 1990s. Because Ms. Fisher did not begin working for Triumph until July 2003, CSI objected to her testimony “regarding any matters other than the identification of business records prior to July 2003 on the ground that she lack[ed] personal knowledge about applicant’s business prior to that date.” *Id.* at 1603. The Board sustained CSI’s objection, stating that it would consider Ms. Fisher’s testimony regarding pre-July 2003 matters “only for purposes of authenticating documents kept by applicant in the ordinary course of business.” *Id.*

On appeal, CSI argues that: (1) “there was no testimony authenticating these documents as business records of Triumph”; and (2) Ms. Fisher “had no personal knowledge of where, when, to whom and how many of the materials were distributed.” Appellant’s Br. 55 n. 23. On these points, CSI is correct. Review of the relevant testimony reveals that Ms. Fisher identified certain catalogs, indicated that those catalogs were actually used to market and sell products, and testified as to when the catalogs were used. Nowhere is a foundation laid to establish that the catalogs identified actually were prepared and kept as business records of Triumph. Given the Board’s ruling excluding testimony by Ms. Fisher about marketing activities of which she had no personal knowledge, moreover, there is no admissible testimony in the record regarding the actual use of the catalogs or the fact of marketing prior to 2003. Accordingly, on remand, the Board must address the weight, if any, to be given to pre-July 2003 documents in the absence of any testimony authenticating them or addressing their use. The Board must then assess whether these apparent gaps in Triumph’s proofs impact the Board’s determination that the mark was in continuous use during any relevant period.

Because the Board’s evidentiary errors call into question the validity of its secondary meaning analysis, we vacate the Board’s decision solely on its finding of acquired distinctiveness and remand for further proceedings.

Conclusion

For the foregoing reasons, and because we find that CSI’s remaining arguments are without merit, we affirm the Board’s decision dismissing CSI’s opposition on likelihood of confusion and dilution grounds. With respect to acquired distinctiveness, however, we vacate and remand for further proceedings consistent with this opinion.

AFFIRMED IN PART, VACATED IN PART, REMANDED

Application of Colonial Stores Incorporated

394 F.2d 549 (C.C.P.A. 1968) □ 157 U.S.P.Q. 382
Decided Apr 25, 1968

Patent Appeal No. 7925.

April 25, 1968.

Matthew H. Patton, Atlanta, Ga., Kilpatrick, Cody, Robergs, McClatchey Regenstein, Atlanta, Ga., for appellant.

Joseph Schimmel, Washington, D.C., (S. Wm. Cochran, Washington, D.C., of counsel) for the Commissioner of Patents.

Before WORLEY, Chief Judge, and RICH, SMITH and ALMOND, Judges.

ARTHUR M. SMITH, Judge.

The issue here presented is whether one who combines admittedly descriptive words, i.e., "sugar" and "spice," and uses the combined terms as a trademark, may properly be refused registration of the combined terms when applied to goods other than those which are directly described by such words and when an association of a concept foreign to the goods is said to attach to the combined mark. On this record, it is clear that both sugar and spice may be present as ingredients in at least some of the bakery products to which the mark is applied. Resolution of this issue turns on whether such a mark is "merely descriptive" of those goods within the meaning of section 2(e)(1) of the Trademark Act of 1946, [15 U.S.C. § 1052\(e\)\(1\)](#).¹

¹ The pertinent portion of that statute provides that:

No trade-mark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it □

* * * * *

(e) Consists of a mark which, (1) when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them * * *

Appellant's application,² as subsequently amended, asserts use of the mark "SUGAR SPICE" for "Bakery products, in Class 46 namely, cakes, cookies, breads, rolls, donuts, pastries, crackers." *550 The examiner considered the mark sought to be registered to be "merely descriptive" of the goods. He stated, in his final refusal to register, that:

² Serial No. 143,935, filed May 7, 1962.

* * * When used on sweet bakery products, the wording "Sugar Spice" is considered to clearly describe goods containing sugar and spice, notwithstanding the nursery rhyme "Sugar and Spice and Everything Nice, etc."

The decision in the Fleetwood Co. v. The Mitchum Co., [51 CCPA 831, 323 F.2d 1015], 139 USPQ 281 [1963], cited by applicant, is not considered in point here for the reason such decision does not involve wording which constitutes the name of the *ingredients* of the skin cream involved. [Brackets added.]

The board affirmed that rejection,³ the result being reported at 148 USPQ 768 (TTAB 1965), stating:

³ During the course of prosecution, it was the position of the examiner that when used on applicant's goods, the mark for which registration is sought was considered "* * * to clearly describe goods containing sugar and spice * * *." In his statement of the rejection to the board, he asserted:

The specific ground of rejection is that the mark is merely descriptive (or deceptively misdescriptive) of applicant's goods, being indicative, in the Examiner's opinion, that the bakery products contain sugar and spices.

His argument, however, was directed only to the issue of whether the mark is "merely descriptive" of applicant's goods. The board confined its discussion to that issue.

Moreover, the Patent Office did not cast its refusal to register on the basis that appellant's trademark could not serve to distinguish its goods from the goods of others under section 45 and the preamble to section 2 of the Trademark Act of 1946. We thus consider the issue raised as one solely arising under 2(e) (1) of that Act. See *In re G.D. Searle Co.*, 360 F.2d 650, 53 CCPA 1192 (1966).

It is a matter of common knowledge that sugar and spices are used singly and in combination in making a wide variety of bakery products, including breakfast breads and rolls, donuts, cakes, cookies and the like. The use of the terms "sugar" and "spice" in combination is but a normal use of the English language to describe bakery products, containing sugar and spice as ingredients, and, on the record presented in this case, we are not persuaded that "SUGAR SPICE" would have anything other than a descriptive significance to the purchasers of applicant's goods. * * *

We do not believe the rejection can stand on the basis stated. The often-cited principle embodied in section 2(e) (1) was stated some 67 years ago by the Supreme Court in *Elgin National Watch Co. v. Illinois Watch Case Co.*, 179 U.S. 665, 673, 21 S.Ct. 270, 45 L.Ed. 365 (1901) that a trademark:

* * * may consist in any symbol or in any form of words, but as its office is to point out distinctively the origin or ownership of the articles to which it is affixed, it follows that no sign or form of words can be appropriated as a valid trademark which from the nature of the fact conveyed by its primary meaning, others may employ with equal truth, and with equal right, for the same purpose.

In *Andrew J. McPartland, Inc. v. Montgomery Ward Co., Inc.*, 164 F.2d 603, 35 CCPA 802 (1947), cert. denied, 333 U.S. 875, 68 S.Ct. 904, 92 L.Ed. 1151 (1948), this court noted that it was not the purpose of Congress, by the language of section 2(e) of the Trademark Act of 1946, to provide for the registration of trademarks which are merely descriptive of the character or quality of the goods upon which they are used,⁴ placing reliance on ⁵⁵¹ the statement of the Supreme Court in *Beckwith's Estate v. Commissioner* ⁵⁵¹ of Patents, 252 U.S. 538, 543, 40 S.Ct. 414, 416, 64 L.Ed. 705 (1920):

- 4 See also *In re Hercules Fasteners*, 203 F.2d 753, 40 CCPA 944 (1953). Section 5 of the Trademark Act of 1905 denied registration to marks which are " * * * merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods * * * ." See Act of February 20, 1905, c. 592, § 5, 33 Stat. 725.

It was settled long prior to the Trade-Mark Registration Act [of 1905] that the law would not secure to any person the exclusive use of a trade-mark consisting merely of words descriptive of the qualities, *ingredients* or characteristics of an article of trade; this for the reason that the function of a trade-mark is to point distinctively, either by its own meaning or by association, to the origin or ownership of the wares to which it is applied, and words *merely descriptive* of qualities, *ingredients* or characteristics, when used alone, do not do this. Other like goods, equal to them in all respects, may be manufactured or dealt in by others, who, with equal truth, may use, and must be left free to use, the same language of description in placing their goods before the public. [Citations omitted.] [Brackets and emphasis added.]

Thus, a mark which merely denotes the ingredients, quality or composition of an article is not capable of being exclusively adopted and used as a trademark since, for policy reasons, *descriptive words* must be left free for public use.⁵ On the other hand, a legal distinction, albeit often obscure, has been drawn between terms that are not merely descriptive, but rather are only suggestive of the goods.⁶

- ⁵ See, e.g., *Armstrong Paint Varnish Works, v. Nu-Enamel Corp.*, 305 U.S. 315, 335-336, 59 S.Ct. 191, 83 L.Ed. 195, 39 USPQ 402, 409 (1938); *Blisscraft of Hollywood v. United Plastics Co.*, 294 F.2d 694, 698, 131 USPQ 55, 59-60 (2d Cir. 1961); 3 Callmann, *Unfair Competition and Trademarks* § 71 (2d ed. 1950); Derenberg, *Trade-Mark Protection and Unfair Trading* § 20 (1936); Vandenburg, *Trademark Law and Procedure* § 4.30 (1959).

- ⁶ As Judge Learned Hand stated in *Franklin Knitting Mills, Inc. v. Fashionit Sweater Mills, Inc.*, 297 F. 247 (S.D.N Y 1923), *aff'd per curiam*, 4 F.2d 1018 (2d Cir. 1923), deciding whether "Fashionknit" or neckties or knitted cloths of fabrics was *merely* descriptive of those goods:

It is quite impossible to get any rule out of the cases beyond this: That the validity of the mark ends where suggestion ends and description begins.

One of the tests to determine whether a given mark is "merely descriptive" under the Act is based upon what it would mean to the potential consumer when applied to applicant's goods. To make this test meaningful, it is necessary, therefore, to consider the established usages and associations which inhere in the words "sugar" and "spice" independently and then to compare them with the associations of the composite mark "SUGAR SPICE" for which registration is sought.

It is appellant's position that:

The mark "SUGAR SPICE" immediately and automatically recalls to mind "sugar and spice and everything nice" from the well known nursery rhyme. The second portion of that phrase follows the first as the night follows the day. The association is inescapable. The pleasant connotation of those words, familiar to most of us since early childhood, is the first and paramount impression evoked by this mark. Appellant employs this favorable suggestion in a distinctive trademark usage.

As above noted, the board decided that "The use of the terms `sugar' and `spice' in combination is but a normal use of the English language to describe bakery products * * *."

While appellant admits that the individual words "sugar" and "spice" are generic terms which have ordinary meanings which describe the commodities "sugar" and "spice," when used alone, appellant argues that the combination of two descriptive terms into an arbitrary or fanciful word or phrase may convert those words into

a distinctive mark. See *In re Ada Milling Co.*, 205 F.2d 315, 40 CCPA 1076 (1953); *Henry Muhs Co. v. Farm Craft Foods Inc.*, 37 F. Supp. 1013, 49 USPQ 162 (E.D.N.Y. 1941). He adds that this may be true even in those cases where the words thus combined *552 are, prior to combination, descriptive of an ingredient, component or function of the goods to which the mark is applied, citing *Ex parte Barker*, 92 USPQ 218 (Com.Pat. 1952), discussed later.

Whether a trademark is "reminiscent or suggestive" of something more than the character, quality or ingredients of the goods may also depend on factors considered in *Blisscraft of Hollywood v. United Plastics Co.*, supra note 5, where the mark "POLY PITCHER" was held not to be "merely descriptive" of polyethylene pitchers. One of the reasons stated was:

Moreover, "Poly Pitcher" is reminiscent or suggestive of Molly Pitcher of Revolutionary time. As used, it is an incongruous expression, and has the characteristics of a coined or fanciful mark.

In a similar vein is *Ex parte Barker*, supra, wherein the Assistant Commissioner considered a refusal to register on the Principal Register the mark "CHERRY-BERRY-BING" applied to "fruit and berry preserves." While the issue there considered was whether "CHERRY-BERRY-BING" was "capable of functioning as a trademark to distinguish applicant's goods in commerce," the words were considered by the examiner to be "generic and merely indicative of the principal ingredients of applicant's goods." There, it was held, 92 USPQ at 219, that:

While it may be true that each of the individual words in the present applicant's mark are generic and thus independently unregistrable, it seems to me that their unusual association or arrangement in the applicant's mark results in a unique and catchy expression which does not, *without some analysis* and rearrangement of its components suggest the contents of applicant's goods. I am constrained to disagree with the examiner's holding in the present case that the applicant's mark is incapable of functioning as a trade mark to distinguish the applicant's goods in commerce. [Emphasis added.]

The board in *In re De-Raef Corp.*, 120 USPQ 318 (TTAB 1959), in considering the mark "CULTURED" for pancake mix made from a list of ingredients including "defatted cultured milk powder," reversed the examiner, and made the observation pertinent here that:

Applicant, however, does not sell milk, cultured milk, or powdered cultured milk. It sells pancake mix, and the pancake mix has been neither exposed to nor treated by any bacillus culture of any kind. "CULTURED" is not merely descriptive of applicant's pancake mix. It is a term which may suggest to some purchasers that cultured milk is used as an ingredient of the product, but it may not have any such suggestive significance to a substantial segment of the average purchasers of the product.

We are cognizant of the usual practice of selling baked goods in stores which also sell sugar and spices as individual commodities. As appellant concedes, the terms "sugar" and "spice" used *individually* are well known and well understood by the purchasing public. However, when combined and used on bakery goods, we think they may function as an indication of more than a mere description of the ingredients of the goods on which the mark is used and, on the record made below, are not "merely descriptive" of such goods within the meaning of section 2. On the record below, the mark clearly does not tell the potential purchaser *only* what the goods are, their function, their characteristics or their use, or, of prime concern here, their ingredients.

The immediate impression evoked by the mark may well be to stimulate an association of "sugar and spice" with "everything nice."⁷ As such, on the *553 record below, the mark, along with the favorable suggestion which it may evoke, seems to us clearly to function in the trademark sense and not as a term *merely* descriptive

of goods. To the extent that the nursery rhyme is familiar to one seeing or hearing the mark, his recall is undoubtedly stimulated to make the association with "everything nice" but this in no way defeats the distinctive nature of the composite word mark as applied to the listed products.

⁷ See *Dollcraft Co. v. Nancy Ann Storybook Dolls, Inc.*, 94 F. Supp. 1, 88 USPQ 18 (S.D.Calif. 1950) aff'd, *Nancy Ann Storybook Dolls, Inc. v. Dollcraft Co.*, 197 F.2d 293, 94 USPQ 290 (9th Cir. 1952) where the mark "Sugar and Spice" on dolls was considered to be capable of distinguishing appellant's goods from the goods of another and to function to identify origin of the goods. There the district court stated:

"Sugar and Spice" is a phrase abstracted from an old, familiar nursery rhyme, possessing a meaning in its context, but none when used as the meaning of a doll. * * *

Nor do we find that the decisions cited by the solicitor as pertinent here require a different result. In each of the cited cases, *General Baking Co. v. Grocers' Baking Co.*, 3 F. Supp. 146 (W.D.Ky. 1933); ("SUNSHINE VITAMIN D" applied to bread containing Vitamin D); *Quaker Oats Co. v. General Mills, Inc.*, 45 F. Supp. 462 (N.D.Ill. 1942), aff'd, 134 F.2d 429 (7th Cir. 1943), ("OATIES" applied to oat cereal); *Skinner Mfg. Co. v. General Foods Sales Co.*, 52 F. Supp. 432 (D.Neb. 1943), aff'd, *Skinner Mfg. Co. v. Kellogg Sales Co.*, 143 F.2d 895 (8th Cir. 1944), cert. denied, *Id. v. General Food Sales Co., Inc.*, 323 U.S. 766, 89 L.Ed. 613 (1944), ("RAISIN BRAN" applied to cereal); *William Wrigley, Jr., Co. v. Grove Co.*, 161 F. 885 (S.D.N.Y. 1908), aff'd, 183 F.2d 99 (2d Cir. 1910), ("SPEARMINT" applied to chewing gum); we think that the marks there in issue were devoid of the reminiscent, suggestive or associative connotation which we here find to be persuasive as presented on the record below.

Thus, *on the present record*, the decision of the Trademark Trial and Appeal Board must be reversed.⁸

⁸ The board refers in its opinion to "A matter of common knowledge" (without indicating a basis therefor). It has been noted in the widely used and well known "Good Housekeeping Cook Book," Edited by Dorothy B. Marsh, Copyright 1942, 1944, 1949 by Hearst Magazines, Inc., Second Printing May 1955, Copyright by The Hearst Corp., Published by Good Housekeeping Book Division, 250 West 55th Street, New York, N.Y., Library of Congress Card Catalog No. 54-10951, the index contains three references to "Sugar and Spice" used in combination as the generic name of a particular type of bun, and on page 347, the following recipe is given for what is there called "Sugar-and-Spice Buns."

"Bake Williamsburg Buns, above; dip tops and sides *at once* into 6 tablesp. melted butter or margarine; then roll in combined □ cup granulated sugar and 1 teasp.cinnamon."

However, no rejection on this basis is of record; thus, this issue is not before us. 15 U.S.C. § 1071(a)(4).

Reversed.

WORLEY, C.J., concurs in the result.

Application of Abcor Development Corp.

588 F.2d 811 (C.C.P.A. 1978)
Decided Dec 14, 1978

Appeal No. 78-562.

December 14, 1978.

Richard P. Crowley, Boston, Mass., attorney of record, for appellant.

Joseph F. Nakamura, Washington, D.C., for the Commissioner of Patents; Harry I. Moatz, Asst. Sol., U.S. Patent and Trademark Office, Washington, D.C., of counsel.

Appeal from the Patent and Trademark Office Trademark Trial and Appeal Board.

Before MARKEY, Chief Judge, RICH, BALDWIN, and MILLER, Associate Judges, and FORD, Judge.

– The Honorable Morgan Ford of the United States Customs Court, sitting by designation.

812 *812

MILLER, Judge.

This is an appeal from the decision of the Patent and Trademark Office Trademark Trial and Appeal Board ("board"),¹ affirming the examiner's refusal to register appellant's trademark GASBADGE on the principal register as "merely descriptive" within the meaning of section 2(e)(1) of the Lanham Act.² We affirm.

¹ Reported at 197 USPQ 547 (1978).

² 15 U.S.C. § 1052(e)(1).

BACKGROUND

Appellant's application³ states that the goods for which the mark has been adopted are "Device to determine and monitor personal exposure to gaseous pollutants."

³ Serial No. 69,925, filed November 24, 1975.

In its opinion, the board, citing *Ex parte International Spike, Inc.*, 190 USPQ 505, 506 (TTAB 1976), said that

□

whether or not a term is merely descriptive in a trademark sense must necessarily be considered in relation to the specific goods for which registration is sought, the context in which it is used on labels, packages, or advertising material directed to these goods, the possible significance of the term in relation to the goods, and the likely reaction thereto of the average purchaser as he encounters the goods in the marketplace.

The board considered appellant's advertising literature, describing the "Walden Gas Monitoring Badge Service" and the badge,⁴ and the specimen labels ("Gas Badge" appears within a parallelogram preceded by "Walden") filed with the application. It found that "[t]he purchasers and prospective purchasers of these goods are obviously aware of the function and characteristics of applicant's badges." After considering the nature of the goods and the context in which the mark was used (particularly the advertising literature), it concluded that GASBADGE "leaves nothing for speculation or conjecture" and that "[t]he term immediately and unequivocally describes the purpose and function of applicant's goods." It, therefore, held that GASBADGE is "merely descriptive" and not registrable.

⁴ One item describes the badge as follows:

The Walden Gas Monitoring Badge provides a means of determining personal exposure to certain gaseous pollutants. A specially-treated element in the badge collects the gas in proportion to the product concentration and time of exposure. By standardizing and recording exposure time, gaseous pollutant determinants can be related to the eight hour time weighted average (T.W.A.) concentration encountered during exposure as required by OSHA.

Citing *Stix Products, Inc. v. United Merchants Manufacturers, Inc.*, 295 F. Supp. 479, 487, 160 USPQ 777, 784 (S.D.N.Y. 1968), appellant argues that the proper test for determining mere descriptiveness is whether the mark conveys forthwith an immediate idea of the ingredients, qualities, or characteristics of the goods "to the ultimate consumer, who has never seen the product and does not know what it is." It contends that GASBADGE does not satisfy this test, because: (1) the mark "does not convey any idea of the ingredients, qualities, or characteristics of the goods," *i. e.*, the mark is not descriptive; and (2) the mark does not convey such an idea forthwith and immediately, and examination and study of appellant's literature is required to reach a conclusion regarding the nature of appellant's goods. Alternatively, appellant contends that, assuming the mark describes the goods, the mark is not "merely descriptive," since considerable thought (over a period of time) is required to arrive at a conclusion regarding the nature of the goods. Appellant also argues that certain
813 third-party registrations⁵ were not given full consideration. *813

⁵ The only one found by the board to be material was the service mark NUCLIBADGE for "determining the radiation dosages accumulated by persons exposed to X-rays and nuclear radiations and particles." The service mark GASBADGE for "analysis and reporting of the concentration of vapors and gases to which individuals are exposed" has not been made of record.

The solicitor agrees with the test used by the board and contends that determination of whether a mark is "merely descriptive" requires consideration of the mark as it is applied to the goods, and not in the abstract as proposed by appellant.

OPINION

Marks which are "merely descriptive" of the goods or services have long been denied protection. The Supreme Court, in *Beckwith v. Commissioner*, 252 U.S. 538, 543, 40 S.Ct. 414, 416, 64 L.Ed. 705 (1920), said that □

the law would not secure to any person the exclusive use of a trade-mark consisting merely of words descriptive of the qualities, ingredients or characteristics of an article of trade; this for the reason that the function of a trade-mark is to point distinctively, either by its own meaning or by association, to the origin or ownership of the wares to which it is applied, and words merely descriptive of qualities, ingredients or characteristics, when used alone, do not do this.

The major reasons for not protecting such marks are: (1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products. *Armour Co. v. Organon Inc.*, 245 F.2d 495, 498 and 500, 44 Cust.Pat.App. 1010, 1014 and 1016, 114 USPQ 334, 337 and 338 (1957).

The Lanham Act incorporates the common law proscription against "merely descriptive" marks in section 2(e) (1)⁶ as follows:

⁶ *Andrew J. McPartland, Inc. v. Montgomery Ward Co.*, 164 F.2d 603, 35 CCPA 802, 76 USPQ 97 (1947), cert. denied, 333 U.S. 875, 68 S.Ct. 904, 92 L.Ed. 1151 (1948).

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it □

.

(e) Consists of a mark which, (1) when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them . . .

Various tests have been used in determining whether a mark is "merely descriptive."⁷ In early cases the Supreme Court⁸ considered whether the mark describes the ingredients, qualities, or characteristics of the goods. This court has applied the same test.⁹ It has also looked to whether the mark conveys information regarding a function, or purpose, or use of the goods.¹⁰ Other considerations include whether the mark describes a feature or part of the goods¹¹ and whether it conveys information about any properties of the goods.¹² Although a mark may be generally descriptive, if it also functions as an indication of origin, it is not

814 "merely descriptive."¹³ *814

⁷ This court has indicated that "merely" means "only." *In re Colonial Stores*, 394 F.2d 549, 552, 55 CCPA 1049, 1053, 157 USPQ 382, 385 (1968).

⁸ For example, *Warner Co. v. Lilly Co.*, 265 U.S. 526, 528, 44 S.Ct. 615, 68 L.Ed. 1161 (1924); *Beckwith v. Commissioner*, supra.

⁹ *Andrew J. McPartland, Inc. v. Montgomery Ward Co.*, supra.

¹⁰ *In re Reynolds Metals Co.*, 480 F.2d 902, 178 USPQ 296 (CCPA 1973); *In re Realistic Co.*, 440 F.2d 1393, 58 CCPA 1204, 169 USPQ 610 (1971); *Modern Optics, Inc. v. Univis Lens Co.*, 234 F.2d 504, 43 CCPA 970, 110 USPQ 293 (1956); *In re W. A. Sheaffer Pen Co.*, 158 F.2d 390, 34 CCPA 771, 72 USPQ 129 (1946).

¹¹ *Sylvania Elec. Prods., Inc. v. Dura Elec. Lamp Co.*, 247 F.2d 730, 114 USPQ 434 (CA 3 1957).

¹² See *J. Gilson, Trademark Protection and Practice* § 2.03 at 2-31 (1977); E. Vandenburg, *Trademark Law and Procedure* § 4.30 (2d ed. 1968).

¹³ E. Vandenburg, *Trademark Law and Procedure*, supra at 91-92.

We note that the Seventh Circuit, in *Union Carbide Corp. v. Ever-Ready Inc.*, 531 F.2d 366, 379, 188 USPQ 623, 635, cert. denied, 429 U.S. 830, 97 S.Ct. 91, 50 L.Ed.2d 94, 191 USPQ 416 (1976), quoted A. Seidel, S. Dalroff E. Gonda, *Trademark Law and Practice* § 406, at 77 (1963), for what it regarded as the best statement of the distinction between a descriptive and suggestive mark:

"Generally speaking, if the mark imparts information directly, it is descriptive. If it stands for an idea which requires some operation of the imagination to connect it with the goods, it is suggestive."

This is similar to appellant's alternate proposed test. It is also similar to the test approved by the Second Circuit in *Abercrombie Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 11, 189 USPQ 759, 765 (CA 2 1976), namely:

A term is suggestive if it requires imagination, thought and perception to reach a conclusion as to the nature of the goods. A term is descriptive if it forthwith conveys an immediate idea of the ingredients, qualities or characteristics of the goods.¹⁴

¹⁴ Although citing *Stix Prods., Inc. v. United Merchants Mfrs., Inc.*, *supra*, 295 F. Supp. at 487, 160 USPQ at 785, it is significant that the Second Circuit did not include the phrase "to one who has never seen it [the product] and does not know what it is," which appears on the preceding page of the *Stix* opinion and is the essence of appellant's abstract test.

In *In re American Society of Clinical Pathologists*, 442 F.2d 1404, 1407, 58 CCPA 1240, 1243, 169 USPQ 800, 801 (1971), this court impliedly approved this test by stating that the service mark involved was "merely descriptive," since it "would immediately convey to one seeing or hearing it the thought of appellant's services."

However, implicit in this test is the requirement that descriptiveness of a mark, when applied to the goods or services involved, is to be determined from the standpoint of *the average prospective purchaser*.¹⁵ In *re Andes Candies, Inc.*, 478 F.2d 1264, 178 USPQ 156 (CCPA 1973); *In re Automatic Radio Manufacturing*, 404 F.2d 1391, 56 CCPA 817, 160 USPQ 233 (1969); *Blisscraft of Hollywood v. United Plastics Co.*, 294 F.2d 694, 699, 131 USPQ 55, 60 (CA 2 1961). See E. Vandenburg, *Trademark Law and Procedure*, *supra* note 12, at 92-93. Evidence of the context in which a mark is used on labels, packages, or in advertising material directed to the goods is probative of the reaction of prospective purchasers to the mark. *In re American Society of Clinical Pathologists*, *supra*. See *In re Thunderbird Products Corp.*, 406 F.2d 1389, 56 CCPA 969, 160 USPQ 730 (1969). To hold otherwise would be to separate the concept of the average prospective purchaser from the world of reality.

¹⁵ The perception of the mark to nonprospective purchasers would be irrelevant, because a mark primarily functions to indicate a single quality control source of the goods or services involved, and this is meaningful only to prospective purchasers or patrons.

Appellant's proposed abstract test is deficient □ not only in denying consideration of evidence of the advertising materials directed to its goods, but in failing to require consideration of its mark "when applied to the goods" as required by the statute.

Considering appellant's trademark GASBADGE when applied to appellant's goods and considering further the record evidence of appellant's advertising materials to which the average prospective purchaser is presumed to have been exposed, which clearly identify the gaseous pollutants collection function of appellant's device and its use in determining personal exposure to such pollutants, leaving nothing for the exercise of imagination when viewing the mark,¹⁶ we agree with the board that the term GASBADGE immediately *815 and unequivocally describes the purpose and function of appellant's goods.¹⁷

¹⁶ Conceivably, a "gas badge" could be designed to detect the danger of a gaseous explosion in an area unoccupied by personnel, but such a device is clearly excluded by appellant's advertising.

17 We note that the board did not rest its decision on the ground that GASBADGE is the shortened form of the *name* GAS MONITORING BADGE. If the board believed that the term was the name for the goods, it would have so held. Also, it is not for this court to indulge in speculation that at some future time the public will inevitably so regard the term. See [15 U.S.C. § 1064\(c\)](#).

Accordingly, we hold that GASBADGE is "merely descriptive" for purposes of section 2(e)(1) of the Lanham Act.

The decision of the board is *affirmed*.

AFFIRMED.

[22] RICH, Judge, concurring, with whom MARKEY, Chief Judge, joins.

For all the majority's extensive review and discussion of various "tests," propounded from time to time in various places, for determining § 2(e)(1) descriptiveness, the opinion fails to state why I believe GASBADGE is "merely descriptive" under the statute.

My reasoning is very simple and requires no application of an elusive test. The ultimate in descriptiveness is the *name* of a thing. *Weiss Noodle Co. v. Golden Cracknel Specialty Co.*, 290 F.2d 845, 48 CCPA 1004, 129 USPQ 411 (1961); *In re Cooper*, 254 F.2d 611, 45 CCPA 923, 177 USPQ 396 (1958). The description of the goods for which GASBADGE is sought to be registered, set forth as the single item of goods named in the application, is "chemically treated badge to determine and to monitor the amount of personal exposure of an individual to gaseous pollutants." This, of course, is a wordy explanation which does not qualify as a *name* in the usual sense of the word. So, what is the name of this article? Appellant's own descriptive literature of record in the PTO provides the answer. The name is "Gas Monitoring Badge." This may be regarded as the *full* name. However, the users of language have a universal habit of shortening full names □ from haste or laziness or just economy of words. Examples are: automobile to auto, telephone to phone, necktie to tie, gasoline service station to gas station. I regard it as *inevitable* that a gas monitoring badge will be called a gas badge as the name of the goods to the same extent as gas monitoring badge is the name and for that reason, and without application of some textwriter's "test," deduced from some case having dissimilar facts, I find it "merely descriptive."

Appellant's brief, I note, never comes to grips with this realistic analysis and seems pointedly to avoid discussion of the name of the object to which the mark is applied. The argument is devoted mostly to discussion of other cases which, we have repeatedly said, are of very little value in solving trademark registration problems.

Furthermore, nearly a half century of dealing with trademark problems persuades me that "descriptiveness," "mere" or otherwise, is a many-faceted question which must be decided on a case-by-case basis. I do not believe it is possible to devise any universally applicable test for determining the multifarious problems which arise under § 2(e) and (f). I note particularly that there is a big difference between a case involving the name of a thing and a case involving a mark which describes or suggests some function, ingredient, quality, or characteristic of the thing. We have here a name problem and I see no point in discussing cases of other types, which are without value as precedents, or other unhelpful generalities. It is not the function of an opinion to write a treatise but to explain why an issue is decided as it is.

The majority does not appear to read the board opinion as I do. (See footnote 17). While the board did not use the word "name" in its opinion, it used its equivalent □ "appellation." It noted that the specimen labels "display the notation `WALDEN' and the notation `GASBADGE'" and then it immediately pointed out that the labels contain "no generic appellation for the goods * * *." To me that is equivalent to saying that GASBADGE is the
816 *only* "appellation" appearing on the labels, especially *816 when taken with the balance of the opinion which points out that the article is a *badge* and that it monitors *gas*. I think it is not speculating to say that the present name of the article is "GASBADGE" and I think I am not departing from the board's ground of refusal just because the board chose to say the mark is "merely descriptive." All names of articles are just that and always within the proscription of § 2(e)(1).

The board also said in its conclusion, "'GASBADGE' leaves nothing for speculation or conjecture. The term immediately and unequivocally describes the purpose and function of appellant's goods." That is what *names* do. They tell you what the thing *is*. I am sure the board believed GASBADGE to be a name □ in fact, a "generic" name in the sense in which trademark lawyers use that term.

[29] BALDWIN, Judge, concurring.

I agree with both the analysis and result reached in the majority opinion and accordingly join therewith.

It appears to me that the mark for which registration is sought not only describes the purpose and function of
1330 appellant's goods, but *is* also the name of the goods. *1330

THIS OPINION IS A
PRECEDENT OF THE TTAB

Mailed: September 13, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

—————
Trademark Trial and Appeal Board

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In re Positec Group Limited

—————
Serial No. 77920346
—————

Scot A. Duvall of Middleton Reutlinger,
for Positec Group Limited.

Alyssa Paladino Steel, Trademark Examining Attorney, Law Office 107,
J. Leslie Bishop, Managing Attorney.

—————
Before Bucher, Wellington and Hightower,
Administrative Trademark Judges.

Opinion by Bucher, Administrative Trademark Judge:

Positec Group Limited (“applicant”) seeks registration on the Principal Register of
the designation **SUPERJAWS** (*in standard character format*) for the following goods:

machine tools, namely, jaws for use in the precision clamping of work pieces; workbench accessories, namely, metal attachable machine tool holder in the nature of clamps, jaws, and vices for holding items to be welded; workbench accessories, namely, workbench attachments in the nature of machine tool holders in International Class 7; and

hand tools, namely, vices, metal vice jaws, and clamps; workbench accessories, namely, workbench attachments in the nature of tool holders, particularly, clamps, jaws and vices for holding logs and timber for sawing, carving,

and cutting; workbench accessories, namely, workbench attachments in the nature of tool holders for holding chainsaw blades for sharpening; workbench accessories, namely, workbench attachments in the nature of tool holders, particularly, clamps, jaws, and vices for clamping of work pieces; workbench accessories, namely, non-metal workbench attachments in the nature of tool holders, particularly, clamps, vices, and jaws for mounting saws; workbench accessories, namely, attachable non-metal tool holders in the nature of clamps, jaws, and vices for holding items to be cut; workbench accessories, namely, metal attachable tool holders in the nature of clamps, jaws, and vices for holding items to be welded; non-metal tool stands in International Class 8.¹

The examining attorney has refused registration of applicant's proposed mark under Trademark Act Section 2(e)(1) because the proposed mark merely describes a characteristic, quality, function, feature, purpose or use of the applicant's goods. 15 U.S.C. § 1052(e)(1).

After the examining attorney made the refusal final, applicant appealed to this Board. We affirm the refusal to register.

Applicant argues that the examining attorney has erroneously construed the word "Jaws" as merely descriptive and the word "Super" as laudatory, when the terms considered individually or in combination are at worst suggestive; that the examining attorney has erroneously applied a *per se* rule that the term "Super," when combined with a merely descriptive term must result in a composite that is descriptive; that the majority of third-party registrations in the record confirm that the word "Super" is not merely descriptive; that the combined term "Superjaws" is a

¹ Application Serial No. 77920346 was filed on January 26, 2010, under Section 1(b) of the Act based upon applicant's claim of a *bona fide* intention to use the mark in commerce.

unitary term, which operates here as a *double entendre*, thereby creating an inherently distinctive mark; and finally, applicant argues that the examining attorney failed to resolve in applicant's favor, as she must, the significant doubt herein as to the determination of mere descriptiveness.

By contrast, the examining attorney contends that applicant actually uses the term "Jaws" to identify its goods in both International Classes 7 and 8; that applicant's use of "the term 'super' describes the extreme or excessive strength that the applicant's 'jaws' may have compared to average jaws and other machine tools and hand tools"; that the composite term is descriptive of applicant's goods and does not create a unique, incongruous, or non-descriptive meaning in relation to the named goods; that the third-party registrations simply illustrate that the words "super" and "jaws" are individually descriptive; specifically, that while the term "super" may have once been suggestive (as reflected in some older third-party registrations), it has lost its distinguishing and origin-denoting characteristics through use in a descriptive sense over a period of time, and is now regarded by the purchasing public as nothing more than a merely descriptive designation; that applicant's proposed mark, "SuperJaws," is not a *double entendre* and is not inherently distinctive; and that in the present case, the evidence of record leaves no doubt but that the proposed mark is merely descriptive.

A. The applicable law

A mark is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1), if it forthwith conveys an immediate idea of an

ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Abcor Development*, 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978).

Whether a mark is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with the goods or services, and the possible significance that the mark would have to the average purchaser of the goods or services because of the manner of its use. *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007); *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979). It is settled that “[t]he question is not whether someone presented with only the mark could guess what the goods or services are. Rather, the question is whether someone who knows what the goods or services are will understand the mark to convey information about them.” *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002), *cited with approval in DuoProSS Meditech Corp. v. Inviro Medical Devices Ltd.*, 695 F.3d 1247, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012).

We must, of course, view the proposed mark as a whole. *See, e.g., DuoProSS*, 103 USPQ2d at 1756. When two or more merely descriptive terms are combined, the determination of whether the composite mark also has a merely descriptive significance turns on whether the combination of terms evokes a new and unique commercial impression. If each component retains its merely descriptive

significance in relation to the goods or services, the combination results in a composite that is itself merely descriptive. *See, e.g., In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370 (Fed. Cir. 2004) (**PATENTS.COM** merely descriptive of computer software for managing a database of records that could include patents and for tracking the status of the records by means of the Internet); *In re Petroglyph Games Inc.*, 91 USPQ2d 1332, 1341 (TTAB 2009) (“because the combination of the terms does not result in a composite that alters the meaning of either of the elements, refusal on the ground of descriptiveness is appropriate”), *cited with approval in Dalton v. Honda Motor Co.*, 425 F. App’x 886, 893 (Fed. Cir. 2011) (not precedential); *In re Carlson*, 91 USPQ2d 1198 (TTAB 2009) (**URBANHOUSING** merely descriptive of real estate brokerage, real estate consultation and real estate listing services); *In re Tower Tech, Inc.*, 64 USPQ2d 1314 (**SMARTTOWER** merely descriptive of commercial and industrial cooling towers); *Cf. In re Gould Paper Corp.*, 834 F.2d 1017, 1018, 5 USPQ2d 1110, 1111-12 (Fed. Cir. 1987) (finding **SCREENWIPE** generic as applied to pre-moistened antistatic cloths for cleaning computer and television screens).

B. Evidence of Record

The examining attorney included in the record various dictionary entries showing that applicant’s use of the term “super” describes the extreme or excessive strength that the applicant’s “jaws” may have compared to average grasping power tools or other machine tools and hand tools:

su·per

Pronunciation: (soo'pur),—adj.

1. of the highest degree, power, etc.
2. of an extreme or excessive degree.
3. Informal. very good; first-rate; excellent.
4. (of measurement) superficial.
5. superfine.

super-

a prefix occurring originally in loanwords from Latin, with the basic meaning "above, beyond." Words formed with **super-** have the following general senses: "to place or be placed above or over" (*superimpose*; *supersede*), "a thing placed over or added to another" (*superscript*; *superstructure*; *supertax*), "situated over" (*superficial*; *superlunary*) and, more figuratively, "an individual, thing, or property that exceeds customary norms or levels" (*superalloy*; *superconductivity*; *superman*; *superstar*), "an individual or thing larger, more powerful, or with wider application than others of its kind" (*supercomputer*; *superhighway*; *superpower*; *supertanker*), "exceeding the norms or limits of a given class" (*superhuman*; *superplastic*), "having the specified property to a great or excessive degree" (*supercritical*; *superfine*; *supersensitive*), "to subject to (a physical process) to an extreme degree or in an unusual way" (*supercharge*; *supercool*; *supersaturate*), "a category that embraces a number of lesser items of the specified kind" (*superfamily*; *supergalaxy*), "a chemical compound with a higher proportion than usual of a given constituent" (*superphosphate*)²

super

adjective \ 'sü-pər\

- 1 a : of high grade or quality
b—used as a generalized term of approval <a *super* cook>
- 2: very large or powerful <a *super* atomic bomb>
- 3: exhibiting the characteristics of its type to an extreme or excessive degree <*super* secrecy>³

jaw Pronunciation: (jô), —n.

1. either of two bones, the mandible or maxilla, forming the framework of the mouth.
2. the part of the face covering these bones, the mouth, or the mouth parts collectively: *My jaw is swollen.*
3. jaws, anything resembling a pair of jaws or evoking the concept of grasping and holding: *the jaws of a gorge*; *the jaws of death.*
4. *Mach.*
 - a. one of two or more parts, as of a machine, that grasp or hold something: *the jaws of a vise.*
 - b. any of two or more protruding parts for attaching to or meshing with similar parts.

² RANDOM HOUSE UNABRIDGED DICTIONARY, <http://dictionary.infoplease.com/super>, as attached to Office Action of April 9, 2012.

³ MERRIAM-WEBSTER ONLINE DICTIONARY, <http://www.merriam-webster.com/dictionary/super>, as attached to Office Action of April 26, 2010.

⁴ RANDOM HOUSE UNABRIDGED DICTIONARY, <http://dictionary.infoplease.com/super>, as attached to Office Action of April 9, 2012.

jaw

noun \ˈjəʊ\

1 *a* : either of two complex cartilaginous or bony structures in most vertebrates that border the mouth, support the soft parts enclosing it, usually bear teeth on their oral margin, and are an upper that is more or less firmly fused with the skull and a lower that is hinged, movable, and articulated with the temporal bone of either side — compare

MANDIBLE, MAXILLA

b : the parts constituting the walls of the mouth and serving to open and close it — usually used in plural

c : any of various organs of invertebrates that perform the function of the vertebrate jaws

2 : something resembling the jaw of an animal: as

a : one of the sides of a narrow pass or channel

b : either of two or more opposable parts that open and close for holding or crushing something between them

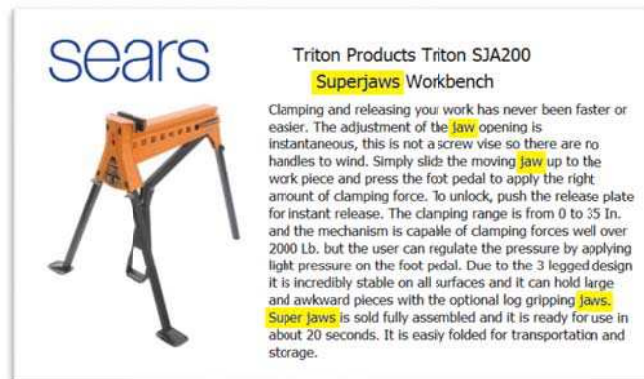
3 *a* : a space lying between or as if between open jaws <escaped from out of the jaws of the whale>

b : a position or situation in which one is threatened <rode into the jaws of danger>

4 : a friendly chat

The examining attorney also included in the record a captured image

from a Sears website containing the following listing:



6

In addition, the examining attorney placed into the record the following third-party registrations, allegedly to demonstrate that the Office generally treats the word “super” as a term that is laudatorily descriptive in an overarching sense (i.e., as contrasted with merely referring to a particular feature

⁵ MERRIAM-WEBSTER ONLINE DICTIONARY, <http://www.merriam-webster.com/dictionary/jaw>, as attached to Office Action of April 26, 2010.

⁶ Copy of Sears’ online web page, <http://www.sears.com/>, as attached to Office Action of April 9, 2012.

or aspect of the goods) when part of compound or composite marks registered in connection with goods in International Classes 7 and 8:

Mark	Goods	Comments
SUPERSTART	for “solid state AC motor starters” in Int. Class 7;	Owned by TB Woods Enterprises, Inc.; entire mark registered under § 2(f) of the Act. ⁷
SUPERTAP	for “tools for use with power operated machines, namely taps” in Class 7;	Owned by Kennametal Inc.; entire mark registered under § 2(f) of the Act. ⁸
SUPERLIFT	for “hoists” in International Class 7;	Owned by Genie Industries, Inc.; entire mark registered under § 2(f) of the Act. ⁹
SUPER HOIST	for “power operated lifts for material handling” in International Class 7;	Owned by Genie Industries, Inc.; the word “Hoist” is disclaimed; issued on Supplemental Reg. ¹⁰
SUPER CHOKE	for “petroleum industry equipment, namely, remote adjustable high-pressure chokes with positive closure” in Class 7;	Owned by M-I L.L.C.; the word “Choke” is disclaimed; entire mark registered under § 2(f) of the Act. ¹¹
SUPER TOOL	for “compact folding tool comprising knife, pliers, and multiple blades, and leather and fabric sheaths therefor” in Class 8;	Owned by Leatherman Tool Group, Inc.; the word “Tool” is disclaimed; entire mark registered under § 2(f) of the Act. ¹²
SUPERWINCH	for, <i>inter alia</i> , “winches and parts therefore; electric	Owned by Superwinch, LLC;

⁷ Registration No. 1686040 issued on May 12, 1992; renewed.

⁸ Registration No. 1950685 issued on January 23, 1996; renewed.

⁹ Registration No. 2086891 issued on August 12, 1997; renewed.

¹⁰ Registration No. 2076560 issued on July 1, 1997; renewed.

¹¹ Registration No. 2181817 issued on August 18, 1998; renewed.

¹² Registration No. 2440250 issued on April 3, 2001; renewed.

Mark	Goods	Comments
	winches, hydraulic winches; winch repair kits primarily composed of winch component parts” in Class 7;	issued on Supplemental Reg. ¹³
SUPER FEEDER	for “automated pet food dispensers namely, mechanized pet feeders” in International Class 7;	Owned by Super-Feed Enterprise, a partnership; the word “Feeder” is disclaimed; entire mark registered under § 2(f) of the Act. ¹⁴
SUPER CHISEL	for “saw chain for chain saws” in Int. Class 7;	Owned by Blount, Inc.; entire mark registered under § 2(f) of the Act. ¹⁵
Superplow	for “snow plows” in International Class 7;	Owned by Ponderosa Properties LLC; issued on Supplemental Reg. ¹⁶
SUPER V	for “snow plows and plow blades for vehicles” in International Class 7;	Owned by Meyer Products, Inc.; issued on Supplemental Reg. ¹⁷
SUPERKNIFE	for “hand held cutting tools, namely, knives and shears; blades for knives and shears; belt clips for attaching knives to tool belts; and knife blade sheaths” in Int. Class 8;	Owned by Fiskars Brands, Inc.; entire mark registered under § 2(f) of the Act. ¹⁸

¹³ Registration No. 2865813 issued on July 20, 2004; Section 8 affidavit (six-year) accepted.

¹⁴ Registration No. 2913097 issued on December 21, 2004; Section 8 affidavit accepted. In an application filed by the same partnership six months earlier, *infra* at 13, FN 38 (Registration No. 2812672 issued on February 10, 2004; renewed), the somewhat different treatment can be explained by the fact that the word “Feed” is not generic for “feeders” and the free-style, literal elements in this special form mark are surrounded by a significant design element.

¹⁵ Registration No. 3352104 issued on December 11, 2007. We also note that Blount, Inc. is the owner of Registration No. 1083179 issued on January 24, 1978, for the mark SUPER GUARD, for identical goods, as cited by applicant, *infra* at 11, FN 25. With similarly situated marks issuing thirty years apart, here the difference in treatment is that the 2007 registration was issued under Section 2(f) of the Act.

¹⁶ Registration No. 3383528 issued on February 12, 2008.

¹⁷ Registration No. 3387162 issued on February 19, 2008.

¹⁸ Registration No. 3444223 issued on June 10, 2008.

Mark	Goods	Comments
SUPER SPRAYER	for “gardening tools, namely, sprayers; hand-operated sprayers for insecticide; hand-pumped sprayers for lawn and garden use” in Class 8;	Owned by H.D. Hudson Manuf. Co.; the word “Sprayer” is disclaimed; entire mark registered under § 2(f) of the Act. ¹⁹
SUPER CONE	for “rock handling machines, namely, mobile rock crushing machines” in International Class 7.	Owned by Construction Equip. Co.; the word “Cone” is disclaimed; issued on Supplemental Reg. ²⁰

Similarly, the following third-party registrations placed into the record by the examining attorney allegedly show how the Office typically treats the word “Jaw(s)” for a variety of grasping power tools in International Class 7:

Mark	Goods	Comments
HYDRO-JAW	for “air powered drilling tools, namely, drills and hole openers used in the oil, gas, foundation drilling, construction and horizontal drilling industries” in International Class 7;	Owned by Center Rock, Inc.; issued on Supplemental Reg. ²¹
JAWS	for “power operated rescue tools, namely, spreaders and power units therefore” in International Class 7;	Owned by Hale Products, Inc.; issued on Supplemental Reg. ²²

¹⁹ Registration No. 4001269 issued on July 26, 2011.

²⁰ Registration No. 4092488 issued on January 24, 2012.

²¹ Registration No. 3433439 issued on May 20, 2008.

²² Registration No. 3812291 issued on June 29, 2010. Hale Products, Inc. also claims ownership of the mark **JAWS OF LIFE** for rescue tools (the word “Jaws” is disclaimed), Registration No. 1017871 issued on August 12, 1975; second renewal.

Mark	Goods	Comments
SMARTJAW	for “packaging equipment components, namely, seal jaws, pneumatic jaw controls and pneumatic jaw actuators” in International Class 7.	Owned by Matrix Packaging Machinery, Inc.; entire mark registered under § 2(f) of the Act. ²³

By contrast, applicant points to copies of extant third-party registrations it timely made of record for tools in International Classes 7 and 8 having “Super-” formative marks in which the term “Super” is not disclaimed. Applicant concludes that this demonstrates that the United States Patent and Trademark Office does not find combined terms beginning with the designation “Super” to be merely descriptive, and asserts that these registrations cast further doubt on the proposition that applicant's applied-for mark is merely descriptive of its goods. The following registrations were included in this showing:

Mark	Goods	Comments
SUPER-CUT	for “diamond tools for dressing abrasive wheels, diamond core drills, diamond core drill coolant heads, diamond reamers, diamond countersinks, magnetic chucks with demountable diamond rings, diamond wheel dressers, rotary diamond saws” in International Classes 7 and 8;	Owned by Saint-Gobain Abrasives Limited, a U.K. corporation ²⁴
SUPER GUARD	for “saw chain for chain saws” in International Class 7;	Owned by Blount, Inc. ²⁵
SUPER LOOP	for “novelty twisting textile machine” in International Class 7;	Owned by Textured Yarn Co., Inc. ²⁶

²³ Registration No. 4113719 issued on March 20, 2012.

²⁴ Registration No. 0806675 issued on April 5, 1966; third renewal.

²⁵ Registration No. 1083179 issued on January 24, 1978; second renewal.

²⁶ Registration No. 1131214 issued on February 26, 1980; second renewal.

Mark	Goods	Comments
SUPER LIFE	for “saw blades for power tools” in International Class 7;	Owned by Unicut Corporation ²⁷
SUPER-GRIP	for “collets and collet pads for use with machine tools” in International Class 7;	Owned by Positrol, Inc. ²⁸
SUPER PAC	for “construction and/or road-building vehicles, namely compaction rollers” in International Class 7;	Owned by Volvo Motor Graders Limited. ²⁹
SUPER TAPER	for “hair clippers” in International Class 8;	Owned by Wahl Clipper Corp.; the word “Taper” is disclaimed. ³⁰
SUPERKROME	for “hand tools, namely, combination wrench sets” in International Class 8;	Owned by SK Hand Tool LLC ³¹
SUPER SAWZALL	for “hand held power saws” in International Class 7;	Owned by Milwaukee Electric Tool Corp. ³²
SUPERPRO	for “hand tools; namely, hand saws, screwdrivers, hacksaw blades and wrenches” in International Class 8;	Owned by Great Neck Saw Manufacturers, Inc. ³³
SUPER MAXBIT	for “drilling bits for use in drilling for water wells, for anchors and for pilings” in International Class 7;	Owned by Mitsubishi Materials Corporation ³⁴
SUPERFELL	for “power-operated tools, namely tree felling saws” in International Class 7;	Owned by Hultdin System AB, a Swedish corporation ³⁵
SUPER-PRECISION	for “machine tools, namely, grinders” in Int. Class 7;	Owned by Hardinge Inc. ³⁶

²⁷ Registration No. 1245027 issued on July 12, 1983; renewed.

²⁸ Registration No. 1246859 issued on August 2, 1983; renewed.

²⁹ Registration No. 1378843 issued on January 21, 1986; renewed.

³⁰ Registration No. 1452948 issued on August 18, 1987; renewed.

³¹ Registration No. 1594911 issued on May 8, 1990; second renewal.


³² Registration No. 1677368 issued on March 3, 1992; second renewal.

³³ Registration No. 1863512 issued on November 22, 1994; renewed.

³⁴ Registration No. 1933195 issued on November 7, 1995; renewed.

³⁵ Registration No. 2040891 issued on February 25, 1997; renewed.

³⁶ Registration No. 2289167 issued on October 26, 1999; renewed.

Mark	Goods	Comments
<i>SuperFramer</i>	for “machines and power operated tools for driving or fastening nails, fasteners or screws, namely, nail guns; pneumatic nailing machines and tools, namely, pneumatic nailers” in International Class 7;	Owned by Max Co., Ltd., a Japanese corporation ³⁷
	for “automated pet food dispensers, namely, mechanized pet feeders” in International Class 7;	Owned by Super-Feed Enterprise, a partnership; the word “Feed” is disclaimed. ³⁸
<i>SuperDecking</i>	for “power tools, namely, drills, screwdrivers and nailing machines for driving or fastening nails, fasteners or screws; pneumatic nailing machines” in International Class 7;	Owned by Max Co., Ltd., a Japanese corporation ³⁹
SUPERCRAFT	for “manually operated hammers, excluding drill chucks for power-operated tools” in International Class 8;	Owned by Erwin Halder KG, of Germany ⁴⁰
SUPEROLL	for “machine tools for super finishing and hardening of metal surfaces, namely, roller burnishers and roller burnishing tool heads attachable to roller burnishers” in Int. Class 7;	Owned by Sugino Machine Limited, a Japanese corporation ⁴¹

³⁷ Registration No. 2419784 issued on January 9, 2001; renewed.

³⁸ Registration No. 2812672 issued on February 10, 2004; renewed.

³⁹ Registration No. 2879374 issued on August 31, 2004; Section 8 affidavit accepted and Section 15 affidavit acknowledged.

⁴⁰ Registration No. 3285462 issued on August 28, 2007; Section 8 affidavit accepted and Section 15 affidavit acknowledged.

⁴¹ Registration No. 3317721 issued on October 23, 2007.

Mark	Goods	Comments
SUPERFLOW	for, <i>inter alia</i> , “power-operated coolant dispensers for machine tools” in International Class 7;	Owned by Mazak Corporation ⁴²
SUPERBUG	for “machines and machine tools, namely, automatic swimming pool cleaners and parts therefor; automatic swimming pool sweepers; devices for swimming pools, namely, swimming pool vacuums and swimming pool vacuum hoses; and structural component parts of all the aforesaid goods” in International Class 7.	Owned by Arengo 309 (PTY) LIMITED of South Africa ⁴³

Likewise, applicant included copies of similarly-structured “Super-” formative marks registered in connection with goods in other classes (related to International Class 7 and 8) that it contends are of the same type as the goods applied for herein:

Mark	Goods	Comments
SUPER COIL	for “key holders made of elastic coil <i>e.g.</i> , polyurethane, having metallic holders attached thereto” in International Class 20;	Owned by QMP Enter. Inc.; the word “Coil” is disclaimed. ⁴⁴
SUPER 1200	for “cold finished steel bar for machining” in International Class 6;	Owned by Niagara LaSalle Corp. ⁴⁵
SUPER HOG	for “welded steel mill chain for conveyors in sawmills and paper mills” in Int. Class 6;	Owned by Conveyco Mfg. Co. ⁴⁶

⁴² Registration No. 3491118 issued on August 26, 2008.

⁴³ Registration No. 3785520 issued on May 4, 2010.

⁴⁴ Registration No. 1063900 issued on April 19, 1977; second renewal.

⁴⁵ Registration No. 1610378 issued on August 21, 1990; second renewal.

⁴⁶ Registration No. 1678255 issued on March 10, 1992; second renewal.

Mark	Goods	Comments
SUPER ALURITE	for “coated metal roofing and siding” in International Class 6;	Owned by Fabral, Inc. ⁴⁷
SUPER SLIDERS	for “furniture casters, namely glides made of plastic” in International Class 20;	Owned by Waxman Consumer Products Group, Inc. ⁴⁸
SUPER STUD	for “metal structural beams for concrete form assemblies, namely, beams used externally and temporarily as framing supports for the construction of concrete form assemblies” in International Class 6;	Owned by Wilian Holding Co. ⁴⁹
SUPER STRAP	for “cargo restraint devices in the nature of plastic fixtures to which restraint bands are attached” in International Class 20;	Owned by Logistick, Inc.; the word “Strap” is disclaimed. ⁵⁰
SUPER MULTI-CLIP	for “non-metal table skirting clips” in International Class 20;	Owned by FASTENation, Inc. ⁵¹
SUPER BRITE	for “aluminum alloys in the form of sheets and plates” in International Class 6;	Owned by Commonwealth Aluminum Metals, LLC; the word “Bright” is disclaimed. ⁵²
SUPER EDGE	for “flexible cutting line for use in lawn and garden string trimmer spools on rotary trimmers” in Int. Class 22.	Owned by Proulx Manuf., Inc.; the word “Edge” is disclaimed. ⁵³

Again, applicant noted that there were no disclaimers of the word “Super” in any of these registrations.

⁴⁷ Registration No. 1953442 issued on January 30, 1996; renewed.

⁴⁸ Registration No. 1988909 issued on July 23, 1996; renewed.

⁴⁹ Registration No. 2491660 issued on September 25, 2001; renewed.

⁵⁰ Registration No. 2624308 issued on September 24, 2002; renewed.

⁵¹ Registration No. 3448421 issued on June 7, 2008.

⁵² Registration No. 3521292 issued on October 21, 2008.

⁵³ Registration No. 3813016 issued on July 6, 2010.

C. Analysis

Jaws

The term “jaws” appears twice in applicant’s International Class 7 identification of goods (“machine tools, namely, *jaws* ... ; workbench accessories, ... in the nature of ... *jaws* ...”) and six times in its International Class 8 identification of goods (*e.g.*, hand tools, namely, ... metal vice *jaws*, ... ; workbench accessories ... in the nature of ... *jaws* ...”). This is consistent with the dictionary definitions of the word “Jaw,” particularly entries referring to machines having two or more opposable parts capable of grasping or holding something, and we find that the term “jaws” describes equally well applicant’s machine tools in International Class 7 and hand tools in International Class 8. Similarly, in the three registrations listed above, where the term “Jaw” (or “Jaws”) has been adopted for use in connection with grasping machines in International Class 7 (even those where this exact terminology “jaw” does not appear in the identification of goods), the registrations of the marks issued on the Supplemental Register or on the Principal Register based on evidence of acquired distinctiveness as to the entire composite mark.

We acknowledge that not all the goods listed in applicant’s identification of goods are identified as “jaws” and others are not clearly grasping tools. However, if the mark is descriptive of some identified items – or even just one – the whole class of goods still may be refused by the examiner. *In re Chamber of Commerce*, 102 USPQ2d at 1220; *In re Oppedahl & Larson LLP*, 373 F.3d 1171,

1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (“[A] mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods or services.”) (citation omitted). If the Board affirms a refusal of an entire class based on the descriptiveness of the mark for one or more goods in the class, then the entire class will fail.

Hence, we find that the term “Jaws” as used in applicant’s mark is highly descriptive of the listed goods, and standing alone the term “Jaws” might well be generic for the goods.

“Super-” formative Marks

We turn then to the first word of applicant’s proposed compound word mark: “super.” The record contains dictionary definitions of the word “super” along with some helpful usage notes therefor. Not surprisingly, composite marks built from “Super-” formatives have been previously discussed in various precedential decisions. In fact, applicant and the examining attorney do seem to be in agreement that there is no *per se* rule on how the United States Patent and Trademark Office should treat the word “super.” In this regard, as to composite marks beginning with the prefix, “super,” this Board had occasion more than a decade ago to provide some helpful guidance on the sometimes unclear line of demarcation between such marks that would be found merely descriptive and those that are, at worst, suggestive:

A general proposition which may be distilled from the foregoing cases is that if the word “super” is combined with a word which names the goods or services, or a principal component, grade or size thereof, then the composite term is considered merely descriptive of the goods or services, but if such is not strictly true, then the

composite mark is regarded as suggestive of the products or services. Here, joining the laudatory word “super” with the generic fabric name “silk” to form the term **SUPER SILK** results in a composite which plainly has a meaning identical to the meaning which ordinary usage would ascribe to such words in combination. *See, e.g., In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 110, 1111-12 (Fed. Cir. 1987) * * *.”

Consequently, when considered in its entirety, the term **SUPER SILK** would in a laudatory fashion immediately describe, without conjecture or speculation, a significant quality, characteristic or feature of any articles of clothing, including dress shirts and sport shirts, made of silk fabric. Purchasers and potential customers for such goods would plainly understand, as asserted by the Examining Attorney, that because shirts, like other items of apparel, are commonly made of silk, the term **SUPER SILK** designates goods made of an excellent, first-rate, or superior grade of silk fabric and not, as suggested by applicant, those produced from “a fabric that is similar but superior to silk” (emphasis added).

In re Phillips-Van Heusen Corp., 63 USPQ2d 1047, 1052 (TTAB 2002). We find this distinction explains well the difference in result between many of the “Super-” formative marks listed by applicant and those listed by the examining attorney.

Applicant makes much of the fact that there were no disclaimers of the prefatory term “Super” in any of the third-party registrations it submitted. However, especially in those registrations (having “Super-” formative composite marks) that issued since the time *Phillips-Van Heusen* was decided, the follow-on wording does not appear to fit the bar of the *Phillips-Van Heusen* description for merely descriptive composites (“... a word which names the goods or services, or a principal component, grade or size thereof ...”).

Rather, under the principles articulated in *Phillips-Van Heusen*, when the leading word “Super” is joined with a suggestive term (e.g., “Strap” for “... plastic fixtures to which restraint bands [straps] are attached”; “Brite” for aluminum sheets; or “Edge” for cutting line for use in string trimmer), the combination remains suggestive.

Furthermore, we note that even the majority of the earlier composite marks applicant listed that were registered before the decision in *Phillips-Van Heusen* issued in March 2002 were similarly consistent⁵⁴ with this guidance inasmuch as these combined forms each appear to be highly suggestive, at worst, of the listed goods.

As to at least a dozen marks on applicant’s second list of registrations, for goods in International Classes 7 and 8, the composite marks are “unitary.” In the event that only one word of a unitary mark should be found merely descriptive, it would be inappropriate to disclaim that portion of the unitary mark. TMEP § 1213.05 (April 2013).

In substantially all of the registered “Super-” formative composite marks placed into the record by the examining attorney, the second term in the composite marks describes or even “names the goods” in International Classes 7 or 8. The

⁵⁴ On the other hand, to the extent that there are copies of registrations placed into the record that do not follow this guidance, while the United States Patent and Trademark Office (USPTO) strives for a high level of consistency, we acknowledge that occasionally the Register contains results that are not perfectly consistent. As the Federal Circuit has noted on more than one occasion, that each case must be examined on its own merits against the backdrop of the governing statute(s), and that the USPTO’s allowance of prior registrations that may have some characteristics of the application at hand does not bind the USPTO. *In re Shinnecock Smoke Shop*, 571 F.3d 1171, 91 USPQ2d 1218, 1221 (Fed. Cir. 2009); and *In re Nett Designs, Inc.*, 236 F.3d 1339, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001).

resulting composites plainly have a meaning identical to the meaning which ordinary usage would ascribe to such words in combination. Accordingly, each of the marks in these applications issued on the Supplemental Register or if on the Principal Register, the entire mark was shown to have acquired distinctiveness under Section 2(f) of the Act. Only in those cases where the “Super” preface and the immediately-following, highly descriptive or generic term were separable elements was the latter term disclaimed.

Finally, applicant repeatedly argues that the term **SUPERJAWS** immediately evokes connotations of Superman or another superhero rather than laudatorily describing these goods in an overarching sense. We find this “superhero” argument to be without any basis in the record. There is nothing inherent in the structure of the term “Superjaws,” or in the context in which the mark will be used, that would prompt a result different than the other forty-five “Super-” formative marks made a part of this record.

In the case at bar, rather than being propelled into visions of the iconic superhero who is “faster than a speeding bullet” or “more powerful than a locomotive” (arguments in applicant’s brief at 21), or even possibly inciting panic over an unparalleled menace on Amity Island, we find the dictionary definitions of “super” meaning “powerful,” “high-quality,” or “excellent” to be more relevant in this construction.

In fact, we find that prospective consumers of the identified goods would readily understand that applicant’s applied-for mark describes a superior vice system for

grasping and holding work pieces. The name “Superjaws” immediately and intuitively conveys information about heavy-duty workbench accessories and attachments having hundreds, if not thousands, of pounds of clamping pressure. Accordingly, because we retain no doubt in the matter, we find that the term **SUPERJAWS** is merely descriptive of applicant’s listed goods in International Classes 7 and 8.

Decision: The refusal to register the **SUPERJAWS** applied-for mark under Section 2(e)(1) of the Lanham Act is hereby affirmed.

In re Societe Generale Des Eaux Minerales De Vittel S.A.

824 F.2d 957 (Fed. Cir. 1987) □ 3 U.S.P.Q.2d 1450
Decided Jul 14, 1987

No. 87-1127.

July 14, 1987.

Paul F. Kilmer, Mason, Fenwick Lawrence, Washington, D.C., for appellant.

Albin F. Drost, Office of the Solicitor, Arlington, Va., for appellee.

Appeal from the United States Patent and Trademark Office Trademark Trial and Appeal Board.

Before MARKEY, Chief Judge, RICH and BISSELL, Circuit Judges.

RICH, Circuit Judge.

This appeal is from the 30 September 1986 decision of the United States Patent and Trademark Office (PTO) Trademark Trial and Appeal Board (board), 1 USPQ2d 1296, affirming the refusal by the Trademark Examining Attorney to register the mark VITTEL and bottle design for enumerated cosmetic products on the application of Societe Generale Des Eaux Minerales De Vittel, S.A. (Vittel), serial No. 398,038, filed 30 September 1982. Refusal to register was under section 2(e)(2) of the Lanham Act ([15 U.S.C. § 1052\(e\)\(2\)](#)) on
958 the *958 ground that the mark is "primarily geographically descriptive" of the goods. We reverse.

Facts

The U.S. application to register was filed on the basis of a French registration under [15 U.S.C. § 1126\(c\)](#), wherefore no use of the mark in this country was alleged. No evidence of any use in this country has been submitted.

The application was filed by the owner of the French registration, appellant here, whose place of business as stated in the application is in the town of Vittel, France, the presumed source of the goods named in the application.

The Examining Attorney of the PTO, in support of her refusal to register, cited geographical references which show that Vittel is the name of a town in northeastern France in the Department of Voges, in the Voges mountains, which, in about 1962, had a population of 5476, had cold mineral water springs, and was known as a watering place, spa, and resort. It produced Vittel salts, pastilles, and bottled water and had a brewery. While the evidence shows that the mineral water was "exported," there is no evidence it was exported to or generally known in the United States. There are some NEXIS extracts from the New York Times, produced by the Examining Attorney, showing that that paper's travel and "living" sections have referred to Vittel as one of several French "famous spas" and they made reference to "Vittel mineral water." Two NEXIS items included

are duplicative obituary items about a famous chef who died in 1983 while playing tennis in Vittel, "a spa in eastern France." It is indeed remarkable to see the thoroughness with which NEXIS can regurgitate a placename casually mentioned in the news.

The mark sought to be registered is described in the application as follows:

The trademark consists of a bottle configuration and the designation VITTEL; the upper part of Applicant's label is white with the word VITTEL in red letters; the label gradually fades to blue in the lower part of the label; the flask and cap are blue.

There is also a drawing, described above, here reproduced.

The goods recited in the application are listed as follows:

Soaps, Essential Oils, Cosmetics, Hair Lotions; Toilet Waters, Perfumes, Aftershaves, Toilet Milks, Talc, Bath Oils; Powders, Creams, Milks, Lotions, Tonics, and Masks for Body and Face Care in I.C. 3; and Sanitary Substances in I.C. 5.

With respect to the last-mentioned item in I.C. (International Classification) 5, there was a second ground of rejection □ a requirement for more specific identification □ which was dealt with in the board opinion a length, but it is not on appeal.

The refusal to register is predicated on the alleged proscription of the following statute, [15 U.S.C. § 1052\(e\)\(2\)](#):

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it □

. . . .

(e) Consists of a mark which . . . (2) when applied to the goods of the applicant is *primarily geographically descriptive* or deceptively misdescriptive of them. . . . [Emphasis ours.]

The Examining Attorney relied entirely on the emphasized provision and there is no question here of deceptive 959 misdescriptiveness. *959 Her position was simply that there is nothing distinctive about the trade dress or the container configuration and Vittel is geographically descriptive of the goods because it is the place where applicant is located, the implication being that it is also the place from which the goods come.

The board, in affirming the refusal to register and no doubt aware that the meaning of "primarily geographically descriptive" has been much discussed in many cases and texts, took a more sophisticated approach. It began its discussion by saying, correctly:

[W]here a refusal of registration is based on the finding that a mark is primarily geographically descriptive of the goods, that is, the goods actually come from the geographical place designated in the mark, the Examining Attorney must submit evidence to establish a public association of the goods with that place if, for example, there exists a genuine issue raised that the place named in the mark is *so obscure or remote that purchasers would fail to recognize* the term as indicating the geographical source of the goods. . . . [Emphasis ours.]

The board then reviewed the Examining Attorney's evidence which we have summarized above and said it was persuaded that there does exist a "genuine issue" whether Vittel is "sufficiently remote or obscure that purchasers would fail to recognize the term as indicating the geographical source of the goods." Having

determined the existence of the issue, the board said it must determine the sufficiency of the evidence "to establish a public association between any or all of the goods covered in appellant's application and Vittel, France." The board concluded, of course, that the evidence sufficed to show there would be the necessary association.

OPINION

The two most significant precedents in this court on the difficult problem of what is meant by "primarily geographically descriptive," although they both dealt with the deceptively misdescriptive aspect of § 2(e)(2), are *In re Loew's Theaters, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) (DURANGO for chewing tobacco), and *In re Nantucket, Inc.*, 677 F.2d 95, 213 USPQ 889 (CCPA 1982) (NANTUCKET for men's shirts), the former reconfirming the latter.

As the board clearly realized, a first principle derivable from those cases is that a prima facie case of unregistrability cannot be made out simply by evidence showing that the mark sought to be registered is the name of a place known generally to the public; it is also necessary to show that the public would make a goods/place association, i.e., believe that the goods for which the mark is sought to be registered originate in that place. To hold such a belief, it is necessary, of course, that the purchasers perceive the mark as a place name and this is where the question of obscurity or remoteness comes to the fore.

In dealing with all of these questions of the public's response to word symbols, we are dealing with the supposed reactions of a segment of the American public, in this case the mill-run of cosmetics purchasers, not with the unusually well-travelled, the aficionados of European watering places, or with computer operators checking out the meaning of strange words on NEXIS.

There can be no doubt that the PTO has established that Vittel is in fact the name of a small town in the Voges mountain region of France where there is a resort with mineral springs □ a spa □ where the water is bottled and thence distributed somewhere, but how many people in this country know that? Certainly Vittel is remote and we deem the evidence produced by the PTO insufficient to show that it is not obscure. We think the evidence is inadequate to show that the bulk of cosmetics purchasers, or even a significant portion of them, would, upon seeing the word Vittel on a bottle of skin lotion or the like, conclude that it is a place name and that the lotion came from there, rather than simply a trademark or trade name of a manufacturer like Chanel, Bourgois, or Vuitton.

While we consider the evidence insufficient to show that Vittel mineral water has ever been available in this country to such *960 an extent as to have become generally known here, the reasoning of the board appears to have rested on the contrary assumption that it supports a conclusion that a domestic public association exists between Vittel, France, and mineral water. We take the reference to the public to mean the American public because the board was well aware that we are not concerned with the public in other countries; it properly ignored an article cited by the Examining Attorney from the *Manchester Guardian Weekly* saying, "this British publication is not evidence of the perception of the term [Vittel] by people in the United States." Nevertheless, the board pursued a line of reasoning based on the Vittel-mineral water association epitomized by the following:

[A]pplicant's goods . . . are products which would ordinarily be associated with the sort of products one would encounter in a health or resort spa. Similarly, the public association established between Vittel and mineral water would likely result, in our opinion, in people's believing that Vittel lotions or tonics were somehow formulated with or otherwise related to the mineral waters of Vittel.

We think this attempt to somehow relate appellant's goods with health spas and mineral water fails in this case for want of evidence showing that the American cosmetic-purchasing public is aware of the existence of Vittel, France, or with its production of mineral water. In short, the evidence is insufficient to show the likelihood of that segment of the public thinking that Vittel refers to a place where the goods come from. Vittel is therefore not primarily geographically descriptive, at least in this country which is all that matters.

We believe that this case should be placed in the category of two recent board opinions, one of which it cited in its opinion in this case on a "compare" basis. That case is *In re Brauerie: Aying Fran* □ *Inselkammer KG* 217 USPQ 73 (TTAB 1983). There the board reversed a refusal based on § 2(e)(2) to register AYINGER BIER for beer, as it said in the opinion here, "on the ground that no public association was shown between Aying, a tiny German hamlet and beer or any other product." Furthermore, the opinion in the *Brauerie* case shows that Aying is a suburb of Munich, that the beer comes from there, and the specimen labels, in picture and words, show the brewery to be located in Aying. As here, the application was based on a foreign registration, no use of the label or the mark in this country was shown, and no goods/place association in the public mind in this country was established. The other case is *In re Bavaria St. Pauli Brauerie AG*, 222 USPQ 926 (TTAB 1984) in which the board reversed a refusal to register JEVER (and design) under § 2(e)(2) on the basis of a reference showing that Jever is a town of 10,342 ten miles from Wilhelmshaven in northwest Germany. The beer was made there. Again relying on our *Nantucket* case (concurring opinion of Judge Nies), the board posed the question "whether the purchasing public in America would expect a beer labelled 'JEVER' to come from Jever, West Germany." The board answered that "A single entry from a thirty-two year old geographical index has not convinced us that they would," and characterized the town of Jever as "relatively obscure." We think the evidence here leaves Vittel in the same category and note that the board never made any clear finding to the contrary but only found a goods/place connection between Vittel and a mineral water spa, attempting to reason from there that appellant's goods would be associated with a spa or with mineral water and thus with Vittel.

For the above reasons, the decision of the board affirming the refusal to register appellant's mark under § 2(e)(2) is reversed.

961 REVERSED. *961

Hearing:
August 28, 1997

Paper No. 10
SIMMS/MD

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB JUNE 5, 98

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Carolina Apparel

Serial No. 74/658,141

Larry L. Coats of Rhodes, Coats & Bennett, L.L.P. for
Carolina Apparel.

Michelle Mooney-Ritchey, Trademark Examining Attorney, Law
Office 103 (Michael Szoke, Managing Attorney)

Before Simms, Cissel and Hairston, Administrative Trademark
Judges.

Opinion by Simms, Administrative Trademark Judge:

Carolina Apparel (applicant), a North Carolina
partnership, has appealed from the final refusal of the
Trademark Examining Attorney to register the mark CAROLINA
APPAREL ("APPAREL" disclaimed) for retail clothing store
services.¹ The Examining Attorney has refused registration
under Section 2(e)(2) of the Act, 15 USC §1052(e)(2), on the

¹ Application Serial No. 74/658,141, filed April 10, 1995, based
upon applicant's bona fide intention to use the mark in commerce
under Section 1(b) of the Act, 15 USC §1051(b).

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basis that applicant's mark is primarily geographically descriptive of applicant's services. Applicant and the Examining Attorney have submitted briefs and an oral hearing was held.

We affirm.

It is applicant's position that its asserted mark is not primarily geographically descriptive of its services. With respect to the geographic significance of the term "Carolina," applicant notes that the dictionary definition of record indicates that this was the name of an American colony that no longer exists and does "not reference any particular place that has meaning today." Brief, 2. In addition, applicant lists several third-party registrations which include the term "CAROLINA" without a disclaimer.² Applicant has also argued that "CAROLINA" is not known for

² The Board does not take judicial notice of third-party registrations, and the mere listing of them is insufficient to make them of record. See *In re Duofold*, 182 USPQ 638, 640 (TTAB 1974). If either applicant or the Examining Attorney wishes to rely on such registrations, paper copies (or computer printouts from Office records) of those registrations should have been made of record prior to appeal. See Trademark Rule 2.142(d). Even if these registrations had properly been made of record, however, they would not have changed the result we reach herein.

The Examining Attorney, on the other hand, has made of record a number of third-party registrations which include the term CAROLINA, where that term has been disclaimed or where the registration was allowed under Section 2(f) of the Act, 15 USC §1052(f).

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apparel, but rather is used in an arbitrary sense.³ See applicant's Response, filed April 1, 1996, 2. Accordingly, although applicant acknowledges that its services are rendered in the state of North Carolina, *id.*, and brief, 5, the actual items of clothing may come from a variety of locations, applicant contends. It is applicant's position, therefore, that the asserted mark is not primarily geographically descriptive of its services.

Both applicant's attorney and the Examining Attorney agree that, in order to justify a refusal under Section 2(e)(2) of the Act, this Office must show that the mark sought to be registered is the name of a place generally known to the public and that the public would make a services/place association, i.e., believe that the services for which the mark is being registered originate in that place. See *In re California Pizza Kitchens, Inc.*, 10 USPQ2d 1704, 1705 (TTAB 1989) and cases cited therein. Moreover, if a geographic term in a mark is neither remote nor obscure and the geographic significance is the primary connotation of the term, and where the goods or services actually originate from the geographic place designated in the mark, a public association of the goods or services with the place

³ At the oral hearing, however, applicant's counsel stated that he did not dispute that textile products are associated with North Carolina.

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may ordinarily be presumed. See *California Pizza Kitchens*, supra, and *In re Handler Fenton Westerns*, 214 USPQ 848 (TTAB 1982). Here, the evidence of record shows that "Carolina", in addition to being the name of an American colony, also is used to indicate either the state of North Carolina or the state of South Carolina. See Random House Unabridged Dictionary (2d ed. 1983). It is clear that the primary significance of the designation CAROLINA APPAREL, APPAREL being generic and disclaimed by applicant, is geographic. The addition of a generic term to a geographic term does not avoid the refusal of primary geographic descriptiveness. See *In re BankAmerica Corp.*, 231 USPQ 873 (TTAB 1986) and *In re Cambridge Digital Systems*, 1 USPQ2d 1659 (TTAB 1986). Inasmuch as the services admittedly do or will come from the place named in the mark, a public association of the services with the place named in the mark is presumed. In any event, the definitions of "North Carolina" and "South Carolina" from Webster's New Geographical Dictionary (1988), submitted with the Examining Attorney's brief, but of which we may take judicial notice, clearly demonstrate that clothing and textiles are among the chief products of both of these states. Accordingly, there is clearly an association of applicant's retail clothing store services with the place named in the mark.

Decision: The refusal of registration is affirmed.

R. L. Simms

R. F. Cissel

P. T. Hairston
Administrative Trademark
Judges, Trademark Trial and
Appeal Board

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