

**To:** ASV Wines, Inc. ([info@hiaringlaw.com](mailto:info@hiaringlaw.com))  
**Subject:** TRADEMARK APPLICATION NO. 78905908 - PARODY - ASV 1.1  
**Sent:** 10/24/2006 4:28:52 PM  
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[Attachment - 3](#)  
[Attachment - 4](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/905908

**APPLICANT:** ASV Wines, Inc.

**CORRESPONDENT ADDRESS:**  
ANNE HIARING  
LAW OFFICE OF ANNE HIARING  
19 BROOKMONT CIR  
SAN ANSELMO, CA 94960-1412

**\*78905908\***

**RETURN ADDRESS:**  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** PARODY

**CORRESPONDENT'S REFERENCE/DOCKET NO :** ASV 1.1

**CORRESPONDENT EMAIL ADDRESS:**  
[info@hiaringlaw.com](mailto:info@hiaringlaw.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/905908

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

**Results of Trademark Act Section 2(d) Search**

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**Refusal to Register – USPTO Will Not Issue Identical Registrations**

Registration is REFUSED because the application appears to duplicate Reg. No. 1978715, which is an active registration owned by applicant. TMEP §703. Please see the enclosed registration. The instant application and the registration are for the same mark, "PARODY," and for identical goods, namely, "wines" in International Class 33. The U.S. Patent and Trademark Office will not issue duplicate registrations. TMEP §703. Please note that a mark shown in a format that would have been considered "typed" prior to November 2, 2003 shall be treated as a standard character drawing. TMEP § 807.03(g).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal to register, then applicant must also respond to the following requirement.

#### **Ownership of Prior Registration**

If applicant is the owner of U.S. Registration No. 1970418, then applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812. Please see the enclosed registration. The following standard format is suggested:

Applicant is the owner of U.S. Registration No. 1970418.

**If applicant has any questions, please feel free to contact the undersigned.**

/Linda Lavache/  
Trademark Examining Attorney  
Law Office 106  
Phone: 571.272.7187  
Official Fax: 571.273.9106

#### **HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

**TYPED DRAWING**

**Serial Number**

74468107

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

PARODY

**Standard Character Mark**

No

**Registration Number**

1978715

**Date Registered**

1996/06/04

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

ASV Wines, Inc. CORPORATION CALIFORNIA 1998 ROAD 152 DELANO CALIFORNIA 93215

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 047 049. G & S: wines. First Use: 1995/09/22. First Use In Commerce: 1995/09/22.

**Filing Date**

1993/12/10

**Examining Attorney**

FRIEDMAN, HOWARD

**Attorney of Record**

Anne Haring

**DESIGN MARK**

**Serial Number**

74501222

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

P PARODY JUST GOOD WINE

**Standard Character Mark**

No

**Registration Number**

1970418

**Date Registered**

1996/04/23

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

ASV Wines, Inc. CORPORATION CALIFORNIA 1998 ROAD 152 DELANO CALIFORNIA 93215

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 047 049. G & S: wines. First Use: 1995/09/22. First Use In Commerce: 1995/09/22.

**Disclaimer Statement**

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

**Lining/Stippling Statement**

The lining is for shading purposes only and does not indicate color.

**Description of Mark**

The mark consists of the combination word and design mark "PARODY JUST GOOD WINE" and letter "P" imposed over a grape leaf set inside a circle with triangles radiating from the circumference.

**Filing Date**

1994/03/15

**Print: Oct 24, 2006**

**74501222**

**Examining Attorney**  
FRIEDMAN, HOWARD

**Attorney of Record**  
Anne Haring

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