

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85381760
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85381760
LITERAL ELEMENT	WEDDING ENTERTAINMENT DIRECTOR
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.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_1-6813194202-114459142_85381760 - Response to 19 Nov. 2011 Office Action.pdf
CONVERTED PDF FILE(S) (7 pages)	\\TICRS\EXPORT11\IMAGEOUT11\853\817\85381760\xml4\ROA0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\817\85381760\xml4\ROA0003.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\853\817\85381760\xml4\ROA0004.JPG
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DESCRIPTION OF EVIDENCE FILE	The argument section.
GOODS AND/OR SERVICES SECTION (class deleted)	
GOODS AND/OR SERVICES SECTION (class added) Original Class (B)	
INTERNATIONAL CLASS	200
DESCRIPTION	
Indicating membership in an organization of disc jockeys, band leaders, and masters of ceremony that evaluates the knowledge, skills, and abilities of others for the purpose of certification and re-certification in the field of entertainment services for weddings and special events	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/07/2001
FIRST USE IN COMMERCE DATE	At least as early as 11/07/2001

ADDITIONAL STATEMENTS SECTION	
SECTION 2(f) Claim of Acquired Distinctiveness, based on Five or More Years' Use	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Linda M. Quigley/
SIGNATORY'S NAME	Linda M. Quigley
SIGNATORY'S POSITION	Attorney of record, Virginia State Bar member
SIGNATORY'S PHONE NUMBER	(888) 405-3153
DATE SIGNED	01/20/2012
RESPONSE SIGNATURE	/Linda M. Quigley/
SIGNATORY'S NAME	Linda M. Quigley
SIGNATORY'S POSITION	Attorney of record, Virginia State bar member
SIGNATORY'S PHONE NUMBER	(888) 405-3153
DATE SIGNED	01/20/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jan 20 12:08:25 EST 2012
TEAS STAMP	USPTO/ROA-XX.XX.XXX.XXX-2 0120120120825378285-85381 760-490bc4dc8cb3aa91e1c3c cf43fd82c76e-N/A-N/A-2012 0120114459142858

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85381760** WEDDING ENTERTAINMENT DIRECTOR(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85381760>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of The argument section. has been attached.

Original PDF file:

[evi_1-6813194202-114459142_85381760 - Response to 19 Nov. 2011 Office Action.pdf](#)

Converted PDF file(s) (7 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class B for Indicating membership in an organization of disc jockeys, band leaders, and masters of ceremony that evaluates the knowledge, skills, and abilities of others for the purpose of certification and re-certification in the field of entertainment services for weddings and special events

Applicant hereby adds the following class of goods/services to the application:

New: Class 200 (Original Class: B) for Indicating membership in an organization of disc jockeys, band leaders, and masters of ceremony that evaluates the knowledge, skills, and abilities of others for the purpose of certification and re-certification in the field of entertainment services for weddings and special events

Filing Basis: Section 1(a), Use in Commerce: The mark was first used at least as early as 11/07/2001 and first used in commerce at least as early as 11/07/2001 , and is now in use in such commerce.

ADDITIONAL STATEMENTS

SECTION 2(f) Claim of Acquired Distinctiveness, based on Five or More Years' Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the 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/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Linda M. Quigley/ Date: 01/20/2012

Signatory's Name: Linda M. Quigley

Signatory's Position: Attorney of record, Virginia State Bar member

Signatory's Phone Number: (888) 405-3153

Response Signature

Signature: /Linda M. Quigley/ Date: 01/20/2012

Signatory's Name: Linda M. Quigley

Signatory's Position: Attorney of record, Virginia State bar member

Signatory's Phone Number: (888) 405-3153

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85381760

Internet Transmission Date: Fri Jan 20 12:08:25 EST 2012

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XXX-2012012012082537

8285-85381760-490bc4dc8cb3aa91e1c3ccf43f

d82c76e-N/A-N/A-20120120114459142858

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Owner: WED Guild, LLC
Serial No.: 85381760 **Filed:** January 20, 2012
Trademark Atty: Paula M. Mahoney
Word Mark: WEDDING ENTERTAINMENT DIRECTOR

Response to November 19, 2011, Office Action

This Response is filed in reply to the Office Action mailed on November 19, 2011. The Applicant respectfully submits the following response to consider along with the earlier submitted specimens. Applicant submits that the above-identified trademark application for WEDDING ENTERTAINMENT DIRECTOR is in condition for allowance.

Applicant responds as follows:

Potential Section 2(e)(1) Refusal – Merely Descriptive

Applicant submits a preliminary response to the potential section 2(e)(1) refusal. Applicant reserves all rights, however, to provide a detailed and more descriptive response with supporting materials, if Examining Attorney Paula Mahoney raises a Section 2(e)(1) refusal in a subsequent Office Action.

Preliminary Response with Reservation of Rights

Attorney Mahoney asserts that WEDDING ENTERTAINMENT DIRECTOR “merely describes the features and purpose of applicant’s services.” The determination that Applicant’s mark is merely descriptive arises from a fundamental misunderstanding of Applicant’s certification. As noted by Attorney Mahoney, “[t]he determination of whether a mark is merely descriptive is considered in relation to the identified good and/or services, not in the abstract.”

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