To: Parodies LLC (ustrademarks@mchaleslavin.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85503117 - CRAPITOL HILL - 4085U.000003

Sent: 5/24/2012 8:56:35 PM

Sent As: ECOM102@USPTO.GOV

Attachments: Attachment - 1

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APPLICATION SERIAL NO. 85503117

MARK: CRAPITOL HILL

85503117

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

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

CORRESPONDENT ADDRESS:

CARL J. SPAGNUOLO MCHALE & SLAVIN, P.A. 2855 PGA BLVD

PALM BEACH GARDENS, FL 33410-2910

APPLICANT: Parodies LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

4085U.000003

CORRESPONDENT E-MAIL ADDRESS:

ustrademarks@mchaleslavin.com

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.

ISSUE/MAILING DATE: 5/24/2012

Upon further review of the application the following refusal is now issued. The examining attorney apologizes for any inconvenience to the applicant.

Section 2(a) – Disparagement

Registration is refused because the applied-for mark consists of or includes matter which may disparage or bring into contempt or disrepute persons, institutions, beliefs or national symbols. Trademark Act Section 2(a), 15 U.S.C. §1052(a); see In re Squaw Valley Dev. Co., 80 USPQ2d 1264, 1267-79 (TTAB 2006); Harjo v. Pro-Football, Inc., 50 USPQ2d 1705, 1740-48 (TTAB 1999), rev'd, 284 F. Supp. 2d 96, 125, 68 USPQ2d 1225, 1248 (D.D.C. 2003) (finding "no error in the TTAB's articulation of [the Section 2(a)] test for disparagement"), remanded on other grounds, 415 F.3d 44, 75 USPQ2d 1525 (D.C. Cir. 2005), and aff'd, 565 F.3d 880, 90 USPQ2d 1593 (D.C. Cir. 2009), cert. denied, 130 S. Ct. 631 (2009); TMEP §§1203.03, 1203.03(c).

The following two factors must be considered when determining whether matter may be disparaging under Trademark Act Section 2(a):

- (1) What is the likely meaning of the matter in question, taking into account not only dictionary definitions, but also the relationship of the matter to the other elements in the mark, the nature of the goods and/or services, and the manner in which the mark is used in the marketplace in connection with the goods and/or services; and
- (2) If that meaning is found to refer to identifiable persons, institutions, beliefs or national symbols, whether that meaning may be disparaging to a substantial composite of the referenced group.

In re Squaw Valley Dev., 80 USPQ2d at 1267 (citing Harjo, 50 USPQ2d at 1740-41); TMEP §1203.03(c).

The attached evidence shows that "Capitol Hill" refers to the institution known as the U.S. Congress. "CRAP" is defined as "Vulgar: excrement; an act of defecation". "CRAPITOL HILL" refers to the institution in a disparaging manner because it belittles the institution that is crucial to making our democratic system of government work. The U.S. Congress, or Capitol Hill, "keeps an eye on the executive branch, advances an agenda based on its members' understanding of what the country needs, polices its members' behavior" and in general provides the policy-making function that our Founders envisioned. Further, it makes an objectionable statement about the institution and holds it up to ridicule and contempt. See attached dictionary definitions and evidence referring to Capitol Hill as referring to the institution of the U.S. Congress.

Alternatively, the mark must be refused under Section 2a as scandalous because it is an offensive and vulgar term.

Registration is refused because the applied-for mark consists of or includes immoral or scandalous matter. Trademark Act Section 2(a), 15 U.S.C. §1052(a); see TMEP §1203.01.

The words "immoral" and "scandalous" may have somewhat different connotations; however, immoral matter has been included in the same category as scandalous matter. TMEP §1203.01; *see In re McGinley*, 660 F.2d 481, 484 n.6, 211 USPQ 668, 673 n.6 (C.C.P.A. 1981) (Because of the court's holding that appellant's mark was scandalous, "it [was] unnecessary to consider whether appellant's mark [was] 'immoral.' [The court] note[d] the dearth of reported trademark decisions in which the term 'immoral' [had] been directly applied.").

To be considered "scandalous," the evidence must show that a mark would be considered shocking to the sense of decency or propriety, giving offense to the conscience or moral feelings, or calling out for condemnation. *In re Mavety Media Grp. Ltd.*, 33 F.3d 1367, 1371, 31 USPQ2d 1923, 1925 (Fed. Cir. 1994); *In re Wilcher Corp.*, 40 USPQ2d 1929, 1930 (TTAB 1996); *see* TMEP §1203.01.

A mark is immoral or scandalous when the evidence shows that a substantial composite of the general public (although not necessarily a majority) would consider the mark to be scandalous in the context of contemporary attitudes and the relevant marketplace. *See In re The Boulevard Entm't, Inc.*, 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003); *In re Luxuria s.r.o.*, 100 USPQ2d 1146, 1148 (TTAB 2011); TMEP §1203.01.

In this case, applicant seeks registration of CRAPITOL HILL for "Decorative magnets and refrigerator magnets; Paper and printed matter, namely, books, coloring books, pictures books, comic books, posters, calendars, placemats of coated paper, greeting cards, stickers, decals, stationery, art images, namely, art prints; 2-dimensional and 3-dimensional works of art made of coated papers and cardboard; 2-dimensional and

3-dimensional works of art made of plastic; vinyl placemats; Clothing for men, women and children, namely, shirts, t-shirts and tank tops, headwear, dresses, skirts; Parlor games, board games; playing cards." The attached evidence from a search on the Google search engine shows the word "crap" is "a vulgar term for defecating". Therefore, the word "CRAP" is scandalous because it is vulgar and offensive.

Evidence that a mark is vulgar is sufficient to establish that the mark is scandalous or immoral within the meaning of Trademark Act Section 2(a). *In re The Boulevard Entm't, Inc.*, 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003); *In re Luxuria, s.r.o.*, 100 USPQ2d 1146, 1148 (TTAB 2011); *see* TMEP §1203.01.

Dictionary definitions alone may be sufficient to show that a term is vulgar if multiple dictionaries, including at least one standard dictionary, uniformly indicate that the term's meaning is vulgar, and the applicant's use of the term is clearly limited to that vulgar meaning. See In re The Boulevard Entm't, Inc., 334 F.3d at 1341, 67 USPQ2d at 1478 (holding 1-800-JACK-OFF and JACK-OFF scandalous where all dictionary definitions of "jack-off" were considered vulgar); Boston Red Sox Baseball Club LP v. Sherman, 88 USPQ2d 1581, 1588 (TTAB 2008) (holding SEX ROD in stylized form scandalous where multiple dictionary definitions of "rod" characterized that term vulgar, such that when preceded by the word "sex" denoted only one meaning); TMEP §1203.01.

Therefore, the mark is refused under Section 2(a).

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

Response

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. §2.191; 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.

/Andrea P. Butler/ Andrea P. Butler Trademark Attorney L.O. 102 571-272-7491 andrea.butler@uspto.gov

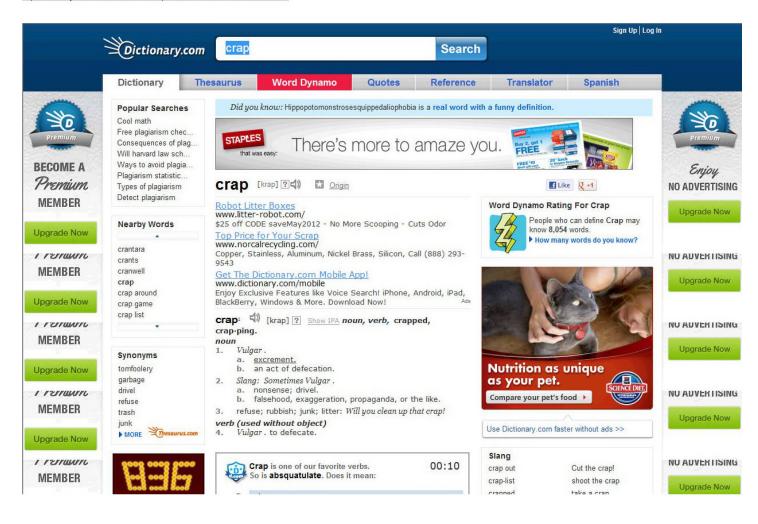
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All informal e-mail communications relevant to this application will be placed in the official application record.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

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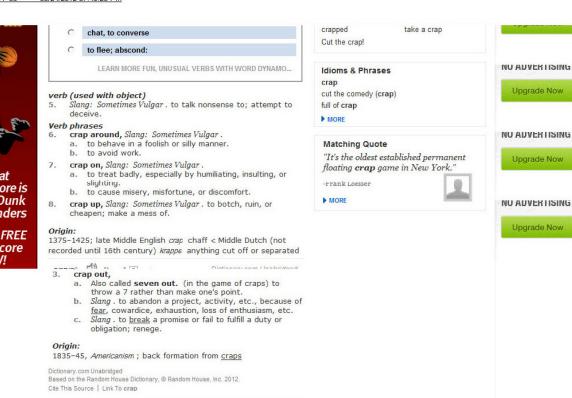
1. a losing throw in the game of craps 2. another name for craps

crap 1 (kræp) ?

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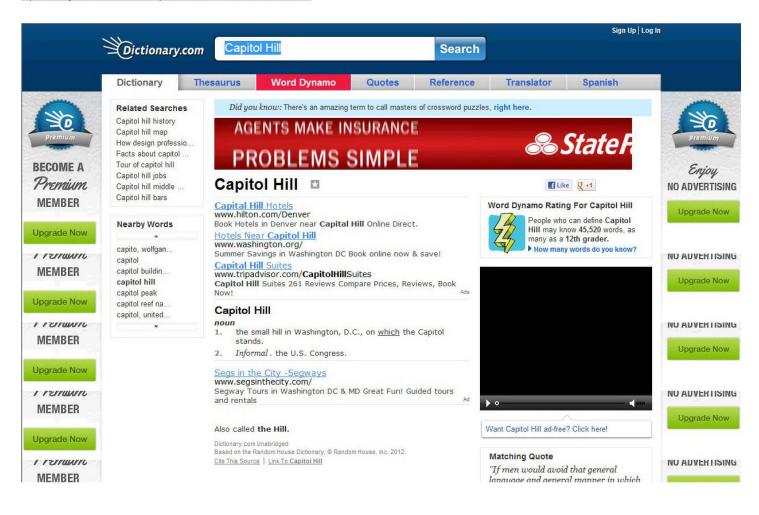
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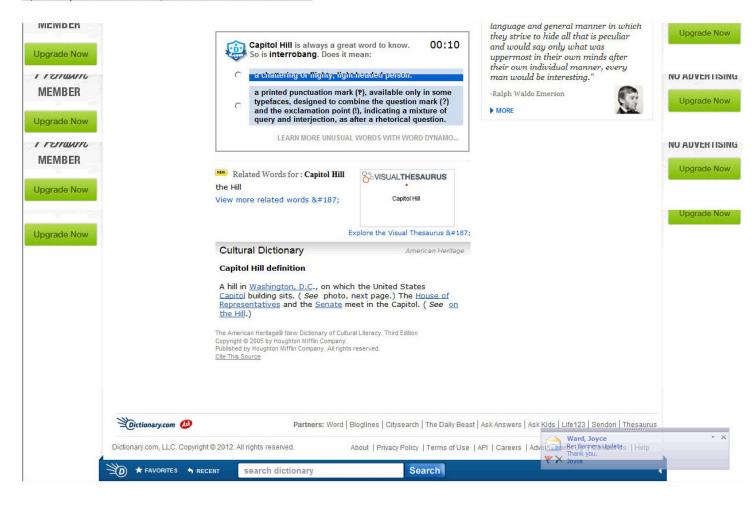




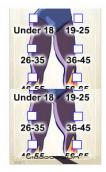
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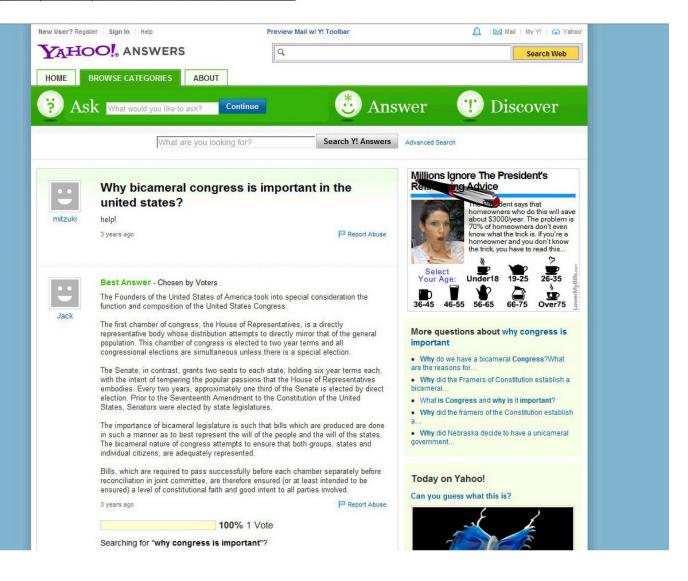
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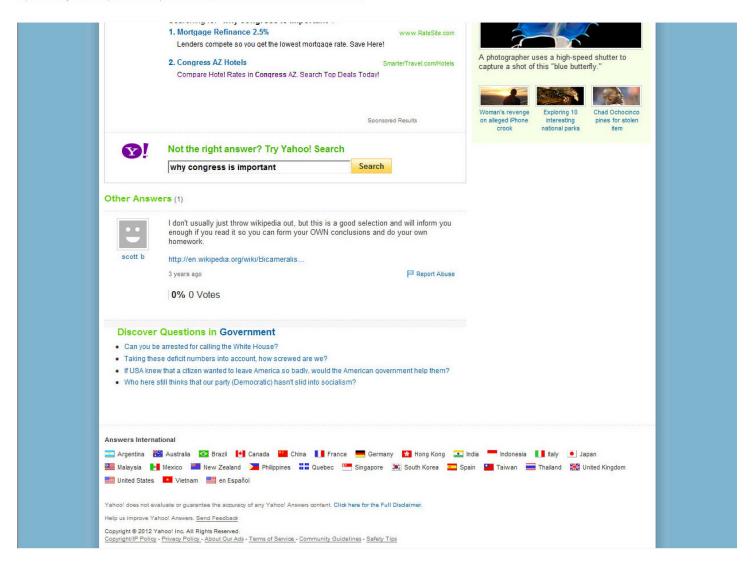
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- 6. Congress conducts too many frivolous investigations.
- 7. Congress has no relevance to my life.
- 8. It really doesn't matter whether we have a Congress or not.
- 9. Congress can't think long term.
- 10. Members of Congress compromise too much.
- 11. There's too much money in politics these days.
- 12. Members don't listen to their constituents.
- The legislative process is too complicated.
- 14. Political campaigns are too nasty.
- 15. Congress is run by a few big interest groups.

Helpful Hint

You may want to conduct a whole–class discussion and make sure that students understand the replies to each criticism. Ask volunteers to summarize the main points of each reply (listed below). Then have students discuss their reactions.

Members of Congress are a bunch of crooks.

Everyone knows about the Members of Congress who have done something wrong, but they are few and far between. In general, Members of Congress are remarkably honest. For one thing, modern ethics rules are extremely strict.

▶ Members of Congress don't level with people.

Members of Congress are under a lot of pressure when they answer questions. When they are reluctant to answer questions, it may be because: a) They do not want to be offensive to their constituents; b) They are in the process of sensitive negotiations and they want to further their goals instead of making enemies; or c) They are struggling with lots of questions and don't know the answer to everything from the top of their heads.

▶ There's too much pork-barrel spending by Congress.

Pork—barrel spending is actually just a very small percentage of federal spending. Most federal spending goes to Social Security, Medicare, and military expenditures.

▶ Members of Congress just bicker and don't get anything done.

Members of Congress represent a diverse group of people, and they debate and make sure that every community is represented. The media show the conflict that occurs in Congress, but the media do not show the negotiations that come later and lead to agreements that get signed into law.

▶ Ordinary people can't have an impact.

The majority of Members of Congress are responsive to individuals. If you want to have an impact on Congress, you have to make the effort. Individuals need to learn how to ask for specific remedies to problems, to target their own representatives in



For each Congress beginning with the 73rd (1933-35), this timeline features session dates, partisan composition, the presidential administration, a list of congressional leaders, and notable legislation passed...More

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Dirksen Center Special Projects

Dirksen Center Special Projects is a series of multimedia projects rich in Web-based resources on a variety of topics from civil rights to editorial carbons. We have posted them where it makes sense within our Web suite. But as the suite has grown, we suspect it has become more difficult to find these special projects.

To make them stand out, we have created the Dirksen Center Special Projects web page to host links to all our special projects listed below.

- Abraham Lincoln & the IL Congressional District
- The Civil Rights Documentation Project
- ▶ Editorial Cartoon
- ▶ Joint Senate-House Republican Leadership Minutes, 1961-68
- ► The 1960s: A Multi-Media View from

Capitol Hill

▶ 14 Units to Learn How a Bill Becomes a Law

- Anatomy of a Congressional Leadership Race
- ▶ Congressional Timeline
- ▶ "Facing the Post-War World: Everett M. Dirksen Abroad, 1945"
- Bob Michel and His Presidents: Richard Nixon
- ▶ Promoting the Marigold as National Floral Emblem
- Understanding Congressional Decisions Through Vectors

how to ask for specific remedies to problems, to target their own representatives in Congress, to remember that it is easier to give representatives in Congress a new idea rather than to change their minds on an opinion they've already taken a public stance on, and to be persistent until you get your views heard.

▶ Congress conducts too many frivolous investigations.

Investigations are necessary and vital to democracy. They provide a system of checks and balances and keep people honest.

▶ Congress has no relevance to my life.

Almost everything you do is affected by what Congress has done. Laws passed by Congress regulate many of your activities, such as driving on highways, breathing fresh air, and supporting education. Congress allocated funds to provide for your safety, the security of our country, and to develop many of the items you use on a daily basis.

lt really doesn't matter whether we have a Congress or not.

Congress is needed to help protect the rights of the minority. Congress allows people with different interests in the country to come together and work out their differences.

Congress can't think long term.

Congress has an elaborate committee system. Members of committees invite experts from around the world to discuss long–term issues that confront the nation and the world. Congress also has a large number of informal groups and caucuses that keep it current on long–term issues.

▶ Members of Congress compromise too much.

There are more than 535 Members of Congress. In order for legislation to pass, the Members of Congress have to agree. They all come from different areas of the country that don't see things in the same way, so sometimes they must compromise to come to a majority agreement.

▶ There's too much money in politics these days.

Politicians and political parties need money to take their case to the public. Money is necessary, but it does not guarantee that a politician will win an election. It is not true that the candidate with the most money always wins.

▶ Members don't listen to their constituents.

Most Members of Congress are very responsive to constituents. Members visit constituents on a weekly basis, respond to letters, and meet with constituents visiting Washington every day Congress is in session.

▶ The legislative process is too complicated.

Congress's procedural system ensures that all points of view will be heard and gives people the opportunity for thorough and thoughtful analysis of proposed bills. The complexities help to weed out the unwise or faulty bills.

Political campaigns are too nasty.

Unfortunately, it is true that elections have become more negative. Hopefully, increased public criticism of negative attacks on political opponents will change that behavior.

▶ Congress is run by a few big interest groups.

Interest groups and lobbyists are important to the legislative process. They provide vital information and expertise on issues and help representatives make the most effective decisions for their constituents.







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The Dirksen Congressional Center is a non-partisan, not-for-profit organization in Pekin, Illinois, that seeks understanding of Congress and its leaders through Center maintains its quality and independence through foundations who believe in its educational mission. (1896-1969). Dirksen served in the U.S. House from 1933-1948, the U.S. Senate from 1951-69, and as Minority Leader of the Senate from 1959 until 1969.

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Importance of Congress - Functions



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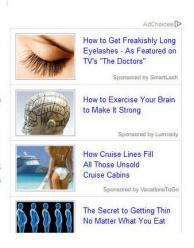
including both the Senate and House of Representatives. The Senate, a 100 member group with 2 senators from each state, is elected by the people with direct reference to the 17th amendment. All senators must be at least 30 years old, a U.S. citizens for at least 9 years, and be a resident of the state they are elected from. Their term remains for six years and 1/3 of the total Senate is elected every two years. This allows for a continual change. Of the two senators

elected per state, the one elected first is referred to as the senior senator of that state and the other,

The House of Representatives, comprised of 435 members are elected every two years. The number of representatives per state are determined by total population. The Constitution limits the number of representatives to not more than one for every 30,000 people. Representatives must be at least 25 years, have been a U.S. citizens for seven years and be a resident of the state they are elected from. In addition to representatives from each of the states, there is a Resident Commissioner from Puerto Rico and Delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands.

A Congress lasts for two years, and is divided into two sessions. Both the Senate and House of

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Representatives have equal legislative functions and powers (except the House may initiate revenue bills) and they are not referred to as the "upper" and/or "lower" houses. The chief function of Congress is the making of laws. This is especially important to maintain order within a large country. Without this order, there would be no organization, and it could be assumed that the country could not be as successful as it is because of this structure. Changing times call for changing laws. With a continual look on the present time, representatives and senators can update legislation so that it is impactful for what concerns citizens now.

Another important function of the Congress is the service to their constituents. As people elected these senators/representatives, it is seen as a way to speak for them on what they want passed within Congress. Constituents may phone, email or submit letters to their representatives on issues that they feel are important. By bringing these issues to attention, these representatives/senators can better serve their people by attempting to support bills that directly align with these wants. Citizens may also lobby by visiting their representatives and urging them to support a given cause. This is just some of the many ways that constituents can influence the power of their elected officials.

In conclusion, the impact of elected officials creating laws, and thereby, serving their constituents has been increasingly effective through time. In issues of a declining economy and continual war, elected officials can be the voice of their people and attempt to influence change in whatever direction their constituents wish. This influence allows for somewhat of hope for citizens in that what they have to say can maybe directly affect what is going on in their country, at least in essence.

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Jessica Mousseau is the co-founder and editor of Thinkgirl.net, a women's news website. She has written extensively on such topics as relationships, mental health, beauty, nutrition and finance. View profile



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Poll: Most American Would Vote for a Democrat for the House of Represen...

If the Congressional Election were to be held today, 48% of Americans say that they would vote for the Democrat who is running in their district and 36% picked the Republican.



House of Representatives Votes to Drop Millions of Seniors from Medicare...

The House has voted to push millions of seniors out of the Medicare Advantage program.

US House of Representatives-Hang Together or Hang Separately

The shift of power in the US House provides an excellent opporunity for Democrats and Republicans to work together for the benefit of the nation. Without cooperation, the outcome could be disasterous.

How to Become a Member of the House of Representatives

An explanation and requirements on how to become a member of Congress.

Obesity and Mississippi's House of Representatives Bill 282

A closer look at Bill 282, implementation, and better solutions to obesity







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Look For Candidates Who Respect The Congress

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Saturday, February 23, 2008

You might not have noticed, given the media's fascination with the presidential campaign, but there are 435 U.S. House contests and 35 U.S. Senate races taking place this year. These are important elections, for even more reasons than you might be hearing about. Indeed, unless I miss my guess, the candidates and press in those many contests are barely talking about one of the most important issues we face: the role of Congress itself.

The litany of matters worrying Americans and absorbing the attention of congressional candidates is, of course, long and complex: the economy, the wars in Iraq and Afghanistan, the challenges posed by Iran, the state of American public education, climate change, a long-term energy policy, immigration.... Not surprisingly, many voters want to hear how Congress can protect them from financial ruin or how candidates propose to keep America protect them from financial ruin or how candidates propose to keep America strong. They're less interested in how Congress functions.

Yet unless Congress learns how to reassert its constitutional responsibility to be the President's equal in policy-making, the progress voters yearn to see on all those issues will be much harder to come by. This is why, as you listen to the various House and Senate candidates campaigning for your vote, I hope you'll pay attention not only to what they say about the economy or Iraq, but also to how they talk about Congress itself.

It's been the habit both of incumbents and their challengers in recent years to run for Congress by running against the Congress. They criticize its profligate spending or its do-nothing ways or its shoddy ethics or the undue influence of money and lobbyists. These are all choice targets, and they have their place in the campaign debate, but you have to wonder how long this denigration of Congress can continue before Americans lose their faith in representative democracy.

There's another path, and that's to recognize that Congress is flawed but that, as an institution, it needs upholding and shoring up, not stigmatizing. A robust, functional, and assertive Congress is crucial to making our system

It needs to be able to keep an eye on the executive branch, advance an agenda based on its members' understanding of what the country needs, police its members' behavior, be the place where the cross-currents roiling the American community meet in constructive debate, and in general play the muscular role our Founders envisioned for it in policy-making.

It cannot do any of these things if it is filled with politicians who are adept at making themselves look good and the Congress look bad, or who care little about its institutional powers.

I've noticed something interesting as I have moved around the country in recent months: a lot of people seem to have caught on to this. They express disappointment that Congress for decades has allowed the White House to dominate it. They fret that the expansion of presidential power sought by the Bush administration has gone too far, and are bewildered by Congress' timidity in pushing its own powers. This is an extremely promising

unnuity in pushing its own powers. This is an extremely promising development — if it translates into an electorate willing to look carefully at how congressional candidates propose to set Congress back on track, and it begins to wake up Congress as a whole.

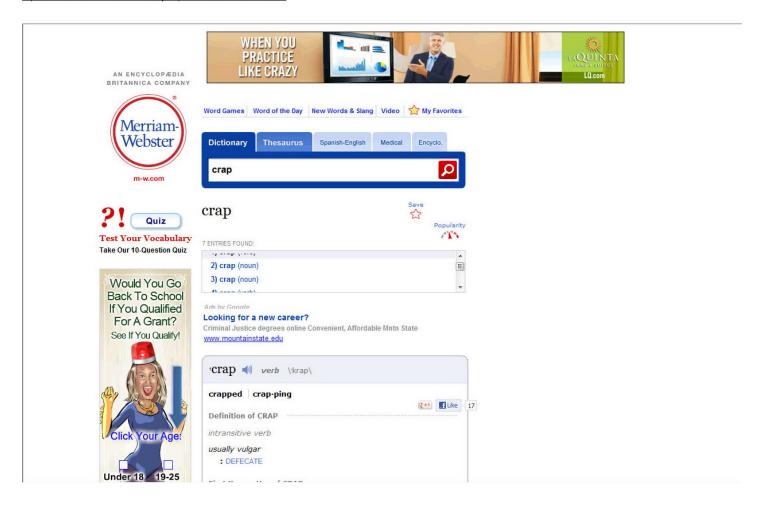
For make no mistake, this is not just a matter of political theory or a topic for a good speech on the importance of constitutional checks and balances. It has to be practiced in the day-to-day workings of Capitol Hill.

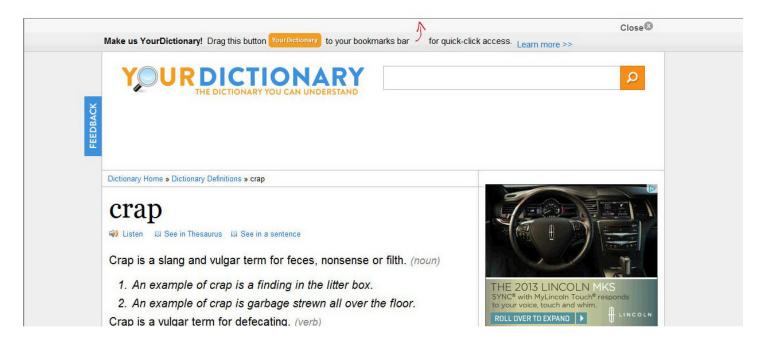
If you ask candidates whether they are in favor of reasserting congressional authority, the answer will almost certainly be yes. But that's not enough. What you want to know is whether they'll be aggressive in shaping the federal budget, whether they believe Congress has a strong voice, along with the President's, in declaring war or pursuing military intervention overseas; whether they'll work with their colleagues to develop and fight for Congress's own agenda, and not simply respond to the President's; whether they see that getting Congress's ethical house in order is crucial to building its institutional strength, not just a matter of political expediency; whether they understand that Congress must be a truly deliberative and consensus-building body, not a place where the majority ramrods its wishes through without debate; and whether they understand that violating longstanding and fair procedure — by passing sprawling, multi-topic omnibus bills, for instance — merely hands the President more power.

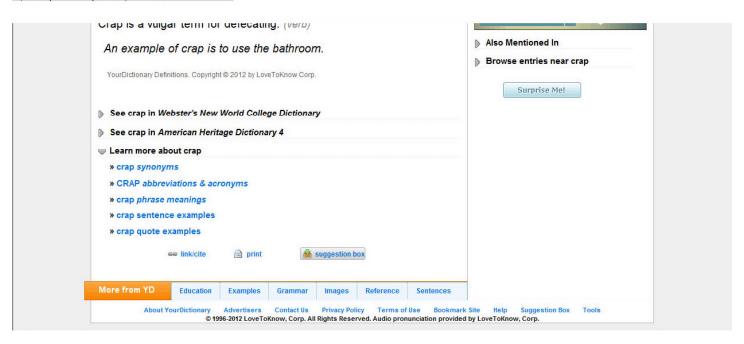
If they get all this, even if you disagree on a few policy issues, I hope you'll consider voting for them. If they're oblivious and seem unconcerned about Congress' loss of power, then it's worth asking whether they really understand our constitutional system of separate and co-equal branches of government and the need to revive Congress's vigor and dynamism.

(Lee Hamilton is Director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.)

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Sent: 5/24/2012 8:56:37 PM

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