

To: AS IP Holdco, LLC (chiclanam@americanstandard.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86026099 - BOWEN - CPI TM 11574
Sent: 11/15/2013 3:43:50 PM
Sent As: ECOM114@USPTO.GOV
Attachments:

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

U.S. APPLICATION SERIAL NO. 86026099

MARK: BOWEN

86026099

CORRESPONDENT ADDRESS:

MARIA CHICLANA
AS AMERICA, INC.
1 CENTENNIAL AVE
PISCATAWAY, NJ 08854-3921

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APPLICANT: AS IP Holdco, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

CPI TM 11574

CORRESPONDENT E-MAIL ADDRESS:

chiclanam@americanstandard.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.

ISSUE/MAILING DATE: 11/15/2013

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, 2.65(a); TMEP §§711, 718.03.

SEARCH RESULT

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

Registration is refused because the applied-for mark is primarily merely a surname. Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4); *see* TMEP §1211. The primary significance of the mark to the purchasing public determines whether a term is primarily merely a surname. *In re Etablissements Darty et Fils*, 759 F.2d 15, 17-18, 225 USPQ 652, 653 (Fed. Cir. 1985); *In re Kahan & Weisz Jewelry Mfg. Corp.*, 508 F.2d 831, 832, 184 USPQ 421, 422 (C.C.P.A. 1975); *see* TMEP §§1211, 1211.01.

Please see the attached evidence below from Lexis-Nexis®, establishing the surname significance of the surname BOWEN. This evidence shows the applied-for mark appearing 22,830 times as a surname in a nationwide telephone directory of names. The first 100 have been reproduced below.

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

SUPPLEMENTAL REGISTER

Although an amendment to the Supplemental Register would normally be an appropriate response to this refusal(s), such a response is not appropriate in the present case. The instant application was filed under Trademark Act Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76(b), (c) has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the effective filing date of the application will be the date on which applicant met the minimum filing requirements of 37 C.F.R. §2.76(e) for the amendment to allege use. 37 C.F.R. §2.75(b); TMEP §§816.02, 1102.03.

/Alex S. Keam/
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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 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/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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Client ID/Project Name:

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Research Information:

Surname

last-name(Bowen) maxresults(500)

Search: Public Records : Surname
Terms: last-name(Bowen) maxresults(500)

Total number found: 22830

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
1.	BOWEN, A	331 ACADEMY TER LINDEN, NJ 07036-5630	908-486-3727
2.	BOWEN, A	14534 BILLIE LN DADE CITY, FL 33525-7299	352-518-8105
3.	BOWEN, A	2507 BLEIGH AVE PHILADELPHIA, PA 19152-4301	
4.	BOWEN, A	1924 BOWATER DR KINGSPORT, TN 37660-4182	423-247-4804
5.	BOWEN, A	250 S CHESTERFIELD RD WILLIAMSBURG, MA 01096-9421	413-268-9924
6.	BOWEN, A L	3767 CIR WOODVILLE, TX 75979	409-283-5787
7.	BOWEN, A	3 CUMMINGS RD WESTFORD, MA 01886-1926	978-692-0520
8.	BOWEN, A T	8312 DUNWOOD CT RALEIGH, NC 27613-4406	919-848-8363
9.	BOWEN, A L	1255 EZELL RD CHESNEE, SC 29323-9527	864-461-8785
10.	BOWEN, A	96 HARVARD ST PEMBROKE, MA 02359-3821	781-293-4062
11.	BOWEN, A	57 MADISON ST MEDFORD, MA 02155-2271	781-395-8954
12.	BOWEN, A	101 ROCKRIDGE CIR MINOT AFB, ND 58704-1239	701-727-6980
13.	BOWEN, A F JR.	542 SHORT WEYEL RD MARION, TX 78124-1617	830-914-4802
14.	BOWEN, A L	5767 SILO RD DURANT, OK 74701-8224	580-924-1353
15.	BOWEN, A D	101 SINGING PINES RD RUIDOSO, NM 88345	575-257-7726
16.	BOWEN, A	19 VALLEY WAY MENDHAM, NJ 07945-1701	
17.	BOWEN, A	13125 YORK AVE S BURNSVILLE, MN 55337-1836	952-378-1340
18.	BOWEN, A	BLOOMINGTON, IL 61701	309-808-2019
19.	BOWEN, A	CARSON CITY, NV 89701	775-883-3215
20.	BOWEN, A	GREENVILLE, TX 75401	903-454-2519
21.	BOWEN, A	INEZ, KY 41224	606-298-4698
22.	BOWEN, A	LA MESA, CA 91941	619-697-7663
23.	BOWEN, A	LAS VEGAS, NV 89149	702-645-8071
24.	BOWEN, A	SAN ANTONIO, TX 78201	210-251-4986
25.	BOWEN, A M S	SCHROON LAKE, NY 12870	518-532-0005
26.	BOWEN, A E	STONEWOOD, WV 26301	304-622-3751
27.	BOWEN, A	TURLOCK, CA 95380	209-632-9189
28.	BOWEN, A	WEST COLUMBIA, SC 29169	803-740-5410
29.	BOWEN, AARON E	722 CAMBRIDGE CIR GRAND BLANC, MI 48439-1957	810-603-1558
30.	BOWEN, AARON	26 N ST ARTESIA, NM 88210	575-746-9554
31.	BOWEN, AARON	917 WILSEY WAY	951-845-3797

		BEAUMONT, CA 92223-7038	
32.	BOWEN, AARON	CHICO, CA 95926	530-342-4957
33.	BOWEN, ABE	1506 E CHATTAROY RD CHATTAROY, WA 99003-8778	
34.	BOWEN, ADAM	3642 ARTHUR AVE BROOKFIELD, IL 60513-1552	708-485-9780
35.	BOWEN, ADAM	8963 JUNCO CT GAINESVILLE, VA 20155-5866	
36.	BOWEN, ADAM	1808 NAPA VALLEY RD EDMOND, OK 73013-2982	405-341-6701
37.	BOWEN, ADAM	216 SEMEL DR NW ATLANTA, GA 30309-1933	
38.	BOWEN, ADAM	25 WHITE PLAINS CT SAN MATEO, CA 94402-4022	650-627-4422
39.	BOWEN, ADOLFINE	87 JOHN ST CAMDEN, ME 04843-1953	207-236-8192
40.	BOWEN, ADRIAN E	3535 CAMBRIDGE DR SPRINGFIELD, OH 45503-1005	937-390-1166
41.	BOWEN, ADRIENNE	121 GREENWING LN SAINT MATTHEWS, SC 29135-8168	803-655-5832
42.	BOWEN, AL	3229 DOE RUN AUSTIN, TX 78748-1814	512-382-5565
43.	BOWEN, AL	513 DOVER PL SAINT LOUIS, MO 63111-2339	314-481-9305
44.	BOWEN, ALAN	3852 COUNTY ROAD D SWANTON, OH 43558-9729	
45.	BOWEN, ALAN	6 NOTTINGHAM DR SCARBOROUGH, ME 04074-9635	207-883-3991
46.	BOWEN, ALAN	511 PEBBLE CREEK CT PENNINGTON, NJ 08534-1943	609-737-8173
47.	BOWEN, ALAN	117 SHAW ST NEW BEDFORD, MA 02745-6033	774-202-3324
48.	BOWEN, ALAN	9455 WILLIAMS RD HOLLAND PATENT, NY 13354-3927	315-865-4030
49.	BOWEN, ALAN	SHERIDAN, WY 82801	
50.	BOWEN, ALANSON J	2519 W 18TH ST WILMINGTON, DE 19806-1207	302-654-5439
51.	BOWEN, ALBERT	1515 ARMACOST RD PARKTON, MD 21120-9460	443-491-3180
52.	BOWEN, ALBERT	608 ROBINSON AVE KENTON, OH 43326-1843	419-675-7240
53.	BOWEN, ALBERT C JR.	352 VESCLUB DR BIRMINGHAM, AL 35216-1326	205-978-8228
54.	BOWEN, ALBERTA	2120 SWITZER AVE SAINT LOUIS, MO 63136-3842	314-867-5224
55.	BOWEN, ALDITH	10865 44TH AVE CORONA, NY 11368-2524	718-271-1413
56.	BOWEN, ALETHA H	2215 O ST AUBURN, NE 68305-2534	402-274-3538
57.	BOWEN, ALEX	1703 LEAVITT DR SIGNAL MOUNTAIN, TN 37377-2639	423-886-9485
58.	BOWEN, ALFRED H	555 W 227TH ST BRONX, NY 10463-4835	718-543-1356
59.	BOWEN, ALICE	425 BERRY CIR TALENT, OR 97540-8683	541-512-9185

60.	BOWEN, ALICE	37507 W DEMOLAY ST ZEPHYRHILLS, FL 33541-4197	813-783-3586
61.	BOWEN, ALICE	2184 OLD HIGHWAY 6 CROSS, SC 29436-3545	843-753-7490
62.	BOWEN, ALICE	3818 PLUM MEADOW DR ELLCOTT CITY, MD 21042-5126	410-750-1476
63.	BOWEN, ALICE	11608 SPICEWOOD PKWY UNIT 24 AUSTIN, TX 78750-2650	512-996-0669
64.	BOWEN, ALICE	4900 THUNDERBIRD DR BOULDER, CO 80303-3819	720-562-8022
65.	BOWEN, ALICE	179 WOODLAND RD HAMPTON, NH 03842-1535	603-926-4584
66.	BOWEN, ALICIA	245 SCRUTON POND RD BARRINGTON, NH 03825-6034	603-905-9076
67.	BOWEN, ALISA	28803 TRINITY RIVER DR SPRING, TX 77386-3613	281-323-4870
68.	BOWEN, ALLAN	414 BEACH 36TH ST FAR ROCKAWAY, NY 11691-1507	718-327-0680
69.	BOWEN, ALLEN JR.	BAYSIDE FRST PRNC FREDERCK, MD 20678	410-535-1738
70.	BOWEN, ALLEN T	607 SHERWOOD AVE SHERWOOD, AR 72120-5804	501-835-3011
71.	BOWEN, ALLIE S	HENDERSON, NC 27537	252-492-4545
72.	BOWEN, ALMA	187 CALLIES PL MONTGOMERY, AL 36117-5535	334-215-7503
73.	BOWEN, ALTON	12535 BETHEL BLACKTOP RD FARMINGTON, AR 72730-9777	479-267-3703
74.	BOWEN, ALTON	4166 HADLOCK RD EXMORE, VA 23350-2610	757-442-6912
75.	BOWEN, ALVA	3018 EDISON AVE BENTON, AR 72015-4714	501-776-1350
76.	BOWEN, ALVA JR.	BARBOURSVILLE, WV 25504	304-736-3735
77.	BOWEN, ALVIN R	6628 E 100 S GREENTOWN, IN 46936-9210	765-628-2702
78.	BOWEN, ALYSON	1004 W KYLER AVE HAYDEN, ID 83835-8734	208-762-9496
79.	BOWEN, AMANDA	S BURKETT AVE STOCKTON, CA 95205	
80.	BOWEN, AMANDA DANIELLE	1808 JANE DR PASADENA, TX 77502-2822	
81.	BOWEN, AMANDA	74 PETERS AVE PLEASANTON, CA 94566-6574	925-399-5155
82.	BOWEN, AMANDA	535 PLEASANT VALLEY RD VAN BUREN, AR 72956-7613	479-474-3851
83.	BOWEN, AMANDA	1973 ROCKY FORD RD PORTAL, GA 30450-4136	912-865-4932
84.	BOWEN, AMANDA	27695 TRACY RD WALBRIDGE, OH 43465-9781	419-214-7216
85.	BOWEN, AMANDA	COEUR D ALENE, ID 83815	208-635-5252
86.	BOWEN, AMANDA	EDMOND, OK 73003	405-509-2354
87.	BOWEN, AMANDA	EDMOND, OK 73003	405-509-2354
88.	BOWEN, AMANDA	EDMOND, OK 73003	405-513-5792
89.	BOWEN, AMANDA	EDMOND, OK 73003	405-513-5792

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