

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86621186
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86621186/large
LITERAL ELEMENT	AMERICAN EXPEDITION HONEY GINGER WHEAT ALE
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_701095979-20151012103708040692 . AMERICAN EXPEDITION OAR V2.pdf
CONVERTED PDF FILE(S) (11 pages)	\\TICRS\EXPORT16\IMAGEOUT16\866\211\86621186\xml4\ROA0002.JPG
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SIGNATURE SECTION	
RESPONSE SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	10/12/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Mon Oct 12 10:40:24 EDT 2015
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 151012104024433554-866211 86-5401de11da5d9a12dcf165 88c5c1f01189457952b0d1937 47977ed91ea1c17482-N/A-N/ A-20151012103708040692

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. **86621186** AMERICAN EXPEDITION HONEY GINGER WHEAT ALE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86621186/large>) has been amended as follows:

EVIDENCE

Original PDF file:

[evi_701095979-20151012103708040692 . AMERICAN EXPEDITION_OAR_V2.pdf](#)

Converted PDF file(s) (11 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

SIGNATURE(S)

Response Signature

Signature: /khardley/ Date: 10/12/2015

Signatory's Name: KEISHA HARDLEY

Signatory's Position: Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)

Signatory's Phone Number: 703.777.7319

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 86621186

Internet Transmission Date: Mon Oct 12 10:40:24 EDT 2015

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20151012104024433

554-86621186-5401de11da5d9a12dcf16588c5c

1f01189457952b0d193747977ed91ea1c17482-N

/A-N/A-20151012103708040692

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heritage Brewing Co.
Serial No.: 86621186
Filed: May 06, 2015
Trademark Atty: Katherine S. Chang
Trademark: AMERICAN EXPEDITION HONEY GINGER WHEAT ALE

RESPONSE TO JULY 29, 2015 OFFICE ACTION

This Response is filed in reply to the Office Action e-mailed on July 29, 2015. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for AMERICAN EXPEDITION HONEY GINGER WHEAT ALE is in condition for allowance to publication.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Applicant submits a preliminary response to the potential section 2(d) refusal; however, Applicant reserves all rights to provide a detailed and descriptive response if Examining Attorney Katherine S. Chang raises a Section 2(d) refusal in a subsequent Office Action.

APPLICANT'S MARK

AMERICAN EXPEDITION HONEY
GINGER WHEAT ALE

Serial No. 86621186

Class 032: Beer, ale and lager

CITED REGISTERED MARKS

EXPEDITION

Registration. No. 3052688

Class 032: Beer, namely porter, ale, stout and
malt liquor

EXPEDITION

Registration No. 4045530

Class 020: Nonmetal taps for kegs; nonmetal tap
globes for kegs

Class 025: Clothing namely, t-shirts, camp shirts

Class 032: Beer; stout; malt liquor

Factors used to determine likelihood of confusion in trademark registration case include: similarity or dissimilarity of marks in their entireties as to appearance, sound, connotation, and commercial impression; similarity or dissimilarity and nature of the goods described in application or registration or in connection with which a prior mark is in use; conditions under which and buyers to whom sales are made; number and nature of similar marks in use on similar goods; any other established fact probative of effect of use. Lanham Trade-Mark Act, § 2(d), 15 U.S.C.A. § 1052(d). Not all of the factors used to determine likelihood of confusion in a trademark registration case may be relevant or of equal weight in a given case, and any one of the factors may control a particular case. *Id.* 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).

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