

**To:** Northwood Media Inc ([rademarks@gilbertslaw.ca](mailto:rademarks@gilbertslaw.ca))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 76719212 - ANNE - 275915  
**Sent:** 8/5/2016 5:39:06 PM  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 76719212

MARK: ANNE

**\*76719212\***

**CORRESPONDENT ADDRESS:**

Mark Eisen; Gilbert's LLP  
77 King Street W., Suite 2010, Box 301  
Toronto;  
M5K1K2  
CANADA

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**APPLICANT:** Northwood Media Inc

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

275915

**CORRESPONDENT E-MAIL ADDRESS:**

rademarks@gilbertslaw.ca

**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: 8/5/2016**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

## SUMMARY OF ISSUES:

- Likelihood of confusion refusal
- Requirement for clarification of the identification of goods
- Multiple class application requirements
- Requirement for entity information
- Requirement for foreign registrations

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. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

## **SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

### THIS PARTIAL REFUSAL APPLIES TO CLASSES 14, 18, and 25 ONLY

Registration of the applied-for mark is refused as to Classes 14, 18, and 25 because of a likelihood of confusion with the marks in U.S. Registration Nos. 3410833, 3020741, 3848118, 4504568, and 4202497. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and services, and similarity of the trade channels of the goods and services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Registrants own the marks:

ANN for “shoulder bags and tote bags,” “jewelry,” and “clothing, namely, dresses, skirts, suits, sweaters, shirts, tank tops, gloves, sleepwear, robes, blouses, shoes, pants, shorts, jackets, coats, hosiery, hats, belts, scarves and underwear,” and “on-line and in store retail store services in the fields of clothing, footwear, handbags, small leather accessories and jewelry” (Registration Nos. 3410833, 3020741, 3848118);

ANN INC. for “retail store services featuring apparel and accessories” (Registration No. 4202497); and

CHEMISSETTES BY ANNE for “Clothing accessories, namely, chemisettes” (Registration No. 4504568).

Applicant intends to use the mark for ANNE for “Jewelry; Jewelry boxes; Clocks and watches;” “Purses and wallets;” and “Apparel, including T-shirts, pants, dresses, sweatshirts, sweat pants, skirts, hats, jeans, caps, pajamas, robes, sleepwear, hosiery, shoes, underwear, cloth baby bibs, and Halloween costumes.”

Applicant’s mark is the phonetic equivalent of the mark in Registration Nos. 3410833, 3020741, and 3848118. Because the marks in question could clearly be pronounced the same; such similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party’s goods and services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat’l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). Registrants have disclaimed INC. and CHEMISSETTES from the marks ANN INC. and CHEMISSETTES BY ANNE rendering ANN and ANNE

the dominant portions of these marks. As discussed above, ANN is the phonetic equivalent of applicant's mark. The marks create highly similar commercial impressions.

With respect to applicant's and registrant's goods and services, the question of likelihood of confusion is determined based on the description of the goods and services stated in the application and registration at issue. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)). Absent restrictions in an application and/or registration, the identified goods and services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992). Applicant's jewelry, bags, and clothing encompass the types of goods offered by registrants.

Furthermore, consumers are likely to be confused by the use of similar marks on or in connection with goods and with services featuring or related to those goods. TMEP §1207.01(a)(ii); *see In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (holding BIGG'S for retail grocery and general merchandise store services likely to be confused with BIGGS for furniture); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (holding CAREER IMAGE (stylized) for retail women's clothing store services and clothing likely to be confused with CREST CAREER IMAGES (stylized) for uniforms). Registrant's retail services feature the same types of goods offered by applicant and are thus closely related. The goods are identical in part and the services are otherwise closely related.

When confronted with identical goods and closely related services bearing highly similar marks, a consumer is likely to have the mistaken belief that the goods and services originate from the same source. Because this likelihood of confusion exists, registration as to Classes 14, 18, and 25 must be refused.

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

### **PRIOR PENDING APPLICATION**

The effective filing date of pending U.S. Application Serial No. 87055301 precedes applicant's effective filing date for Classes 9, 14, 16, 18, 25, and 28. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

However, applicant must address the following issues.

### **IDENTIFICATION OF GOODS**

The wording in the identification of goods must be clarified because it is indefinite. *See* TMEP §§1402.01, 1402.03.

In Classes 9, 16 and 25, the wording "including" is indefinite and must be deleted and replaced with a definite term, such as "namely," "consisting of," "particularly," or "in particular." *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03(a). This wording is an open-ended term (e.g., "including," "such as") that is not acceptable because it fails to identify specific goods and must be all-inclusive. *See* TMEP §1402.03(a).

In addition, in Class 9, applicant must specify the subject matter of its DVDs, CDs, recordings, and discs. Applicant must also specify the types of mobile devices offered.

In Class 16, applicant must clarify the nature of its "arts."

The following substitute wording is suggested, if accurate:

"Digital media, *namely*, pre-recorded DVDs, pre-recorded CDs, downloadable audio and video recordings, and high definition discs

featuring [*applicant must specify, e.g., animated cartoons*]; Computer game cartridges, video game cartridges; Interactive multimedia software for playing games; Downloadable software for playing games for use with computers, portable electronic communication devices; mobile devices, namely, [*applicant must specify, e.g., mobile phones*]; Video game software on electronic discs; Sunglasses and magnets” in International Class 9

“Children's activity books, children's storybooks, coloring books, calendars, stickers, stamp pads, or inking pads, rubber stamps, pencils, pens, posters, *art prints*, envelopes for stationary use, greeting cards, crafts paint kits, and notebooks; Pencil cases; Paper party decorations; paper party supplies, *namely*, paper napkins, paper place mats, giftwrapping paper and paper gift wrapping ribbons, paper gift wrap bows, paper table cloths, and paper party bags” in International Class 16

“Apparel, *namely*, T-shirts, pants, dresses, sweatshirts, sweat pants, skirts, hats, jeans, caps, pajamas, robes, sleepwear, hosiery, shoes, underwear, cloth baby bibs, and Halloween costumes” in International Class 25

Applicant's goods may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods or add goods not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods will further limit scope, and once goods are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

Please note that the identification of goods and services in Classes 14, 18, 28, and 41 is acceptable as written.

### **MULTIPLE-CLASS APPLICATION REQUIREMENTS**

The application identifies goods and services that are classified in at least seven classes; however, applicant submitted a fee sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

### **ISSUE REGARDING APPLICANT'S ENTITY TYPE**

Applicant must specify its country of incorporation. 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03(c), 803.04. This information is required in all U.S. trademark applications. *See* 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03, 803.04.

If applicant is organized under the laws of a foreign province or geographical region, applicant should specify both the foreign province or geographical region and the foreign country in which the province or region is located. *See* TMEP §803.04. To provide this information online via the Trademark Electronic Application System (TEAS) response form, applicant must (1) locate the “Entity Type” heading and select “Other;” (2) locate the “Specify Entity Type” heading and select “Other” under the Foreign Entity option, and enter in the free-text field below both applicant's entity type and the foreign province or geographical region of its organization (e.g., partnership of Victoria); and (3) locate the “State or Country Where Legally Organized” heading and select the appropriate foreign country (e.g., Australia) under the Non-U.S. Entity option. *See id.*

### **FOREIGN REGISTRATION CERTIFICATE REQUIRED**

The application specifies both an intent to use basis under Trademark Act Section 1(b) and a claim of priority under Section 44(d) based on a foreign application. *See* 15 U.S.C. §§1051(b), 1126(d); 37 C.F.R. §2.34(a)(2), (a)(4). However, no copy of a foreign registration has been provided even though the application indicates applicant's intent to rely on Section 44(e) as an additional basis for registration. *See* 15 U.S.C. §1126(e).

An application with a Section 44(e) basis must include a true copy, photocopy, certification, or certified copy of a foreign registration from an applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §§1004, 1004.01, 1016. In addition, an applicant's country of origin must be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. 15 U.S.C. §1126(b); TMEP §§1002.01, 1004.

Therefore, applicant must provide a copy of the foreign registration from applicant's country of origin when it becomes available. TMEP §1003.04(a). A copy of a foreign registration must consist of a document issued to an applicant by, or certified by, the intellectual property office in applicant's country of origin. TMEP §1004.01. If applicant's country of origin does not issue registrations or Madrid Protocol certificates of extension of protection, applicant may submit a copy of the Madrid Protocol international registration that shows that protection of the international registration has been extended to applicant's country of origin. TMEP §1016. In addition, applicant must also provide an English translation if the foreign registration is not written in English. 37 C.F.R. §2.34(a)(3)(ii); TMEP §1004.01(a)-(b). The translation should be signed by the translator. TMEP §1004.01(b).

If the foreign registration has not yet issued, or applicant requires additional time to procure a copy of the foreign registration (and English translation, as appropriate), applicant should so inform the trademark examining attorney and request that the U.S. application be suspended until a copy of the foreign registration is available. TMEP §§716.02(b), 1003.04(b).

If applicant cannot satisfy the requirements of a Section 44(e) basis, applicant may request that the mark be approved for publication based solely on the Section 1(b) basis. *See* 15 U.S.C. §§1051(b), 1126(e); 37 C.F.R. §2.35(b)(1); TMEP §§806.02(f), 806.04(b), 1003.04(b). Although the mark may be approved for publication on the Section 1(b) basis, it will not register until an acceptable allegation of use has been filed. *See* 15 U.S.C. §1051(c)-(d); 37 C.F.R. §§2.76, 2.88; TMEP §1103. Please note that, if the U.S. application satisfied the requirements of Section 44(d) as of the U.S. application filing date, applicant may retain the priority filing date under Section 44(d) without perfecting the Section 44(e) basis, provided there is a continuing valid basis for registration. *See* 37 C.F.R. §2.35(b)(3)-(4); TMEP §§806.02(f), 806.04(b).

/Kristina Morris/  
Examining Attorney  
Law Office 116  
571-272-5895  
kristina.morris@uspto.gov (informal queries only)

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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](mailto: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>.

**DESIGN MARK**

**Serial Number**

87055301

**Status**

NEW APPLICATION - RECORD INITIALIZED NOT ASSIGNED TO EXAMINER

**Word Mark**

ANNE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Sullivan Entertainment Inc. CORPORATION CANADA 110 Davenport Road  
Toronto, Ontario CANADA M5R3R3

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
pre-recorded DVDs featuring children's entertainment programs;  
pre-recorded CDs featuring music; magnetically encoded affinity cards;  
computer screen saver software; mouse pads; computer and video game  
cartridges and discs; computer game software; downloadable electronic  
game software for use on mobile and cellular phones and handheld  
computers; mobile phones; sunglasses; decorative magnets. First Use:  
2002/00/00. First Use In Commerce: 2002/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: clocks;  
watches; jewelry; jewelry boxes. First Use: 2008/00/00. First Use In  
Commerce: 2008/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.  
G & S: appointment books; bookmarks; binders; pencils and pens;  
children's activity books; coloring books; calendars; stickers; stamp  
pads; rubber stamps; posters; art prints; envelopes for stationery  
use; greeting cards; arts and craft paint kits; notebooks; post cards;  
pencil cases; paper party decorations; paper napkins; paper place  
mats; wrapping paper; paper gift wrapping ribbons; paper gift wrap  
bows; paper table cloths; paper party bags. First Use: 2006/00/00.

**Print: Aug 5, 2016**

**87055301**

First Use In Commerce: 2006/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: athletic bags; backpacks; travel bags; purses; wallets; handbags; tote bags. First Use: 2006/00/00. First Use In Commerce: 2006/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: lunch boxes. First Use: 2006/00/00. First Use In Commerce: 2006/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: hats; straw hats; baseball hats; headwear, namely, visors and caps; clothing, namely, sweatshirts, sweat pants, t-shirts, pants, dresses, skirts, jeans, pajamas, robes, sleepwear, hosiery, shoes, and underwear; cloth baby bibs; Halloween costumes. First Use: 2008/00/00. First Use In Commerce: 2008/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: dolls; doll clothing; doll accessories; action figures and accessories therefor; Christmas tree ornaments; playing cards; bath toys; plush toys; puppets; ride-on toys; toy banks; toy vehicles; jigsaw puzzles; protective carrying cases specially adapted for handheld video games; paper dolls; balloons; baseballs; basketballs; foam balls for games; golf balls; sport balls; trivia games. First Use: 2004/00/00. First Use In Commerce: 2004/00/00.

**Foreign Country Name**

CANADA

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

1768773

**Foreign Filing Date**

2016/02/22

**Prior Registration(s)**

4296713;4299611;4319254

**Filing Date**

2016/05/31

**Examining Attorney**

UNKNOWN

**Print: Aug 5, 2016**

**87055301**

**Attorney of Record**  
Jeffrey D. Sanok

ANNE

**Print: Aug 5, 2016**

**78878858**

**DESIGN MARK**

**Serial Number**

78878858

**Status**

SECTION 8-ACCEPTED

**Word Mark**

ANN

**Standard Character Mark**

Yes

**Registration Number**

3410833

**Date Registered**

2008/04/08

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Annco, Inc. CORPORATION DELAWARE 7 Times Square New York NEW YORK  
10036

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:  
SHOULDER BAGS AND TOTE BAGS. First Use: 2006/08/00. First Use In  
Commerce: 2006/08/00.

**Prior Registration(s)**

2358748;3020741;3078842;AND OTHERS

**Filing Date**

2006/05/08

**Examining Attorney**

ROBERTSON, DEIRDRE

**Attorney of Record**

Allison Strickland Ricketts, Esq.

ANN

Print: Aug 5, 2016

77031291

**DESIGN MARK**

**Serial Number**

77031291

**Status**

REGISTERED

**Word Mark**

ANN

**Standard Character Mark**

Yes

**Registration Number**

3848118

**Date Registered**

2010/09/14

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Ancco, Inc. CORPORATION DELAWARE 7 Times Square New York NEW YORK  
10036

**Goods/Services**

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S:  
JEWELRY. First Use: 2004/09/01. First Use In Commerce: 2004/09/01.

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,  
namely, dresses, skirts, suits, sweaters, shirts, tank tops, gloves,  
sleepwear, robes, blouses, shoes, pants, shorts, jackets, coats,  
hosiery, hats, belts, scarves and underwear. First Use: 2004/09/01.  
First Use In Commerce: 2004/09/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: on-line and  
in store retail store services in the fields of clothing, footwear,  
handbags, small leather accessories and jewelry. First Use:  
2004/09/01. First Use In Commerce: 2004/09/01.

**Prior Registration(s)**

2358748;3020741;3078842;AND OTHERS

**Name/Portrait Statement**

The name "ANN" does not identify a living individual.

**Filing Date**

2006/10/27

**Examining Attorney**

CLARKE, AISHA

**Attorney of Record**

Allison Strickland Ricketts, Esq.

ANN

**Print: Aug 5, 2016**

**78496720**

**DESIGN MARK**

**Serial Number**

78496720

**Status**

REGISTERED AND RENEWED

**Word Mark**

ANN

**Standard Character Mark**

Yes

**Registration Number**

3020741

**Date Registered**

2005/11/29

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Ancco, Inc. CORPORATION DELAWARE 7 Times Square New York NEW YORK  
10036

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: PANTS. First  
Use: 2004/01/31. First Use In Commerce: 2004/01/31.

**Prior Registration(s)**

1789470;2358748;2782011;AND OTHERS

**Filing Date**

2004/10/08

**Examining Attorney**

FINK, GINA

**Attorney of Record**

Allison Strickland Ricketts

ANN

**Print: Aug 5, 2016**

**86001929**

**DESIGN MARK**

**Serial Number**

86001929

**Status**

REGISTERED

**Word Mark**

CHEMISSETTES BY ANNE

**Standard Character Mark**

Yes

**Registration Number**

4504568

**Date Registered**

2014/04/01

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Making A Life, LLC DBA Chemisettes by Anne LIMITED LIABILITY COMPANY  
INDIANA 7205 Yolanda Court Indianapolis INDIANA 46236

**Goods/Services**

Class Status -- ACTIVE. IC 026. US 037 039 040 042 050. G & S:  
Clothing accessories, namely, chemisettes. First Use: 2007/09/01.  
First Use In Commerce: 2007/09/01.

**Disclaimer Statement**

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

**Filing Date**

2013/07/03

**Examining Attorney**

HAN, DAWN

**Attorney of Record**

David E. Novak

# CHEMISSETTES BY ANNE

**Print: Aug 5, 2016**

**85558383**

**DESIGN MARK**

**Serial Number**

85558383

**Status**

REGISTERED

**Word Mark**

ANN INC.

**Standard Character Mark**

Yes

**Registration Number**

4202497

**Date Registered**

2012/09/04

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

ANNCO, INC. CORPORATION DELAWARE 7 Times Square New York NEW YORK  
10036

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail  
store services featuring apparel and accessories. First Use:  
2011/03/15. First Use In Commerce: 2011/03/15.

**Prior Registration(s)**

3020741;3410833;3848118

**Disclaimer Statement**

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

**Filing Date**

2012/03/02

**Examining Attorney**

DE JONGE, KATHY

**Print: Aug 5, 2016**

**85558383**

**Attorney of Record**

Allison Strickland Ricketts, Esq.

ANN INC.

**To:** Northwood Media Inc ([rademarks@gilbertslaw.ca](mailto:rademarks@gilbertslaw.ca))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 76719212 - ANNE - 275915  
**Sent:** 8/5/2016 5:39:08 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **8/5/2016** FOR U.S. APPLICATION SERIAL NO. 76719212

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **8/5/2016** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

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Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).