

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/022869

APPLICANT: D. Jacobson & Sons Limited

79022869

CORRESPONDENT ADDRESS:

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P.O. Box 1451
Alexandria, VA 22313-1451

MARK: GOLA

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

FIRST OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 79/022869

INTERNATIONAL REGISTRATION NO. 0882620

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. 15 U.S.C. §1141h(e).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the United States Patent and Trademark Office (USPTO)** in trademark matters are:

- (1) **Attorneys in good standing with the bar of any U.S. federal court or the highest court of any U.S. state,** and
- (2) **Canadian attorneys who have applied for and received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).**

37 C.F.R. §10.14; TMEP §602.

Foreign attorneys are *not* permitted to practice before the USPTO, other than properly authorized Canadian attorneys. Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. *A response signed by an unauthorized foreign attorney will be considered an incomplete response.* TMEP §§602, 602.03, 603.05.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

I. SEARCH RESULTS

[A] No Conflicting Marks

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

[B] Claim of Ownership of Prior Registration

If applicant is the owner of U.S. Registration No. 2568775, then applicant must submit a claim of ownership. *See* attached registration. 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration No. 2568775.

II. IDENTIFICATION OF GOODS/SERVICES

The wording in the identification is ambiguous and may contemplate goods and/or services categorized in more than one class. The applicant must amend the identification to remove any ambiguity and properly classify each good and/or service. TMEP §§ 1401.02(a), 1402.01, and 1401.03(b).

Identification of Goods and Services – Use of Broad Terms – Guidelines

In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant chooses to use indefinite terms such as "accessories," "components," "devices," "equipment," "materials," "parts," "systems" and "products," then such terms must be followed by the word "namely" and a list of the specific goods identified by their common commercial or generic names. TMEP §§1402.01 and 1402.03(a).

In the identification of services applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant chooses to use indefinite words and phrases such as "services in connection with," "such as," "including," "and like services," "systems," "products," "concepts," or "not limited to," then such terms must be followed by the word "namely" and a list of the specific services identified by their common commercial or generic names. TMEP §§1402.01 and 1402.03(a).

Class Headings Unacceptable for Identification

Applicant must clarify the wording used to describe the goods and/or services to indicate the common commercial or generic name for each product or service. In the present case, applicant used the headings of the international classes as the identification of the goods and/or services. These headings are meant to indicate only the general subject matter and scope of each of the classes of goods and/or services. While such broad designations may be sufficient under the trademark laws and practice of many countries, the U.S. Patent and Trademark Office considers them too broad to identify the goods or services in a United States application. *In re Societe Generale des Eaux*

Minerales de Vittel S.A., 1 USPQ2d 1296, 1298 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987); TMEP §§1401.08, 1402.01 and 1402.01(a).

Parentheses Should Not Be Used in Identification

Applicant must remove any parentheses from the identification of goods and/or services and incorporate the parenthetical information into the description. Generally, parentheses and brackets should not be used in identifications. Parenthetical information is only permitted in identifications if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity of the identification, e.g., “obi (Japanese sash).” TMEP §1402.12.

Applicant must indicate the purpose(s) or function(s) of the computer software. If the software is field-specific, then applicant must also specify the field of use. TMEP §1402.03(d). This additional information is necessary to permit proper examination of the application and to enable the Office to make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872 (TTAB 2000); *In re Linkvest S.A.*, 24 USPQ2d 1716 (TTAB 1992).

Please clarify “babies napkins” in class 016. If these are “diapers” then please insert “diapers” in parentheses. If these are paper towels, there is no need to alter the identification.

Examiner's Suggested Amended Identification

Applicant may adopt the following identification of goods and services, if accurate:

CLASS 003: Soaps, namely _____ [specify, e.g. detergent soap, cosmetic soaps]; perfumes and perfumery; essential oils; cosmetics; non-medicated toiletries; hair lotions; dentifrices; deodorants, namely _____ [specify, e.g. room deodorant, personal deodorant, car deodorant]; talcum powder; shampoos; hair conditioner; shaving preparations and shaving soaps; lotions for _____ [indicate specific type, e.g. skin, hair, face, body, hair waving] and aftershave lotions; lipsticks; toothpaste; eau de Cologne; cosmetic kits comprised of ____ [indicated cosmetics, e.g. lipstick, lip gloss, etc...]; presentation and gift sets comprised of _____ [indicate specific items, e.g. lipsticks, toothpaste]; ~~incorporating some of or all the aforesaid goods~~; wax preparations for treating footwear and sporting articles, namely _____ [specify, e.g. cobblers' wax]; preparations, creams and polishes for cleaning, polishing and protecting footwear, namely _____ [specify, e.g. shoe cream, shoe polish]; non-medicated preparations and goods for treating or neutralizing the effects of foot perspiration and foot odor, namely _____ [specify, e.g. foot deodorant spray, foot powder, foot cream]”

CLASS 009: Scientific, surveying, photographic, cinematographic, optical, measuring, checking

(~~supervision~~), life saving and teaching apparatus and instruments, **namely** _____ [*specify, e.g. aerometers, video cameras*]; apparatus and instruments for recording, transmission or reproduction of sound and/or images, **namely** _____ [*specify, e.g. video cameras*]; [*indicate whether blank or prerecorded, if prerecorded indicate subject matter, e.g. prerecorded magnetic data carriers featuring music*] _____ magnetic data carriers; *indicate whether blank or prerecorded, if prerecorded indicate subject matter, e.g. prerecorded recording discs featuring music*] _____ recording discs; calculating machines, **namely** _____ [*specify, e.g. calculators, calculating computers*]; watches **for watchmen, namely a device for recording the activities of security guards to insure that the security guard arrives at scheduled checkpoints**; calculating scales; data processing equipment, **namely** _____ [*specify, e.g. computers*]; photographic apparatus and equipment, **namely** _____ [*specify, e.g. cameras, camera cases*]; cameras; cinematographic cameras; camcorders; [*specify camera, cinematographic, slide, x-ray*] films, exposed; **prerecorded** [*indicate media, e.g. digital video discs*] featuring television films, programmes and advertisements; cinematographic films; video films; projection apparatus, **namely** _____ [*specify, e.g. movie projectors*]; photography screens, **namely** _____ [*specify, e.g. slide projection screens for photographs*]; projection screens; magnets; ~~fridge refrigerator~~ magnets; thermometers; electrically operated **cigarette lighters for land vehicles**; electric irons; batteries; mechanical signs; luminous signs; neon signs; **apparatus for holograms**; telephones; receivers, **namely** _____ [*indicate type, e.g. radio, audiovisual*]; mobile telephones; telephone receivers; pagers; spectacles, eye glasses; sunglasses; contact lenses; frames for spectacles; eye glasses and sunglasses; optical accessories, **namely** _____ [*specify, e.g. eyeglass cases, chains*]; binoculars; telescopes; anti-glare glasses and **anti-glare sunglasses shades**; cases, holders, chains and cords for spectacles, eyeglasses, sunglasses, contact lenses, binoculars and telescopes; computers; computer hardware; computer equipment, **namely** _____ [*specify, e.g. keyboards*]; personal computers; handheld computers; **blank** computer discs; computer programmes **for** {*specify the function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use*}; **computer** software **for** {*specify the function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use*}; software and programmes for use on computer networks including the Internet, **namely for** {*specify the*

function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use};
downloadable electronic publications **in the nature of {indicate specific nature of publication} in the field of {indicate subject matter of publication}**; information stored on electronic, magnetic and/or optical means, **namely _____** [*specify type of information and media, e.g. prerecorded audio cassettes featuring stock market information*]; **downloadable** publications in electronic form supplied on-line from a database or from facilities provided on the Internet or other networks, including Web sites, **namely _____** [*specify type of publication and subject matter, e.g. books featuring home cooking recipes*] (~~including web sites~~); amusement apparatus, **namely _____** [*specify, e.g. video game machines for use with televisions*]; [*specify, e.g. cartridges, discs, software*] for computer games; [*specify, e.g. joysticks, software for*] video games; [*specify, e.g. joysticks, software for*] TV video games; **programs for** electronic games; apparatus and instruments for and for use with computer, video, TV and electronic games, **namely _____** [*specify, e.g. video game machines for use with televisions, joysticks*]; software **namely for {specify the function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use}**, **prerecorded compact discs and prerecorded electronic chip** cards enabling access to the Internet; modems; **Recorded computer software for** educational video games; educational equipment connected to a TV receiver or a telematics terminal, **namely _____** [*specify, e.g. educational software featuring instruction in (specify subject matter)*]; drinks dispensers being vending machines; **measuring instruments, namely _____** [*specify, e.g. folding, graduated*] rulers (~~measuring instruments~~); tape measures; electric and electronic measuring devices, **namely _____** [*specify purpose of device, e.g. wire diameter measuring devices*]; measuring and testing equipment, **namely _____** [*specify, e.g. measuring cups*]; speed indicators; apparatus and instruments for measuring, monitoring, controlling and testing performance in sporting, athletic, gymnastic, recreational and leisure activities, **namely _____** [*specify, e.g.*]; protective clothing, headgear, **namely _____** [*specify, e.g. helmets*] and footwear, **namely _____** [*specify, e.g. industrial boots, industrial shoes*]; protective clothing, headgear and footwear for use in sporting, athletic, gymnastic, recreational and leisure activities, **namely _____** [*specify, e.g. protective helmets for sports, goggles for sports*]; diving suits; gloves for diving; **safety markers to be used**

on floats for bathing and swimming; life jackets; swimming belts **for divers, namely weight belts**; swimming **life jackets**; *{indicate type of helmet}* _____ helmets; **protective** face guards affixed to **protective** helmets; **protective mouth guards, namely gum shields for industrial use; protection and safety apparatus, namely inflatable flotation devices in the nature of** water wings; audio and visual equipment, **namely** _____ [*specify, e.g. videocameras, audio amplifiers*]; televisions; radios; portable radios; video equipment, **namely** _____ [*specify, e.g. video cassette recorders*]; recording equipment, **namely** _____ [*specify, e.g. audio cassette recorders*]; recording media, **namely** _____ [*indicate media and whether blank or prerecorded; if prerecorded, indicate subject matter, e.g. blank video tapes*]; video cassette recorders; record players; compact disc equipment and systems, **namely** _____ [*specify, e.g. record players for digital compact disks*]; tape and cassette systems **comprised of** [*indicate system components, e.g. audio cassette recorder, radio and audio speakers*] and tape and cassette players; hi-fi equipment, **namely** _____ [*specify, e.g. stereo receivers, stereo amplifiers*]; electric and electronic systems for playing sound and music **comprised of** _____ [*specify, e.g. personal stereos, audio speakers, stereo amplifiers, graphic equalizers, speaker enclosures*]; personal stereos; personal CD players; **blank** CD ROMs **for sound or video recording; prerecorded data carriers, namely** _____ [*specify, e.g. flash memory cards*], **prerecorded** record disks, **prerecorded** discs, **prerecorded** audio tapes, **prerecorded** video cassettes and **prerecorded** audio cartridges all bearing or ~~for use in bearing~~ sound recordings, video recordings, data, images, games, graphics, texts, and ~~programmes~~ information, **all of the above in the field of** *{indicate subject matter, e.g. pop music}*; **data carriers, namely** _____ [*specify, e.g. flash memory cards*] bearing computer programmes for *{specify the function of the programs, e.g., use in database management, use as a spreadsheet, word processing, etc. and, if software is content- or field-specific, the content or field of use}*; **blank data carriers, namely** _____ [*specify, e.g. flash memory cards*], **blank** record disks, **blank** computer discs, **blank** audio tapes, **blank** audio cassettes and **blank** audio cartridges all bearing or ~~for use in bearing~~ sound recordings, video recordings, data, images, games, graphics, texts, **computer** programmes and/or information; bags, carriers, boxes, covers and containers adapted to carry _____ [*specify goods, e.g. computer disks*] ~~each of the aforesaid goods~~; parts and fittings for all the aforesaid goods, **namely** _____ [*specify, e.g. video game joysticks*]

CLASS 012: “Vehicles, namely _____ [*specify, e.g. automobiles, land vehicles, armored vehicles*]; apparatus for locomotion by land, air or water, namely _____ [*specify, e.g. trains, airplanes, automobiles, boats*]; bicycles, tricycles, motorcars, automobiles, prams, pushchairs, baby carriages and **structural** parts and fittings, namely _____ [*specify, e.g. bicycle handle bar grips*] for all the aforesaid goods”

CLASS 014: “Precious metals and their alloys; ~~and~~ goods of precious metal or coated therewith, namely _____ [*specify, e.g. picture frames of precious metal, artificial fingernails of precious metal, bottle caps of precious metal*] ~~not included in other classes~~; jewellery (**Jewelry**); precious stones; horological and chronometric instruments **and parts thereof**; clocks and watches; [*indicate type of pin, e.g. tie pin, bowling pin*]_____ pins, pendants, keys, key rings, key chains, badges and tie bars all being wholly or principally of precious metals or coated therewith; tie pins, cuff links”

CLASS 016: “Paper and cardboard; articles made from paper, namely _____ [*specify, e.g. paper envelopes for packaging*]; articles made from card, namely _____ [*specify, e.g. greeting cards, corrugated cardboard boxes*]; printed matter, namely _____ [*specify, e.g. invitations, lectures, lessons on (indicate subject matter)*]; printed publications, namely _____ [*indicate type of publication and subject matter, e.g. magazines in the field of home repairs*]; newspaper [*please clarify by specifying whether this is blank newspaper or newspapers, i.e. printed newspapers*]; magazines **in the field of {indicate subject matter}**; periodicals **in the field of {indicate subject matter}**; brochures **in the field of {indicate subject matter}**; books, namely _____ [*specify, e.g. check books, date books, children’s books, or indicate subject matter, e.g. books in the field of home repairs*]; booklets **in the field of {indicate subject matter}**; catalogues **in the field of {indicate subject matter}**; mail order catalogues **in the field of {indicate subject matter}**; advertising and promotional materials, namely _____ [*specify, e.g. advertising signs of paper or cardboard, advertising pamphlets (if goods in trade) – NOTE: advertising flyers, brochures are not goods in trade*]; posters; stationery; business stationery; writing paper; writing pads; drawing pads; **stationery** pads, namely _____ [*specify, e.g. desk pads, note pads*] (~~stationery~~); note pads; jotting pads; envelopes; albums, namely _____ [*specify, e.g. coin albums*]; diaries; address books;

photographs; ~~photograph~~ frames **for displaying X-ray photographs, photographs in photograph frames**; framed pictures; adhesives for stationery or household purposes; adhesive bands and tapes for stationery or household purposes; adhesive tape dispensers **for stationery or household use**; typewriters and office requisites, **namely** _____ [*specify, e.g. staplers*]; writing and drawing instruments **and** implements; **writing and drawing materials, namely** _____ [*specify, e.g. drawing materials for blackboards, pencils*]; pens; pencils; writing cases, **namely stationery cases**; pen boxes; pencil boxes; writing case sets **comprised of** _____ [*indicate components, e.g. pens, pencils, note pads*]; artists materials, **namely** _____ [*specify, e.g. brushes, pastels, pens, pencils*]; paint brushes; crayons, pastels and chalk; chalk boards and blackboards; instructional and teaching materials, **namely** _____ [*specify, e.g. anatomical models for scientific, instructional, and educational purposes*]; instructional and teaching materials in the form of **printed manuals and books in the field of** games, **games involving** ordinary playing cards; post cards; greeting cards; filing boxes **for storage of business and personal records** and **paper expanding** filing cases, **namely document files**; stamps, **namely** _____ [*specify, e.g. rubber stamps, date stamps*]; stamp albums; trays for use in philately, **namely stamp trays**; **indoor** aquaria (aquariums) (~~indoor~~); wrapping and packing materials, **namely** _____ [*specify, e.g. gift wrap paper*]; [*specify, e.g. food, coin wrappers*] _____ wrappers; **trash** carrier bags, **namely plastic refuse bags**; children's and babies **paper napkins (diapers)** ~~included in this class~~; calendars; pictures; maps; **printed** plans; charts **in the field of** [*indicate subject matter*], [*indicate type of chart, e.g. flip chart, printed charts, score charts*]; paper tissues; bags, **namely** _____ [*specify, e.g. fabric gift bags, paper bags*]; **paper** pouches and paper containers **for packaging**; stickers; decalcomanias; table napkins of paper; atlases; terrestrial and celestial globes; binders; loose leaf binders; files, **namely** _____ [*specify, e.g. document files, paper expanding files*]; folders; **stationery** covers, **namely** _____ [*specify, e.g. document covers, leather book covers*] (~~stationery~~); graphic **art** reproductions; **books in the field of** advertisements and advertising boards of paper, ~~cardboard~~ or cardboard; **printed** signs of paper, ~~cardboard~~ or cardboard; **printed** arithmetical tables; **blank** paper tapes and cards for the ~~recordal~~ **recording** of computer programmes (**programs**); index cards; **telephone** indexes; personal organizers (**organizers**); **paper** labels; **office requisites, namely** paper knives (**letter openers**) (~~office requisites~~); **paper** mats for glasses; **paper** beer mats; paper weights; pencil holders; pen holders; pencil sharpeners; desk tidies, **namely** _____ [*specify, e.g. desktop*

organizers]; prints, namely **engravings** (~~engravings~~); pictures; erasers; rubber erasers; erasing materials and preparations, namely _____ [*specify, e.g. ink erasers*]; **drawing, drafting** rulers; school supplies, namely **stationery** (~~stationery~~); book markers, namely _____ [*clarify, e.g. bookmarks, markers for books*]; [*paper, fabric*] gift bags; **printed** height charts; photograph albums”

CLASS 018 “Bags, namely _____ [*specify, e.g. duffel bags, feed bags for animals*]; cases, namely _____ [*specify, e.g. leather cases*]; holdalls for sports clothing; wallets, purses, saddle belts, umbrellas, parasols, walking sticks, articles of leather and of imitation leather, namely _____ [*specify, e.g. briefcases*]

CLASS 025: “Clothing, namely _____ [*specify, e.g. hats, caps*]; footwear; headgear, namely _____ [*specify, e.g. hats, caps*]; wet suits”

CLASS 026: “Lace and embroidery, ribbons and braid; buttons, namely _____ [*specify, e.g. buttons for clothing, novelty buttons*]; hooks and eyes, sewing pins and needles; artificial flowers; badges for wearing, namely ornamental cloth patches and hair ornaments (~~for wear~~); [*indicate type of buckle, e.g. hair, she, strap, clothing*] _____ buckles; fastenings, namely _____ [*specify, e.g. zipper fasteners*]; [*specify, e.g. basket, belt*] clasps, clothes buttons, slide fasteners, sewing pins, bobbles (**pompoms**) and hair bands; cuff links, tie pins and tie studs (~~not of precious metal~~); [*specify, e.g. shoe laces, shoulder pad laces for athletic use*] _____ laces; shoe buckles, shoe eyelets, metal fasteners for shoes and boots, rug hooks, shoe ornaments **not of precious metal**, and _____ [*specify footwear goods*] ~~and all other goods included in this class for footwear~~”

CLASS 028: “Games and playthings, namely _____ [*specify, e.g. playing cards, floats for recreational use, namely {specify, e.g. arm floats, foam floats, swim floats, inflatable float mattresses or pads for recreational use}*]; gymnastic and sporting articles, namely _____ [*specify, e.g. mouth guards for athletic use, water wing swim aids for recreational use, soccer balls*]; footballs; sports bags, namely _____ [*specify, e.g. football bags, soccer bags*] that are specially adapted for sports equipment”

CLASS 032: “Beers; mineral and aerated waters and _____ [*specify non-alcoholic drink, e.g. colas*] ~~other non-alcoholic drinks~~; fruit drinks and fruit juices; syrups and other preparations, **namely** _____ [*specify, e.g. scented water*] for making beverages; soft drinks; aerated mineral waters, lemonade, cola drinks”

CLASS 033: “Alcoholic beverages, **namely** _____ [*specify, e.g. rum*] ~~(except beers)~~; alcopops, **namely** _____ [*specify, e.g. frozen flavored alcoholic rum beverages on a stick*]”

CLASS 035: “The bringing together, for the benefit of others, of a variety of clothing, footwear, headgear, **namely** _____ [*specify, e.g. helmets, hats, caps*], bags, cases, holdalls and gymnastic and sporting articles enabling customers to conveniently view and purchase those goods from a general merchandise store, a clothing store, a sports goods store, ~~or~~ from a catalogue, via mail order **catalog**, telecommunications, **namely** _____ [*clarify, e.g.*] or the internet; the organization of exhibitions relating to footwear **for commercial or advertising purposes**”

TMEP §1402.01.

Classification of Goods/Services Cannot Be Changed – Advisory

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. TMEP §§1401.03(d), 1401.04 and 1904.02(b).

Please note that, while the identification of goods/services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

III. SIGNIFICANCE OF MARK

Applicant must specify whether “GOLA” has any significance in the relevant trade or industry, any geographical significance, or any meaning in a foreign language. 37 C.F.R. §2.61(b).

IV. RESPONSE GUIDELINES

Please note that there is no required format or form for responding to this Office action. However, the applicant should include the following information on all correspondence with the Office: (1) the

name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) the applicant's telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then the applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then the applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. The applicant must also sign and date its response.

The applicant may find general information about the trademark application and registration process at the Office's website at <http://www.uspto.gov/main/trademarks.htm>. The *Trademark Manual of Examining Procedure (TMEP)* may be found at <http://www.uspto.gov/web/offices/tac/tmep/>.

If the applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Susan Billheimer/
Examining Attorney
Law Office 101
Tel: (571) 272-8261
Fax: (571) 273-8261

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

TYPED DRAWING

Serial Number

75464656

Status

REGISTERED

Word Mark

GOLA

Standard Character Mark

No

Registration Number

2568775

Date Registered

2002/05/14

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

D. Jacobson & Sons Limited COMPANY UNITED KINGDOM Cloughfold, Bacup Road, Rawtenstall Lancashire, BB4 7PA UNITED KINGDOM

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: BAGS, CASES, AND HOLDALLS, NAMELY TOTE BAGS, TOTE CASES, SPORTS BAGS, SPORT HOLDALLS, CARRY-ON BAGS, CLUTCH BAGS, HANDBAGS, DUFFLE BAGS, SHOULDER BAGS, GARMENT BAGS FOR TRAVEL, BRIEF CASES, KEY CASES, LUGGAGE, TOILETRY CASES, WALLETS, SUITCASES, OVERNIGHT CASES, TRUNKS FOR TRAVELING, VALISES, PURSES, BACKPACKS, RUCKSACKS, BAGS AND HOLDALLS FOR SPORTS CLOTHING, BAGS AND HOLDALLS FOR SPORTS EQUIPMENT, TRAVELING BAGS, SCHOOL BAGS, SATCHELS, BAGS WORN ON THE PERSON INCLUDING BAGS WORN AROUND THE WAIST.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: CLOTHING NAMELY SWIMWEAR, ROBES, BELTS, BLOUSES, SHORTS, CAMISOLES, CAPES, CARDIGANS, SWEATERS, PULLOVERS, TANK TOPS, JUMPERS, CULOTTES, CHEMISES, COATS, SPORTS COATS, JACKETS, SPORTS JACKETS, WAISTCOATS, SUITS, TROUSER SUITS, SKIRT SUITS, COVERALLS, DRESSES, DUSTERS, GLOVES, MUFFLERS, MITTS, HEADWEAR, HATS, CAPS, JEANS, JOGGING SUITS, TRACKSUITS,

JUMPSUITS, WARM-UP SUITS, KERCHIEFS, LEOTARDS, LOUNGE WEAR, NECKERCHIEFS, TIES, NECKTIES, NIGHTGOWNS, PAJAMAS, RAINWEAR, RAINCOATS, SCARVES, SHIRTS, SNOW SUITS, T-SHIRTS, SWEATSHIRTS, SWEAT PANTS, SWEAT SUITS, TENNIS WEAR TOPS, TENNIS WEAR SHORTS, TROUSERS, UNDERWEAR, HEADBANDS, SWEATBANDS, STOCKINGS, SOCKS, HOSIERY, FOOTWEAR, BOOTS, SHOES, SANDALS, ATHLETIC FOOTWEAR, ATHLETIC SHOES, SPORTS SHOES, SPORTS FOOTWEAR, TRAINING SHOES, TRAINING FOOTWEAR, SLIPPERS, RAIN SHOES, AND OVERSHOES.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Gymnastic and sporting articles, namely balls, pucks and shuttlecocks for sports and games for use in playing golf, tennis, lacrosse, soccer, handball, rugby, cricket, basketball, field hockey, baseball, squash (racquet ball), ice hockey and badminton-- articles of protective wear for use in sports and games namely, athletic protective pads for use in field hockey, ice hockey, tennis, lacrosse, soccer, American football, handball, rugby, cricket, basketball, baseball, squash (racquet ball), badminton, boxing, running and athletics; shin guards for athletic use; gloves and mitts for athletic use in games and sports namely goal keepers gloves, and gloves and mitts for use in playing field hockey, ice hockey, lacrosse, American football, cricket, baseball, boxing and athletics; ice skates, roller skates, incline skates; golf clubs, rackets for tennis, squash (racquet ball) and badminton, sticks for field hockey, ice hockey and lacrosse, bats for cricket and baseball; skiing, hockey and ice hockey equipment, namely, skis, ski covers, field hockey and ice hockey leg guards, shoulder pads, thigh pads, abdominal guards, knee pads, knee protectors and knee bandages, ski goggles, bindings and release mechanisms for skis.

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