

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 79/034849

**APPLICANT:** Paulaner Brauerei GmbH & Co. KG

**\*79034849\***

**CORRESPONDENT ADDRESS:**

Weickmann & Weickmann  
Patentanwälte  
P.O. Box 860 820  
81635 München  
FED REP GERMANY

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** PAULANER BRÄUHAUS

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

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**

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.

**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 79/034849

INTERNATIONAL REGISTRATION NO. 0914396 .

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(c).

**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 USPTO** in trademark matters are as follows:

- (1) Attorneys in good standing with a bar of 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). Canadian attorneys can only represent Canadian applicants.

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 is considered an incomplete response.* TMEP §§602, 602.03, 603.05.

**THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:**

The assigned examining attorney has reviewed the referenced application and determined the following.

***Search***

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

***Translation of the Mark***

The applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §2.61 (b); TMEP §809. The applicant may adopt the following translation, if accurate: The English translation of BRAUHAUS is “brew house” or “brewing house,” and the English translation of MUNCHEN is “Munich.” See attached.

***Prior Registrations***

If applicant is the owner of U.S. Registration Nos. 1876818 and 2866691 (attached), then applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 1876818 and 2866691.

***Disclaimer***

The applicant must insert a disclaimer of MUNCHEN and BRAUHAUS in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i). MUNCHEN is geographically descriptive, and BRAUHAUS is generic for a brewery.

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use MUNCHEN or BRAUHAUS apart from the mark as shown.

***Color Description Omitted***

Applicant must provide a description of where the colors appear in the mark. 37 C.F.R. §2.52(b)(1).

The following description is suggested: “The color(s) <name of color(s)> appear in <specify portion of the mark on which color(s) appear>.” Common color names should be used to describe the colors in the mark, e.g., red, yellow, blue. TMEP §807.07(a)(ii).

### **Description of the Mark**

The applicant must submit a concise description of the mark. 37 C.F.R. §2.37; TMEP §§808 *et seq.* The statement may be in the following form:

The mark consists of a monk’s head in profile in a circle, over a banner.

/James T. Griffin/  
Examining Attorney, Law Office 103  
(571) 272-9169  
Informal communications only:  
jim.griffin@uspto.gov

### **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.**

## Translate Text

Original text:	<input type="text" value="brauhaus"/>	<a href="#">Automatically translated text:</a>	brewing house
	<input type="text" value="German to English"/>	<input type="button" value="Translate"/>	

## Translate a Web Page

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Munich



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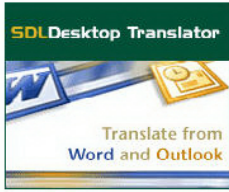
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**DESIGN MARK**

**Serial Number**

74468552

**Status**

REGISTERED AND RENEWED

**Word Mark**

PAULANER

**Standard Character Mark**

No

**Registration Number**

1876818

**Date Registered**

1995/01/31

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

PAULANERBRAUEREI GMBH & CO. KG LIMITED PARTNERSHIP FED REP GERMANY  
HOCHSTRASSE 75 MUNCHEN FED REP GERMANY D81541

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 048. G & S: beer. First Use:  
1989/10/00. First Use In Commerce: 1989/10/00.

**Prior Registration(s)**

1007986;1041923;1623924

**Disclaimer Statement**

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

**Translation Statement**

The English translation of the word "MUCHEN" is "Munich".

**Filing Date**

1993/12/10

**Examining Attorney**

SHANAHAN, WILLIAM P.

**Attorney of Record**

David Toren



**PAULANER**

**TYPED DRAWING**

**Serial Number**

78231169

**Status**

REGISTERED

**Word Mark**

PAULANER

**Standard Character Mark**

No

**Registration Number**

2866691

**Date Registered**

2004/07/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Paulaner Brauerei GmbH & Co. KG LIMITED PARTNERSHIP FED REP GERMANY  
Hochstrasse 75 Munich FED REP GERMANY 81541

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beer.  
First Use: 1906/00/00. First Use In Commerce: 1970/00/00.

**Prior Registration(s)**

1876818

**Filing Date**

2003/03/28

**Examining Attorney**

FRENCH, CURTIS

**Attorney of Record**

David Toren