

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/057120

MARK: PRIMADONNA

79057120

CORRESPONDENT ADDRESS:

Harmsen Utescher
Alter Wall 55
20457 Hamburg
FED REP GERMANY

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Lidl Stiftung & Co.
KG

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

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 0610993.

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. See 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**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and
- (2) **Canadian agents/attorneys** who represent applicants residing in Canada and who have received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).

37 C.F.R. §§10.1(c), 10.14; TMEP §602.

Foreign attorneys are not permitted to practice before the USPTO, other than properly authorized Canadian attorneys. TMEP §602.06(b). Filing written communications, 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. *See* TMEP §§602.03, 712.03.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

Telephone Response Encouraged:

Applicant is encouraged to telephone the assigned trademark examining attorney to resolve the issues raised in this Office action.

Claim of Ownership of Prior Registration

If applicant is the owner of U.S. Registration No. 2996259, 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 No. 2996259.

/cglasser/
Caryn Glasser
Trademark Examining Attorney
Law Office 108
Phone: (571) 270-1517
Fax: (571) 270-2517

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Sep 8, 2008 76232951

TYPED DRAWING

Serial Number
76232951

Status
REGISTERED

Word Mark
PRIMADONNA

Standard Character Mark
No

Registration Number
2996259

Date Registered
2005/09/20

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Lidl Stiftung & Co. KG CORPORATION FED REP GERMANY STIFTSBERGSTRASSE 1
D-74167 Neckarsulm FED REP GERMANY

Goods/Services
Class Status -- ACTIVE. IC 031. US 001 046. G & S: Fresh fruits;
fresh vegetables.

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Fruit and vegetable
preserves; marmalades; jams; meat, fish, poultry, and game; meat
extracts; preserved, dried and cooked fruits and vegetables; meat,
fish, fruit and vegetable jellies; fruit sauces; dried fruit, canned,
and cut vegetables.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee; tea; cocoas;
sugar; rice; tapioca; sago; artificial coffee; flour; preparations
made from cereal, not including food stuffs for animals, namely,
muesli; farinaceous alimentary pastes; bread; pastries; confectionery,
namely, candy; flavored ices; honey; treacle; yeast; baking powder;
salt; mustard; vinegar; condiment sauces, namely cocktail, horsersdiah

Print: Sep 8, 2008 76232951

and hot sauces; spices.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beer; beer, mineral and aerated waters; non-alcoholic
malt coolers; fruit drinks; fruit juices; malt syrup for beverages;
syrups for making fruit drinks.

Foreign Country Name
FED REP GERMANY

Foreign Registration Number
2045252

Foreign Registration Date
1993/09/17

Foreign Expiration Date
2003/08/04

Foreign Renewal Registration Number
2045252

Foreign Renewal Registration Date
2003/08/04

Foreign Renewal Expiration Date
2013/08/31

Foreign Country Name
FED REP GERMANY

Foreign Registration Number
2042559

Foreign Registration Date
1993/08/17

Foreign Expiration Date
2003/06/16

Foreign Renewal Registration Number
2042559

Foreign Renewal Registration Date
2003/06/16

Foreign Renewal Expiration Date
2013/06/30

Foreign Country Name

Print: Sep 8, 2008 **76232951**

FED REP GERMANY

Foreign Registration Number
670508

Foreign Registration Date
1955/01/28

Foreign Expiration Date
2004/05/05

Foreign Renewal Registration Number
670508

Foreign Renewal Registration Date
2004/05/05

Foreign Renewal Expiration Date
2014/05/31

Filing Date
2001/03/29

Examining Attorney
DEJESUS, YSA

Attorney of Record
Jonathan P. Ochs