

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

THE SAUL ZAENTZ COMPANY

Serial No. 85815687 for GREEN DRAGON

RESPONSE

This is in response to the Office Action dated April 18, 2013, wherein the PTO refused registration of Applicant's marks on the grounds that it is allegedly confusingly similar to the mark shown in Registration Nos. 3644139 and 3003305. Applicant requests that the PTO reconsider its refusal to register in light of the further amendment to the description of goods and the following.

Argument

Applicant is a leading movie producer and it owns all of the trademarks and service marks derived from the famous books THE HOBBIT and THE LORD OF THE RINGS.

Applicant also owns the worldwide film, stage and merchandising rights pertaining to the famous book and the following of motion pictures based on that book ("THE HOBBIT Movies") which have been or are being produced and disseminated pursuant to Applicant's film rights.

- The Hobbit: An Unexpected Journey
- The Hobbit: The Desolation of Smaug
- The Hobbit: There and Back Again

The first HOBBIT movie was released in late 2012 and it already has earned over \$1 billion in worldwide box office receipts, and over \$300 million in U.S. box office receipts.

The following highly successful motion pictures based on *THE LORD OF THE RINGS* (the “LOTR Movies”) have also been produced and disseminated under pursuant to Applicant’s film rights:

- The Lord of the Rings: The Fellowship of the Ring
- The Lord of the Rings: The Two Towers
- The Lord of the Rings: The Return of the King

Each of the LOTR Movies is among the top grossing films of all times, collectively they have generated over \$3 billion dollars in worldwide box office receipts and each has received over \$300 million in U.S. box office receipts.

The LOTR Movies trilogy is the most nominated in the history of the Academy of Motion Picture Arts and Sciences and virtually everyone in the United States has heard of or seen the movies.

Applicant has developed a worldwide licensing program, pursuant to which Applicant and its licensees have sold millions of dollars worth of merchandise under marks derived from the names of characters, places or things found in THE HOBBIT and LOTR Movies. Marks such as GREEN DRAGON, HOBBIT, LORD OF THE RINGS, BILBO, FRODO, and RIVENDELL, and others are immediately identifiable as inherently distinctive source indicators that evoke images associated with Applicant and its HOBBIT and LOTR Movies. In fact, these marks have become indelibly linked with Applicant in the minds of consumers throughout the United States.

While Applicant continues to believe that there is no likelihood of confusion between its mark and those shown in the cited registration, it has amended the description of goods to indicate that the products on which the mark will be used are related to the HOBBIT and LOTR

Movies. The amendment to the description of goods further clarifies Applicant's targeted consumer group for its goods.

In view of the foregoing, Applicant requests that the refusal to register be withdrawn, and its mark approved for publication.