

Remarks

The Office Action required a disclaimer of the term ALE on the ground that it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of Applicant's goods. Applicant has entered an appropriate disclaimer statement in connection with the goods in Classes 21 and 32 only. See TMEP §1213. Applicant respectfully submits that the term ALE is, at best, suggestive of the Class 25 goods. Indeed, Applicant's search of the Patent and Trademark Office database located several existing registrations on the Principal Register that contain the term ALE for Class 25 goods that do not include a disclaimer of or an acquired distinctiveness claim for the term ALE(S). Examples include the following (see attached TSDR records):

Mark	Reg. No.	Class 25 Goods
PUNKIN ALE	5590903	"T-shirts"
AVALON ALE	5399415	"T-shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts"
INSTIGATOR ALE	4543484	"Shirts"
INFID ALE & Design	4543483	"Shirts"
R ROONEY'S ALE 1933 & Design	85667680	"clothing and apparel, namely, hats and T-shirts"
VENICE ALE HOUSE	4198175	"Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hats; Pants; Swim wear; Tank tops; Tee shirts; Tops; Wearable garments and clothing, namely, shirts"
WHITE DOG PALE ALE & Design	3928221	"T-shirts"
FREEDOM ALE	4372997	"Clothing, namely, T-shirts, tank tops, polo shirts, button down shirts, sweatshirts, sweat pants, sweat shorts, sweat bands, jackets, caps, hats, yoga pants, shorts, bandanas, belts, infant and toddler one piece clothing, loungewear, rainwear, scarves, sleepwear, socks, sports jersey"

5 BARREL PALE ALE	4387459	“Caps; Shirts”
ISOLATION ALE	4376378	“Shirts”
DOGFISH HEAD CRAFT BREWED ALES & Design	3622500	“Caps; Caps with visors; Golf shirts; Hats; Hooded sweat shirts; Knit shirts; Knitted caps; Long-sleeved shirts; Polo shirts; Rugby shirts; Shirts; Sport shirts; T-shirts”
DRIFTBOAT AMBER ALE	4881454	“Shirts; T-shirts”

Applicant therefore respectfully requests that the disclaimer requirement for Class 25 be withdrawn.