

SIPA11.002TUS
WHITTARD
3452000

Response To Office Action

The following is in response to the Office Action issued in connection with the Renewal Application filed in connection with Registration No. 3,452,000 for the mark WHITTARD. In the Office Action, the Trademark Specialist initially refused acceptance of the Renewal Application on the ground that it was filed by the wrong entity. However, as explained below, it was filed in the correct entity name, Hamsard 3145 Limited.

On April 23, 2010, an assignment was recorded assigning the registration from “Java Acquisitions Limited, Whittard of Chelsea Limited, Boaters Coffee Co. Limited, Whittard and Company Limited, and Whittard Trading Company Limited” to Hamsard 3146 Limited. This is record No. 1 of 5 in the USPTO Assignment records. At that time the owner of the registration was Hamsard 3146 Limited.

On April 23, 2010, an assignment was recorded assigning the registration from Hamsard 3146 Limited to Hamsard 3145 Limited. The owner of the registration was then Hamsard 3145 Limited. This is record No. 2 of 5 in the USPTO Assignment records. **This is the last change of ownership of the registration.**

On April 23, 2010, a document was mistakenly recorded as an “assignment”. This is record No. 3 of 5 in the USPTO Assignment records (Reel/Frame:4191/0720). This document was **not** an assignment but a license from Hamsard 3145 Limited to Hamsard 3146 Limited. This filing **did not** affect the ownership of the registration. Thus, the owner of the mark was still Hamsard 3145 Limited.

However, a corrective filing was made on December 8, 2010 (Reel/Frame:4430/0185), clarifying that document No. 3 was not an “assignment” but was really a recordal of a license. This document **did not** affect the ownership of the registration. Thus, the owner of the mark was still Hamsard 3145 Limited. This is record No. 4 of 5 in the USPTO Assignment records.

On April 23, 2010, a change of name was filed changing “Hamsard 3146 Limited” to “Whittard Trading Limited.” This name change only changed the name of the licensee and **did not** affect the ownership of the registration. This is record No. 5 of 6 in the USPTO Assignment records. Thus, the owner of the mark was still Hamsard 3145 Limited.

As can be seen above, the last change of ownership was record No. 2, the assignment from Hamsard 3146 Limited to Hamsard 3145 Limited.

Thus, the registration is correctly owned by Hamsard 3145 Limited, the entity that filed the Renewal Application. Accordingly the Renewal Application was filed in the name of the correct entity.

Accordingly, the refusal should be withdrawn and the Renewal Application should be accepted.

If the Trademark Specialist has any questions, she is requested to contact the undersigned counsel of record.

Respectfully submitted,
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