

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>In re Application of: OMS Investments, Inc.</b>	)	
	)	
<b>Serial Number: 90021571</b>	)	<b>Examining Attorney:</b>
	)	<b>Shaila E. Lewis</b>
	)	
<b>Filed: June 25, 2020</b>	)	<b>Law Office: 114</b>
	)	
<b>Mark: AUSTIN BARK</b>	)	

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**RESPONSE TO NONFINAL OFFICE ACTION DATED SEPTEMBER 10, 2020**

The Nonfinal Office Action of September 10, 2020 (the “Office Action”), has been received and its contents carefully noted. In response, Applicant submits that the wording “AUSTIN” is not primarily geographically descriptive of the origin of Applicant’s goods and, therefore, the requirement of the disclaimer of the term “AUSTIN” should be removed.

In issuing the Office Action, the Examining Attorney first cites 15 U.S.C. §1052(e)(1) in stating that “Applicant must disclaim the word ‘AUSTIN’ because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services.” In support of the refusal, however, the Examining Attorney describes the term “AUSTIN” not as merely descriptive, but rather as being “geographically descriptive of a place where the goods will be sold because it is a well-known geographic location in the United States.” Consistent with the Office Action language addressing geographic descriptiveness, the case law that the Examining Attorney cites<sup>1</sup> in support of the refusal exclusively or primarily addresses refusals based on 15 U.S.C. §1052(e)(2).

The wording of the Examining Attorney’s Office Action has, therefore, created some ambiguity

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<sup>1</sup> See *In re Jacques Bernier Inc.*, 894 F.2d 389, 391-92, 13 USPQ2d 1725, 1727 (Fed. Cir. 1990); *Fred Hayman Beverly Hills, Inc. v. Jacques Bernier Inc.*, 38 USPQ2d 1691 (TTAB 1996); *In re Joint-Stock Co. “Baik,”* 80 USPQ2d 1305, 1310 (TTAB 2006); *In re JT Tobacconists*, 59 USPQ2d 1080, 1083 (TTAB 2001); *In re Nantucket Allserve Inc.*, 28 USPQ2d 1144, 1145-46 (TTAB 1993).

as to the precise legal basis upon which the disclaimer requirement has been issued. Because the majority of the Examining Attorney's Office Action appears to be grounded on the basis of the "AUSTIN" term being primarily geographically descriptive, Applicant will address the Office Action as though based on 15 U.S.C. §1052(e)(2) rather than 15 U.S.C. §1052(e)(1). Nonetheless, Applicant respectfully requests that, should the Examining Attorney find the Applicant's arguments unpersuasive, that an additional nonfinal action be issued if the Examining Attorney did, in fact, intend to base the Office Action and disclaimer requirement on 15 U.S.C. §1052(e)(1).

### **Arguments**

#### **I. THE AUSTIN PORTION OF APPLICANT'S MARK IS NOT PRIMARILY GEOGRAPHICALLY DESCRIPTIVE**

The Examining Attorney has required a disclaimer of the term "AUSTIN" from the mark AUSTIN BARK on the ground that the mark is primarily geographically descriptive of the origin of Applicant's goods. Applicant submits that the term AUSTIN, as used in its composite mark AUSTIN BARK, is not primarily geographically descriptive.

In order to establish a *prima facie* case of the disclaimer of the AUSTIN portion of Applicant's mark AUSTIN BARK as primarily geographically descriptive, the Examining Attorney must establish all of the following elements: (1) the primary significance of the mark is geographic (*see* TMEP §1210.03); (2) purchasers would be likely to think that the goods or services originate in the geographic place identified in the mark, *i.e.*, purchasers would make a goods/place or services/place association (*see* TMEP §1210.04); and (3) the mark identifies the geographic origin of the goods or services (*see* TMEP §1210.01).

None of these propositions is tenable in this case. Respectfully, the Examining Attorney has not

demonstrated all three of these elements.



**a. The Primary Significance of the Term AUSTIN is Not as a Geographic Location**


The Examining Attorney must first show that the primary significance of the term AUSTIN is of a geographic location. If the Examining Attorney does not meet the first element of the test, the geographic refusal cannot stand, despite the existence of a potentially geographic term in Applicant’s mark. *See In re Newbridge Cutlery Co.*, 113 USPQ2d 1445 1450 (Fed. Cir. 2015) (finding evidence insufficient to establish that Newbridge, Ireland is a place known generally to the relevant American public); *Bekaert Steel Wire Corp. v. S.p.A. Officine Maccaferri Gia Raffaele Maccaferri & Figli*, 196 USPQ 558, 562 (TTAB 1977) (RENO MATTRESS for wire mesh cylinders filled with rock made in plants along the Reno River in Italy held an arbitrary mark with no geographical significance of any real importance); *In re Consolidated Foods Corp.* 218 USPQ 184, 186 (ITAB 1983) (refusal to register based upon disclaimer requirement reversed—LAUDERDALE held not primarily geographically descriptive of meats and poultry from Lauderdale County, Alabama because no evidence of public association of term LAUDERDALE with such goods in the record).


The word AUSTIN is known for things other than its geographic location. For example, as exhibited by the YourDictionary.com evidence included with the Examining Attorney’s Office Action, AUSTIN is known as a masculine name.

Further, as evidenced by the records of the USPTO’s TESS database, there are a vast number marks containing the term “AUSTIN” (not disclaimed) registered on the Principal Register in association with a variety of goods and services, including, but not limited to:

<b>Mark</b>	<b>Reg. No.</b>	<b>Description of Goods or Services</b>	<b>Owner</b>
<b>AUSTIN BROOK PUBLISHING</b>	6276210	(Int’l Class: 41) Publishing of books, e-books, audio books, music and illustrations	McClain-Watson, Teresa DBA Austin Brook Publishing

<b>Mark</b>	<b>Reg. No.</b>	<b>Description of Goods or Services</b>	<b>Owner</b>
<b>AustinDEEP</b>	5837898	(Int'l Class: 44) Providing services relating to health and well-being, namely, massage therapy services; providing on-site services relating to health and well-being, namely, massage therapy services dispatched to customers upon request; bodywork therapy services, namely, medical massage therapy, deep tissue massage, and myofascial release; bodywork therapy services, namely, a form manual therapy that involves the feet, hands, pressure points, and trigger points; bodywork therapy services, namely, fascial massage cupping; and provision of advice and information related to all of the aforementioned services	AustinDEEP Tissue Center, Inc.
<b>AUSTIN'S</b>	5793303	(Int'l Class: 01) Antifreeze (Int'l Class: 03) All-purpose cleaners comprised of vinegar; destainer, namely, stain removing preparations; pot and pan detergents; drain openers; all-purpose cleaners lemon cleaner, namely, lemon scented all-purpose cleaners; oven and vent-hood cleaners; oven cleaners; patio furniture cleaners (Int'l Class: 05) Algaecide for swimming pools	James Austin Company
	6218398	(Int'l Class: 12) Yachts	Austin Parker Yachts USA, LLC
	6178299	(Int'l Class: 11) Fixtures for incandescent light bulbs; Lighting fixtures; Electric lighting fixtures; LED lighting fixtures for indoor and outdoor lighting applications; Pendant lighting fixtures; Sconce lighting fixtures	William A Frisella Trust DBA Philip Austin Inc.
AUSTIN PLANTER	6158258	(Int'l Class: 21) Flower pots; Saucers for flower pots	Beloit Plastics LLC
AUSTIN PRETTY LIMITS	6150837	(Int'l Class: 31) Live plants, excluding fruits, vegetables, cotton, wheat, soybean, grass, and chrysanthemum	Spring Meadow Nursery, Inc.
<b>AUSTIN TOOLS</b>	6073061	(Int'l Class: 13) Cleaning brushes for firearms	Ningbo Austin Tools Co., Ltd
AUSTIN EXTREME SKINNY	5927725	(Int'l Class: 25) Bottoms as clothing	Abercrombie & Fitch Trading Co.
AUSTIN FOUNDRY COOKWARE	5871481	(Int'l Class: 21) Cookware, namely, pots and pans; Cookware, namely, cast iron cookware in the nature of cast iron pots and pans	Austin Foundry Cookware, LLC
KEEP AUSTIN WELL	6013964	(Int'l Class: 25) Clothing, namely, hats, t-shirts, polo shirts (Int'l Class: 35) Retail pharmacy services	Texas RX Consultants LLC
AUSTIN GUARANTEED ENGINEERED SOLUTIONS	5897562	(Int'l Class: 06) Metal hardware, namely, locks; common metal pulls; common metal drawer pulls; common metal locking pulls; common metal non-locking pulls; metal bolt snaps; metal spring hook snaps; metal chain snaps; latches; clasps for door security hardware; gas springs for opening, lifting or dampening mechanisms in vehicles, furniture, recreational vehicles, and aircraft manufacturing; hinges; non-electric metal cables; tie downs; loops for lifting and rigging; retaining loops in the nature of metal straps; loops for use in connection with chains; belts and rope; screw rings of metal; cleats for ropes, namely, a metal dock cleat; furniture drawer slides; nuts; screws; bolts; washers; shackles and hooks for lifting and rigging; door handles; door levers; handle levers; bar locks; dead bolts; clamps; chains; hooks; door checks; nails; metal cotter pins;	Austin Hardware & Supply, Inc.

Mark	Reg. No.	Description of Goods or Services	Owner
		<p>metal ball lock pins; metal clevis pins; metal dowel pins; metal spring pins; metal lynch pins; load binders            (Int'l Class: 12) Vehicle and emergency vehicle accessories, namely, cabinets; Vehicle and emergency vehicle cabinet hardware, namely, hinges, latches, locks, hinged cabinet doors, and sliding cabinet doors; Vehicle and emergency vehicle doors and door hardware, namely, personnel doors, door hinges, door panels, door latches, and door handles; Trailer and towing parts and accessories, namely, hitch balls, trailer hitch receivers, trailer tires, and trailer wheels, trailer bearings and hubs, namely, axle bearings, bearing plates, fork bearings, wheel bearings, hubs for wheels, and hub cap covers, trailer fenders, hydraulic jacks, trailer dollies, trailer springs, namely, shock absorbing springs, coil springs, and suspension springs, trailer axles, tow hooks, tow bars for trailers and vehicles; ATV accessories, namely, ATV trailers, hitches, and hitch receivers; Automotive and vehicular accessories, namely, truck boxes comprised of sidewalls, endwalls, and a roof to be secured to truck beds, bumper guards, cargo racks, roof racks, bumpers, interior trim, anti-slipping matting for vehicle compartments, steps for attachment to land vehicle, and fenders; Automotive and vehicular accessories, namely, vehicle cabinet metal drawer slides; metal drawer slides for use in fire vehicles, rescue vehicles, emergency vehicles, cargo vans, maintenance trucks, and utility vehicles; Automotive and vehicular accessories, namely, pull handles, grab handles, lift handles, t-handles            (Int'l Class: 35) Distributorship services in the fields of hardware, vehicle parts, vehicle accessories, emergency vehicle parts, and emergency vehicle accessories</p>	
BUILT IN AUSTIN	5199526	<p>(Int'l Class: 35) Arranging and conducting special events for business purposes            (Int'l Class: 42) Hosting digital content online            (Int'l Class: 45) Social networking services for entrepreneurs and businesses</p>	Built In, Inc.
	5725171	<p>(Int'l Class: 25) Clothing, namely, shirts, pants, dresses, skirts, tops, bottoms, socks, hats, footwear, scarves, gloves, coats, jackets</p>	Ara Trading, Inc.
PROBANK AUSTIN	5470595	<p>(Int'l Class: 36) Providing financial consulting, risk management, and investment banking services to banks, savings and loan associations and bank holding companies and to law firms, accounting firms, insurance companies and governmental regulatory agencies pertaining to financial institutions and the financial services industry</p>	Professional Bank Services, Inc.
AUSTIN MILL	5661317	<p>(Int'l Class: 25) Blazers; Bomber jackets; Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts, dresses and footwear; Down jackets; Dress suits; Jeans; Long-sleeved shirts; Martial arts uniforms; Men's suits; Overcoats; Pants; Shirts and short-sleeved shirts; Sports jackets; Trousers; Vests; Wind-jackets</p>	Hangzhou YiShiHong E-Commerce Co., Ltd. limited company (Ltd.)
AUSTIN	5585842	<p>(Int'l Class: 30) Cookies and crackers</p>	AQFTM Inc.
AUSTIN HARDWARE	5554701	<p>(Int'l Class: 35) Distributorship services in the field of vehicle parts, namely, providing access parts and fasteners to commercial vehicle, emergency vehicle, and trailer manufacturers</p>	Austin Hardware & Supply, Inc.

Mark	Reg. No.	Description of Goods or Services	Owner
	5523270	(Int'l Class: 08) Hammers; wrenches; pliers; bits for hand drills; Tool sets comprised of hammers, wrenches, pliers, and bits for hand drills; Tool bags containing hammers, wrenches, pliers, and bits for hand drills (Int'l Class: 18) Tool bags sold empty	Bangarang Enterprises, LLC DBA Gander Group
KEEP AUSTIN FIT	5314929	(Int'l Class: 25) T-Shirts, hats, tops, bottoms, footwear (Int'l Class: 41) Providing a website featuring non-downloadable publications in the nature of magazines in the field of health and fitness; Providing a web site featuring information regarding fitness; Arranging and conducting special events for social entertainment purposes	LME Crackerdog, LLC

Attached hereto as **Exhibit A** are true and correct copies of the registration certificates for the above-listed marks.

Furthermore, Applicant's mark is a **composite mark** incorporating the arbitrary term BARK with AUSTIN. If, when viewed as a whole, a composite mark is not likely to be perceived as identifying the geographic origin of the goods or services (i.e., the mark is not primarily geographically descriptive), the mark is regarded as arbitrary, fanciful or suggestive. TMEP § 1210.02(c)(iii). Such is the case here.

Although generally, the addition of a highly descriptive or generic term to the name of a geographical place does not alter its primary geographic significance (TMEP § 1210.02(c)(ii)), the term BARK, is not highly descriptive or generic. Indeed, the word BARK is arbitrary or, at the least, suggestive, when used in the context of Applicant's goods.

As the Examining Attorney undoubtedly is aware, the use of a place name in a mark is arbitrary when the name either is remote or obscure to the average American consumer, or has no significant relation to commercial activities or the production of goods or services. TMEP §1210.03(a). In this case, AUSTIN should be deemed arbitrary. As in the case of "NORTH POLE for bananas," TMEP §1210.03(a), even consumers who were familiar with the town would not associate it with commercial activities such as the production of computer software. Accordingly, AUSTIN functions as an arbitrary designation in Applicant's mark.

**b. There is No Goods/Place Association**

The Examining Attorney also has not established that purchasers would be likely to think that the goods or services originate in the geographic place identified in the mark. In this case, because Applicant's goods do not originate in Austin, the typical presumption of a goods/place association is inapplicable. While it is theoretically *conceivable* that the edible pet treat products will emerge from a production facility in Austin, Texas, it is clear that this bare possibility does not establish the requisite goods/place association. *See, e.g., In re Venice Maid Co., Inc.*, 222 U.S.P.Q. 618, 619 (TTAB 1984) (“that Venice is a large Italian city that could, conceivably, be the source of a wide range of goods, including canned foods” such as applicant's canned lasagna and spaghetti, is insufficient to establish a goods-place association; refusal of registration reversed).

The Examining Attorney's evidence does not establish that relevant consumers would draw a goods/place association between Applicant's mark and its goods. Nothing in the Examining Attorney's evidence suggests that relevant consumers would draw any association between AUSTIN and the pet products industry, let alone Applicant's specific goods.

The question of whether there is a goods/place association should be determined on a case-by-case basis, based upon the evidence in the record. There is no evidence, and the Examining Attorney has not submitted any, that would suggest that the average American purchaser would associate AUSTIN with providing edible pet treats. There is also no proof that AUSTIN is commonly known to the American public, for pet treats. The evidence in this case does not point to a goods/place association between Applicant's goods and the AUSTIN element of Applicant's composite mark. *See In re Jacques Bernier*, 13 USPQ2d 1725, 1727 (Fed. Cir. 1990) (RODEO DRIVE held not primarily geographically or deceptively misdescriptive of perfume because of the lack of persuasive evidence of a goods/place association between perfumes and Rodeo Drive in Beverly Hills, California); *In re Gale Hayman Inc.*, 15 USPQ2d 1478, 1479 (TTAB 1990) (SUNSET BOULEVARD held not primarily geographically

descriptive of perfume and cologne; the Board determined that the public would not make a goods/place association, and noted that there was no evidence that any perfume or cologne is manufactured or produced on Sunset Boulevard or that applicant's goods were sold there); *Philip Morris Inc. v. Reemtsma Cigarettenfabriken GmbH*, 14 USPQ2d 1487, 1490 (TIAB 1990) (PARK AVENUE held neither deceptive nor geographically deceptively misdescriptive as applied to cigarettes and smoking tobacco, the Board found no goods/place association between tobacco products and Park Avenue in New York City).

As stated above, AUSTIN is not known for, nor it could it be, for goods described in Applicant's identification of goods, namely, edible pet treats. If RODEO DRIVE was not considered associated with perfumes, SUNSET BOULEVARD with cologne, nor VENICE MAID with food, then AUSTIN BARK cannot be associated with pet treats even if as a city it "could, conceivably, be the source of a wide range of goods" including pet treats. *See Venice Maid*, 222 USPQ at 619. Thus, there is no goods/place association and the Examining Attorney has proffered no evidence to the contrary.

**c. Purchasers Are Not Likely to Believe that Applicant's Goods Originate in Austin, Texas**

As mentioned above, purchasers are unlikely to believe that Applicant's goods originate from a specific geographic location. The use of AUSTIN in connection with the arbitrary term BARK, further lends to consumers believing that the term AUSTIN is arbitrary and not indicative of a geographic origin. Lastly, there is no evidence in the record supporting such a conclusion that purchasers are likely to believe that Applicant's goods originate from a specific geographic location. Further, the many registrations of marks containing AUSTIN (not disclaimed) on the Principal Register indicates that the USPTO has not deemed the term AUSTIN to be primarily geographically descriptive, and also that consumers have not generally viewed the term AUSTIN as indicating the origin of particular goods or services.



## **II. CONCLUSION**

Based on the foregoing, the Examining Attorney has, respectfully, not met the burden of demonstrating that the AUSTIN portion of Applicant's composite AUSTIN BARK mark is geographically descriptive. Applicant respectfully requests that the Examining Attorney's disclaimer requirement of AUSTIN be withdrawn and Applicant's mark be passed to publication.

## **Exhibit A**

# United States of America

United States Patent and Trademark Office

## BUILT IN AUSTIN

**Reg. No. 5,199,526**

**Registered May 09, 2017**

**Int. Cl.: 35, 42, 45**

**Service Mark**

**Principal Register**

BUILT IN, INC. (DELAWARE CORPORATION)  
444 NORTH WELLS STREET, SUITE 301  
CHICAGO, IL 60654

CLASS 35: Arranging and conducting special events for business purposes

FIRST USE 10-20-2014; IN COMMERCE 10-20-2014

CLASS 42: Hosting digital content online

FIRST USE 10-20-2014; IN COMMERCE 10-20-2014

CLASS 45: Social networking services for entrepreneurs and businesses

FIRST USE 10-20-2014; IN COMMERCE 10-20-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4808740, 4431944, 4287775

SER. NO. 87-191,484, FILED 10-03-2016

WILLIAM T VERHOSEK, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## Keep Austin Fit

**Reg. No. 5,314,929**

**Registered Oct. 24, 2017**

**Int. Cl.: 25, 41**

**Service Mark**

**Trademark**

**Principal Register**

LME Crackerdog, LLC (TEXAS LIMITED LIABILITY COMPANY)  
Ste. B 200  
2499 S. Capital Of Texas Hwy  
Austin, TEXAS 78746

CLASS 25: T-Shirts, hats, tops, bottoms, footwear

FIRST USE 1-15-2005; IN COMMERCE 3-15-2008

CLASS 41: Providing a website featuring non-downloadable publications in the nature of magazines in the field of health and fitness; Providing a web site featuring information regarding fitness; Arranging and conducting special events for social entertainment purposes

FIRST USE 1-15-2005; IN COMMERCE 3-15-2008

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-177,253, FILED 09-20-2016



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## PROBANK AUSTIN

**Reg. No. 5,470,595**

**Registered May 15, 2018**

**Int. Cl.: 36**

**Service Mark**

**Principal Register**

Professional Bank Services, Inc. (KENTUCKY CORPORATION)  
Suite 305  
6200 Dutchmans Lane  
Louisville, KENTUCKY 40205

CLASS 36: Providing financial consulting, risk management, and investment banking services to banks, savings and loan associations and bank holding companies and to law firms, accounting firms, insurance companies and governmental regulatory agencies pertaining to financial institutions and the financial services industry

FIRST USE 1-17-2017; IN COMMERCE 1-17-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-278,815, FILED 12-22-2016



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 5,523,270**

**Registered Jul. 24, 2018**

**Int. Cl.: 8, 18**

**Trademark**

**Principal Register**

Bangarang Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY), DBA  
Gander Group  
#212  
2183 Fairview Rd  
Costa Mesa, CALIFORNIA 92627

CLASS 8: Hammers; wrenches; pliers; bits for hand drills; Tool sets comprised of hammers, wrenches, pliers, and bits for hand drills; Tool bags containing hammers, wrenches, pliers, and bits for hand drills

FIRST USE 2-2-2015; IN COMMERCE 2-2-2015

CLASS 18: Tool bags sold empty

FIRST USE 2-2-2015; IN COMMERCE 2-2-2015

The mark consists of the word "Austin" in a distorted look, with a hammer representing the letter "T", and the word "Tools" vertically placed alongside the right of the letter "N" in "Austin".

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"TOOLS"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 87-700,394, FILED 11-28-2017



A handwritten signature in cursive script, appearing to read "Andrei Iancu".

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## AUSTIN HARDWARE

**Reg. No. 5,554,701**

**Registered Sep. 04, 2018**

**Int. Cl.: 35**

**Service Mark**

**Principal Register**

Austin Hardware & Supply, Inc. (MISSOURI CORPORATION)  
950 Nw Technology Drive  
Lee's Summit, MISSOURI 64086

CLASS 35: Distributorship services in the field of vehicle parts, namely, providing access parts and fasteners to commercial vehicle, emergency vehicle, and trailer manufacturers

FIRST USE 00-00-1988; IN COMMERCE 00-00-1988

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3840067

No claim is made to the exclusive right to use the following apart from the mark as shown: "HARDWARE"

SER. NO. 87-768,244, FILED 01-24-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## AUSTIN

**Reg. No. 5,585,842**

**Registered Oct. 16, 2018**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

AQFTM Inc. (DELAWARE CORPORATION)  
One Kellogg Square  
Battle Creek, MICHIGAN 49016

CLASS 30: Cookies and crackers

FIRST USE 10-3-1962; IN COMMERCE 10-3-1962

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-835,113, FILED 03-15-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## AUSTIN MILL

**Reg. No. 5,661,317**

**Registered Jan. 22, 2019**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

Hangzhou YiShiHong E-Commerce Co., Ltd. (CHINA limited company (Ltd.))  
Rm302,bldg.2,no.171,xingqiaobei Rd.,  
Xingqiao St.,yuhang Dist.,  
Hangzhou,zhejiang, CHINA 311100

CLASS 25: Blazers; Bomber jackets; Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts, dresses and footwear; Down jackets; Dress suits; Jeans; Long-sleeved shirts; Martial arts uniforms; Men's suits; Overcoats; Pants; Shirts and short-sleeved shirts; Sports jackets; Trousers; Vests; Wind-jackets

FIRST USE 4-11-2018; IN COMMERCE 4-11-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 87-961,260, FILED 06-13-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 5,725,171**

**Registered Apr. 16, 2019**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

ARA TRADING, INC. (DELAWARE CORPORATION)  
1201 N Orange St.  
Ste 7324  
Wilmington, DELAWARE 19801

CLASS 25: Clothing, namely, shirts, pants, dresses, skirts, tops, bottoms, socks, hats, footwear, scarves, gloves, coats, jackets

FIRST USE 9-15-2015; IN COMMERCE 9-15-2015

The mark consists of a letter "A", a stylized design of a dressed woman wearing a hat and a number "5" centered over the stylized wording "AUSTIN 5" below.

SER. NO. 87-904,491, FILED 05-02-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## AUSTIN'S

**Reg. No. 5,793,303**

**Registered Jul. 02, 2019**

**Int. Cl.: 1, 3, 5**

**Trademark**

**Principal Register**

James Austin Company (DELAWARE CORPORATION)  
P.o. Box 827  
115 Downieville Road  
Mars, PENNSYLVANIA 160460827

CLASS 1: Antifreeze

FIRST USE 9-1-2012; IN COMMERCE 9-1-2012

CLASS 3: All-purpose cleaners comprised of vinegar; destainer, namely, stain removing preparations; pot and pan detergents; drain openers; all-purpose cleaners lemon cleaner, namely, lemon scented all-purpose cleaners; oven and vent-hood cleaners; oven cleaners; patio furniture cleaners

FIRST USE 1-1-1996; IN COMMERCE 1-1-1996

CLASS 5: Algaecide for swimming pools

FIRST USE 1-1-1996; IN COMMERCE 1-1-1996

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-208,245, FILED 11-28-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## AustinDEEP

**Reg. No. 5,837,898**

**Registered Aug. 20, 2019**

**Int. Cl.: 44**

**Service Mark**

**Principal Register**

AUSTINDEEP TISSUE CENTER, INC. (TEXAS CORPORATION)  
2300 Lake Austin Boulevard  
Austin, TEXAS 78703

CLASS 44: Providing services relating to health and well-being, namely, massage therapy services; providing on-site services relating to health and well-being, namely, massage therapy services dispatched to customers upon request; bodywork therapy services, namely, medical massage therapy, deep tissue massage, and myofascial release; bodywork therapy services, namely, a form manual therapy that involves the feet, hands, pressure points, and trigger points; bodywork therapy services, namely, fascial massage cupping; and provision of advice and information related to all of the aforementioned services

FIRST USE 12-19-2006; IN COMMERCE 12-19-2006

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-097,103, FILED 08-29-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

## United States Patent and Trademark Office

### AUSTIN FOUNDRY COOKWARE

**Reg. No. 5,871,481**

**Registered Oct. 01, 2019**

**Int. Cl.: 21**

**Trademark**

**Principal Register**

Austin Foundry Cookware, LLC (WISCONSIN LIMITED LIABILITY COMPANY)  
814 North Wildwood Ave.  
Sheboygan, WISCONSIN 53081

CLASS 21: Cookware, namely, pots and pans; Cookware, namely, cast iron cookware in the nature of cast iron pots and pans

FIRST USE 4-3-2018; IN COMMERCE 8-6-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "FOUNDRY COOKWARE"

SER. NO. 88-154,686, FILED 10-15-2018



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## AUSTIN GUARANTEED ENGINEERED SOLUTIONS

**Reg. No. 5,897,562**

**Registered Oct. 29, 2019**

**Int. Cl.: 6, 12, 35**

**Service Mark**

**Trademark**

**Principal Register**

AUSTIN HARDWARE & SUPPLY, INC. (MISSOURI CORPORATION)  
950 Nw Technology Drive  
Lee's Summit, MISSOURI 64086

CLASS 6: Metal hardware, namely, locks; common metal pulls; common metal drawer pulls; common metal locking pulls; common metal non-locking pulls; metal bolt snaps; metal spring hook snaps; metal chain snaps; latches; clasps for door security hardware; gas springs for opening, lifting or dampening mechanisms in vehicles, furniture, recreational vehicles, and aircraft manufacturing; hinges; non-electric metal cables; tie downs; loops for lifting and rigging; retaining loops in the nature of metal straps; loops for use in connection with chains; belts and rope; screw rings of metal; cleats for ropes, namely, a metal dock cleat; furniture drawer slides; nuts; screws; bolts; washers; shackles and hooks for lifting and rigging; door handles; door levers; handle levers; bar locks; dead bolts; clamps; chains; hooks; door checks; nails; metal cotter pins; metal ball lock pins; metal clevis pins; metal dowel pins; metal spring pins; metal lynch pins; load binders

FIRST USE 4-29-2017; IN COMMERCE 4-29-2017

CLASS 12: Vehicle and emergency vehicle accessories, namely, cabinets; Vehicle and emergency vehicle cabinet hardware, namely, hinges, latches, locks, hinged cabinet doors, and sliding cabinet doors; Vehicle and emergency vehicle doors and door hardware, namely, personnel doors, door hinges, door panels, door latches, and door handles; Trailer and towing parts and accessories, namely, hitch balls, trailer hitch receivers, trailer tires, and trailer wheels, trailer bearings and hubs, namely, axle bearings, bearing plates, fork bearings, wheel bearings, hubs for wheels, and hub cap covers, trailer fenders, hydraulic jacks, trailer dollies, trailer springs, namely, shock absorbing springs, coil springs, and suspension springs, trailer axles, tow hooks, tow bars for trailers and vehicles; ATV accessories, namely, ATV trailers, hitches, and hitch receivers; Automotive and vehicular accessories, namely, truck boxes comprised of sidewalls, endwalls, and a roof to be secured to truck beds, bumper guards, cargo racks, roof racks, bumpers, interior trim, anti-slipping matting for vehicle compartments, steps for attachment to land vehicle, and fenders; Automotive and vehicular accessories, namely, vehicle cabinet metal drawer slides; metal drawer slides for use in fire vehicles, rescue vehicles, emergency vehicles, cargo vans, maintenance trucks, and utility vehicles; Automotive and vehicular accessories, namely, pull handles, grab handles, lift handles, t-handles

FIRST USE 4-29-2017; IN COMMERCE 4-29-2017

CLASS 35: Distributorship services in the fields of hardware, vehicle parts, vehicle accessories, emergency vehicle parts, and emergency vehicle accessories

FIRST USE 4-29-2017; IN COMMERCE 4-29-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY



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PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3840067

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"GUARANTEED ENGINEERED SOLUTIONS"

SER. NO. 87-281,848, FILED 12-27-2016

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United States Patent and Trademark Office

## AUSTIN EXTREME SKINNY

**Reg. No. 5,927,725**

**Registered Dec. 03, 2019**

**Int. Cl.: 25**

**Trademark**

**Principal Register**

Abercrombie & Fitch Trading Co. (OHIO CORPORATION)  
Attn: Lindsay Yeakel Capps  
6301 Fitch Path  
New Albany, OHIO 43054

CLASS 25: Bottoms as clothing

FIRST USE 6-7-2019; IN COMMERCE 6-7-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"SKINNY"

SER. NO. 88-028,191, FILED 07-06-2018



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## Keep Austin Well

**Reg. No. 6,013,964**

**Registered Mar. 17, 2020**

**Int. Cl.: 25, 35**

**Service Mark**

**Trademark**

**Principal Register**

Texas RX Consultants LLC (TEXAS LIMITED LIABILITY COMPANY)  
Suite 1-a  
12005 Bee Cave Rd  
Bee Cave, TEXAS 78738

CLASS 25: Clothing, namely, hats, t-shirts, polo shirts

FIRST USE 8-1-2017; IN COMMERCE 8-1-2017

CLASS 35: Retail pharmacy services

FIRST USE 8-1-2017; IN COMMERCE 8-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-340,204, FILED 02-17-2017



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**AUSTIN TOOLS**

**Reg. No. 6,073,061**

**Registered Jun. 09, 2020**

**Int. Cl.: 13**

**Trademark**

**Principal Register**

NINGBO AUSTIN TOOLS CO.,LTD (CHINA limited company (Ltd.))  
No.2165,jingjiang Road,jiangshan Town,  
Yinzhou,ningbo,  
Zhejiang, CHINA 315191

CLASS 13: Cleaning brushes for firearms

FIRST USE 8-8-2018; IN COMMERCE 1-1-2019

The mark consists of stylized wording "AUSTIN TOOLS".

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"TOOLS"

SER. NO. 88-541,433, FILED 07-26-2019



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# United States of America

United States Patent and Trademark Office

## AUSTIN PRETTY LIMITS

**Reg. No. 6,150,837**

Spring Meadow Nursery, Inc. (MICHIGAN CORPORATION)  
12601 120th Avenue

**Registered Sep. 15, 2020**

Grand Haven, MICHIGAN 49417

**Int. Cl.: 31**

CLASS 31: Live plants, excluding fruits, vegetables, cotton, wheat, soybean, grass, and chrysanthemum

**Trademark**

FIRST USE 6-25-2019; IN COMMERCE 6-25-2019

**Principal Register**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-575,662, FILED 08-12-2019



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## Austin Planter

**Reg. No. 6,158,258**

Beloit Plastics LLC (WISCONSIN LIMITED LIABILITY COMPANY)  
1238 East Inman Pkwy  
Beloit, WISCONSIN 53511

**Registered Sep. 22, 2020**

**Int. Cl.: 21**

CLASS 21: Flower pots; Saucers for flower pots

**Trademark**

FIRST USE 8-30-2018; IN COMMERCE 8-30-2018

**Principal Register**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"PLANTER"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 88-865,402, FILED 04-09-2020



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PHILIP·AUSTIN  
LIGHTING

**Reg. No. 6,178,299**

**Registered Oct. 20, 2020**

**Int. Cl.: 11**

**Trademark**

**Principal Register**

William A Frisella Trust (MISSOURI TRUST), DBA Philip Austin Inc  
6801 Hoffman Ave  
6801 Hoffman Ave  
St. Louis, MISSOURI 63139

CLASS 11: Fixtures for incandescent light bulbs; Lighting fixtures; Electric lighting fixtures; LED lighting fixtures for indoor and outdoor lighting applications; Pendant lighting fixtures; Sconce lighting fixtures

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007

The mark consists of the words "PHILIP" and "AUSTIN" separated by a small square. The word "LIGHTING" is centered on the line below.

No claim is made to the exclusive right to use the following apart from the mark as shown: "LIGHTING"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 88-785,289, FILED 02-04-2020



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**Reg. No. 6,218,398**

**Registered Dec. 08, 2020**

**Int. Cl.: 12**

**Trademark**

**Principal Register**

Austin Parker Yachts USA, LLC (FLORIDA LIMITED LIABILITY COMPANY)

8430 Sw 8th St, B204

Miami, FLORIDA 33144

CLASS 12: Yachts

FIRST USE 2-20-2018; IN COMMERCE 4-6-2020

The mark consists of star to the left of text "AUSTIN PARKER YACHTS".

No claim is made to the exclusive right to use the following apart from the mark as shown: "YACHTS"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 88-787,191, FILED 02-06-2020



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## Austin Brook Publishing

**Reg. No. 6,276,210**

**Registered Feb. 23, 2021**

**Int. Cl.: 41**

**Service Mark**

**Principal Register**

McClain-Watson, Teresa (UNITED STATES INDIVIDUAL), DBA Austin Brook Publishing  
3667 Shiner Dr  
Jacksonville, FLORIDA 32226

CLASS 41: Publishing of books, e-books, audio books, music and illustrations

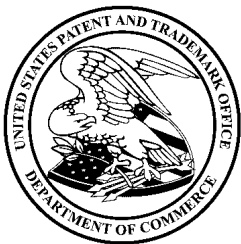
FIRST USE 4-1-2011; IN COMMERCE 11-1-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "PUBLISHING"

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 90-042,969, FILED 07-09-2020



A handwritten signature in black ink, appearing to read "Dennis Hanford".

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Director of the United States Patent and Trademark Office

