



State Bar of Georgia IP Section Trademark Committee

Recent Developments and Initiatives

October 2006

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Commissioner for Trademarks

ELECTRONIC FILING

- In FY'06 approximately 94% of all new cases were filed electronically.
- More than 20% of those cases were filed through TEAS PLUS.
- FY'06 filings to end of July 263,997 (end of August: 324,718).
- Predicted filing for FY'06 376,000.

TEAS PLUS

- Launched in July of 2005, TEAS PLUS requires the applicant to file a more “complete” application in return for a lower fee.
- TEAS PLUS constitutes about 20% of all applications.
- The “first action pub” rate for TEAS PLUS is about 25%.

TEAS PLUS ISSUES

- Could you describe the mark?
- Descriptions of marks found as part of TEAS PLUS range from accurate, to puzzling, to absolutely wacky.

DESCRIPTIONS OF THE MARK

- The mark consists of dark blue stylized “P”, red stylized “T”, yellow stylized “S”, violet stylized “N”, green stylized “P”, aqua stylized “A”, yellow “R”, red stylized “T”



DESCRIPTIONS (Cont.)

- The mark consists of an inflatable house with a red roof, yellow walls, and blue floor. The company name borders the sky. The words “The Jumpy House” appear in the color blue...



NEW EXAM GUIDES

- Geographical issues
- Representing an Applicant/Registrant
Before the USPTO

INTERNATIONAL CLASSES

1996 - 2006

- 9 electrical/computers
- 42 miscellaneous
- 16 paper goods
- 25 clothing
- 41 education
- 35 business
- 28 toys
- 36 insurance
- 5 pharmaceuticals
- 3 cosmetics
- 9 electrical/computers
- 35 business
- 41 educate/entertain
- 25 clothing
- 16 paper goods
- 42 scientific/legal
- 36 insurance
- 5 pharmaceuticals
- 3 cosmetics
- 28 toys

INTERNATIONAL CLASSES

(Cont.)

- Class 09 –2005 11.4% 1996 15.1%
- Class 35 –2005 09.1% 1996 05.3%
- Class 41 –2005 08.5% 1996 06.3%
- Class 25 –2005 07.3% 1996 06.6%
- Class 16 –2005 05.7% 1996 07.1%
- Class 42– 2005 04.9% 1996 12.0%
- Class 36 --2005 04.7% 1996 03.6%
- Class 05 – 2005 03.9% 1996 03.4%

INTERNATIONAL CLASSES (Cont.)

- Class 9 constituted 11.4% of filings in FY 2005, and that represented 37,417 classes from the 323,501 classes filed for registration.

LOST CASES

- Historically the number of “lost” cases in the Office was between 1% and 2%. So when inventory was at 250,000 cases, between 2,500 and 5,000 of those cases would be in the “lost” status.
- In 2006 the number of “lost” applications is 31, or .00006% of 512,484 applications currently in the Office. The dramatic drop is attributable to electronic filing and processing.

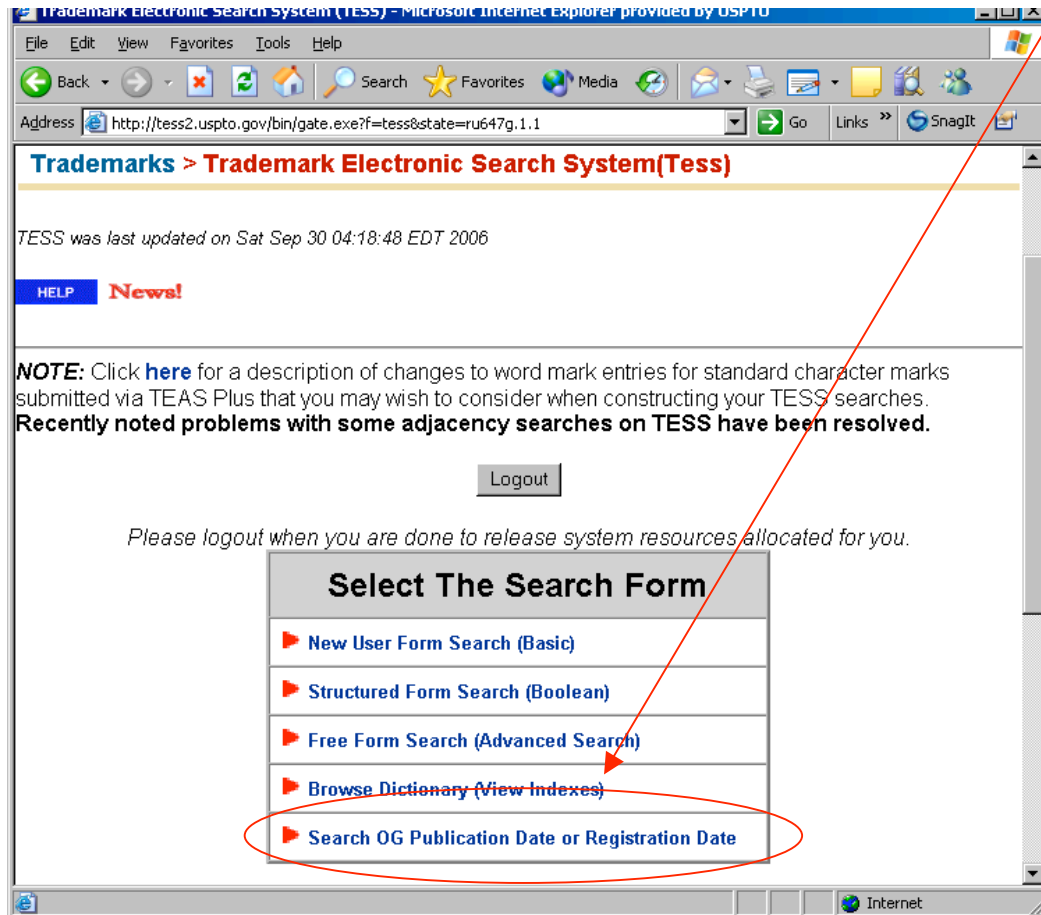
USPTO presents:

Trademark eGovernment Online TM OG

Improving Access and Service

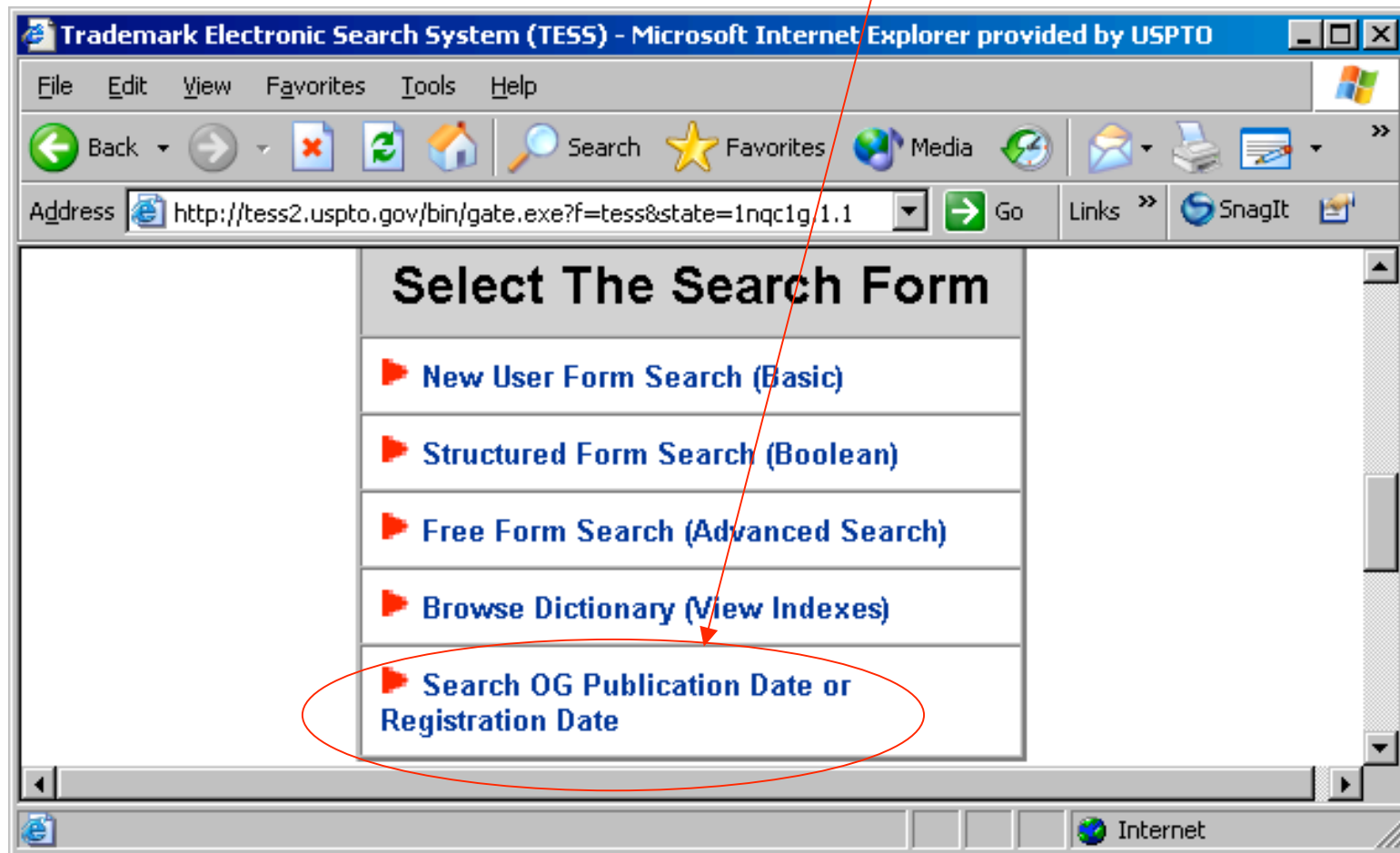
TESS Search Forms

- Within the Search Trademarks Section (TESS) of the PTO site, there is an option to **Search OG Publication**



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OG Search Parameters

• Selecting this option directs user to a screen that prompts for search parameters relevant to an issue

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Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Sat Sep 30 04:18:48 EDT 2006

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | BOTTOM | HELP

WARNING: AFTER SEARCHING THE USPTO DATABASE, EVEN IF YOU THINK THE RESULTS ARE "O.K.," DO NOT ASSUME THAT YOUR MARK CAN BE REGISTERED AT THE USPTO. AFTER YOU FILE AN APPLICATION, THE USPTO MUST DO ITS OWN SEARCH AND OTHER REVIEW, AND MIGHT REFUSE TO REGISTER YOUR MARK.

View Search History:

Records Returned: Plurals: [Quick Tips](#)

OG Date: Field: Operator:

Search Term: Field:

NOTE: Publication date and Registration date always occur on a Tuesday. To limit records to include other specific search criteria, e.g., word mark, class, design search code, etc., within a particular publication or registration date, select the AND operator and enter the additional search criteria in the Search Term entry area. To direct the additional search criteria to a specific field, select the desired field from the Field drop down list. If a field is not selected, the search term will be executed against ALL searchable fields. **The last update date on TESS must follow the OG date for the OG data to be available on TESS.**

– The first parameter is either OG Publication Date or Registration Date (the default is the most recent Issue Date)

– The second parameter is a search of TESS fields within the date selected

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View Search History: [v]

Records Returned: 100 Plurals: No Quick Tips

OG Date: 20060926 Field: Publish for Opposition Date [PO] Operator: AND

Search Term: [] Field: ALL

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Submit Query Clear Query

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Search by Design Code

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Internet

Search within OG (Design Code = 020103)

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Done Internet

Result(s)

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Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark LAMANITA

Translations "The foreign wording in the mark translates into English as friendship."

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, shirts, t-shirts, trousers, jackets, short coats, coats, skirts, suits, dresses, bathing costumes, underwear, pyjamas, housecoats, handkerchiefs, socks, neckties; footwear except orthopaedic footwear; headgear, namely, caps, peaks, berets, hats

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.03 - Crowns, men wearing; Kings; Men wearing crowns or other symbols of royalty, including kings, princes and jacks; Princes; Royalty (men)
02.01.09 - Indians, American (men); Men, American Indians; Native Americans (men)
02.01.16 - Historical costumes (men wearing); Men, other wearing folk or historical costumes
02.01.31 - Men, stylized, including men depicted in caricature form
26.11.21 - Rectangles that are completely or partially shaded

Serial Number 79011106

Filing Date May 25, 2005

Current Filing Basis 66A

Original Filing Basis 66A

Published for

Internet

THE YEAR'S CASES IN REVIEW

- In re Thomas 79 USPQ2d 1021 (TTAB 2006).
- Starbucks U.S. Brands LLC v Ruben 79 USPQ2d 1741 (TTAB 2006).
- In re Rodale __USPQ2D__ (TTAB 2006).
- In re King Koil Licensing Co., 79 USPQ2d __ (TTAB 2006).

CASES CONTINUED

- In re Finisar Corp, 78USPQ2d 1618 (TTAB 2006).
- In re Grand Forest Holdings Inc., 78 USPQ2d 1152 (TTAB 2006).
- In re America Online, Inc. 77 USPQ2d 1618 (TTAB 2006).
- In re Squaw Valley Development Co., __USPQ2d__ (TTAB May 23, 2006).

CASES CONTINUED

- In re N.V. Organon, __USPPQ2d__ (TTAB June 14, 2006).
- Grand Canyon West Ranch, LLC v. Hualapai Tribe 78 USPQ2d 1696 (TTAB 2006).

Thanks

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