

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,282,520

United States Patent and Trademark Office

Registered Aug. 21, 2007

**TRADEMARK
PRINCIPAL REGISTER**

The logo consists of the word "FIJI" in a stylized, outlined font. The letters are tall and narrow, with a distinctive shape for the 'I' and 'J'.

PARAMOUNT INTERNATIONAL EXPORT, LTD.
(CAYMAN ISLANDS COMPANY LIMITED BY
SHARES)
11444 W. OLYMPIC BLVD., 10TH FLOOR
LOS ANGELES, CA 90064

OWNER OF U.S. REG. NOS. 2,703,620, 2,714,973
AND OTHERS.

SEC. 2(F).

FOR: DRINKING WATER; NATURAL ARTE-
SIAN WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

SER. NO. 78-718,517, FILED 9-22-2005.

FIRST USE 5-17-1997; IN COMMERCE 5-17-1997.

ROSELLE HERRERA, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

May 16, 2007

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
78/718,517
2. Mark:
FIJI
(Stylized)
3. International Class(es):
32
4. Publication Date:
Jun 5, 2007
5. Applicant:
PARAMOUNT INTERNATIONAL EXPORT, LTD.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

Barbara Velasco, Esq./Christine Lofgren,
PomWonderful LLC
11444 W. Olympic Blvd., 10th Floor
Los Angeles CA 90064

TMP&I

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

| | | | |
|---------------|------------------------|---------------|------------|
| SERIAL NUMBER | 78718517 | FILING DATE | 09/22/2005 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | WILLISTON, JENNIFER LY | L.O. ASSIGNED | 102 |

PUB INFORMATION

| | | | |
|----------------------|---------------------------------------|--|--|
| RUN DATE | 04/03/2007 | | |
| PUB DATE | N/A | | |
| STATUS | 681-PUBLICATION/ISSUE REVIEW COMPLETE | | |
| STATUS DATE | 04/02/2007 | | |
| LITERAL MARK ELEMENT | FIJI | | |

| | | | |
|----------------|-----|--------------------|-----|
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | YES | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | YES | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | NO | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|------|
| STANDARD CHARACTER MARK | NO |
| LITERAL MARK ELEMENT | FIJI |

| | |
|--------------------|---|
| MARK DRAWING CODE | 5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM |
| COLOR DRAWING FLAG | NO |

CURRENT OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 11-SUBSEQUENT OWNER AFTER REGISTRATION |
| NAME | PARAMOUNT INTERNATIONAL EXPORT, LTD. |
| ADDRESS | 11444 W. OLYMPIC BLVD., 10TH FLOOR LOS ANGELES, CA 90064 |
| ENTITY | 99-COMPANY LIMITED BY SHARES |
| CITIZENSHIP | Cayman Islands |

GOODS AND SERVICES

| | |
|---------------------|--|
| INTERNATIONAL CLASS | 032 |
| DESCRIPTION TEXT | Drinking Water; Natural Artesian Water |

GOODS AND SERVICES CLASSIFICATION

| | | | | | | | |
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| INTERNATIONAL CLASS | 032 | FIRST USE DATE | 05/17/1997 | FIRST USE IN COMMERCE DATE | 05/17/1997 | CLASS STATUS | 6-ACTIVE |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|

MISCELLANEOUS INFORMATION/STATEMENTS

| | |
|------------------------|-------------------------|
| CHANGE IN REGISTRATION | NO |
| OWNER OF US REG NOS | 2703620 2703802 2714973 |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|---|---------|
| 04/02/2007 | PREV | O | LAW OFFICE PUBLICATION REVIEW COMPLETED | 016 |
| 04/02/2007 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 015 |
| 03/30/2007 | ZZZX | Z | PREVIOUS ALLOWANCE COUNT WITHDRAWN | 014 |
| 03/30/2007 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 013 |
| 03/30/2007 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 012 |
| 03/30/2007 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 011 |
| 03/30/2007 | ALIE | A | ASSIGNED TO LIE | 010 |
| 02/23/2007 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 009 |
| 02/21/2007 | ARAA | I | ATTORNEY REVOKED AND/OR APPOINTED | 008 |

| | | | | |
|------------|------|---|--|-----|
| 02/21/2007 | REAP | I | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | 007 |
| 10/30/2006 | RCSC | S | REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED | 006 |
| 10/25/2006 | ASGN | I | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | 005 |
| 03/27/2006 | CNSL | F | LETTER OF SUSPENSION MAILED | 004 |
| 03/24/2006 | CNSL | R | SUSPENSION LETTER WRITTEN | 003 |
| 03/22/2006 | DOCK | D | ASSIGNED TO EXAMINER | 002 |
| 09/29/2005 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |

CURRENT CORRESPONDENCE INFORMATION

| | |
|-------------------------|--|
| ATTORNEY | Barbara Velasco, Esq./Christine Lofgren, Esq. |
| CORRESPONDENCE ADDRESS | Barbara Velasco, Esq./Christine Lofgren, PomWonderful LLC 11444 W. Olympic Blvd., 10th Floor Los Angeles CA 90064 |
| DOMESTIC REPRESENTATIVE | NONE |

PRIOR OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Fiji Water Company LLC |
| ADDRESS | 11444 W. Olympic Blvd., 10th Floor Los Angeles, CA 90064 |
| ENTITY | 16-LTD LIAB CO |
| CITIZENSHIP | Delaware |

FIJI

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| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | WILLISTON, JENNIFER LY | L.O. ASSIGNED | 102 |

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|----------------------|---------------------------------------|--------------------|-----|
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| PUB DATE | N/A | | |
| STATUS | 681-PUBLICATION/ISSUE REVIEW COMPLETE | | |
| STATUS DATE | 04/02/2007 | | |
| LITERAL MARK ELEMENT | FIJI | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | YES | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | YES | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | NO | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|------|
| STANDARD CHARACTER MARK | NO |
| LITERAL MARK ELEMENT | FIJI |

| | |
|--------------------|---|
| MARK DRAWING CODE | 5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM |
| COLOR DRAWING FLAG | NO |

CURRENT OWNER INFORMATION

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| PARTY TYPE | 11-SUBSEQUENT OWNER AFTER REGISTRATION |
| NAME | PARAMOUNT INTERNATIONAL EXPORT, LTD. |
| ADDRESS | 11444 W. OLYMPIC BLVD., 10TH FLOOR LOS ANGELES, CA 90064 |
| ENTITY | 99-COMPANY LIMITED BY SHARES |
| CITIZENSHIP | Cayman Islands |

GOODS AND SERVICES

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|---------------------|--|
| INTERNATIONAL CLASS | 032 |
| DESCRIPTION TEXT | Drinking Water; Natural Artesian Water |

GOODS AND SERVICES CLASSIFICATION

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MISCELLANEOUS INFORMATION/STATEMENTS

| | |
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| CHANGE IN REGISTRATION | NO |
| OWNER OF US REG NOS | 2703620 2703802 2714973 |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|---|---------|
| 04/02/2007 | PREV | O | LAW OFFICE PUBLICATION REVIEW COMPLETED | 016 |
| 04/02/2007 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 015 |
| 03/30/2007 | ZZZX | Z | PREVIOUS ALLOWANCE COUNT WITHDRAWN | 014 |
| 03/30/2007 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 013 |
| 03/30/2007 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 012 |
| 03/30/2007 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 011 |
| 03/30/2007 | ALIE | A | ASSIGNED TO LIE | 010 |
| 02/23/2007 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 009 |
| 02/21/2007 | ARAA | I | ATTORNEY REVOKED AND/OR APPOINTED | 008 |

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| 02/21/2007 | REAP | I | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | 007 |
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| 10/25/2006 | ASGN | I | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | 005 |
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| DOMESTIC REPRESENTATIVE | NONE |

PRIOR OWNER INFORMATION

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| ADDRESS | 11444 W. Olympic Blvd., 10th Floor Los Angeles, CA 90064 |
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| CITIZENSHIP | Delaware |

FIJI

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

| | | | |
|---------------|------------------------|---------------|------------|
| SERIAL NUMBER | 78718517 | FILING DATE | 09/22/2005 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | WILLISTON, JENNIFER LY | L.O. ASSIGNED | 102 |

PUB INFORMATION

| | | | |
|----------------------|---|--------------------|-----|
| RUN DATE | 03/31/2007 | | |
| PUB DATE | N/A | | |
| STATUS | 643-PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN | | |
| STATUS DATE | 03/30/2007 | | |
| LITERAL MARK ELEMENT | FIJI | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | YES | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPub 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | YES | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | NO | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
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| STANDARD CHARACTER MARK | NO |
| LITERAL MARK ELEMENT | FIJI |

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PROSECUTION HISTORY

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| ATTORNEY | Barbara Velasco, Esq./Christine Lofgren, Esq. |
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| DOMESTIC REPRESENTATIVE | NONE |

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OVERVIEW

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| REG NUMBER | 0000000 | REG DATE | N/A |
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| LITERAL MARK ELEMENT | FIJI | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | YES | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | YES | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | NO | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
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MARK DATA

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| DOMESTIC REPRESENTATIVE | NONE |

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| ENTITY | 16-LTD LIAB CO |
| CITIZENSHIP | Delaware |

FIJI

NOTE TO THE FILE

SERIAL NUMBER: 78718517

DATE: 03/30/2007

NAME: jwilliston

NOTE:

- Checked LEXIS/NEXIS
- Searched internet using [insert search engine or web site]
- Checked with Law Library re surname.
- Checked geographic significance.
- Checked with translations branch.
- Checked ID with ID/Class
- Checked with Senior Attorney/Managing Attorney re: 2(f) Claim
- Telephoned attorney/applicant leaving message re: _____
- Telephoned attorney/applicant, application was signed on
- Personal interview conducted with attorney/applicant re _____
- Attorney/applicant called to discuss _____
- Bulky specimens with examiner.
- Acronym website searched.
- Changed Tradeups to add. 2(f) claim
- Changed Tradeups to delete. 2(f) in part
- OTHER (insert reason for Note)

Response to Office Action

The table below presents the data as entered.

| Input Field | Entered |
|---|--|
| SERIAL NUMBER | 78718517 |
| LAW OFFICE ASSIGNED | LAW OFFICE 102 |
| MARK SECTION (no change) | |
| ARGUMENT(S) | |
| <p>This follows the Notice of Suspension dated March 24, 2006. The Examining Attorney suspended Applicant's application pending the disposition of App. Serial Nos. 78/616,067 and 78/620,415. App. Nos. 78/616,067 for TASTE OF FIJI and 78/620,415 for YOUR SMOOTH TROPICAL TASTE OF FIJI were refused registration based on Applicant's prior registrations for Applicant's family of FIJI marks. Accordingly, App. No. 78/620,415 was abandoned on February 7, 2007 and App. No. 78/616,067 was abandoned on February 11, 2007 for failure to respond to the outstanding Office Actions.</p> <p>In view of the foregoing, it is respectfully requested that Applicant's application No. 78/718,517 be removed from suspension and approved for publication.</p> | |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /christine l lofgren/ |
| SIGNATORY'S NAME | Christine L. Lofgren |
| SIGNATORY'S POSITION | Attorney of Record |
| DATE SIGNED | 02/23/2007 |
| AUTHORIZED SIGNATORY | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Feb 23 22:44:30 EST 2007 |
| TEAS STAMP | USPTO/ROA-63.107.117.10-2 0070223224430814950-78718 517-36068f9d612fd6a8d42a5 80ac3be956e29f-N/A-N/A-20 070223224234330162 |

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **78718517** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

This follows the Notice of Suspension dated March 24, 2006. The Examining Attorney suspended Applicant's application pending the disposition of App. Serial Nos. 78/616,067 and 78/620,415. App. Nos. 78/616,067 for TASTE OF FIJI and 78/620,415 for YOUR SMOOTH TROPICAL TASTE OF FIJI were refused registration based on Applicant's prior registrations for Applicant's family of FIJI marks. Accordingly, App. No. 78/620,415 was abandoned on February 7, 2007 and App. No. 78/616,067 was abandoned on February 11, 2007 for failure to respond to the outstanding Office Actions.

In view of the foregoing, it is respectfully requested that Applicant's application No. 78/718,517 be removed from suspension and approved for publication.

Response Signature

Signature: /christine l lofgren/ Date: 02/23/2007

Signatory's Name: Christine L. Lofgren

Signatory's Position: Attorney of Record

Serial Number: 78718517

Internet Transmission Date: Fri Feb 23 22:44:30 EST 2007

TEAS Stamp: USPTO/ROA-63.107.117.10-2007022322443081

4950-78718517-36068f9d612fd6a8d42a580ac3

be956e29f-N/A-N/A-20070223224234330162

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

| Input Field | Entered |
|-------------------------------|--|
| SERIAL NUMBER | 78718517 |
| LAW OFFICE ASSIGNED | LAW OFFICE 102 |
| MARK SECTION | |
| MARK | FIJI (stylized and/or with design) |
| ATTORNEY SECTION | |
| ORIGINAL ADDRESS | FIJI WATER COMPANY LLC 11444 W OLYMPIC BLVD FL 10 LOS ANGELES, CA 90064-1557 310-966-5758 310-966-5700 |
| CORRESPONDENCE SECTION | |
| ORIGINAL ADDRESS | FIJI WATER COMPANY LLC 11444 W OLYMPIC BLVD FL 10 LOS ANGELES, CA 90064-1557 310-966-5758 310-966-5700 |
| NEW ATTORNEY ADDRESS | |
| STATEMENT TEXT | By submission of this request, the undersigned hereby APPOINTS the following new attorney: |
| NAME | Barbara Velasco, Esq./Christine Lofgren, Esq. |
| FIRM NAME | PomWonderful LLC |
| STREET | 11444 W. Olympic Blvd., 10th Floor |
| CITY | Los Angeles |
| STATE | California |
| COUNTRY | United States |
| POSTAL/ZIP CODE | 90064 |
| PHONE | 310-966-5726 |

| | |
|-----------------------------------|---|
| FAX | 310-966-5758 |
| NEW CORRESPONDENCE ADDRESS | |
| NAME | Barbara Velasco, Esq./Christine Lofgren, Esq. |
| FIRM NAME | PomWonderful LLC |
| STREET | 11444 W. Olympic Blvd., 10th Floor |
| CITY | Los Angeles |
| STATE | California |
| COUNTRY | United States |
| POSTAL/ZIP CODE | 90064 |
| PHONE | 310-966-5726 |
| FAX | 310-966-5758 |
| SIGNATURE SECTION | |
| SIGNATURE | /craig cooper/ |
| SIGNATORY NAME | Craig B. Cooper |
| SIGNATORY DATE | 02/21/2007 |
| SIGNATORY POSITION | Sr. Vice President |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Wed Feb 21 17:55:46 EST 2007 |
| TEAS STAMP | USPTO/RAA-66.161.125.41-2 0070221175546324423-78712 299-360d16e4915e88ab788ec 4538554a94f9d-N/A-N/A-200 70221174054983964 |

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: FIJI (stylized and/or with design)

SERIAL NUMBER: 78718517

The original attorney

FIJI WATER COMPANY LLC
11444 W OLYMPIC BLVD FL 10
LOS ANGELES, CA 90064-1557
310-966-5758
310-966-5700

Original Correspondence Address :

FIJI WATER COMPANY LLC
11444 W OLYMPIC BLVD FL 10
LOS ANGELES, CA 90064-1557
310-966-5758
310-966-5700

By submission of this request, the undersigned hereby APPOINTS the following new attorney:

Newly Appointed Attorney:

Barbara Velasco, Esq./Christine Lofgren, Esq.
PomWonderful LLC
11444 W. Olympic Blvd., 10th Floor
Los Angeles, California 90064
United States
310-966-5726
310-966-5758

The following is to be used as the correspondence address:

Barbara Velasco, Esq./Christine Lofgren, Esq.
PomWonderful LLC
11444 W. Olympic Blvd., 10th Floor
Los Angeles, California 90064
United States

310-966-5726
310-966-5758

Signature: /craig cooper/ Date: 02/21/2007

Signatory's Name: Craig B. Cooper

Signatory's Position: Sr. Vice President

Serial Number: 78718517

Internet Transmission Date: Wed Feb 21 17:55:46 EST 2007

TEAS Stamp: USPTO/RAA-66.161.125.41-2007022117554632

4423-78712299-360d16e4915e88ab788ec45385

54a94f9d-N/A-N/A-20070221174054983964

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/718517

APPLICANT: Fiji Water Company LLC

78718517

CORRESPONDENT ADDRESS:

FIJI WATER COMPANY LLC
11444 W OLYMPIC BLVD FL 10
LOS ANGELES, CA 90064-1557

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: FIJI

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/718517

NOTICE OF SUSPENSION

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. 37 C.F.R. §2.67. However, the examining attorney will conduct periodic status checks and may issue inquiries at 6 month intervals from the mailing date of this notice. TMEP §716.05. If a status inquiry Office action issues, applicant will have 6 months from the mailing or e-mailing date of the status inquiry to respond. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78/616067 and 78/620415**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP

§§1208 et seq. A copy of information relevant to this pending application(s) **is attached.**

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

If applicant has questions about its application, please telephone the assigned trademark examining attorney directly at the number below.

/Jennifer L. Williston/
Jennifer L. Williston
Trademark Examining Attorney
USPTO Law Office 102
(571) 272-5869 (Phone)
(571) 273-9102 (Fax)

Print: Mar 24, 2006

78616067

DESIGN MARK

Serial Number

78616067

Status

NON-FINAL ACTION - MAILED

Word Mark

TASTE OF FIJI

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Crystal Clear Mineral Water (Fiji) Limited CORPORATION FIJI Lot 20
Waqadra Industrial Subdivision, P .O. Box 9303 Nadi Airport FIJI

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Natural
spring and mineral water for drinking.

Filing Date

2005/04/25

Examining Attorney

DALIER, JOHN

Attorney of Record

Gregory Scott Smith

TASTE OF FIJI

Print: Mar 24, 2006

78620415

DESIGN MARK

Serial Number

78620415

Status

NON-FINAL ACTION - MAILED

Word Mark

YOUR SMOOTH TROPICAL TASTE OF FIJI

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Crystal Clear Mineral Water (Fiji) Limited CORPORATION FIJI Lot 20
Waqadra Industrial - Namaka, P.O. Box 9303 Nadia Airport FIJI

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Natural
spring and mineral water for drinking.

Filing Date

2005/04/29

Examining Attorney

TANNER, MICHAEL

Attorney of Record

Gregory Scott Smith

YOUR SMOOTH TROPICAL TASTE
OF FIJI

*** User:jwilliston ***

| # | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/ Search Duration | Search |
|----|----------------|---------------|------------------------|--------------------------|-------------------------------|--|
| 01 | 16619 | N/A | 0 | 0 | 0:30 | *{"fp"}\$2{"gj"}{"iye"}*[bi,ti] |
| 02 | 5628 | N/A | 0 | 0 | 0:02 | 1 and "032"[cc] |
| 03 | 2503 | N/A | 0 | 0 | P/0:02 | 2 not dead [ld] |
| 04 | 251 | 103 | 148 | 80 | 0:02 | (*f{"iye"}{"gj"}{"iye"}* or *ph{"iye"}{"gj"}{"iye"}*)[bi,ti] |

Session started 3/23/2006 12:27:14 PM

Session finished 3/23/2006 12:35:48 PM

Total search duration 0 minutes 36 seconds

Session duration 8 minutes 34 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78718517

Trademark/Service Mark Application, Principal Register

Serial Number: 78718517

Filing Date: 09/22/2005

The table below presents the data as entered.

| Input Field | Entered |
|-------------------------------------|---|
| MARK SECTION | |
| MARK FILE NAME | \\TICRS\EXPORT9\IMAGEOUT9\787\185\78718517\xml1\AP P0002.JPG |
| STANDARD CHARACTERS | NO |
| USPTO-GENERATED IMAGE | NO |
| LITERAL ELEMENT | FIJI |
| COLOR MARK | NO |
| PIXEL COUNT ACCEPTABLE | YES |
| PIXEL COUNT | 497 x 634 |
| OWNER SECTION | |
| NAME | Fiji Water Company LLC |
| STREET | 11444 W. Olympic Blvd., 10th Floor |
| CITY | Los Angeles |
| STATE | California |
| ZIP/POSTAL CODE | 90064 |
| COUNTRY | United States |
| PHONE | 310-966-5700 |
| FAX | 310-966-5758 |
| AUTHORIZED EMAIL COMMUNICATION | No |
| LEGAL ENTITY SECTION | |
| TYPE | LIMITED LIABILITY COMPANY |
| STATE/COUNTRY UNDER WHICH ORGANIZED | Delaware |

| GOODS AND/OR SERVICES SECTION | |
|--------------------------------------|---|
| INTERNATIONAL CLASS | 032 |
| DESCRIPTION | Drinking Water; Natural Artesian Water. |
| FILING BASIS | Section 1(a) |
| FIRST USE ANYWHERE DATE | At least as early as 05/17/1997 |
| FIRST USE IN COMMERCE DATE | At least as early as 05/17/1997 |
| SPECIMEN FILE NAME(S) | \\TICRS\EXPORT9\IMAGEOUT9\787\185\78718517\xml1\AP P0003.JPG |
| SPECIMEN DESCRIPTION | scanned/digitally photographed water bottle |
| ADDITIONAL STATEMENTS SECTION | |
| PRIOR REGISTRATION(S) | Applicant claims ownership of U.S. Registration Number(s) 2703620, 2714973, 2703802, and others. |
| SECTION 2(f), IN PART | FIJI has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement. |
| SECTION 2(f), IN PART | FIJI has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). 2703620, 2714973 & 2703802. |
| SIGNATURE SECTION | |
| SIGNATURE | /wmf/ |
| SIGNATORY NAME | William M. Foltz, Jr. |
| SIGNATORY DATE | 09/21/2005 |
| SIGNATORY POSITION | Sr. Vice President |
| PAYMENT SECTION | |
| NUMBER OF CLASSES | 1 |
| NUMBER OF CLASSES PAID | 1 |
| SUBTOTAL AMOUNT | 325 |
| TOTAL AMOUNT | 325 |
| CORRESPONDENCE SECTION | |
| | |

| | |
|--------------------------------|---|
| NAME | Fiji Water Company LLC |
| STREET | 11444 W. Olympic Blvd., 10th Floor |
| CITY | Los Angeles |
| STATE | California |
| ZIP/POSTAL CODE | 90064 |
| COUNTRY | United States |
| AUTHORIZED EMAIL COMMUNICATION | No |
| FILING INFORMATION | |
| SUBMIT DATE | Thu Sep 22 15:03:50 EDT 2005 |
| TEAS STAMP | USPTO/BAS-7113016762-2005 0922150350554346-78718517 -20089cbcd726d4f8339a0cf2 75966f395-DA-60-200509211 82439750735 |

Trademark/Service Mark Application, Principal Register

Serial Number: 78718517

Filing Date: 09/22/2005

To the Commissioner for Trademarks:

MARK: FIJI (stylized and/or with design, see [mark](#))

The literal element of the mark consists of FIJI.

The applicant, Fiji Water Company LLC, a limited liability company organized under the laws of Delaware, residing at 11444 W. Olympic Blvd., 10th Floor, Los Angeles, California, United States, 90064, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 032: Drinking Water; Natural Artesian Water.

In International Class 032, the mark was first used at least as early as 05/17/1997, and first used in commerce at least as early as 05/17/1997, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) scanned/digitally photographed water bottle.

[Specimen - 1](#)

Applicant claims ownership of U.S. Registration Number(s) 2703620, 2714973, 2703802, and others.

FIJI has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

FIJI has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). 2703620, 2714973 & 2703802.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /wmf/ Date: 09/21/2005

Signatory's Name: William M. Foltz, Jr.

Signatory's Position: Sr. Vice President

Mailing Address:

Fiji Water Company LLC

11444 W. Olympic Blvd., 10th Floor

Los Angeles, California 90064

RAM Sale Number: 60

RAM Accounting Date: 09/23/2005

Serial Number: 78718517

Internet Transmission Date: Thu Sep 22 15:03:50 EDT 2005

TEAS Stamp: USPTO/BAS-7113016762-2005092215035055434

6-78718517-20089cbcd726d4f8339a0cf275966

f395-DA-60-20050921182439750735

FIJI



FIJI

