

Int. Cl.: 32

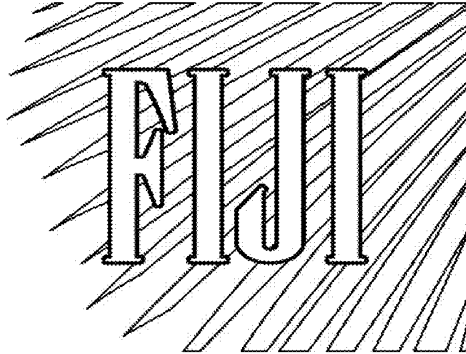
Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 3,381,795

Registered Feb. 12, 2008

TRADEMARK  
PRINCIPAL REGISTER



PARAMOUNT INTERNATIONAL EXPORT, LTD.  
(CAYMAN ISLANDS COMPANY LIMITED BY  
SHARES)

11444 W. OLYMPIC BLVD., 10TH FLOOR  
LOS ANGELES, CA 90064

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

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

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

THE MARK CONSISTS OF A STYLIZED REN-  
DERING OF PALM TREE FRONDS AND THE  
WORD PORTION OF THE MARK, FIJI.

SEC. 2(F) AS TO FIJI.

SER. NO. 78-762,941, FILED 11-29-2005.

COLLEEN KEARNEY, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Nov 7, 2007

**NOTICE OF PUBLICATION UNDER 12(a)**

1. Serial No.:  
78/762,941
2. Mark:  
FIJI  
and design
3. International Class(es):  
32
4. Publication Date:  
Nov 27, 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.

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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	78762941	FILING DATE	11/29/2005
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KEARNEY, COLLEEN	L.O. ASSIGNED	113

**PUB INFORMATION**

RUN DATE	10/20/2007		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	10/19/2007		
LITERAL MARK ELEMENT	FIJI		

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	YES
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	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
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; Bottled Natural Artesian Water

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	09/01/2005	FIRST USE IN COMMERCE DATE	09/01/2005	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of a stylized rendering of palm tree fronds and the word portion of the mark, FIJI.
SECT 2(F) LIMITATION STMT	As to FIJI
OWNER OF US REG NOS	2703620 2714973

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/19/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	020
10/17/2007	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	019
10/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	018
10/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	017
10/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	016
04/19/2007	CNRT	O	NON-FINAL ACTION MAILED	015

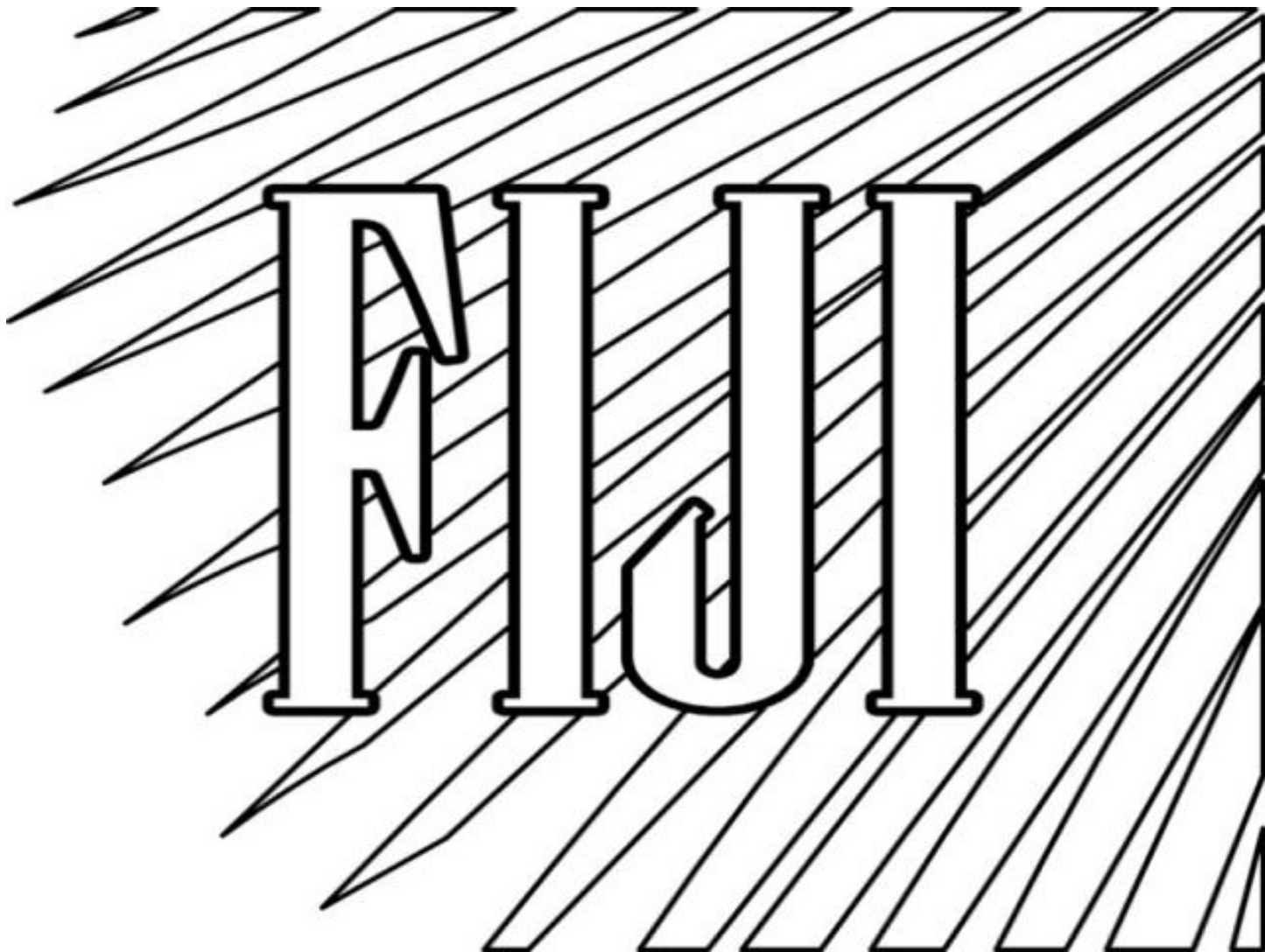
04/18/2007	CNRT	R	NON-FINAL ACTION WRITTEN	014
03/30/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	013
03/30/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	012
03/30/2007	ALIE	A	ASSIGNED TO LIE	011
02/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/21/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/21/2007	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
10/25/2006	ASGN	I	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	007
10/18/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	006
04/20/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	005
03/28/2006	CNSL	F	LETTER OF SUSPENSION MAILED	004
03/28/2006	CNSL	R	SUSPENSION LETTER WRITTEN	003
03/22/2006	DOCK	D	ASSIGNED TO EXAMINER	002
12/05/2005	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



HUI

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

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RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

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1 (b)	NO	1 (b)	NO	1 (b)	NO
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66A	NO	66A	NO		
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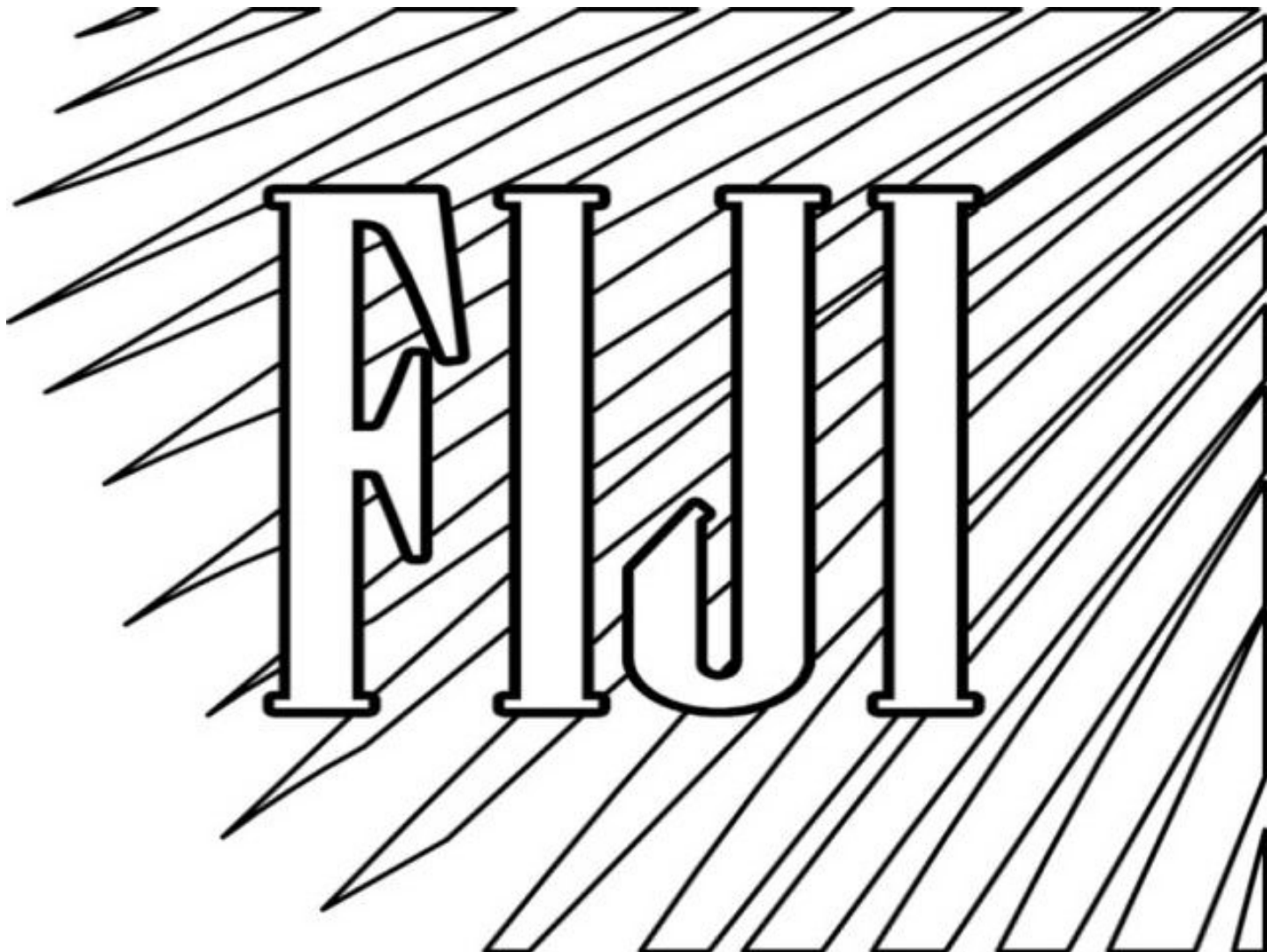
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DOMESTIC REPRESENTATIVE	NONE

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ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware



HUI

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78762941
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	032
<b>DESCRIPTION</b>	Drinking Water; Natural Artesian Water
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 09/01/2005
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 09/01/2005
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	032
<b>DESCRIPTION</b>	Drinking Water; Bottled Natural Artesian Water
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 09/01/2005
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 09/01/2005
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
<b>RESPONSE SIGNATURE</b>	/craig cooper/
<b>SIGNATORY'S NAME</b>	Craig B. Cooper
<b>SIGNATORY'S POSITION</b>	Sr. Vice President and Chief Legal Officer
<b>DATE SIGNED</b>	10/01/2007
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	

<b>SUBMIT DATE</b>	Mon Oct 01 14:04:58 EDT 2007
<b>TEAS STAMP</b>	USPTO/ROA-71.130.167.62-2 0071001140458984339-78762 941-400c193ec37ea4870ae64 712fd9e4bb8867-N/A-N/A-20 070927135547360403

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 04/2009)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78762941** has been amended as follows:

#### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 032 for Drinking Water; Natural Artesian Water

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/01/2005 and first used in commerce at least as early as 09/01/2005, and is now in use in such commerce.

**Proposed:** Class 032 for Drinking Water; Bottled Natural Artesian Water

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/01/2005 and first used in commerce at least as early as 09/01/2005, and is now in use in such commerce.

#### **SIGNATURE(S)**

##### **Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

##### **Response Signature**

Signature: /craig cooper/ Date: 10/01/2007

Signatory's Name: Craig B. Cooper

Signatory's Position: Sr. Vice President and Chief Legal Officer

The signatory has confirmed that he/she is either (1) an attorney who is a member in good standing of the bar of the highest court of a U.S. state; or (2) a Canadian attorney/agent who has been granted reciprocal recognition under 37 C.F.R. §10.14(c) by the USPTO's Office of Enrollment and Discipline. He/she

further confirms that (1) the applicant has not previously been represented in this matter by an authorized attorney; and (2) he/she is the applicant's attorney or an associate of that attorney.

Serial Number: 78762941

Internet Transmission Date: Mon Oct 01 14:04:58 EDT 2007

TEAS Stamp: USPTO/ROA-71.130.167.62-2007100114045898

4339-78762941-400c193ec37ea4870ae64712fd

9e4bb8867-N/A-N/A-20070927135547360403

# UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/762941

**APPLICANT:** PARAMOUNT INTERNATIONAL EXPORT, LTD.

**\*78762941\***

**CORRESPONDENT ADDRESS:**

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

**RETURN ADDRESS:**

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

**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.

## OFFICE ACTION

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**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.

Serial Number 78/762941

PLEASE NOTE: Applicant is encouraged to telephone the trademark examining attorney to resolve the issues raised below.

This letter responds to applicant's communication filed on February 21, 2007. In the response, applicant noted that the cited prior filed Application Serial Nos. 78/616,067 and 78/620,415 have abandoned. The cite to the prior filed marks is hereby withdrawn. Upon further review of the identification of goods, the examining attorney makes the following requirement:

### **Identification of Goods**

The wording "natural artesian water" in the identification of goods is indefinite and must be clarified

because it could be included in multiple classes. If accurate, applicant must indicate that the water is bottled. TMEP §1402.01. Applicant may substitute the following wording, if accurate: “bottled natural artesian water” in Class 32.

**Applicant may amend to the following identification, if accurate:**

Class 32: Drinking Water; Bottled Natural Artesian Water

Please note that while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods and services recited in the present identification.

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>.

Use of the online identification manual is strongly encouraged when framing an appropriate response to this Office Action.

**Combined Applications**

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those goods and/or services based on actual use in commerce under Trademark Act Section 1(a):

- (1) Applicant must list the goods/services by international class with the classes listed in ascending numerical order;
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>); and
- (3) For each additional class of goods and/or services, applicant must submit:
  - (a) dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial application apply to that class; the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application;
  - (b) one specimen showing use of the mark for each class of goods and/or services; the specimen must have been in use in commerce at least as early as the filing date of the application;
  - (c) a statement that “the specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application;” and
  - (d) verification of the statements in 3(a) and 3(c) in an affidavit or a signed declaration under 37 C.F.R. §2.20. (NOTE: Verification is *not* required where (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, or (2) the original specimens are acceptable for the added class.)

37 C.F.R. §§2.6, 2.34(a), 2.59, 2.71(c), and 2.86(a); TMEP §§810, 904.09, 1403.01 and 1403.02(c).

**Please note that the specimen(s) of record are acceptable for class(es) 32 only.**

/Colleen Kearney/  
Trademark Examining Attorney  
Law Office 113  
571-272-8278 (phone)

Trademark Assistance Center: 1-800-786-9199

**NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS:** In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

**HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

\*\*\* User:ckearney1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1238	N/A	0	0	0:28	*{"hf"}{v1:2}{"gj"}{"iey"}*[bi,ti] not dead [ld]
02	459	0	459	273	0:29	*{"hf"}{v1:2}{"gj"}{"iey"}*[bi,ti] not dead [ld] and "032"[cc]

Session started 4/17/07 1:52:45 PM

Session finished 4/17/07 1:57:48 PM

Total search duration 0 minutes 57 seconds

Session duration 5 minutes 3 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78762941

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

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TM ATTORNEY	KEARNEY, COLLEEN	L.O. ASSIGNED	113

**PUB INFORMATION**

RUN DATE	03/31/2007		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/30/2007		
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DESCRIPTION TEXT	Drinking Water; Natural Artesian Water

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	032	FIRST USE DATE	09/01/2005	FIRST USE IN COMMERCE DATE	09/01/2005	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DESCRIPTION OF MARK	The mark consists of a stylized rendering of palm tree fronds and the word portion of the mark, FIJI. .
SECT 2(F) LIMITATION STMT	As to FIJI
OWNER OF US REG NOS	2703620 2714973

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/30/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	013
03/30/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	012
03/30/2007	ALIE	A	ASSIGNED TO LIE	011
02/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/21/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/21/2007	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
10/25/2006	ASGN	I	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	007

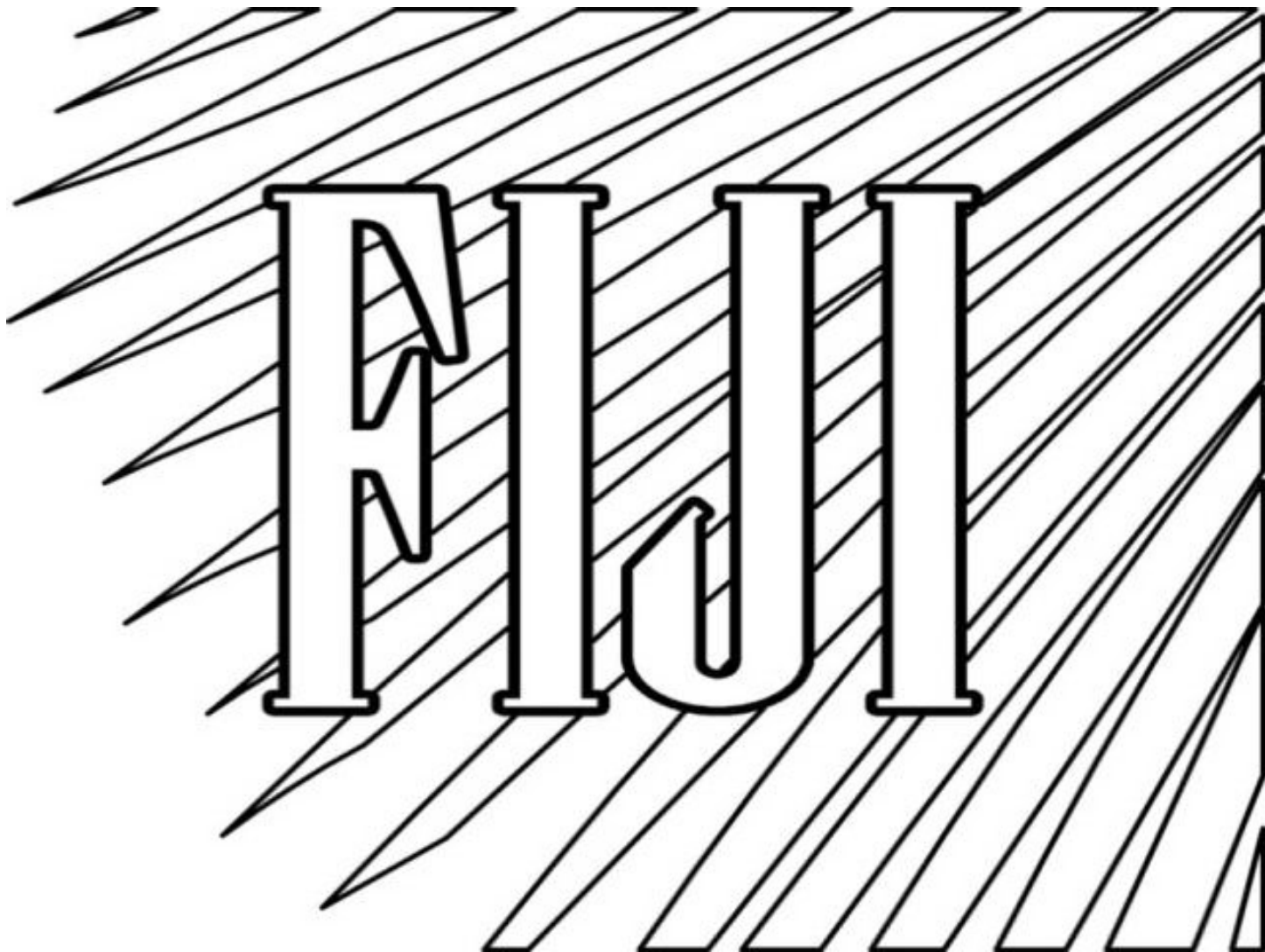
10/18/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	006
04/20/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	005
03/28/2006	CNSL	F	LETTER OF SUSPENSION MAILED	004
03/28/2006	CNSL	R	SUSPENSION LETTER WRITTEN	003
03/22/2006	DOCK	D	ASSIGNED TO EXAMINER	002
12/05/2005	NWAP	I	NEW APPLICATION 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



HUI

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78762941
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>This follows the Notice of Suspension dated March 28, 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. 78/762941 be removed from suspension and approved for publication.</p>	
<b>SIGNATURE SECTION</b>	
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
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri Feb 23 22:39:14 EST 2007
TEAS STAMP	USPTO/ROA-63.107.117.10-2 0070223223914599970-78762 941-3606af5106335c0a4b54e 27ba3499bde20-N/A-N/A-200 70223223645587614

## **Response to Office Action To the Commissioner for Trademarks:**

Application serial no. **78762941** 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 28, 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. 78/762941 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: 78762941

Internet Transmission Date: Fri Feb 23 22:39:14 EST 2007

TEAS Stamp: USPTO/ROA-63.107.117.10-2007022322391459

9970-78762941-3606af5106335c0a4b54e27ba3

499bde20-N/A-N/A-20070223223645587614

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

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78762941
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION</b>	
<b>MARK</b>	FIJI (stylized and/or with design)
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	FIJI WATER COMPANY LLC 11444 W OLYMPIC BLVD FL 10 LOS ANGELES, CA 90064-1557 310-966-5758 310-966-5726
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	FIJI WATER COMPANY LLC 11444 W OLYMPIC BLVD FL 10 LOS ANGELES, CA 90064-1557 310-966-5758 310-966-5726
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned hereby APPOINTS the following new attorney:
<b>NAME</b>	Barbara Velasco, Esq./Christine Lofgren, Esq.
<b>FIRM NAME</b>	PomWonderful LLC
<b>STREET</b>	11444 W. Olympic Blvd., 10th Floor
<b>CITY</b>	Los Angeles
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	90064
<b>PHONE</b>	310-966-5726

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

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## **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:** 78762941

**The original attorney**

FIJI WATER COMPANY LLC  
11444 W OLYMPIC BLVD FL 10  
LOS ANGELES, CA 90064-1557  
310-966-5758  
310-966-5726

**Original Correspondence Address :**

FIJI WATER COMPANY LLC  
11444 W OLYMPIC BLVD FL 10  
LOS ANGELES, CA 90064-1557  
310-966-5758  
310-966-5726

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: 78762941

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

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Apr 20, 2006

**NOTICE OF DESIGN SEARCH CODE**

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

**ATTORNEY REFERENCE NUMBER:**

**SERIAL NUMBER:** 78/762941  
**MARK:** FIJI AND DESIGN  
**OWNER:** Fiji Water Company LLC

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The USPTO may assign design search codes, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

Design search codes are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>.

You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV) or call 1-800-786-9199 to speak to a customer service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate.

**Design search codes assigned to the referenced serial number are listed below.**

# NOTE TO THE FILE

SERIAL NUMBER: 78762941

DATE: 03/28/2006

NAME: Ckearney1

## NOTE:

- Checked LEXIS/NEXIS
- Searched internet using google.com.
- Checked with Law Library re surname.
- Checked geographic significance.
- Checked with translations branch.
- Checked ID with ID/Class
- Checked ID with Senior Attorney/Managing Attorney
- 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. \_\_\_\_\_
- Changed Tradeups to delete. \_\_\_\_\_
- Changed Tradeups to add Examiner's Amendment.
- OTHER (insert reason for Note)



# UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/762941

**APPLICANT:** Fiji Water Company LLC

**\*78762941\***

**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 78/762941

## 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). **78616067 and 78620415**

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.

/ColleenKearney/  
Trademark Examining Attorney  
Law Office 113  
571-272-8278

**Print: Mar 28, 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 28, 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:ckearney1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	21	1	2	2	0:02	"fiji water company"[on]
02	366	0	366	208	0:24	*{"hf"}{"iey"}{"gj"}{"iey"}*[bi,ti] not dead [ld]
03	13	0	9	9	0:02	2 and "032"[ic]
04	368	0	3	368	0:02	050305[dc] not dead [ld]
05	2	0	2	2	0:01	2 and 4

Session started 3/28/06 11:03:22 AM

Session finished 3/28/06 11:12:46 AM

Total search duration 0 minutes 31 seconds

Session duration 9 minutes 24 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78762941

# Trademark/Service Mark Application, Principal Register

**Serial Number: 78762941**  
**Filing Date: 11/29/2005**

**The table below presents the data as entered.**

Input Field	Entered
<b>MARK SECTION</b>	
MARK FILE NAME	<a href="\\TICRS\EXPORT8\IMAGEOUT8\787\629\78762941\xml1\AP P0002.JPG">\\TICRS\EXPORT8\IMAGEOUT8\787\629\78762941\xml1\AP P0002.JPG</a>
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	FIJI
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a stylized rendering of palm tree fronds and the word portion of the mark, FIJI. .
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	640 x 480
<b>OWNER SECTION</b>	
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	310-966-5726
FAX	310-966-5758
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	

TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	Delaware
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	032
DESCRIPTION	Drinking Water; Natural Artesian Water
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2005
SPECIMEN FILE NAME(S)	<a href="\\TICRS\EXPORT8\IMAGEOUT8\787\629\78762941\xml1\AP P0003.JPG">\\TICRS\EXPORT8\IMAGEOUT8\787\629\78762941\xml1\AP P0003.JPG</a>
SPECIMEN DESCRIPTION	scanned/digitally photographed container.
<b>ADDITIONAL STATEMENTS SECTION</b>	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 2703620 and 2714973.
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.
<b>SIGNATURE SECTION</b>	
SIGNATURE	/wmf/
SIGNATORY NAME	William M. Foltz, Jr.
SIGNATORY DATE	11/29/2005
SIGNATORY POSITION	Sr. Vice President
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	DA
<b>CORRESPONDENCE SECTION</b>	
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
<b>FILING INFORMATION</b>	
SUBMIT DATE	Tue Nov 29 19:24:48 EST 2005
TEAS STAMP	USPTO/BAS-6616112543-2005 1129192448499776-78762941 -200392e23b18ae7835935485 188df87c13-DA-720-2005112 9174835634923

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 78762941**

**Filing Date: 11/29/2005**

### To the Commissioner for Trademarks:

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

The literal element of the mark consists of FIJI.

The mark consists of a stylized rendering of palm tree fronds and the word portion of the mark, 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 09/01/2005, and first used in commerce at least as early as 09/01/2005, 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 container..

#### [Specimen - 1](#)

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

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.

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: 11/29/2005

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: 720

RAM Accounting Date: 11/30/2005

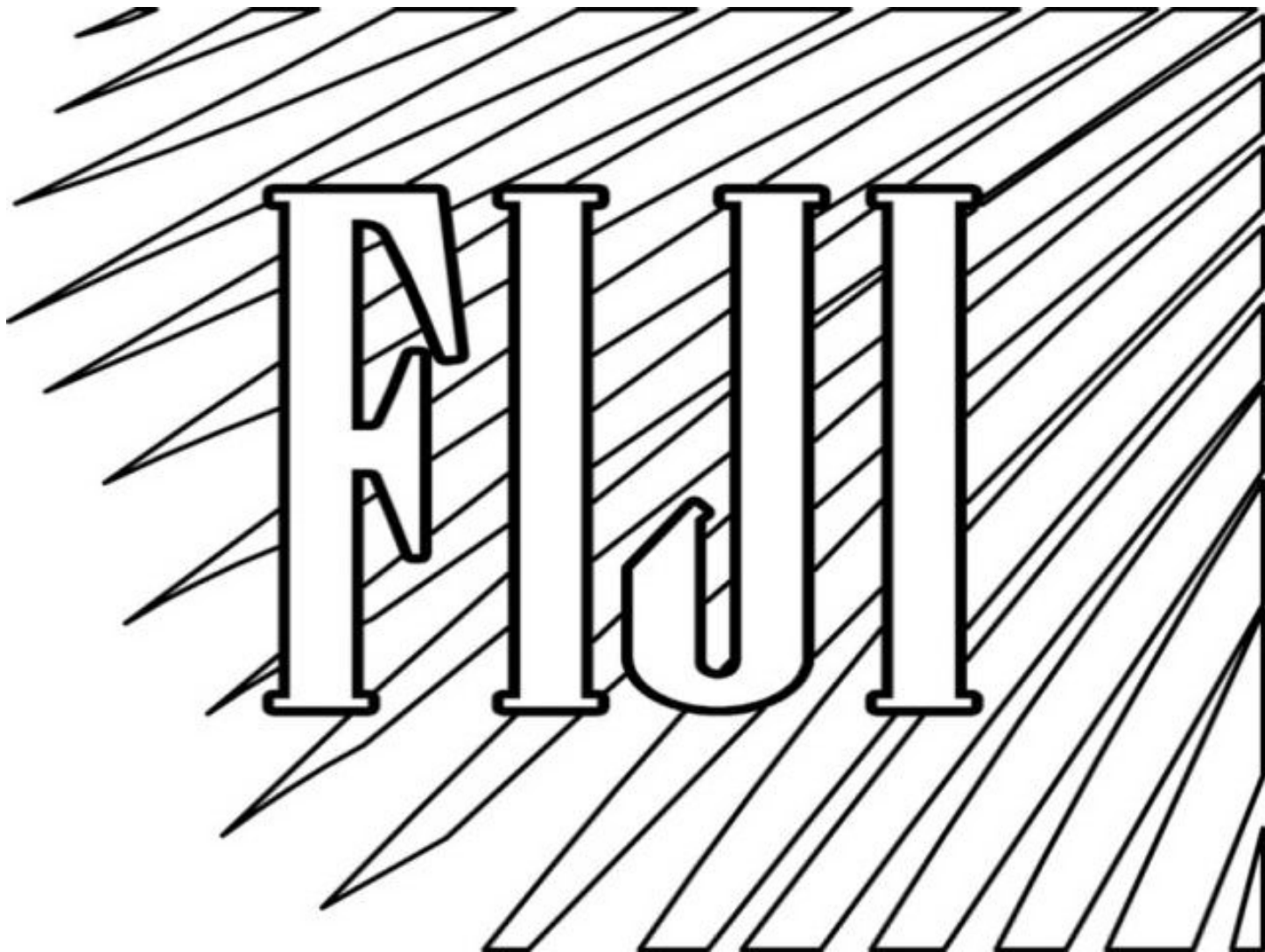
Serial Number: 78762941

Internet Transmission Date: Tue Nov 29 19:24:48 EST 2005

TEAS Stamp: USPTO/BAS-6616112543-2005112919244849977

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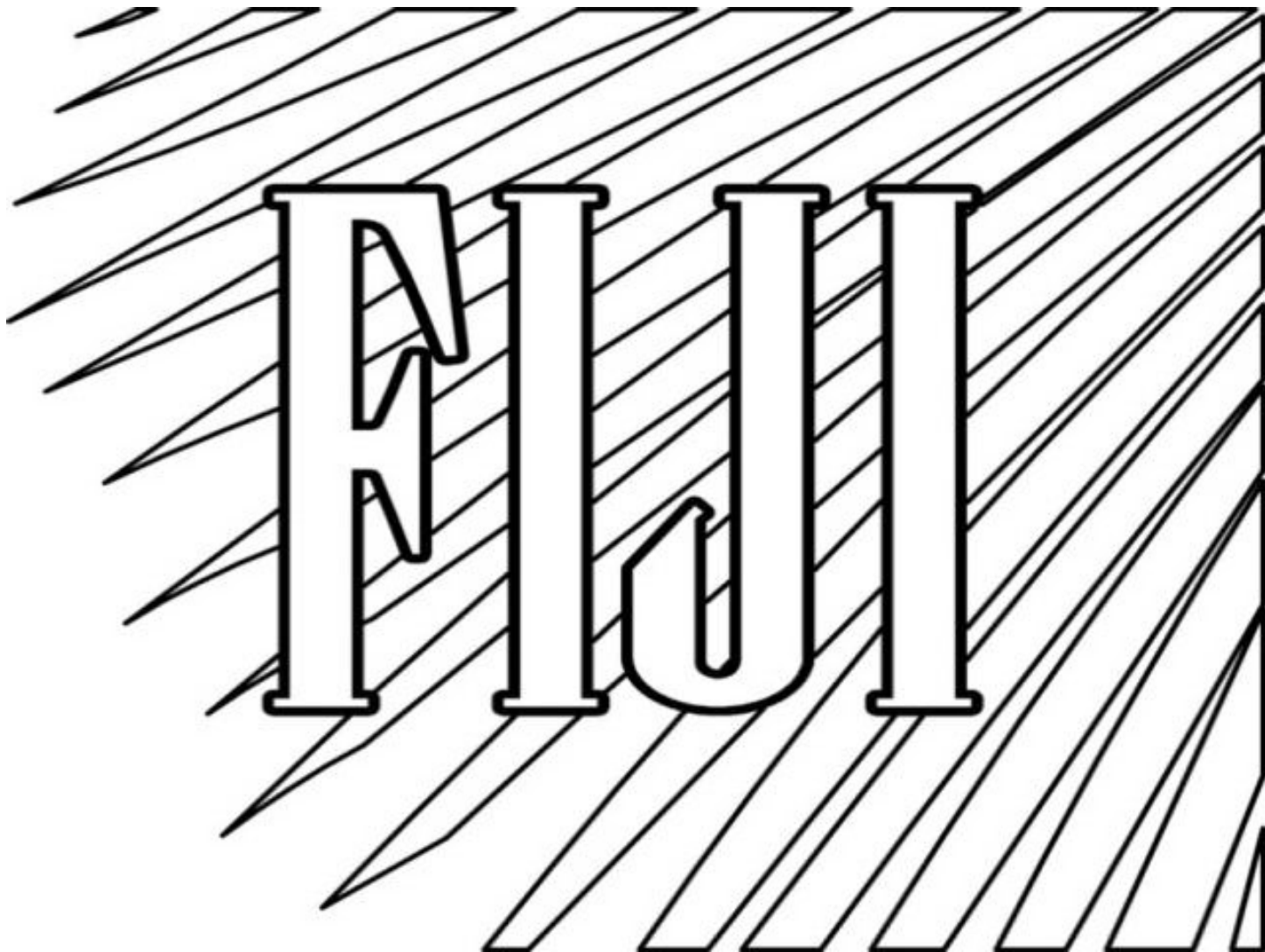
87c13-DA-720-20051129174835634923



HUI



0012159.11



HUI



0012159.11