

To: Harvey W. Wiley (cocaleafincocacola@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85848317 - COCA COLA - N/A
Sent: 5/31/2013 8:25:08 AM
Sent As: ECOM113@USPTO.GOV

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85848317

MARK: COCA COLA

85848317

CORRESPONDENT ADDRESS:

HARVEY W. WILEY
900 GEORGIA AVE
CHATTANOOGA, TN 37402-2230

CLICK HERE TO RESPOND TO
<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: Harvey W. Wiley

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

cocaleafincocacola@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 5/31/2013

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES that applicant must address:

- Section 2(d) Refusal – Likelihood of Confusion
- Potential Section 2(d) Refusal – Pending Applications

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 0022406, 0238145, 0238146, 0696147, 1432152, 3252896, 3510996, 1257789, 1819148, 1867757, 2952091, 3320591, 3313553, 3745337, and 4323421. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

The applicant has applied to register COCA COLA for “Colas; Non-alcoholic beverages, namely, carbonated beverages” in International Class 32.

U.S. Registration No. 0022406 is COCA-COLA for “tonic beverages” in International Class 32.

U.S. Registration No. 0238145 is COCA-COLA for “beverages and syrups for the manufacture of such beverages” in International Class 32.

U.S. Registration No. 0238146 is COCA-COLA for “beverages and syrups for the manufacture of such beverages” in International Class 32.

U.S. Registration No. 0696147 is the design mark with the literal element COCA-COLA for “carbonated soft drinks” in International Class 32.

U.S. Registration No. 1432152 is the design mark with the literal element COCA-COLA for “soft drinks” in International Class 32.

U.S. Registration No. 3252896 is the design mark with the literal element COCA-COLA for “Non-alcoholic beverages, namely, soft drinks; and syrups and concentrates for making beverages, namely, soft drinks” in International Class 32.

U.S. Registration No. 3510996 is the design mark with the literal element COCA-COLA for “Non-alcoholic beverages, namely, carbonated soft drinks and flavored waters; syrups, powders and concentrates for making non-alcoholic beverages, namely carbonated soft drinks and flavored waters” in International Class 32.

U.S. Registration No. 1257789 is the design mark with the literal element DIET COCA-COLA for “soft drinks” in International Class 32.

U.S. Registration No. 1819148 is COCA-COLA CLASSIC for “soft drinks, syrups and concentrates for making the same” in International Class 32.

U.S. Registration No. 1867757 is the design mark with the literal element ALWAYS COCA-COLA for “soft drinks and preparations for making the same” in International Class 32.

U.S. Registration No. 2952091 is COCA-COLA FRIDGE PACK for “non-alcoholic drinks, namely, soft drinks” in International Class 32.

U.S. Registration No. 3320591 is COCA-COLA BLAK for “Non-alcoholic beverages, namely, soft drinks; syrups and concentrates for making beverages, namely, soft drinks” in International Class 32.

U.S. Registration No. 3313553 is COCA-COLA BLÄK for “Non-alcoholic beverages, namely, carbonated soft drinks; syrups and concentrates for making beverages, namely carbonated soft drinks” in International Class 32.

U.S. Registration No. 3745337 is the design mark with the literal element LIVE POSITIVELY AND COCA-COLA for “Non-alcoholic beverages, namely, drinking waters, flavored waters, soft drinks, energy drinks, sports drinks, fruit drinks and fruit juices” in International Class 32.

U.S. Registration No. 4323421 is COCA-COLA FREESTYLE for “Non-alcoholic beverages, namely, drinking waters, flavored waters, soft drinks, energy drinks, sports drinks, and fruit drinks” in International Class 32. All the registered marks are owned by The Coca-Cola Company.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of

the goods, and similarity of the trade channels of the goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §1207.01 *et seq.*

Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

In the present case, the applied-for mark is similar to registrant's marks because the wording COCA COLA in the applied-for mark is similar to the wording COCA-COLA that appears in all of the registered marks. The only difference between the wordings is that the registered marks have a hyphen between the words while the applied-for mark does not have a hyphen. This slight difference does not obviate a likelihood of confusion because the word COCA COLA and COCA-COLA have a similar appearance because both have the words COCA and COLA. Marks may be confusingly similar in appearance where there are similar terms appearing in both applicant's and registrant's mark. *See In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); TMEP §1207.01(b)(ii)-(iii). The wording COCA COLA and COCA-COLA also have the same pronunciation as two words "coca" and "cola." The marks also have a similar commercial impression because the entirety of the applied-for mark is contained in each of the registered marks. The marks are similar because the wording COCA COLA and COCA-COLA have a similar appearance, sound, and commercial impression.

Some of the registered marks include words in addition to COCA-COLA, namely, DIET, ALWAYS, CLASSIC, FRIDGE PACK, BLAK, LIVE POSITIVELY, and FREESTYLE. The absence of that wording in the applied-for mark does not prevent a likelihood of confusion. The mere deletion of wording from a registered mark may not be sufficient to overcome a likelihood of confusion. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257 (Fed. Cir. 2010); *In re Optica Int'l*, 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(b)(ii)-(iii). The applied-for mark does not create a distinct commercial impression because it contains the same common wording COCA COLA as the registered mark, and there is no other wording to indicate that registrant is not the source of applicant's goods. As a result, the applied-for mark and the registered mark are sufficiently similar in their entireties.

Additionally, some of the registered marks include design elements or stylization. Although marks must be compared in their entireties, the word portion generally may be the dominant and most significant feature of a mark because consumers will request the goods using the wording. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1247 (TTAB 2010). For this reason, greater weight is often given to the word portion of marks when determining whether marks are confusingly similar. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); TMEP §1207.01(c)(ii). The wording COCA-COLA in the registered marks is the dominant element of the marks because it appears in large clear lettering and indicates that COCA-COLA is the source of the beverages. Consumers will use the wording COCA-COLA when requesting the goods. As a result, the wording of the registered marks is the dominant element of the marks for the purposes of likelihood of confusion.

Thus, when looking at the various goods identified in the marks, a consumer would be confused as to the source of the goods because of the use of the virtually identical wording COCA COLA and COCA-COLA. Therefore, the marks are confusingly similar.

Comparison of the Goods

With respect to applicant's and registrant's goods, the question of likelihood of confusion is determined based on the description of the goods stated in the application and registration at issue, not on extrinsic evidence of actual use. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-70, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012); *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

Absent restrictions in an application or registration, the identified goods are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

Applicant and registrant both identify carbonated beverages. As these goods are identical, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. *See Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012).

The identification set forth in the registrations have no restrictions as to nature, type, channels of trade, or classes of purchasers. Each registered mark identifies either beverages or soft drinks. The wording of the registrations is broad enough to encompass any type of beverage or soft drink. Applicant identifies "colas." According to the attached definition, "cola" is defined as "A carbonated soft drink containing an extract of the kola nut or similar flavorings." *See attached evidence*. As applicant identifies a type of soft drink beverage, the broad wording of the registrations encompasses applicant's goods. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers.

Thus, when confronted by applicant's and registrant's beverage goods, consumers would likely be confused as to the source of the goods because they both identify carbonated soft drinks. Therefore, the goods are closely related.

Since the marks are similar and the goods are related, there is a likelihood of confusion as to the source of applicant's goods. Therefore, registration is refused pursuant to Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

Applicant should note the following advisory.

POTENTIAL SECTION 2(d) REFUSAL – PENDING APPLICATIONS

The filing dates of pending U.S. Application Serial Nos. 77175127, 77176279, 85006990, 77176108, 78580598, 77257653, 85813590, and 85756528 precede applicant's filing date. See attached referenced

applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, ***applicant must respond to the Section 2(d) Likelihood of Confusion Refusal within six months of the mailing date of this Office action to avoid abandonment.***

ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusals and requirements in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a private attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06.

For attorney referral information, applicant may consult the American Bar Association's Consumers' Guide to Legal Help at <http://www.abanet.org/legalservices/findlegalhelp/home.cfm>, an attorney referral service of a state or local bar association, or a local telephone directory. The USPTO may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

/Timothy Schimpf/
Examining Attorney
Law Office 113
(571) 272-9072
timothy.schimpf@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office**

actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

70022406

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

0022406

Date Registered

1893/01/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Coca Cola Company, The CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: [NUTRIENT OR]
TONIC BEVERAGES. First Use: 1887/06/28. First Use In Commerce:
1887/06/28.

Description of Mark

The said trade-mark of said company consists of the word or words "Coca Cola". These words have been generally written as a compound word, and in the particular form represented in the accompanying fac-simile, that is to say, with the lower portion of the "C" beginning the word "Coca" extended under the entire word, in the form of a dash, and the top of the "C" beginning the word "Cola" extended over the letters following in the form of a dash. Upon the dash of the first "C" said corporation generally has the word "Trade-Mark". While said corporation prefers to form the initial "C's" as just described, and also to form the word as a compound word, yet the word may be altogether as one word or separately as two words, and the dashes omitted, without materially altering the character of the said

Print: May 30, 2013

70022406

trade-mark, the essential feature of which is the word "Coca-Cola".

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

1892/05/14

Examining Attorney

UNKNOWN

Attorney of Record

Jessica Lewis

Coca-Cola

Print: May 30, 2013

71254695

DESIGN MARK

Serial Number

71254695

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

0238146

Date Registered

1928/01/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

COCA-COLA COMPANY, THE CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: BEVERAGES AND
SYRUPS FOR THE MANUFACTURE OF SUCH BEVERAGES. First Use: 1886/05/00.
First Use In Commerce: 1886/05/00.

Prior Registration(s)

0022406;0047189;0229380

Filing Date

1927/09/13

Examining Attorney

UNKNOWN

Attorney of Record

CAROLINE K PEARLSTEIN

Coca-Cola

Print: May 30, 2013

71254696

TYPED DRAWING

Serial Number

71254696

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

0238145

Date Registered

1928/01/31

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

THE COCA COLA COMPANY CORPORATION DELAWARE One Coca-Cola Plaza ATLANTA
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: BEVERAGES AND
SYRUPS FOR THE MANUFACTURE OF SUCH BEVERAGES. First Use: 1886/05/00.
First Use In Commerce: 1886/05/00.

Prior Registration(s)

0022406;0047189;0229380

Filing Date

1927/09/13

Examining Attorney

UNKNOWN

Attorney of Record

CAROLINE K PEARLSTEIN

Print: May 30, 2013

72069873

DESIGN MARK

Serial Number

72069873

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

0696147

Date Registered

1960/04/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

COCA-COLA COMPANY, THE CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: CARBONATED SOFT
DRINK. First Use: 1916/07/08. First Use In Commerce: 1916/09/01.

Prior Registration(s)

0022406;0415755;AND OTHERS

Description of Mark

THE TRADEMARK CONSISTS OF THE DISTINCTIVELY SHAPED CONTOUR, OR
CONFIRMATION, AND DESIGN OF THE BOTTLE AS SHOWN

Filing Date

1959/03/19

Examining Attorney

UNKNOWN

Attorney of Record

Print: May 30, 2013

72069873

Pamela C. Mallari



Print: May 30, 2013

73388253

DESIGN MARK

Serial Number

73388253

Status

REGISTERED AND RENEWED

Word Mark

DIET COCA-COLA

Standard Character Mark

No

Registration Number

1257789

Date Registered

1983/11/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Coca-Cola Company, The CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: Soft Drinks (AND
SYRUPS AND CONCENTRATES FOR MAKING THE SAME). First Use: 1982/07/00.
First Use In Commerce: 1982/08/09.

Prior Registration(s)

0022406;0047189;AND OTHERS

Disclaimer Statement

No claim is made to the exclusive right to use the word "Diet", apart
from the mark as shown.

Filing Date

1982/09/23

Examining Attorney

WILLIAMS, R. ELLSWORTH

Print: May 30, 2013

73388253

Attorney of Record
SCHUYLA M GOODSON

diet
Coca-Cola

Print: May 30, 2013

73601167

DESIGN MARK

Serial Number

73601167

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

1432152

Date Registered

1987/03/10

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

COCA-COLA COMPANY, THE CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: SOFT DRINKS
[AND SYRUPS AND CONCENTRATES FOR MAKING THE SAME]. First Use:
1986/01/14. First Use In Commerce: 1986/01/14.

Prior Registration(s)

0022406;0047189;0229380;0238145;0238146;0415755;1057885;1271871;1277043-
;1287644;1323327;1328441;1338789;1342741;1381310;1384244;AND OTHERS

Filing Date

1986/05/27

Examining Attorney

UNKNOWN

Attorney of Record

CAROLINE K. PEARLSTEIN

Coca-Cola

Print: May 30, 2013

74356284

DESIGN MARK

Serial Number

74356284

Status

REGISTERED AND RENEWED

Word Mark

ALWAYS COCA-COLA

Standard Character Mark

No

Registration Number

1867757

Date Registered

1994/12/13

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Coca-Cola Company, The CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: soft drinks and
preparations for making the same. First Use: 1993/02/00. First Use
In Commerce: 1993/02/00.

Prior Registration(s)

0238146;0696147;1057884;AND OTHERS

Lining/Stippling Statement

The lining is a feature of the mark and does not indicate color.

Description of Mark

The mark consists, in part, of the wording "COCA-COLA" on a bottle
cap.

Filing Date

1993/02/05

Print: May 30, 2013

74356284

Examining Attorney
DELANEY, ZHALEH

Attorney of Record
CAROLINE K. PEARLSTEIN



Print: May 30, 2013

74381727

TYPED DRAWING

Serial Number

74381727

Status

REGISTERED AND RENEWED

Word Mark

COCA-COLA CLASSIC

Standard Character Mark

No

Registration Number

1819148

Date Registered

1994/02/01

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Coca-Cola Company, The CORPORATION DELAWARE One Coca-Cola Plaza
Atlanta GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045. G & S: soft drinks, syrups
and concentrates for making the same. First Use: 1985/07/19. First
Use In Commerce: 1985/07/19.

Prior Registration(s)

0022406;0047189;0229380;0238146;1462262;1496970;AND OTHERS

Filing Date

1993/04/15

Examining Attorney

WHITAKER, LAURIE

Attorney of Record

SCHUYLA M. GOODSON

Print: May 30, 2013

76204467

DESIGN MARK

Serial Number

76204467

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

COCA-COLA FRIDGE PACK

Standard Character Mark

No

Registration Number

2952091

Date Registered

2005/05/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

THE COCA-COLA COMPANY CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
non-alcoholic drinks, namely, soft drinks [: syrups, concentrates and
other preparations for making soft drinks]. First Use: 2001/11/00.
First Use In Commerce: 2002/01/01.

Prior Registration(s)

0022406;0238146;2170765;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRIDGE PACK" APART
FROM THE MARK AS SHOWN.

Filing Date

2001/02/02

Examining Attorney

HUGHITT, ELIZABETH

Print: May 30, 2013

76204467

Attorney of Record
Pamela C. Mallari

COCA-COLA FRIDGE PACK

Print: May 30, 2013

77175127

DESIGN MARK

Serial Number

77175127

Status

OPPOSITION PENDING

Word Mark

CHERRY COCA-COLA ZERO

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks.

Prior Registration(s)

0238145;0238146;1819148;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHERRY" APART FROM THE
MARK AS SHOWN.

Section 2f Statement

as to "ZERO"

Filing Date

2007/05/08

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

Paula Guibault

CHERRY COCA-COLA ZERO

Print: May 30, 2013

77176108

DESIGN MARK

Serial Number

77176108

Status

OPPOSITION PENDING

Word Mark

COCA-COLA VANILLA ZERO

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks.

Prior Registration(s)

0238145;0238146;1819148;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VANILLA" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

as to "ZERO"

Filing Date

2007/05/09

Examining Attorney

CASE, LEIGH CAROLINE

Attorney of Record

Paula Guibault

COCA-COLA VANILLA ZERO

Print: May 30, 2013

77176279

DESIGN MARK

Serial Number

77176279

Status

OPPOSITION PENDING

Word Mark

COCA-COLA CHERRY ZERO

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks; syrups and concentrates
for making non-alcoholic beverages, namely, soft drinks. First Use:
2007/01/29. First Use In Commerce: 2007/01/29.

Prior Registration(s)

0238145;0238146;1819148;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHERRY" APART FROM THE
MARK AS SHOWN.

Section 2f Statement

as to "ZERO"

Filing Date

2007/05/09

Examining Attorney

BRADLEY, EVELYN

Attorney of Record

Paula Guibault

COCA-COLA CHERRY ZERO

Print: May 30, 2013

77257653

DESIGN MARK

Serial Number

77257653

Status

OPPOSITION PENDING

Word Mark

VANILLA COCA-COLA ZERO

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks.

Prior Registration(s)

0238145;0238146

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VANILLA" APART FROM
THE MARK AS SHOWN.

Section 2f Statement

as to "ZERO"

Filing Date

2007/08/17

Examining Attorney

HETZEL, DANNEAN

Attorney of Record

Paula Guibault

VANILLA COCA-COLA ZERO

Print: May 30, 2013

77276752

DESIGN MARK

Serial Number

77276752

Status

REGISTERED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

3510996

Date Registered

2008/10/07

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, carbonated soft drinks and flavored
waters; syrups, powders and concentrates for making non-alcoholic
beverages, namely carbonated soft drinks and flavored waters. First
Use: 2007/09/04. First Use In Commerce: 2007/09/04.

Prior Registration(s)

0238146;0696147;1057885;AND OTHERS

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE SCREW TOP CLOSURE
OF THE BOTTLE AND THE BOTTLE BASE APART FROM THE MARK AS SHOWN.

Description of Mark

THE MARK CONSISTS OF A BOTTLE DESIGN FEATURING A SERIES OF ALTERNATING
VERTICAL PANELS ON THE LOWER HALF OF THE BOTTLE. ONE SET OF PANELS HAS
A SLIGHTLY TEXTURED SURFACE AND FEATURES THE "COCA-COLA" TRADEMARK,

Print: May 30, 2013

77276752

AND THE OTHER FEATURES A SURFACE FILLED WITH MULTIPLE RAISED CIRCULAR BUBBLES. A VERTICAL WAVY LINE OF VARYING WIDTH SEPARATES THE TWO PANELS. THE DOTTED OUTLINE OF THE SCREW TOP CLOSURE AND THE BOTTLE BASE ARE FOR POSITIONING ONLY AND DO NOT COMPRISE A FEATURE OF THE MARK.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

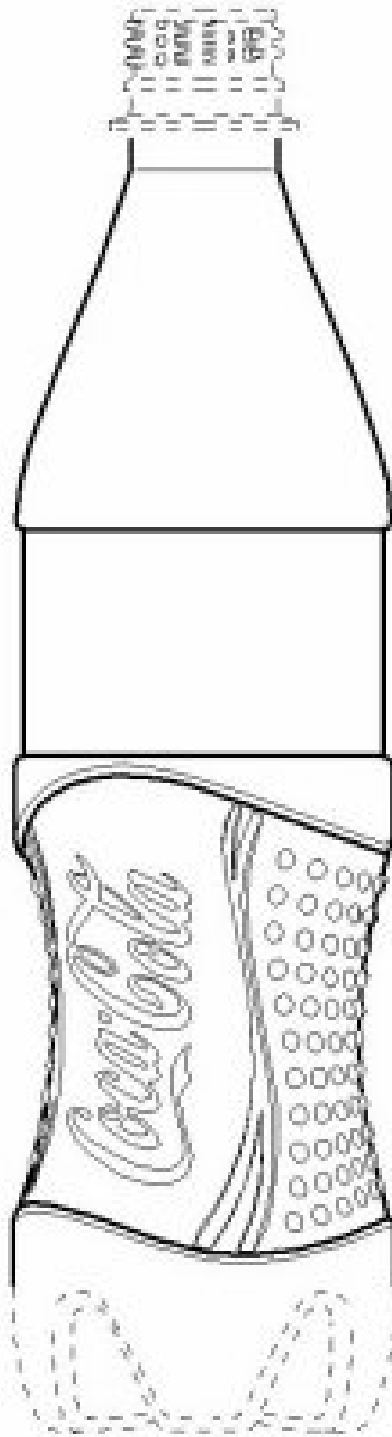
2007/09/11

Examining Attorney

HETZEL, DANNEAN

Attorney of Record

Kamau J. King



Print: May 30, 2013

77617784

DESIGN MARK

Serial Number

77617784

Status

REGISTERED

Word Mark

LIVE POSITIVELY AND COCA-COLA

Standard Character Mark

No

Registration Number

3745337

Date Registered

2010/02/02

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, drinking waters, flavored waters,
soft drinks, energy drinks, sports drinks, fruit drinks and fruit
juices. First Use: 2009/02/02. First Use In Commerce: 2009/02/02.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Public
advocacy to promote awareness of community, environmental and health
and wellness issues. First Use: 2008/05/01. First Use In Commerce:
2008/05/01.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational
services, namely, providing seminars, workshops, and lectures in the
field of environmental and wellness issues. First Use: 2008/05/01.
First Use In Commerce: 2008/05/01.

Print: May 30, 2013

77617784

Prior Registration(s)

0000776;0100272;0238146;AND OTHERS

Description of Mark

The mark consists of a large oval containing a smaller oval within which is the words "LIVE POSITIVELY" adjacent to a sphere containing a plus sign and parenthesis. Additionally, within the larger oval and adjacent to the smaller oval appears the trademark "COCA-COLA" in script.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2008/11/19

Examining Attorney

WEBSTER, MICHAEL

Attorney of Record

Pamela C. Mallari

LIVE POSITIVELY



Coca-Cola

Print: May 30, 2013

78509545

DESIGN MARK

Serial Number

78509545

Status

REGISTERED

Word Mark

COCA-COLA

Standard Character Mark

No

Registration Number

3252896

Date Registered

2007/06/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks; and syrups and
concentrates for making beverages, namely, soft drinks. First Use:
2002/12/15. First Use In Commerce: 2003/01/01.

Prior Registration(s)

0022406;1057885;2992985;AND OTHERS

Lining/Stippling Statement

The stippling in the drawing is not intended to indicate color.

Filing Date

2004/11/01

Examining Attorney

SMITH, BRIDGETT

Print: May 30, 2013

78509545

Attorney of Record
Bruce W. Baber



Print: May 30, 2013

78550657

DESIGN MARK

Serial Number

78550657

Status

REGISTERED

Word Mark

COCA-COLA BLÄK

Standard Character Mark

No

Registration Number

3313553

Date Registered

2007/10/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, carbonated soft drinks; syrups and
concentrates for making beverages, namely carbonated soft drinks.
First Use: 2006/04/03. First Use In Commerce: 2006/04/03.

Foreign Country Name

AUSTRALIA

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

1023596

Foreign Filing Date

2004/10/05

Print: May 30, 2013

78550657

Prior Registration(s)

0022406;0047189;1432152;AND OTHERS

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2005/01/20

Examining Attorney

POVARCHUK, REBECCA

Attorney of Record

Schuyla M. Goodson

COCA-COLA BLĀK

Print: May 30, 2013

78580598

DESIGN MARK

Serial Number

78580598

Status

OPPOSITION PENDING

Word Mark

COCA-COLA ZERO

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beverages,
namely soft drinks; syrups and concentrates for the making of the
same. First Use: 2005/06/13. First Use In Commerce: 2005/06/13.

Prior Registration(s)

0238145;0238146;AND OTHERS

Section 2f Statement

As to "ZERO"

Filing Date

2005/03/04

Examining Attorney

BRADLEY, EVELYN

Attorney of Record

Paula Guibault

COCA-COLA ZERO

Print: May 30, 2013

78743757

DESIGN MARK

Serial Number

78743757

Status

REGISTERED

Word Mark

COCA-COLA BLAK

Standard Character Mark

Yes

Registration Number

3320591

Date Registered

2007/10/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks; syrups and concentrates
for making beverages, namely, soft drinks. First Use: 2006/04/03.
First Use In Commerce: 2006/04/03.

Prior Registration(s)

0022406;0047189;0229380;AND OTHERS

Filing Date

2005/10/31

Examining Attorney

SMITH, BRIDGETT

Attorney of Record

Dolores A. Moro

COCA-COLA BLAK

Print: May 30, 2013

85006990

DESIGN MARK

Serial Number

85006990

Status

FIFTH EXTENSION - GRANTED

Word Mark

COCA-COLA LIFE

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, soft drinks.

Prior Registration(s)

0022406;0238146;3252896;AND OTHERS

Filing Date

2010/04/06

Examining Attorney

HELLMAN, ELI

Attorney of Record

Paula Guibault

COCA-COLA LIFE

Print: May 30, 2013

85682878

DESIGN MARK

Serial Number

85682878

Status

REGISTERED

Word Mark

COCA-COLA FREESTYLE

Standard Character Mark

Yes

Registration Number

4323421

Date Registered

2013/04/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Coca-Cola Company CORPORATION DELAWARE One Coca-Cola Plaza Atlanta
GEORGIA 30313

Goods/Services

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S:
Refrigerated beverage dispensing units. First Use: 2009/12/20. First
Use In Commerce: 2009/12/20.

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Non-alcoholic beverages, namely, drinking waters, flavored waters,
soft drinks, energy drinks, sports drinks, and fruit drinks. First
Use: 2009/12/20. First Use In Commerce: 2009/12/20.

Filing Date

2012/07/20

Examining Attorney

KEARNEY, COLLEEN

Attorney of Record

Print: May 30, 2013

85682878

Pamela C. Mallari

COCA-COLA FREESTYLE

Print: May 30, 2013

85756528

DESIGN MARK

Serial Number

85756528

Status

NON-FINAL ACTION - MAILED

Word Mark

COCA

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

David Abellard Jr. INDIVIDUAL UNITED STATES 3003 Terramar St. Apt: 605
Ft, Lauderdale FLORIDA 33304

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Bottled water; Colas; Drinking water with vitamins; Drinking waters; Flavored bottled water; Non-alcoholic beverages with tea flavor; Non-alcoholic beverages, namely, carbonated beverages; Soda pops; Sparkling water; Spring water.

Filing Date

2012/10/17

Examining Attorney

DALIER, JOHN

COCA

Print: May 30, 2013

85813590

DESIGN MARK

Serial Number

85813590

Status

NON-FINAL ACTION - MAILED

Word Mark

UR COCA COLA

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

William Gonzalez INDIVIDUAL UNITED STATES 1665 S. Victoria ave Los Angeles CALIFORNIA 90019

Goods/Services

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:
Colas/Carbonated beverages sport recovery drinks, energy and performance drinks, protein drinks, health/vitamin drinks, fruit flavor drinks, natural fruit flavor drinks, coffee flavor drinks, tea flavor drinks, natural tea flavor drinks, vegetable flavor drinks, natural vegetable flavor drinks-all containing natural sugar cane and the minerals/vitamins and natural flavors from/of the Plant species called Erythroxyton, Coca; Syrups and powders to use and manufacture and prepare carbonated beverages.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COCA COLA" APART FROM THE MARK AS SHOWN.

Filing Date

2013/01/01

Examining Attorney

SEVERSON, KAREN

UR COCA COLA



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co·la ¹ (kō'lə)

n. A carbonated soft drink containing an extract of the kola nut or similar flavorings.

[From COLA.⁴]

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co·la ² (kō'lə)

n. Plural of colon¹.

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co·la ³ (kō'lə)

n. A plural of colon².

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co·la ⁴ (kō'lə)

n. Variant of kola.

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ko·la or **co·la** (kō'lə)

n. Any of several tropical African evergreen trees of the genus *Cola*, especially *C. acuminata* or *C. nitida*, cultivated for their reddish fragrant nutlike seeds, which contain caffeine and theobromine. The seeds are chewed as a stimulant and yield an extract used in pharmaceuticals and as a flavoring in foods and beverages.

[Of West African origin; akin to Temne *kɔla*, kola nut.]



(click for a larger image)

kola
kola seeds
Cola acuminata

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To: Harvey W. Wiley (cocaleafincocacola@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85848317 - COCA COLA - N/A
Sent: 5/31/2013 8:25:09 AM
Sent As: ECOM113@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **5/31/2013** FOR U.S. APPLICATION SERIAL NO. 85848317

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **5/31/2013**, using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Timothy Schimpf/
Examining Attorney
Law Office 113
(571) 272-9072
timothy.schimpf@uspto.gov

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

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