

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

<b>SERIAL NO.</b> 75/369992 Chudleigh's Apple & Cider Shoppe Ltd.		<b>APPLICANT</b>		<b>PAPER NO.</b>	
<b>MARK</b> MISCELLANEOUS DESIGN		<b>ACTION NO.</b> 01		<b>ADDRESS:</b> Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513	
<b>ADDRESS</b> JANET A MARVEL MCDERMOTT WILL & EMERY 227 W MONROE ST CHICAGO IL 60606-5096		<b>MAILING DATE</b> 03/31/98		<small>If no fees are enclosed, the address should include the words "Box Responses - No Fee."</small>	
<b>FORM PTO-1525 (5-90)</b>		<b>REF. NO.</b> 40392-010-20		<small>Please provide in all correspondence:</small> <ol style="list-style-type: none"><li>1. Filing Date, serial number, mark and Applicant's name.</li><li>2. Mailing date of this Office action.</li><li>3. Examining Attorney's name and Law Office number.</li><li>4. Your telephone number and ZIP code.</li></ol>	
<b>U.S. DEPT. OF COMM. PAT. &amp; TM OFFICE</b>					

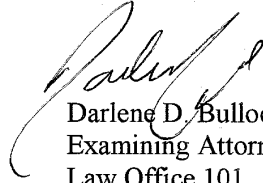
**A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.**  
*For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.*

RE: Serial Number: 75/369992

The assigned examining attorney has reviewed the referenced application and determined the following.

The examining attorney refuses registration on the Principal Register because the proposed mark is a configuration of the goods, which is not inherently distinctive. Trademark Act Sections 1, 2 and 45, 15 U.S.C. Sections 1051, 1052 and 1127. As such, the proposed mark would only be registrable on the Principal Register with a showing of acquired distinctiveness. *Textron, Inc. v. U.S. International Trade Commission*, 753 F.2d 1019, 224 USPQ 625 (Fed. Cir. 1985); *In re Craigmyle*, 224 USPQ 791 (TTAB 1984); TMEP section 1202.03(b).

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.



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