

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/229626

**MARK:** SLUSHO! YOU CAN'T DR

**\*77229626\***

**CORRESPONDENT ADDRESS:**

LORI N. BOATRIGHT  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN

LLP

12400 WILSHIRE BLVD FL 7  
LOS ANGELES, CA 90025-1019

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Bold Futura, LLC

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

005150.T091U

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:**

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

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**GOODS INDEFINITE**

The identification of goods is unacceptable as indefinite. TMEP section 1402.01. The applicant may adopt the following identification, if accurate:

**non-alcoholic beverages, namely,** soft drinks, flavored soft drinks, and non-carbonated frozen flavored beverages [note that the wording "blended ice drinks" is indefinite and has been replaced with alternative language], in Int. Cl. 32

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not

amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below:

- 1) Applicant must list the goods/services by international class with the classes listed in ascending numerical order. TMEP §1403.01.
- 2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

### **RESPONSE GUIDELINES**

Please note that there is no required format or form for responding to this Office action. However, applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. Applicant must also sign and date its response.

David Taylor /dtt/

Trademark Examining Attorney

Law Office 112

Phone 571-272-9420

Fax 571-273-9420

**RESPOND TO THIS ACTION:** If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at

<http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

\*\*\* User:dtaylor2 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	77229611{SN}
02	6	0	6	6	0:02	"Bold Futura"[on]
03	4	0	4	4	0:01	*slusho*[bi,ti]
04	112	66	46	31	0:01	*slush*[bi,ti]
05	63351	N/A	0	0	0:02	*can*[bi,ti]
06	2547	N/A	0	0	0:01	*dr{"iy"}n{"ckqx"}*[bi,ti]
07	72	38	18	16	0:01	5 and 6
08	68	38	30	24	0:01	7 not 2
09	9034	N/A	0	0	0:01	*just*[bi,ti]
10	3031	N/A	0	0	0:01	*six*[bi,ti]
11	12	3	9	9	0:01	9 and 10

Session started 10/17/2007 11:32:32 AM

Session finished 10/17/2007 12:05:31 PM

Total search duration 0 minutes 13 seconds

Session duration 32 minutes 59 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77229626



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jul 19, 2007

**NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK**

LORI N. BOATRIGHT  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 WILSHIRE BLVD FL 7  
LOS ANGELES, CA 90025-1019

**ATTORNEY REFERENCE NUMBER:** 005150.T091U

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**SERIAL NUMBER:** 77/229626  
**MARK:** SLUSHO! YOU CAN'T DRINK JUST SIX. AND DESIGN  
**OWNER:** Bold Futura, LLC

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The USPTO may assign design search codes and/or pseudo marks, 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>.

**A pseudo mark** may be assigned to marks that include words, numbers, compound words, symbols or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words "YOU ARE" surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as "YOU ARE SQUARE." A mark filed as "URGR8" would receive a pseudo mark of "YOU ARE GREAT."

You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes or pseudo mark 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 and pseudo marks assigned to the referenced serial number are listed below.**

**DESIGN SEARCH CODES:**

01.15.25 - Coal; Dust; Light rays; Liquids, spilling; Pouring liquids; Sand; Spilling liquids

08.09.25 - Other frozen confections and ice

11.03.01 - Glasses without stems

**PSEUDO MARK:**

SLUSHO! YOU CAN NOT DRINK JUST SIX.

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77229626**

**Filing Date: 07/13/2007**

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

Input Field	Entered
<b>SERIAL NUMBER</b>	77229626
<b>MARK INFORMATION</b>	
*MARK	\\TICRS2\EXPORT13\772\296\77229626\xml1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	SLUSHO! You Can't Drink Just Six.
COLOR MARK	YES
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the words SLUSHO! in blue, the words You Can't Drink Just Six. in grey, a red and white striped cup with blue drink and a green starburst background.
COLOR(S) CLAIMED (If applicable)	blue, red, white, grey, green
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	700 x 528
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Bold Futura, LLC
*STREET	1223 Wilshire Boulevard #1422
*CITY	Santa Monica
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	90403
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
*STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	032

DESCRIPTION	non-alcoholic beverages, soft drinks, flavored soft drinks, blended ice drinks
FILING BASIS	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
NAME	Lori N. Boatright
ATTORNEY DOCKET NUMBER	005150.T091USA32
FIRM NAME	Blakely Sokoloff Taylor & Zafman LLP
STREET	12400 Wilshire Boulevard
INTERNAL ADDRESS	Seventh Floor
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90025
PHONE	310 207 3800
FAX	310 820 5988
OTHER APPOINTED ATTORNEY	<p>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP, a firm composed of Jacob T. Aikin; Alan K. Aldous; Dax F. Alvarez; Farzad E. Amini; Arthur T. C. Au; W. Thomas Babbitt; Jordan M. Becker; Michael A. Bernadicou; Roger W. Blakely, Jr.; Lori N. Boatright; Gregory D. Caldwell; Shelley M. Cobos; Thomas M. Coester; Stephen M. De Klerk; Daniel M. De Vos; Thomas S. Ferrill; Angelo J. Gaz; James Y. Go; Kevin O. Grange; Jennifer Hayes; James A. Henry; Matthew W. Hindman; Willmore F. Holbrow III; Sheryl Sue Holloway; George W. Hoover II; Marcus T. Hunt; Eric S. Hyman; William L. Jaffe; Jigang Jin; Benjamin A. Kimes; Eric T. King; Lori S. Kozak; Steven Laut; Tong J. Lee; Gordon R. Lindeen III; Thierry K. Lo; Joseph Lutz; David H. Madden; Michael J. Mallie; Dennis G. Martin; Paul A. Mendonsa; Jonathan S. Miller; Think V. Nguyen; Triet M. Nguyen; David F. Nicholson; Robert B. O'Rourke; Daniel E. Ovanezian; Marina G. Portnova; Eric S. Replogle; William W. Schaal; James C. Scheller, Jr.; Jeremy A. Schweigert; Kevin G. Shao; Stanley W. Sokoloff; Stacie J. Sundquist; Judith A. Szepesi; Edwin H. Taylor; Faye H. Teng; Richard W. Thill; Lester J. Vincent; Mark L. Watson; Thomas C. Webster; Christopher L. Willink; Chui-Kiu T. Wong; and Norman Zafman of the City of Los Angeles, State of California, all Attorneys at Law admitted to practice in all the Courts of the State of California; Aslam A. Jaffery and Mark C. Van Ness admitted to practice in all the Courts of the State of Colorado; Vincent H. Anderson; Donna J. Coningsby, Jared S. Engstrom, James M. Howard and Dermot G. Miller admitted to practice in all the Courts of the State of Oregon; Todd M. Becker, Andrew J. Cameron, Cory G. Claassen, Jan C. Little-Washington and Linda S. Zachariah admitted to practice in all the Courts of the State of Washington; with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Certificate of Registration and to transact all business in the Patent and Trademark Office connected therewith</p>
<b>CORRESPONDENCE INFORMATION</b>	

NAME	Lori N. Boatright
FIRM NAME	Blakely Sokoloff Taylor & Zafman LLP
STREET	12400 Wilshire Boulevard
INTERNAL ADDRESS	Seventh Floor
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90025
PHONE	310 207 3800
FAX	310 820 5988
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEE DUE	325
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/Lori N. Boatright/
SIGNATORY'S NAME	Lori N. Boatright
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	07/13/2007
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri Jul 13 18:17:24 EDT 2007
TEAS STAMP	USPTO/BAS-69.238.5.10-200 70713181724777986-7722962 6-3705d6a6030c4dd536b6daa a31becd85cd-DA-2357-20070 713180048966774

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77229626**

**Filing Date: 07/13/2007**

**To the Commissioner for Trademarks:**

**MARK:** SLUSHO! You Can't Drink Just Six. (stylized and/or with design, see mark)

The literal element of the mark consists of SLUSHO! You Can't Drink Just Six.. The applicant claims color as a feature of the mark, namely, blue,

red, white, grey, green. The mark consists of the words SLUSHO! in blue, the words You Can't Drink Just Six. in grey, a red and white striped cup with blue drink and a green starburst background.

The applicant, Bold Futura, LLC, a limited liability company legally organized under the laws of California, having an address of 1223 Wilshire Boulevard #1422, Santa Monica, California, United States, 90403, 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.

International Class 032: non-alcoholic beverages, soft drinks, flavored soft drinks, blended ice drinks

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Lori N. Boatright and BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, a firm composed of Jacob T. Aikin; Alan K. Aldous; Dax F. Alvarez; Farzad E. Amini; Arthur T. C. Au; W. Thomas Babbitt; Jordan M. Becker; Michael A. Bernadicou; Roger W. Blakely, Jr.; Lori N. Boatright; Gregory D. Caldwell; Shelley M. Cobos; Thomas M. Coester; Stephen M. De Klerk; Daniel M. De Vos; Thomas S. Ferrill; Angelo J. Gaz; James Y. Go; Kevin O. Grange; Jennifer Hayes; James A. Henry; Matthew W. Hindman; Willmore F. Holbrow III; Sheryl Sue Holloway; George W Hoover II; Marcus T. Hunt; Eric S. Hyman; William L. Jaffe; Jigang Jin; Benjamin A. Kimes; Eric T. King; Lori S. Kozak; Steven Laut; Tong J. Lee; Gordon R. Lindeen III; Thierry K. Lo; Joseph Lutz; David H. Madden; Michael J. Mallie; Dennis G. Martin; Paul A. Mendonsa; Jonathan S. Miller; Thinh V. Nguyen; Triet M. Nguyen; David F. Nicholson; Robert B. O#Rourke; Daniel E. Ovanezian; Marina G. Portnova; Eric S. Replogle; William W. Schaal; James C. Scheller, Jr.; Jeremy A. Schweigert; Kevin G. Shao; Stanley W. Sokoloff; Stacie J. Sundquist; Judith A. Szepesi; Edwin H. Taylor; Faye H. Teng; Richard W. Thill; Lester J. Vincent; Mark L. Watson; Thomas C. Webster; Christopher L. Willink; Chui-Kiu T. Wong; and Norman Zafman of the City of Los Angeles, State of California, all Attorneys at Law admitted to practice in all the Courts of the State of California; Aslam A. Jaffery and Mark C. Van Ness admitted to practice in all the Courts of the State of Colorado; Vincent H. Anderson; Donna J. Coningsby, Jared S. Engstrom, James M. Howard and Dermot G. Miller admitted to practice in all the Courts of the State of Oregon; Todd M. Becker, Andrew J. Cameron, Cory G. Claassen, Jan C. Little-Washington and Linda S. Zachariah admitted to practice in all the Courts of the State of Washington; with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Certificate of Registration and to transact all business in the Patent and Trademark Office connected therewith of Blakely Sokoloff Taylor & Zafman LLP, Seventh Floor, 12400 Wilshire Boulevard, Los Angeles, California, United States, 90025 to submit this application on behalf of the applicant. The attorney docket/reference number is 005150.T091USA32.

Correspondence Information: Lori N. Boatright  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, California 90025  
310 207 3800(phone)  
310 820 5988(fax)

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: /Lori N. Boatright/ Date Signed: 07/13/2007

Signatory's Name: Lori N. Boatright

Signatory's Position: Attorney of record

RAM Sale Number: 2357

RAM Accounting Date: 07/16/2007

Serial Number: 77229626

Internet Transmission Date: Fri Jul 13 18:17:24 EDT 2007

TEAS Stamp: USPTO/BAS-69.238.5.10-200707131817247779

86-77229626-3705d6a6030c4dd536b6daaa31be

cd85cd-DA-2357-20070713180048966774



**SLUSHO!**

You Can't Drink Just Six.



**SLUSHO!**

You Can't Drink Just Six.