

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION

KENTUCKY MIST MOONSHINE INC.

Plaintiff,

v.

UNIVERSITY OF KENTUCKY

Defendant.

Case No. _____

COMPLAINT FOR DECLARATORY RELIEF REGARDING U.S. TRADEMARK
REGISTRATION 2,066,804 FOR THE MARK "KENTUCKY"

Plaintiff Kentucky Mist Moonshine Inc. (hereafter sometimes referred to as "Plaintiff" or "Kentucky Mist Moonshine"), through counsel, brings this action against Defendant, the University of Kentucky (hereafter sometimes referred to as "UK" or "Defendant") and alleges as follows:

NATURE OF THE ACTION

1. This action arises out of the Defendant's threatened legal action against Kentucky Mist Moonshine for its pursuit of a federal trademark registration for the KENTUCKY MIST MOONSHINE mark for hats, hooded sweatshirts, jackets, pants, shirts, shoes, and socks in international trademark class 25 based upon its registration of the KENTUCKY mark on the United States Patent and Trademark Office ("USPTO") principal register of trademarks.

2. This action seeks a partial cancellation or reformation of the KENTUCKY mark in international trademark class 25 as well as a declaration by the Court that there is no likelihood of confusion between the marks, there is no trademark dilution caused by either the registration of the KENTUCKY MIST MOONSHINE mark or the commercial use of the mark, there is no

infringement of the KENTUCKY mark by the Plaintiff, and all reasonable attorneys' fees and costs.

PARTIES

3. Plaintiff, Kentucky Mist Moonshine Inc., is a corporation organized under the laws of the Commonwealth of Kentucky and operating from its principle place of business at 128 East Main Street, Whitesburg, KY 41858.

4. Kentucky Mist Moonshine is a manufacturer of distilled spirits and sells goods, including clothing, bearing its name and logo in an on-site gift shop.

5. Defendant, the University of Kentucky, is an educational institution operating from its principle place of business in Lexington, KY 40506.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction of this action under, and by virtue of 28 U.S.C. §§ 1331, 1338, and 15 U.S.C. §1121.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391 as a substantial part of the events occurred in this judicial district, and the Defendant resides in this judicial district.

8. This Court is authorized to grant a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, as implemented through Federal Rule of Civil Procedure 57.

9. This Court is authorized to grant Kentucky Mist Moonshine's prayer for relief regarding costs, including a reasonable attorney's fee, pursuant to 15 U.S.C. § 1117.

RELEVANT FACTS

10. "Kentucky" is a geographical location and the word has been commonly used since at least 1792.

11. The University of Kentucky is the owner of U.S. Trademark Registration 2,066,804 (hereafter the “KENTUCKY mark”) for the word “Kentucky” in international trademark class 25 for swim suits, hats, sweaters, children's football/baseball jerseys, sweatshirts, T-shirts, shoes, shorts, jackets, athletic jerseys, and aprons (see Exhibit A).

12. The word “Kentucky” appears in 45 USPTO registered trademarks unrelated to and not owned by the University of Kentucky, 11 of which predate the Defendant’s federal trademark application (Exhibit B).

13. The word “Kentucky” is commonly found on articles of clothing in association with businesses, organizations, government agencies, and brands that are unaffiliated with and not sponsored by the University of Kentucky.

14. The University of Kentucky was aware of the widespread use of the word Kentucky by businesses, organizations, government agencies, and brands that are unaffiliated with and not sponsored by the University of Kentucky prior to the filing of its federal trademark application for the KENTUCKY mark.

15. Kentucky Mist Moonshine is a manufacturer of distilled spirits and sells articles of clothing bearing its KENTUCKY MIST MOONSHINE mark.

16. The University of Kentucky is an educational institution.

17. The federal trademark application for the KENTUCKY mark was filed on April 5, 1996 in the USPTO.

18. The federal trademark application for the KENTUCKY mark was granted on June 3, 1997 by the USPTO.

19. During the prosecution of the KENTUCKY mark the Defendant made a claim for acquired distinctiveness by claiming substantially exclusive and uncontested use of the word

“Kentucky” in class 25 for the five years preceding the date of the claim for acquired distinctiveness.

20. Kentucky Mist Moonshine filed a federal trademark application in the USPTO for their KENTUCKY MIST MOONSHINE mark on March 25, 2015 as application serial number 86577855 (Exhibit C).

21. The Plaintiff’s use of the word “Kentucky” in its mark is a geographical reference.

22. The Plaintiff’s use of the word “Kentucky” in its mark is fair use under federal trademark law.

23. Plaintiff has made a significant investment in time and money in developing its branding using the KENTUCKY MIST MOONSHINE mark.

24. The Defendant mailed a cease and desist letter to the Plaintiff on or about October 12, 2015 (Exhibit D).

25. The aforementioned cease and desist letter demanded that the Plaintiff abandon federal trademark application serial number 86577855 and avoid using the KENTUCKY MIST MOONSHINE mark with the Defendant’s color schemes and/or other indicia associated with the University.

26. The Defendant further stated in the cease and desist letter that their position is that the use of the KENTUCKY MIST MOONSHINE mark on articles of clothing is likely to cause deception, confusion, and mistake as to the Plaintiff’s affiliation, connection or association with the Defendant and as to the Defendant’s sponsorship or approval of the Plaintiff’s activities in violation of 15 U.S.C. §1125 and applicable state law.

27. In the aforementioned cease and desist letter, the Defendant threatened to file a Notice of Opposition against the Plaintiff's federal trademark application with the Trademark Trial and Appeal Board ("TTAB") of the USPTO, and take "further action" as it deems necessary.

CAUSES OF ACTION

COUNT 1

Partial Cancellation or Reformation of Mark under 15 U.S.C. §§ 1119, 1052(f) and 28 U.S.C. 1064

28. Kentucky Mist Moonshine repeats and realleges each of the foregoing paragraphs as if fully set forth herein.

29. The University of Kentucky asserts trademark rights for the word "Kentucky" as applied to clothing.

30. UK's KENTUCKY mark does not constitute a valid and protectable trademark because it is primarily a well-known geographic reference that lacks distinctiveness and does not serve as a source identifier for the Defendant.

31. The KENTUCKY mark has not acquired distinctiveness in international trademark class 25 through substantially exclusive and continuous use because dozens of non-parties have produced clothing bearing the word "Kentucky" both before and since the registration of the KENTUCKY mark.

32. UK was aware of the widespread use of the word "Kentucky" in international trademark class 25 prior to filing its federal trademark application and claiming substantially exclusive and uncontested use of the word "Kentucky" for the 5 years prior to making its claim for acquired distinctiveness.

33. UK's claim that it had substantially exclusive and uncontested use of the word "Kentucky" for the 5 years prior to making its claim for acquired distinctiveness was false and

made with the intent to deceive the USPTO for the purpose of obtaining a registration for the KENTUCKY mark on the USPTO's principal register for trademarks.

34. Kentucky Mist Moonshine is being and will continue to be damaged by UK's continued registration of the KENTUCKY mark in international trademark class 25, as the registration forms the basis of UK's meritless claims of likelihood of confusion and dilution and threats of "further action."

35. In light of the foregoing, the Court should declare UK's purported mark invalid and cancelled in international trademark class 25 or reform the registration to limit the scope of protection to uses of the word "Kentucky" which denote a clear and unambiguous connection to the University of Kentucky pursuant to 28 U.S.C. § 2201-02, 15 U.S.C §§ 1119, 1052(f) and/or 1064.

COUNT 2
Declaratory Judgment of No Likelihood of Confusion

36. Kentucky Mist Moonshine repeats and realleges each of the foregoing paragraphs as if fully set forth herein.

37. The University of Kentucky has threatened to file an opposition proceeding in the USPTO seeking to prevent the registration of the KENTUCKY MIST MOONSHINE mark based upon allegations of a likelihood of confusion as to the source, sponsorship, affiliation, or approval of goods.

38. The Plaintiff is entitled to a judicial determination and declaration that there is no likelihood of confusion between the KENTUCKY MIST MOONSHINE mark and the KENTUCKY mark.

39. A declaration of rights is necessary and appropriate at this time so that the Plaintiff may ascertain its rights with respect to the KENTUCKY MIST MOONSHINE mark.

40. In light of the foregoing, the Court should declare that there is no likelihood of confusion between the KENTUCKY MIST MOONSHINE mark and the KENTUCKY mark in any international trademark class of goods and services.

COUNT 3
Declaratory Judgment of Non-Dilution

41. Kentucky Mist Moonshine repeats and realleges each and of the foregoing paragraphs as if fully set forth herein.

42. The University of Kentucky has threatened to file an opposition proceeding in the USPTO seeking to prevent the registration of the KENTUCKY MIST MOONSHINE mark based upon allegations of trademark dilution.

43. The Plaintiff is entitled to a judicial determination and declaration that the KENTUCKY mark lacks sufficient recognition to function as a famous mark under the Trademark Dilution Revision Act of 2006, therefore there is no dilution of the KENTUCKY mark by the Plaintiff's commercial use of the words "Kentucky Mist Moonshine" in any class of goods or services.

44. A declaration of rights is necessary and appropriate at this time so that the Plaintiff may ascertain its rights with respect to the KENTUCKY MIST MOONSHINE mark.

45. In light of the foregoing, the Court should declare that there is no dilution of the KENTUCKY mark by the Plaintiff's commercial use of the words "Kentucky Mist Moonshine" in any international trademark class of goods or services.

COUNT 4
Declaratory Judgment of Non-Infringement

46. Kentucky Mist Moonshine repeats and realleges each of the foregoing paragraphs as if fully set forth herein.

47. The Plaintiff, based upon the threat of “further action” has a good faith belief that the University of Kentucky will pursue a civil action alleging that the use of the KENTUCKY MIST MOONSHINE mark on clothing constitutes an infringement of the KENTUCKY mark.

48. The Plaintiff is entitled to a judicial determination and declaration that its use of the KENTUCKY MIST MOONSHINE mark does not infringe the rights of the University of Kentucky to its KENTUCKY mark.

49. A declaration of rights is necessary and appropriate at this time so that the Plaintiff may ascertain its rights with respect to the KENTUCKY MIST MOONSHINE mark.

50. In light of the foregoing, the Court should declare that there is no infringement of the KENTUCKY mark by the Plaintiff’s commercial use of the words “Kentucky Mist Moonshine” in any international trademark class of goods or services.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter a judgment as follows:

(a) a declaration by this Court cancelling or reforming the registration of the KENTUCKY mark in international trademark class 25;

(b) a declaration by this Court that there is no likelihood of confusion between the KENTUCKY mark and the KENTUCKY MIST MOONSHINE mark;

(c) a declaration by this Court that there is no dilution of the KENTUCKY mark by the use of the words KENTUCKY MIST MOONSHINE;

(d) a declaration by this Court that there is no infringement of the KENTUCKY mark by Kentucky Mist Moonshine Inc.’s use of the KENTUCKY MIST MOONSHINE mark;

(e) a finding by this Court that this case is exceptional under the 15 U.S.C. § 1117 and award Kentucky Mist Moonshine Inc. their costs of suit, including reasonable attorneys' fees and expenses as provided by law;

(f) trial by jury; and

(g) granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

/jim francis/

James M. Francis
Kentucky Bar No. 89834
FOWLER BELL PLLC
300 W Vine St., Ste 600
Lexington, KY 40507
Phone: (859) 252-6700
Fax: (859) 255-3735
Counsel for Kentucky Mist Moonshine Inc.

VERIFICATION

COMMONWEALTH OF KENTUCKY)

COUNTY OF Letcher)

Colin Fultz, being duly sworn, deposes and attests:

I am the President of Kentucky Mist Moonshine, Inc. I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Colin Fultz
Colin Fultz

The foregoing verification was subscribed, sworn to, and acknowledged before me by Colin Fultz, on this the 29th day of October, 2015.
My commission expires on Nov. 2 2016.

Kentucky
Notary Public, State at Large

Natasha Campbell
Natasha Campbell



Exhibit A

Int. Cls.: 16 and 25

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39 and 50

Reg. No. 2,066,804

United States Patent and Trademark Office

Registered June 3, 1997

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY

UNIVERSITY OF KENTUCKY (KENTUCKY
STATE UNIVERSITY)
LEXINGTON, KY 405060019

FOR: MAGAZINES REGARDING COLLEGE
ATHLETICS AND ALUMNI NEWS, ATHLETIC
EXHIBITION SCHEDULES, TRADING CARDS,
ART PRINTS, POSTERS, DECALS, BUMPER
STICKERS, BOOKS REGARDING HISTORY,
INK PENS, AND STATIONERY, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-31-1940; IN COMMERCE
12-31-1940.

FOR: SWIM SUITS, HATS, SWEATERS,
CHILDREN'S FOOTBALL/BASEBALL JER-

SEYS, SWEATSHIRTS, T-SHIRTS, SHOES,
SHORTS, JACKETS, ATHLETIC JERSEYS,
AND APRONS, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 12-31-1940; IN COMMERCE
12-31-1940.

OWNER OF U.S. REG. NOS. 1,607,719 AND
1,618,023.

SEC. 2(F).

SER. NO. 75-084,190, FILED 4-5-1996.

NORA BUCHANAN WILL, EXAMINING AT-
TORNEY

Exhibit B

United States Patent Office

885,528
Registered Feb. 3, 1970

PRINCIPAL REGISTER Trademark

Ser. No. 317,265, filed Jan. 22, 1969

OLD KENTUCKY

Washington Manufacturing Company (Tennessee corporation)
218-28 2nd Ave. N.
Nashville, Tenn. 37202

For: LADIES' SHORTS, SKIRTS, SHIRTS, DRESSES, PANTS, DUNGAREES, JEANS; MEN'S AND BOYS' SLACKS, OVERALLS, SHORTS, SHIRTS, JACKETS, COATS, PAJAMAS, UNDERWEAR, DUNGAREES, AND JEANS, in CLASS 39 (INT. CL. 25).
First use Jan. 1, 1904; in commerce Jan. 1, 1904.

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent Office

Reg. No. 1,055,612
Registered Jan. 4, 1977

TRADEMARK

Principal Register

KENTUCKY BRED

Louisville Manufacturing Co., Inc. (Kentucky corporation)
P.O. Box 1436
Louisville, Ky. 40201

For: SPORTSWEAR—NAMELY, CAPS—in CLASS 25 (U.S. CL. 39).
First use as early as Jan. 1, 1953; in commerce as early as Jan. 1, 1953.

Ser. No. 52,727, filed May 19, 1975.

B. DENNISON, Examiner

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,263,673

Registered Jan. 10, 1984

TRADEMARK
Principal Register

KENTUCKY BLUES

Cowden Manufacturing Company (Kentucky
corporation)
300 New Circle Rd., NW.
Lexington, Ky. 40511

For: APPAREL—NAMELY, JEANS AND
SLACKS, in CLASS 25 (U.S. Cl. 39).

First use Mar. 3, 1982; in commerce Mar. 3, 1982.

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

Ser. No. 354,881, filed Mar. 15, 1982.

DAVID E. BUCHER, Examining Attorney

Int. Cls.: 14, 16, 21, 25 and 28

Prior U.S. Cls.: 2, 22, 28, 33, 37, 38 and 39

Reg. No. 1,534,197

United States Patent and Trademark Office Registered Apr. 11, 1989

**TRADEMARK
PRINCIPAL REGISTER**

THE KENTUCKY DERBY

CHURCHILL DOWNS INCORPORATED (KEN-
TUCKY CORPORATION)
700 CENTRAL AVENUE
LOUISVILLE, KY 40208

FOR: JEWELRY, NAMELY A COLLECTOR'S
PIN SET, IN CLASS 14 (U.S. CL. 28).

FIRST USE 5-7-1983; IN COMMERCE
5-7-1983.

FOR: PAPER GOODS AND PRINTED
MATTER, NAMELY, NAPKINS AND INVITA-
TIONS, IN CLASS 16 (U.S. CLS. 37 AND 38).

FIRST USE 5-3-1980; IN COMMERCE
5-3-1980.

FOR: DRINKING AND BEVERAGE GLASS-
ES, IN CLASS 21 (U.S. CLS. 2 AND 33).

FIRST USE 5-5-1945; IN COMMERCE
5-5-1945.

FOR: CLOTHING, NAMELY SHIRTS, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 5-3-1980; IN COMMERCE
5-3-1980.

FOR: DOLLS, IN CLASS 28 (U.S. CL. 22).

FIRST USE 5-4-1985; IN COMMERCE
5-4-1985.

OWNER OF U.S. REG. NO. 330,689.

SER. NO. 628,052, FILED 11-3-1986.

ROBERT PEVERADA, EXAMINING ATTOR-
NEY

Int. Cls.: 16, 25 and 41

Prior U.S. Cls.: 38, 39 and 107

Reg. No. 1,565,831

United States Patent and Trademark Office Registered Nov. 14, 1989

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION, INC. (KENTUCKY NON-PROFIT CORPORATION)
560 EAST COOPER DRIVE
LEXINGTON, KY 40502

FOR: ATHLETIC EVENT MAGAZINES, POSTERS, ASSOCIATION MANUALS, AND RULE BOOKS, IN CLASS 16 (U.S. CL. 38).

FIRST USE 6-15-1982; IN COMMERCE 6-15-1982.

FOR: CLOTHING; NAMELY, CAPS, WIND RESISTANT JACKETS, T-SHIRTS, SWEAT SHIRTS AND BLAZERS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 7-22-1983; IN COMMERCE 7-22-1983.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, THE ORGANIZ-

ING AND CONDUCTING OF SPORTING EVENTS, AND THE PROMOTION OF ACADEMIC EXCELLENCE, IN CLASS 41 (U.S. CL. 107).

FIRST USE 7-22-1983; IN COMMERCE 7-22-1983.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COMMONWEALTH OF KENTUCKY", APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO THE WORDS "KENTUCKY SCHOOL ATHLETIC ASSOCIATION".

SER. NO. 687,842, FILED 10-5-1987.

AMOS T. MATTHEWS, JR., EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,569,847

Registered Dec. 5, 1989

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY APPLE FESTIVAL

KENTUCKY APPLE FESTIVAL, INC.
1112 FITCH STREET
PAINTSVILLE, KY 41240

FIRST USE 10-0-1983; IN COMMERCE
10-0-1983.
SEC. 2(F) AS TO "KENTUCKY".

FOR: CLOTHING; NAMELY, SWEATSHIRTS,
T-SHIRTS AND CAPS, IN CLASS 25 (U.S. CL.
39).

SER. NO. 777,024, FILED 1-27-1989.
JEAN E. LOGAN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,694,495**
Registered June 16, 1992

**TRADEMARK
PRINCIPAL REGISTER**

THE KENTUCKY HEADHUNTERS

KENTUCKY HEADHUNTERS, THE (PART-
NERSHIP)
C/O AMS
1012 16TH AVENUE SOUTH
NASHVILLE, TN 37212

FIRST USE 10-0-1989; IN COMMERCE
10-0-1989.

SER. NO. 74-093,686, FILED 9-4-1990.

FOR: CLOTHING; NAMELY, TEE SHIRTS,
KERCHIEFS, CAPS AND HATS, IN CLASS 25
(U.S. CL. 39).

CHARLES WEIGELL, EXAMINING ATTOR-
NEY

Int. Cls.: 3 and 25

Prior U.S. Cls.: 1, 4, 6, 22, 39, 50, 51, and 52

Reg. No. 2,103,755

United States Patent and Trademark Office

Registered Oct. 7, 1997

**TRADEMARK
PRINCIPAL REGISTER**

LUCKY KENTUCKY

MIRIAM COLLINS - PALM BEACH LABORATORIES CO. (MINNESOTA CORPORATION)
950 XENIA AVENUE SOUTH
MINNEAPOLIS, MN 55416

FOR: HAIR CARE PRODUCTS FOR HUMAN USE, NAMELY SHAMPOO, CONDITIONER, SHINER, MULTI-VITAMIN LEAVE-IN TREATMENT, AND HAIR DRESSING CONDITIONER; NAIL REPAIR CREME, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 10-26-1993; IN COMMERCE 10-26-1993.

FOR: CLOTHING, NAMELY, SHIRTS AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-1994; IN COMMERCE 12-0-1994.

OWNER OF U.S. REG. NO. 1,876,279.

SN 74-579,856, FILED 9-29-1994.

DOMINICK J. SALEMI, EXAMINING ATTORNEY

Int. Cls.: 16, 25, 35 and 42

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, 50, 100,
101 and 102

Reg. No. 2,118,842

United States Patent and Trademark Office

Registered Dec. 9, 1997

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY MOUNTAIN SADDLE HORSE ASSOCIATION (KENTUCKY CORPORATION)
2645 CROOKED CREEK ROAD
IRVINE, KY 40336

FOR: MAGAZINES AND NEWSLETTERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-1995; IN COMMERCE 8-0-1995.

FOR: SHIRTS, SWEATSHIRTS, JACKETS AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-22-1989; IN COMMERCE 6-22-1989.

FOR: MAINTAINING A HORSE BREED REGISTRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-22-1989; IN COMMERCE 3-22-1989.

FOR: ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF EQUESTRI-

ANS, NAMELY, THE BREEDING, RAISING AND ENJOYMENT OF HORSES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-22-1989; IN COMMERCE 3-22-1989.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY MOUNTAIN SADDLE HORSE ASSOCIATION" IN INTERNATIONAL CLASS 16 ONLY AND "ASSOCIATION" IN INTERNATIONAL CLASS 42 ONLY AND THE REPRESENTATION OF THE STATE OF KENTUCKY, APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "KENTUCKY MOUNTAIN SADDLE HORSE ASSOCIATION".

SER. NO. 75-049,161, FILED 1-26-1996.

PATRICIA HORRALL, EXAMINING ATTORNEY

Int. Cls.: 21, 25, 28, and 41

Prior U.S. Cls.: 2, 13, 22, 23, 29, 30, 33, 38, 39, 40,
50, 100, 101, and 107

Reg. No. 2,082,404

United States Patent and Trademark Office

Registered July 22, 1997

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY HOCKEY ASSOCIATES, INC.
(KENTUCKY CORPORATION)
45 STILES ROAD
SALEM, NH 03079

FOR: MUGS, CUPS AND DRINKING GLASSES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 3-7-1996; IN COMMERCE 3-7-1996.

FOR: CLOTHING, NAMELY, HATS, SHIRTS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-7-1996; IN COMMERCE 3-7-1996.

FOR: TOYS AND SPORTING GOODS, NAMELY, HOCKEY STICKS AND PUCKS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-7-1996; IN COMMERCE 3-7-1996.

FOR: ENTERTAINMENT SERVICES, NAMELY, HOCKEY GAMES AND EXHIBITIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-4-1996; IN COMMERCE 10-4-1996.

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

SN 75-049,167, FILED 1-26-1996.

ANIL V. GEORGE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,062,412

United States Patent and Trademark Office

Registered May 13, 1997

**TRADEMARK
SUPPLEMENTAL REGISTER**



AMERICAN BEAUTY FIFTY STATES CORP.
(CALIFORNIA CORPORATION)
2737 MANHATTAN BEACH BLVD.
REDONDO BEACH, CA 90278

FOR: CLOTHING, NAMELY T-SHIRTS, TIES,
JACKETS, BLOUSES, DRESSES, BELTS, SUS-
PENDERS, WARM-UP SUITS, JOGGING SUITS,
SWEATERS, PANTS, SWIMSUITS, ROBES, PA-
JAMAS, CAPS, HATS, APRONS AND FOOT-
WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-15-1995; IN COMMERCE
6-6-1996.

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

SER. NO. 75-146,366, FILED P.R. 8-7-1996; AM.
S.R. 1-13-1997.

ROBERT C. CLARK JR., EXAMINING ATTOR-
NEY

Int. Cls.: 6, 14, 16, 18, 21, 24, 25, 28, and 41

Prior U.S. Cls.: 1, 2, 3, 5, 12, 13, 14, 22, 23, 25, 27, 28,
29, 30, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,491,098

Registered Sep. 18, 2001

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

KENTUCKY SPEEDWAY

KENTUCKY SPEEDWAY, LLC (KENTUCKY
LIMITED LIABILITY COMPANY)
11 SPIRAL DR, STE 16
FLORENCE, KY 41042

FOR: METAL NOVELTY ITEMS, NAMELY, KEY
CHAINS, MONEY CLIPS AND TROPHIES, IN CLASS
6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: PRECIOUS METAL JEWELRY, NAMELY,
WATCHES, COINS, MEDALLIONS, LAPEL PINS,
PENDANTS, BELT BUCKLES, AND CHARMS, IN
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: PAPER GOODS AND PRINTED MATTER,
NAMELY, POSTERS, BUMPER STICKERS, TRAD-
ING CARDS, PROGRAMS, SCORECARDS, BOOKS,
MAGAZINES, CALENDARS, PENS AND PENCILS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: LUGGAGE, NAMELY, ATHLETIC BAGS,
BACKPACKS, TOTE BAGS, BILLFOLDS, UMBREL-
LAS, FANNY PACKS AND KEY CASES, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: CONTAINERS, NAMELY, BEVERAGE
CONTAINERS, WASTEPAPER BASKETS, WATER
BOTTLES, LUNCH BOXES, GLASSES, SHOT GLAS-
SES, COFFEE CUPS, IN CLASS 21 (U.S. CLS. 2, 13, 23,
29, 30, 33, 40 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: FABRICS, NAMELY, PENNANTS AND
BEDDING, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: CLOTHING, NAMELY, COATS, JACKETS,
SHIRTS, PANTS, CAPS, SCARVES AND BANDA-
NAS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: GAMES AND PLAYTHINGS, NAMELY,
SPORTING GOODS AND TOYS, NAMELY, DIE
CAST METAL CARS, ACTION FIGURES, BOARD
GAMES AND FLAGS AND PENNANTS, IN CLASS
28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: ENTERTAINMENT SERVICES IN THE
NATURE OF AUTOMOBILE RACES AND EXHIBI-
TIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

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

SN 75-553,622, FILED 9-15-1998.

MATTHEW KLINE, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 16, 18, 21, 24, 25, 28, and 41

Prior U.S. Cls.: 1, 2, 3, 5, 12, 13, 14, 22, 23, 25, 27, 28,
29, 30, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,457,851

Registered June 5, 2001

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY SPEEDWAY, LLC (KENTUCKY
LIMITED LIABILITY COMPANY)
11 SPIRAL DR, STE 16
FLORENCE, KY 41042

FOR: METAL NOVELTY ITEMS, NAMELY, KEY
CHAINS, MONEY CLIPS AND TROPHIES, IN CLASS
6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: PRECIOUS METAL JEWELRY, NAMELY,
WATCHES, COINS, MEDALLIONS, LAPEL PINS,
PENDANTS, BELT BUCKLES AND CHARMS, IN
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: PAPER GOODS AND PRINTED MATTER,
NAMELY, POSTERS, BUMPER STICKERS, TRAD-
ING CARDS, PROGRAMS, SCORECARDS, BOOKS,
MAGAZINES, CALENDARS, PENS AND PENCILS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: LUGGAGE, NAMELY, ATHLETIC BAGS,
BACKPACKS, TOTE BAGS, BILLFOLDS, UMBREL-
LAS, FANNY PACKS AND KEY CASES, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: CONTAINERS, NAMELY, BEVERAGE
CONTAINERS, WASTEPAPER BASKETS, WATER
BOTTLES, LUNCH BOXES, GLASSES, SHOT GLAS-
SES, COFFEE CUPS AND SOUVENIR PLATES, IN
CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: FABRICS, NAMELY, PENNANTS AND
BEDDING, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: CLOTHING, NAMELY, COATS, JACKETS,
SHIRTS, PANTS, CAPS, SCARVES AND BANDA-
NAS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: GAMES AND PLAYTHINGS, NAMELY,
SPORTING GOODS AND TOYS, NAMELY, DIE
CAST METAL CARS, ACTION FIGURES, BOARD
GAMES AND FLAGS AND PENNANTS, IN CLASS
28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

FOR: ENTERTAINMENT SERVICES IN THE
NATURE OF AUTOMOBILE RACES AND EXHIBI-
TIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

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

SN 75-553,623, FILED 9-15-1998.

MATTHEW KLINE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,782,994

Registered Nov. 11, 2003

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY BOURBON FESTIVAL

THE KENTUCKY BOURBON FESTIVAL, INCOR-
PORATED (KENTUCKY CORPORATION)
P.O. BOX 867
BARDSTOWN, KY 40004

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "KENTUCKY" AND "FESTIVAL",
APART FROM THE MARK AS SHOWN.

FOR: CLOTHING NAMELY, CAPS, POLO
SHIRTS, SWEATERS, TEE SHIRTS, SWEAT SHIRTS,
JACKETS, PONCHOS, AND WARM UP SUITS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

SN 76-431,677, FILED 7-18-2002.

FIRST USE 10-1-2002; IN COMMERCE 10-1-2002.

YSA DEJESUS, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 21, 22, 25 and 26

**Prior U.S. Cls.: 1, 2, 7, 12, 13, 14, 19, 22, 23, 25, 27, 28,
29, 30, 33, 37, 39, 40, 42 and 50**

Reg. No. 2,812,681

United States Patent and Trademark Office

Registered Feb. 10, 2004

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY COLONELS

HONORABLE ORDER OF KENTUCKY COLONELS, INC., THE (KENTUCKY CORPORATION)
1717 ALLIANT AVENUE, SUITE 14
LOUISVILLE, KY 40299

FOR: METAL KEY CHAINS; METAL MONEY CLIPS; COMMEMORATIVE METAL LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: NECKLACES; RINGS BEING JEWELRY; ORNAMENTAL LAPEL PINS; CUFF-LINKS; TIE-CLIPS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: COFFEE CUPS; DRINKING GLASSES; SHOT GLASSES; DRINKING FLASKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: MULTI-PURPOSE CLOTH BAGS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: CLOTHING, NAMELY SHIRTS, T-SHIRTS, SWEAT SHIRTS, JACKETS, VESTS, BASEBALL CAPS, SUN VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

FOR: EMBROIDERED PATCHES FOR CLOTHING, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 10-21-2002; IN COMMERCE 10-21-2002.

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

SER. NO. 76-499,062, FILED 3-10-2003.

MELVIN AXILBUND, EXAMINING ATTORNEY

Int. Cls.: 21, 25, and 41

Prior U.S. Cls.: 2, 13, 22, 23, 29, 30, 33, 39, 40, 50, 100,
101, and 107

Reg. No. 3,635,708

Registered June 9, 2009

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



RENFRO VALLEY LLC (OHIO LIMITED LIABILITY COMPANY)
10956 MOCKERNUT DRIVE
HARRISON, OH 45030

FOR: MUGS AND THERMAL INSULATING WRAPS FOR CANS AND BOTTLES TO KEEP THE CONTENTS HOT OR COLD , IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 11-0-2007; IN COMMERCE 11-0-2007.

FOR: CLOTHING, NAMELY, T-SHIRTS, CAPS, SWEATSHIRTS, AND JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-0-2007; IN COMMERCE 11-0-2007.

FOR: ENTERTAINMENT SERVICES, NAMELY, CONDUCTING LIVE MUSICAL PERFORMANCES, ANNUAL FESTIVALS AND CONTESTS FEATURING COUNTRY MUSIC, FOOD, DANCING, TALENT SHOWS, RODEOS, CRAFTS AND

ANTIQUES, VEHICLE EXHIBITS AND SEASONAL AND HOLIDAY ACTIVITIES; RADIO ENTERTAINMENT PROGRAMS FEATURING COUNTRY MUSIC; COUNTRY MUSIC THEME PARK SERVICES; COUNTRY MUSIC MUSEUM SERVICES; AND PUBLICATION OF NEWSPAPERS IN THE FIELD OF COUNTRY MUSIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-0-2004; IN COMMERCE 11-0-2004.

OWNER OF U.S. REG. NOS. 1,630,412, 2,690,013, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RENFRO VALLEY" "KENTUCKY'S COUNTRY MUSIC CAPITAL", APART FROM THE MARK AS SHOWN.

SN 77-003,036, FILED 9-20-2006.

ROBERT C. CLARK JR., EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,503,627

Registered Sep. 23, 2008

**TRADEMARK
PRINCIPAL REGISTER**



EASTERN KENTUCKY UNIVERSITY (KENTUCKY CORPORATION)
521 LANCASTER AVENUE
RICHMOND, KY 40475

FIRST USE 3-31-2006; IN COMMERCE 3-31-2006.

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

FOR: COLLEGIATE CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, SWEATPANTS, SPORT SHIRTS, GOLF SHIRTS, POLO SHIRTS, SWEATERS, BELTS, TIES, NIGHT SHIRTS, COATS, HATS, HEADBANDS, WRISTBANDS, PANTS, SOCKS, JERSEYS, JACKETS, WARM-UP SUITS, SCARVES, AND CLOTH BIBS SOLD EXCLUSIVELY THROUGH APPLICANT'S WEBSITE, CAMPUS BOOKSTORE, AND LICENSED COLLEGIATE OUTLETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF THE LITERAL ELEMENT TO THE RIGHT OF THE DESIGN ELEMENT, WHICH CONSISTS OF A BUST OF A MAN WITH FACIAL HAIR WEARING A HAT AND TIE.

SER. NO. 77-164,052, FILED 4-24-2007.

MIDGE BUTLER, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,465,855

Registered July 15, 2008

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY THOROUGHBRED

EAGLE CREST, INC. (FLORIDA CORPORATION)
5353-1 RAMONA BOULEVARD
JACKSONVILLE, FL 32205

FIRST USE 4-4-2007; IN COMMERCE 4-4-2007.

FOR: CLOTHING, NAMELY, HATS, SHIRTS,
UNDERGARMENTS, SWIMSUITS, SWEATSHIRTS,
SWEATERS, JACKETS, COATS, GLOVES, SCARVES,
BELTS, HEADBANDS, WRISTBANDS, PANTS,
SHORTS, SKIRTS, DRESSES, OVERALLS, SOCKS,
STOCKINGS, AND LEGGINGS, IN CLASS 25 (U.S.
CLS. 22 AND 39).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-208,522, FILED 6-18-2007.

RONALD MCMORROW, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 16, 18, 21, 24, 25, 28 and 41

Prior U.S. Cls.: 1, 2, 3, 5, 12, 13, 14, 22, 23, 25, 27, 28,
29, 30, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101 and 107

Reg. No. 3,569,439

United States Patent and Trademark Office

Registered Feb. 3, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY SPEEDWAY, LLC (KENTUCKY
LIMITED LIABILITY COMPANY)
SUITE 100
400 BUTTERMILK PIKE
FORT MITCHELL, KY 41017

FOR: METAL NOVELTY ITEMS, NAMELY, KEY
CHAINS AND TROPHIES OF COMMON METAL, IN
CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: PRECIOUS METAL JEWELRY, NAMELY,
WATCHES, COINS, MEDALLIONS, LAPEL PINS,
PENDANTS, AND CHARMS; TROPHIES OF PRE-
CIOUS METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND
50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: PAPER GOODS AND PRINTED MATTER,
NAMELY, POSTERS, BUMPER STICKERS, TRAD-
ING CARDS, EVENT PROGRAMS, SCORECARDS,
BOOKS AND MAGAZINES CONCERNING AUTO-
MOBILE RACES AND EXHIBITIONS, CALENDARS,
PENS, PENCILS, AND MONEY CLIPS, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: LUGGAGE, NAMELY, ATHLETIC BAGS,
BACKPACKS, TOTE BAGS, BILLFOLDS, UMBREL-
LAS, FANNY PACKS AND KEY CASES, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: CONTAINERS, NAMELY, THERMAL-IN-
SULATED BEVERAGE CONTAINERS, WASTEPA-
PER BASKETS, PLASTIC WATER BOTTLES SOLD

EMPTY, LUNCH BOXES, DRINKING GLASSES,
SHOT GLASSES, COFFEE CUPS, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: FABRICS, NAMELY, PENNANTS AND
BEDDING BEING BED SHEETS, FITTED BED
SHEET COVERS, BED FLAT SHEETS, AND PILLOW
CASES, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: CLOTHING, NAMELY, COATS, JACKETS,
SHIRTS, PANTS, CAPS, SCARVES AND BANDANAS
, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: GAMES AND PLAYTHINGS, NAMELY,
SPORTING GOODS AND TOYS, NAMELY, DIE
CAST METAL CARS, ACTION FIGURES, BOARD
GAMES AND TOY FLAGS AND TOY PENNANTS,
IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

FOR: ENTERTAINMENT SERVICES IN THE
NATURE OF AUTOMOBILE RACES AND EXHIBI-
TIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

OWNER OF U.S. REG. NO. 2,491,098.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "KENTUCKY" AS TO ALL CLASSES
OR "KENTUCKY SPEEDWAY" AS TO CLASS 41,
APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "KENTUCKY" HAVING THE LETTER "K" IN LARGER FORM, WITH THE WORD "SPEEDWAY" NEXT TO THE "K" AND BELOW THE LAST SEVEN LETTERS OF "KENTUCKY"; WITH A CHECKERED FLAG DEPICTED ON THE MIDDLE OF THE "K"; AND A

STYLIZED ELIPSE IN TWO PARTS SURROUNDING THE WORDS.

SER. NO. 77-480,006, FILED 5-21-2008.

BRENDAN REGAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

KENTUCKY DERBY

Reg. No. 3,697,785 CHURCHILL DOWNS INCORPORATED (KENTUCKY CORPORATION)
Registered Oct. 20, 2009 700 CENTRAL AVENUE
LOUISVILLE, KY 40208

Int. Cl.: 25 FOR: CLOTHING, NAMELY, T-SHIRTS, SWEATERS, PANTS, STRAW HATS, FEDORAS,
LADIES' FASHION HATS, CAPS, JACKETS, COATS, RAINWEAR, NIGHTWEAR, BELTS,
FOOTWEAR, GLOVES, NECKWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK
PRINCIPAL REGISTER FIRST USE 12-31-1986; IN COMMERCE 12-31-1986.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 997,385 AND 1,534,197.

SEC. 2(F).

SER. NO. 77-568,804, FILED 9-12-2008.

JUDITH HELFMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

KENTUCKY OAKS

Reg. No. 3,828,938

Registered Aug. 3, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

CHURCHILL DOWNS INCORPORATED (KENTUCKY CORPORATION)
700 CENTRAL AVENUE
LOUISVILLE, KY 40208

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, SWEATERS, HATS, CAPS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 5-1-2009; IN COMMERCE 5-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,713,541 AND 3,615,279.

SN 77-570,262, FILED 9-15-2008.

JUDITH HELFMAN, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Int. Cls.: 16, 25, 35 and 41

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, 50, 100, 101, 102 and 107

Reg. No. 3,668,737

Registered Aug. 18, 2009

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

HEART OF KENTUCKY

LEBANON TOURIST & CONVENTION COMMISSION (KENTUCKY CORPORATION)
239 N. SPALDING AVE., STE. 200
LEBANON, KY 400331518

FOR: PAPER GOODS AND PRINTED MATTER, NAMELY, APPLICATIONS TO SPONSOR OR PARTICIPATE IN COMMUNITY EVENTS, POSTERS, BROCHURES, EVENT PROGRAMS AND FLYERS FEATURING INFORMATION ABOUT LEBANON, KENTUCKY AND SURROUNDING AREA, BUSINESS CARDS, LETTERHEAD PAPER AND ENVELOPES AND PRINT ADVERTISEMENTS PROMOTING LEBANON, KENTUCKY AND SURROUNDING AREA AS A TOURIST AND CONVENTION DESTINATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

FOR: CLOTHING, NAMELY, T-SHIRTS PROMOTING LEBANON, KENTUCKY AND SURROUNDING AREA AS A TOURIST AND CONVENTION DESTINATION WHERE THE T-SHIRTS ARE ASSOCIATED WITH COMMUNITY EVENTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

FOR: ADVERTISING SERVICES, NAMELY, PROMOTING LEBANON, KENTUCKY AND SURROUNDING AREA AS A TOURIST AND CONVENTION DESTINATION THROUGH PRINT ADVERTISEMENTS, RADIO AND TELEVISION COMMERCIALS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

FOR: EDUCATION AND ENTERTAINMENT SERVICES PROMOTING LEBANON, KENTUCKY AND SURROUNDING AREA AS A TOURIST AND CONVENTION DESTINATION, NAMELY, ORGANIZING AND CONDUCTING COMMUNITY SPORTING AND CULTURAL EVENTS, FAIRS AND SHOWS IN THE NATURE OF LIVE MUSICAL PERFORMANCES, ANTIQUE, ARTS AND CRAFTS EXHIBITS, MARTIAL ARTS WORKSHOPS, FARM HOME AND GARDEN EXHIBITS, ARTS EXHIBITS, YOUTH ASSEMBLIES, GOLF TOURNAMENTS, FOOTBALL TOURNAMENTS, SWIMMING TOURNAMENTS, BASKETBALL AND BASEBALL LEAGUES AND TOURNAMENTS, FISHING TOURNAMENTS, CORNHOLE TOURNAMENTS, FIREWORKS PERFORMANCES, AVIATION PERFORMANCES, FOOD EXHIBITS, LIVE HOLIDAY CELEBRATIONS AND LIVE HOLIDAY LIGHT PERFORMANCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-603,745, FILED 10-30-2008.

KATHERINE CONNOLLY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,981,908
Registered June 21, 2011
Int. Cls.: 25 and 41

CHURCHILL DOWNS INCORPORATED (KENTUCKY CORPORATION)
700 CENTRAL AVENUE
LOUISVILLE, KY 40208

FOR: CAPS; STRAW HATS; FEDORAS; LADIES' FASHION HATS; JACKETS; SHIRTS;
SWEATERS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 1-1-2011; IN COMMERCE 1-1-2011.

SERVICE MARK

FOR: CONDUCTING HORSE RACES; PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACES. HORSE RACING, AND WAGERING ON HORSE RACES, WAGERING SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

PRINCIPAL REGISTER

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009.

OWNER OF U.S. REG. NOS. 997,385 AND 1,534,197.

SEC. 2(F) AS TO "KENTUCKY DERBY".

THE MARK CONSISTS OF A STYLIZED HORSESHOE WITH A STYLIZED ROSE IN THE MIDDLE ABOVE THE WORDS "KENTUCKY DERBY" IN UPPER CASE LETTERS.

SN 77-606,430, FILED 11-3-2008.

JUDITH HELFMAN, EXAMINING ATTORNEY



David J. Kyffas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



KENTUCKY OAKS

Reg. No. 4,002,810

Registered July 26, 2011

Int. Cls.: 25 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

CHURCHILL DOWNS INCORPORATED (KENTUCKY CORPORATION)
700 CENTRAL AVENUE
LOUISVILLE, KY 40208

FOR: CAPS; HATS; SHIRTS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009.

FOR: CONDUCTING HORSE RACES; PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACES, HORSE RACING, AND WAGERING ON HORSE RACES; WAGERING SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009.

OWNER OF U.S. REG. NO. 1,713,541.

SEC. 2(F) AS TO "KENTUCKY".

THE MARK CONSISTS OF A STYLIZED LILY IN THE CENTER OF A STYLIZED HORSE-SHOE ABOVE THE WORDS "KENTUCKY OAKS" IN UPPER CASE LETTERS.

SN 77-606,434, FILED 11-3-2008.

JUDITH HELFMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,225,929

Registered Oct. 16, 2012

Int. Cls.: 4, 9, 14, 16, 18, 20, 21, 25, 28, 30, 35, 39, and 41

KENTUCKY DISTILLERS' ASSOCIATION (KENTUCKY NON-PROFIT CORPORATION)
612 SHELBY STREET
FRANKFORT, KY 40601

FOR: CANDLES. IN CLASS 4 (U.S. CLS. 1, 6 AND 15).
FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

TRADEMARK

FOR: REFRIGERATOR MAGNETS; DECORATIVE MAGNETS. IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SERVICE MARK

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

PRINCIPAL REGISTER

FOR: LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: POSTERS; PAPER NAPKINS; PAPER PLACEMATS; COASTERS MADE OF PAPER; PRINTED MATERIALS, NAMELY, BOOKS, BROCHURES, AND MAGAZINES ON THE TOPIC OF THE BOURBON AND DISTILLED SPIRITS INDUSTRIES; PRINTED MAPS; DECALS; STICKERS; BUMPER STICKERS; TRADING CARDS; CALENDARS; NOVELTY ITEMS, NAMELY, IDENTIFICATION DOCUMENTS IN THE NATURE OF IMITATION PASSPORTS; PENS; PENCILS; POST CARDS; NOTE PADS; GREETING CARDS; NOTE BOOKS; ADDRESS BOOKS; BINDERS; STATIONERY; CHRISTMAS CARDS; PHOTOGRAPHS; BOOKMARKS; ARTWORK, NAMELY, ART PRINTS, ART PICTURES, PICTURES; COOKBOOKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: TOTE BAGS; LUGGAGE TAGS; UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: COMMEMORATIVE WOODEN BARREL HEADS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,225,929 FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: FLASKS; SHOT GLASSES; DRINKING GLASSES; MUGS; CUPS; PAPER PLATES; PAPER CUPS; BEVERAGE GLASSWARE; PORTABLE BEVERAGE COOLERS IN THE NATURE OF INSULATING SLEEVE HOLDERS FOR BEVERAGE CANS AND BOTTLES; PLATES; DINNERWARE; COASTERS MADE OF STONE, LEATHER, WOOD, CORK AND PLASTIC; PORTABLE BEVERAGE AND FOOD COOLERS; FITTED WOODEN TOASTING BOXES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, PANTS, SHORTS, SWEATERS, SWEAT-SHIRTS, CAPS, VISORS, HATS, JACKETS, TIES, BELTS, APRONS, HEADWEAR, FOOT-WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: CHRISTMAS TREE ORNAMENTS; BASEBALLS; GOLF BALLS AND CORN HOLE GAME SETS COMPRISED OF BEAN BAGS AND PLAYING BOARDS SOLD TOGETHER AS A UNIT, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: CANDY, CONFECTIONS, NAMELY, BOURBON BALLS; COFFEE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: PROMOTING BUSINESS AND TOURISM IN THE BOURBON-PRODUCING REGION OF KENTUCKY; ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF THE KENTUCKY BOURBON INDUSTRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: CONDUCTING, OPERATING AND ORGANIZING TOURS RELATED TO THE BOURBON INDUSTRY, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING EDUCATIONAL INFORMATION TO OTHERS RELATED TO THE HISTORY OF AND CURRENT NEWS ABOUT THE BOURBON INDUSTRY; ENTERTAINMENT SERVICES, NAMELY, ARRANGING AND CONDUCTING SPECIAL EVENTS RELATED TO THE BOURBON INDUSTRY, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-30-2012; IN COMMERCE 7-30-2012.

OWNER OF U.S. REG. NOS. 2,584,119, 3,556,684, AND 3,556,715.

SEC. 2(F) AS TO "KENTUCKY BOURBON".

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENTUCKY BOURBON" AS TO BOOKS, BOOKLETS, AND MAGAZINES ON THE TOPIC OF THE BOURBON AND DISTILLED INDUSTRIES AND PRINTED MAPS IN INTERNATIONAL CLASS 16, AND AS TO THE GOODS IN INTERNATIONAL CLASS 30, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "KENTUCKY BOURBON TRAIL" IN A STYLIZED FONT SITUATED ABOVE THE DESIGN OF A BARREL.

Reg. No. 4,225,929 SN 77-649.426. FILED 1-14-2009.

JEFFERY COWARD, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,200,434

Registered Sep. 4, 2012

**Int. Cls.: 9, 14, 16, 18, 20,
21, 25, 28 and 41**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION (KENTUCKY UNINCORPORATED ASSOCIATION)

2280 EXECUTIVE DRIVE
LEXINGTON, KY 40505

FOR: CALCULATORS; SPORT WHISTLES; DIGITAL MEDIA, NAMELY, CDS, DVDS, AND DOWNLOADABLE FILES FEATURING ATHLETIC COMPETITIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: CLOCKS; LAPEL PINS; WATCHES. IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: PRINTED PUBLICATIONS AND PAPER GOODS, NAMELY, ATHLETIC EVENT MAGAZINES, POSTERS, NOTE PADS, FOLDERS, BANNERS, PADFOLIOS, AWARD CERTIFICATES, ASSOCIATION MANUALS RULES BOOKS AND RULES MANUALS ON THE POLICY AND PROCEDURES FOR ATHLETIC COMPETITIONS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: LUGGAGE TAGS. IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: CHAIRS; NON-METAL TROPHIES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 3-0-2007; IN COMMERCE 3-0-2007.

FOR: MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 3-0-2006; IN COMMERCE 3-0-2006.



David J. Kyffas

Director of the United States Patent and Trademark Office

Reg. No. 4,200,434 FOR: CLOTHING, NAMELY, CAPS, HATS, WIND RESISTANT JACKETS, T-SHIRTS, SWEAT SHIRTS, POLO SHIRTS, VESTS, WARM-UP PANTS, JACKETS, BLAZERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

FOR: GAME BALLS: MINI TOY SPORTS BALLS; NOVELTY FOAM FINGERS AND HANDS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, ORGANIZING AND CONDUCTING ATHLETIC COMPETITIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ATHLETIC ASSOCIATION" AND THE PICTORIAL REPRESENTATION OF THE SILHOUETTE OF THE COMMONWEALTH OF KENTUCKY, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A STYLIZED OVAL DESIGN WITH "KHSAA" AND A SILHOUETTE OF THE COMMONWEALTH OF "KENTUCKY" IN THE INTERIOR, AND THE WORDS "KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION" BELOW.

SEC. 2(F) AS TO "KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION".

SER. NO. 77-878.875, FILED 11-23-2009.

STEPHANIE ALI, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,681,907

Registered Jan. 28, 2003

**TRADEMARK
PRINCIPAL REGISTER**

KENTUCKY HOT BROWN

BROWN SERVICES, INC. (KENTUCKY CORPORATION)
PO BOX 1717
LEXINGTON, KY 405881717

FOR: CLOTHING FOR MEN, WOMEN, CHILDREN, AND INFANTS, NAMELY, SHIRTS, SWEATERS, SWEATSHIRTS, SPORT COATS, PANTS, SWEATPANTS, SHORTS, DRESSES, JEANS, SKIRTS, OVERALLS, SPORT JACKETS, RAINCOATS, PARKAS, OVERCOATS, BATHING SUITS, VESTS, TURTLENECKS, GOLF JACKETS, WIND RESISTANT JACKETS, BLAZERS, BELTS, TIES, SUSPENDERS, HATS, CAPS, SUITS, T-SHIRTS, UNDERSHIRTS, UNDERPANTS, BOXER SHORTS, SOCKS, BATH-

ROBES, LINGERIE AND PAJAMAS, FOOTWEAR, NAMELY, SHOES, BOOTS, SNEAKERS, SANDALS, AND SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-20-2000; IN COMMERCE 6-20-2000.

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

SN 78-051,201, FILED 3-2-2001.

TARAH HARDY, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 18, 20, 21, 25 and 41

Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 25, 27, 28, 29, 30, 32, 33, 37, 38, 39, 40, 41, 50, 100, 101 and 107

Reg. No. 2,784,182

United States Patent and Trademark Office

Registered Nov. 18, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



WESTERN KENTUCKY UNIVERSITY (KENTUCKY STATE EDUCATIONAL INSTITUTION)
ONE BIG RED WAY
BOWLING GREEN, KY 42101

FOR: JEWELRY, NAMELY, WATCHES, LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: PRINTED MATTER, NAMELY, MEDIA GUIDES, ATHLETIC EXHIBITION PROGRAMS AND SCHEDULES, MAGAZINES FEATURING COLLEGE ATHLETICS AND EDUCATIONAL PROGRAMS, EMPLOYEE HANDBOOKS, STICKERS, DECALS, BUMPER STICKERS, BINDERS, PENS AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: BOOK BAGS, WALLETS AND ALL-PURPOSE SPORTS BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: PILLOWS, CHAIRS, STOOLS AND SEATS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: MUGS, DRINKING GLASSES, CUPS AND SERVING TRAYS NOT OF PRECIOUS METAL, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: CLOTHING, NAMELY, T-SHIRTS, LONG SLEEVE SHIRTS, NECKTIES, SWEATSHIRTS, SWEATPANTS, SHORTS, WARM-UP SUITS, WIND SUITS, ATHLETIC UNIFORMS, POLO SHIRTS, JACKETS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE COLLEGE AND POST-GRADUATE LEVELS; ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS, CONFERENCES AND EXHIBITIONS; PROVIDING RECREATION PROGRAMS IN THE NATURE OF FINE ARTS; AND PROVIDING ATHLETICS INSTRUCTION AND COACHING OF BASKETBALL, BASEBALL, SOCCER, VOLLEYBALL, FOOTBALL FOR THE GENERAL PUBLIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-1989; IN COMMERCE 9-0-1989.

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

THE MARK CONSISTS OF A RED CUPOLA WITH THE WORDS WESTERN KENTUCKY UNIVERSITY CENTERED BENEATH IT.

SEC. 2(F) "WESTERN KENTUCKY".

SER. NO. 78-094,912. FILED 11-26-2001.

CYNTHIA SLOAN, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 18, 21, 25, 28 and 41

Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 27, 28, 29, 30, 33,
37, 38, 39, 40, 41, 50, 100, 101 and 107

Reg. No. 2,717,568

United States Patent and Trademark Office

Registered May 20, 2003

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



WESTERN KENTUCKY UNIVERSITY (KENTUCKY STATE EDUCATIONAL INSTITUTION)

ONE BIG RED WAY
BOWLING GREEN, KY 42101

FOR: JEWELRY, NAMELY, WATCHES AND LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: PRINTED MATTER, NAMELY, MEDIA GUIDES; MAGAZINES FOR COLLEGE ATHLETICS; AND EMPLOYEE HANDBOOKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: WALLET, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: MUGS, DRINKING GLASSES, CUPS AND SERVING TRAYS NOT OF PRECIOUS METAL, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: CLOTHING, NAMELY, T-SHIRTS, LONG SLEEVE SHIRTS, NECKTIES, SWEATSHIRTS, SWEATPANTS, SHORTS, WARM-UP SUITS, WIND SUITS, ATHLETIC UNIFORMS, POLO SHIRTS, JACKETS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: CHRISTMAS TREE ORNAMENTS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE COLLEGE AND POST-GRADUATE LEVELS; ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS, CONFERENCES AND EXHIBITIONS; PROVIDING RECREATION PROGRAMS IN THE NATURE OF FINE ARTS; AND PROVIDING ATHLETICS INSTRUCTION AND COACHING OF BASKETBALL, BASEBALL, SOCCER, VOLLEYBALL,

FOOTBALL FOR THE GENERAL PUBLIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1966, 00/00/1911; IN COMMERCE 0-0-1966, 00/00/1911.

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

THE LINING IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR.

THE MARK CONSISTS OF A DRAWING OF CHERRY HALL AT WESTERN KENTUCKY UNI-

VERSITY ENCIRCLED WITH THE WORDS "WESTERN KENTUCKY UNIVERSITY". INSIDE THE CIRCLE ABOVE CHERRY HALL ARE THE WORDS "LIFE MORE LIFE", AND ON A FLOWING BANNER IN FRONT OF THE DRAWING OF CHERRY HALL ARE THE WORDS "THE SPIRIT MAKES THE MASTER".

SEC. 2(F) IN PART, AS TO "WESTERN KENTUCKY".

SER. NO. 78-095,850, FILED 11-30-2001.

CYNTHIA SLOAN, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 18, 20, 21, 24, 25, 28, and 41

Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 25, 27, 28, 29, 30,
32, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101, and 107

Reg. No. 2,801,351

Registered Dec. 30, 2003

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



WESTERN KENTUCKY UNIVERSITY (KENTUCKY STATE EDUCATIONAL INSTITUTION)

ONE BIG RED WAY
BOWLING GREEN, KY 42101

FOR: JEWELRY, NAMELY, WATCHES AND LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: (BASED ON USE IN COMMERCE) PRINTED MATTER, NAMELY, MEDIA GUIDES FOR COLLEGE ATHLETICS, ATHLETIC EXHIBITION SOUVENIR PROGRAMS AND SCHEDULES ALL CONCERNING COLLEGE ATHLETICS; MAGAZINES FOR COLLEGE ATHLETICS; AND EMPLOYEE HANDBOOKS, STICKERS, DECALS, BUMPER STICKERS, BINDERS, PENS AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-0-2001, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE

REGISTERED ON 00/00/1953; IN COMMERCE 7-0-2001.

FOR: BOOK BAGS, WALLETS AND ALL-PURPOSE SPORTS BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: PILLOWS, CHAIRS, STOOLS AND STADIUM SEATS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: MUGS, DRINKING GLASSES AND CUPS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE

CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: TOWELS AND BLANKET THROWS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: (BASED ON USE IN COMMERCE) CLOTHING, NAMELY, T-SHIRTS, LONG SLEEVE SHIRTS, NECKTIES, SWEATSHIRTS, SWEATPANTS, SHORTS, WARM-UP SUITS, WIND SUITS, ATHLETIC UNIFORMS, POLO SHIRTS, JACKETS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2001, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 7-0-2001.

FOR: SPORTING GOODS, NAMELY, GOLF BALLS AND BASKETBALLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-22-2003, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 9-22-2003.

FOR: (BASED ON USE IN COMMERCE) EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS, CONFERENCES AND EXHIBITIONS ALL IN THE FIELDS OF BASKETBALL, BASEBALL, SOCCER, VOLLEYBALL, FOOTBALL, TENNIS AND GOLF; PROVIDING RECREATION PROGRAMS IN THE NATURE OF FINE ARTS; AND PROVIDING FACILITIES FOR THESE RECREATIONAL ACTIVITIES; AND PROVIDING ATHLETICS INSTRUCTION AND COACHING OF THE PUBLIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-2001, THE CIRCLE WITH THE FOUR WS FACING THE INNER PORTION OF THE CIRCLE WAS USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 00/00/1953; IN COMMERCE 7-0-2001.

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

THE MARK CONSISTS OF A CIRCLE SECTIONED INTO QUARTERS WITH A "W" IN EACH QUARTER. AROUND THE OUTER PERIPHERY OF THE CIRCLE ARE THE WORDS WESTERN KENTUCKY UNIVERSITY.

SEC. 2(F) AS TO "WESTERN KENTUCKY".

SN 78-100,566, FILED 1-2-2002.

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 18, 20, 21, 24, 25, 28, and 41

Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 25, 27, 28, 29, 30,
32, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101, and 107

Reg. No. 2,949,523

Registered May 10, 2005

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

WESTERN KENTUCKY

WESTERN KENTUCKY UNIVERSITY (KENTUCKY STATE EDUCATIONAL INSTITUTION)
ONE BIG RED WAY
BOWLING GREEN, KY 42101

FOR: JEWELRY, NAMELY, WATCHES AND LAPEL PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

FOR: PRINTED MATTER, NAMELY, MEDIA GUIDES AND MAGAZINES IN THE FIELD OF SPORTS, ATHLETIC EXHIBITION PROGRAMS AND SCHEDULES, EMPLOYEE HANDBOOKS, STICKERS, DECALS, BUMPER STICKERS, BINDERS, PENS AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: BOOK BAGS, WALLETS, AND ALL-PURPOSE SPORTS BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: PILLOWS, CHAIRS, STOOLS AND STADIUM SEATS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: MUGS, DRINKING GLASSES, CUPS AND SERVING TRAYS NOT OF PRECIOUS METAL, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: TOWELS AND BLANKET THROWS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: CLOTHING, NAMELY, T-SHIRTS, LONG SLEEVE SHIRTS, NECKTIES, SWEATSHIRTS, SWEATPANTS, SHORTS, WARM-UP SUITS, WIND SUITS, ATHLETIC UNIFORMS, POLO SHIRTS, JACKETS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: GOLF BAGS; SPORTING GOODS, NAMELY, GOLF BALLS AND BASKETBALLS; AND CHRISTMAS TREE ORNAMENTS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING COURSES OF INSTRUCTION AT THE COLLEGE AND POST-GRADUATE LEVELS; ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS, CONFERENCES AND EXHIBITIONS; PROVIDING RECREATION PROGRAMS AND RECREATION FACILITIES; AND PROVIDING ATHLETICS INSTRUCTION AND COACHING OF THE PUBLIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1922; IN COMMERCE 0-0-1922.

SEC. 2(F).

SN 78-104,913, FILED 1-25-2002.

CIMMERIAN COLEMAN, EXAMINING AT TORNEY

Int. Cls.: 11, 14, 16, 18, 20 and 25

Prior U.S. Cls.: 1, 2, 3, 5, 13, 21, 22, 23, 25, 27, 28, 29,
31, 32, 34, 37, 38, 39, 41 and 50

Reg. No. 2,963,111

Registered June 21, 2005

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**



MSU FOUNDATION, INC. (KENTUCKY CORPORATION)
PALMER HOUSE
150 UNIVERSITY BLVD.
MOREHEAD, KY 40351

FOR: LAMPS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

FOR: CLOCKS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

FOR: DECALS, STATIONERY, INVITATIONS, NOTEBOOKS, FOLDERS, DIPLOMAS AND BINDERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

FOR: BRIEFCASE-TYPE PORTFOLIOS, UMBRELLAS, TRAVELING BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

FOR: ROCKING CHAIRS, DIPLOMA FRAMES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

FOR: TIES, SHIRTS, HATS, PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-3-2001; IN COMMERCE 3-3-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOREHEAD" AND "KENTUCKY", APART FROM THE MARK AS SHOWN.

SER. NO. 78-270,884, FILED 7-7-2003.

SUELLEN HICKEY, EXAMINING ATTORNEY

Int. Cls.: 25, 41, and 43

Prior U.S. Cls.: 22, 39, 100, 101, and 107

Reg. No. 3,234,483

United States Patent and Trademark Office

Registered Apr. 24, 2007

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

The Kentucky Club

ZIDISIUS, INC. (TEXAS CORPORATION)
2707 FOUNTAINVIEW
HOUSTON, TX 77056

FOR: CLOTHING, NAMELY T-SHIRTS, JACKETS, HATS, AND CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

FOR: NIGHTCLUB SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

FOR: RESTAURANTS; COCKTAIL LOUNGE AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-509,362, FILED 11-1-2004.

DAVID H. STINE, EXAMINING ATTORNEY

Int. Cls.: 21, 25, 35, and 41

Prior U.S. Cls.: 2, 13, 22, 23, 29, 30, 33, 39, 40, 50, 100,
101, 102, and 107

Reg. No. 3,136,988

Registered Aug. 29, 2006

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



COMMONWEALTH OF KENTUCKY (KEN-
TUCKY STATE AGENCY)
24TH FLOOR, CAPITAL PLAZA TOWER
500 MERO STREET
FRANKFORT, KY 40601

FOR: DRINKING GLASSES, PLASTIC CUPS,
MUGS, COFFEE CUPS, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 11-24-2004; IN COMMERCE 11-24-2004.

FOR: APPAREL, NAMELY, T-SHIRTS, SWEAT-
SHIRTS, POLO SHIRTS, DRESS SHIRTS, JACKETS,
SWEATERS, CARDIGANS, PANTS, SHORTS,
SWEATPANTS, SOCKS, HATS, CAPS, BELTS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-24-2004; IN COMMERCE 11-24-2004.

FOR: PROMOTING TOURISM AND ECONOMIC,
EDUCATIONAL, AGRICULTURAL, SCIENTIFIC,
AND COMMUNITY DEVELOPMENT IN THE COM-
MONWEALTH OF KENTUCKY; PROMOTING PUB-
LIC AWARENESS OF THE ENVIRONMENT,

HEALTH AND PUBLIC SAFETY IN THE COMMON-
WEALTH OF KENTUCKY, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 11-24-2004; IN COMMERCE 11-24-2004.

FOR: EDUCATIONAL SERVICES, NAMELY,
PROVIDING COURSES OF INSTRUCTION AT
THE PRIMARY, SECONDARY, COLLEGIATE,
AND POST-GRADUATE LEVELS AND THE DIS-
TRIBUTION OF COURSE MATERIAL IN CONNEC-
TION THEREWITH, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

FIRST USE 11-24-2004; IN COMMERCE 11-24-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE KENTUCKY, APART FROM THE
MARK AS SHOWN.

SN 78-524,146, FILED 11-30-2004.

TARAH HARDY, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 18, 20, 21, 24, 25, 28, 41 and 43

**Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 25, 27, 28, 29, 30,
32, 33, 37, 38, 39, 40, 41, 42, 50, 100, 101 and 107**

Reg. No. 3,352,439

United States Patent and Trademark Office

Registered Dec. 11, 2007

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

WESTERN KENTUCKY UNIVERSITY

WESTERN KENTUCKY UNIVERSITY (KEN-
TUCKY STATE UNIVERSITY)
#11090
1906 COLLEGE HEIGHTS BOULEVARD
BOWLING GREEN, KY 42101

FOR: JEWELRY WATCHES; LAPEL PINS ; POK-
ET WATCHES; WRIST WATCHES, IN CLASS 14 (U.S.
CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: BINDERS; BUMPER STICKERS; DECALS;
EVENT PROGRAMS; MAGAZINES FEATURING
COLLEGE AFFAIRS AND EVENTS; PENCILS;
PENS; PRINTED GUIDES FOR COLLEGE AFFAIRS
AND EVENTS AND EMPLOYEE HANDBOOKS;
STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,
37, 38 AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: BOOK BAGS; DUFFLE BAGS; GYM BAGS;
LEATHER BAGS, SUITCASES AND WALLETS;
SHOULDER BAGS; SPORTS BAGS; WALLETS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: CHAIR CUSHIONS; CHAIR MATS IN THE
NATURE OF A PILLOW OR SEAT LINER; DECK
CHAIRS; STADIUM CUSHIONS; STOOLS, IN CLASS
20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: DRINKING CUPS ; DRINKING GLASSES;
MUGS; SERVING PLATTERS, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: FACE TOWELS MADE OF TEXTILE MA-
TERIALS; GOLF TOWELS; HAND TOWELS;
THROWS; TOWELS, IN CLASS 24 (U.S. CLS. 42
AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: ATHLETIC UNIFORMS; GOLF SHIRTS;
GYM SUITS; HATS; JACKETS; JOGGING SUITS;
KNIT SHIRTS; NECKTIES; POLO SHIRTS; RAIN
JACKETS; SHORTS; SPORT SHIRTS; SWEAT
PANTS; SWEAT SHIRTS; SWEAT SUITS; T-SHIRTS;
WARM UP SUITS; WIND-JACKETS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: BASKETBALLS; CHRISTMAS TREE ORNA-
MENTS ; FITTED HEAD COVERS FOR GOLF
CLUBS; GOLF BAGS; GOLF BALLS, IN CLASS 28
(U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 0-0-1966; IN COMMERCE 0-0-1966.

FOR: ARRANGING AND CONDUCTING ATH-
LETIC COMPETITIONS; ARRANGING OF EXHIBI-
TIONS, SEMINARS AND CONFERENCES;
EDUCATIONAL SERVICES, NAMELY, PROVIDING
COURSES OF INSTRUCTION AT THE COLLEGE
AND POST-GRADUATE LEVEL ; ENTERTAIN-
MENT IN THE NATURE OF ATHLETIC TOURNA-
MENTS; INSTRUCTION IN THE FIELD OF
ATHLETICS, INCLUDING BASKETBALL, FOOT-
BALL, BASEBALL, SOCCER, VOLLEYBALL AND
TENNIS, TO STUDENTS AND THE GENERAL
PUBLIC; PROVIDING FACILITIES FOR RECREA-
TION ACTIVITIES; PROVIDING VARIOUS FACIL-
ITIES FOR AN ARRAY OF SPORTING EVENTS,
SPORTS AND ATHLETIC COMPETITIONS AND
AWARDS PROGRAMMES, IN CLASS 41 (U.S. CLS.
100, 101 AND 107).

FIRST USE 10-1-1942; IN COMMERCE 10-1-1942.

FOR: PROVIDING TEMPORARY HOUSING ACCOMMODATIONS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 10-1-1942; IN COMMERCE 10-1-1942.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,717,568, 2,801,351 AND OTHERS.

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

SEC. 2(F).

SER. NO. 78-957,398, FILED 8-22-2006.

MICHELE SWAIN, EXAMINING ATTORNEY

Int. Cls.: 18, 25, and 41

Prior U.S. Cls.: 1, 2, 3, 22, 39, 41, 100, 101, and 107

Reg. No. 3,624,845

United States Patent and Trademark Office

Registered May 19, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



KENTUCKY STATE UNIVERSITY (KENTUCKY STATE UNIVERSITY)
400 EAST MAIN STREET
FRANKFORT, KY 40601

FOR: TOTE BAGS, DUFFEL BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-31-2007; IN COMMERCE 10-31-2007.

FOR: CLOTHING, NAMELY, T-SHIRTS, SWEAT-SHIRTS, CAPS, JACKETS, SWEAT PANTS, SOCKS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-31-2008; IN COMMERCE 10-31-2008.

FOR: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING INSTRUCTIONAL COURSES AT THE COLLEGE UNDERGRADUATE AND POST-GRADUATE LEVELS; CONDUCTING EXTENSION, COMMUNITY, AND CONTINUING EDUCATION COURSES, LECTURES, CONFERENCES, AND WORKSHOPS; PROVIDING DISTANCE LEARNING INSTRUCTION AT

THE SECONDARY, COLLEGE UNDERGRADUATE, AND POST-GRADUATE LEVELS; ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS; PROVIDING RECREATIONAL PROGRAMS IN THE NATURE OF FINE ARTS; PROVIDING ATHLETICS INSTRUCTION AND COACHING FOR THE GENERAL PUBLIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-30-2007; IN COMMERCE 9-30-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STATE UNIVERSITY" IN CLASS 41 AND "KENTUCKY" IN CLASSES 18 AND 25, APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "KENTUCKY" IN CLASS 41 .

SN 78-981,014, FILED 11-16-2005.

DAVID MILLER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

KENTUCKY TOBACCO SHIRT

Reg. No. 4,123,270

Registered Apr. 3, 2012

Int. Cl.: 25

TRADEMARK

SUPPLEMENTAL REGISTER

RTS ENTERPRISES, INC. (KENTUCKY CORPORATION), DBA HEALTHY ENVIRONS,
2745 NORTH CAMPBELL ROAD
BOWLING GREEN, KY 42101

FOR: T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-29-2010; IN COMMERCE 4-17-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 85-375,137, FILED P.R. 7-19-2011; AM. S.R. 2-7-2012.

TIMOTHY FINNEGAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

KENTUCKY SELECT SOCCER LEAGUE

Reg. No. 4,337,297

Registered May 21, 2013

Int. Cls.: 25 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KENTUCKY SELECT SOCCER LEAGUE, INC. (KENTUCKY CORPORATION)
PO BOX 99055
LOUISVILLE, KY 40269

FOR: T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-2001; IN COMMERCE 0-0-2001.

FOR: AMATEUR YOUTH SPORTS SERVICES, NAMELY, ORGANIZING AND PROVIDING YOUTH SPORTS ACTIVITIES; ENCOURAGING AMATEUR SPORTS AND PHYSICAL EDUCATION BY ORGANIZING, SANCTIONING, CONDUCTING, REGULATING AND GOVERNING AMATEUR ATHLETIC PROGRAMS AND ACTIVITIES; ENTERTAINMENT IN THE NATURE OF SOCCER GAMES; ORGANIZING SPORTING EVENTS, NAMELY, SOCCER GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SELECT SOCCER LEAGUE", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-581,170, FILED 3-27-2012.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY



Laura Street Kea
Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Eastern Kentucky University

Reg. No. 4,312,242

Registered Apr. 2, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

EASTERN KENTUCKY UNIVERSITY (KENTUCKY CORPORATION)
521 LANCASTER AVENUE
RICHMOND, KY 40475

FOR: COLLEGIATE CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, HOODED JACKETS, SWEATPANTS, SPORT SHIRTS, GOLF SHIRTS, POLO SHIRTS, SWEATERS, NIGHT SHIRTS, COATS, HATS, HEADBANDS, WRISTBANDS, PANTS, SOCKS, JERSEYS, JACKETS, WARM-UP SUITS, SCARVES, AND CLOTH BIBS SOLD EXCLUSIVELY THROUGH THE UNIVERSITY'S WEBSITE, CAMPUS BOOKSTORE, AND LICENSED COLLEGIATE OUTLETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-1-1966; IN COMMERCE 12-1-1966.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,503,627, 3,529,770, AND 3,535,934.

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

SEC. 2(F).

SER. NO. 85-674,566, FILED 7-11-2012.

HENRY S. ZAK, EXAMINING ATTORNEY



Steven Street Lee
Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 4,341,528

Registered May 28, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

EASTERN KENTUCKY UNIVERSITY (KENTUCKY CORPORATION)
521 LANCASTER AVENUE
RICHMOND, KY 40475

FOR: COLLEGIATE CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, HOODED SWEATSHIRTS, SWEATPANTS, SPORT SHIRTS, GOLF SHIRTS, POLO SHIRTS, SWEATERS, NIGHT SHIRTS, COATS, HATS, HEADBANDS, WRISTBANDS, PANTS, SOCKS, JERSEYS, JACKETS, WARM-UP SUITS, SCARVES, AND BABY WRAPS, SOLD EXCLUSIVELY THROUGH THE UNIVERSITY WEBSITE, CAMPUS BOOKSTORE, AND LICENSED COLLEGIATE OUTLETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-30-2006; IN COMMERCE 4-30-2006.

OWNER OF U.S. REG. NOS. 3,503,627, 3,529,770, AND 3,535,934.

THE MARK CONSISTS OF THE WORDS "EASTERN KENTUCKY" ABOVE THE WORD "COLONELS" IN STYLIZED DESIGN.

SEC. 2(F) AS TO "EASTERN KENTUCKY".

SER. NO. 85-704,648, FILED 8-15-2012.

LINDA ORNDORFF, EXAMINING ATTORNEY



Lisa Street Lee
Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

KENTUCKY BOURBON TRAIL CRAFT TOUR

Reg. No. 4,338,130

Registered May 21, 2013

Int. Cls.: 25, 35 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KENTUCKY DISTILLERS' ASSOCIATION (KENTUCKY CORPORATION)
614 SHELBY STREET
FRANKFORT, KY 40601

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, SWEATSHIRTS, AND HEADWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-31-2012; IN COMMERCE 12-31-2012.

FOR: PROMOTING BUSINESS AND TOURISM IN THE CRAFT BOURBON INDUSTRY; ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF THE BOURBON INDUSTRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-12-2012; IN COMMERCE 10-12-2012.

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING EDUCATIONAL INFORMATION TO OTHERS RELATED TO THE HISTORY OF AND CURRENT EVENT NEWS ABOUT THE BOURBON INDUSTRY; SOCIAL ENTERTAINMENT SERVICES, NAMELY, ARRANGING AND CONDUCTING SPECIAL EVENTS RELATED TO THE BOURBON INDUSTRY; CONDUCTING, OPERATING, AND ORGANIZING GUIDED TOURS OF BOURBON DISTILLERIES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-12-2012; IN COMMERCE 10-12-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,556,684, 4,225,929 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOURBON" FOR INTERNATIONAL CLASSES 35 AND 41 AND "CRAFT TOUR" FOR INTERNATIONAL CLASS 41, APART FROM THE MARK AS SHOWN.



Sam Street, Esq.
Acting Director of the United States Patent and Trademark Office

SEC. 2(F) "KENTUCKY BOURBON TRAIL".

SER. NO. 85-726,700, FILED 9-12-2012.

United States of America

United States Patent and Trademark Office



Reg. No. 4,338,791

KENTUCKY DISTILLERS' ASSOCIATION (KENTUCKY CORPORATION)
614 SHELBY STREET
FRANKFORT, KY 40601

Registered May 21, 2013

Int. Cls.: 25, 35 and 41

FOR: CLOTHING, NAMELY, SHIRTS AND T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-12-2012; IN COMMERCE 10-12-2012.

TRADEMARK

FOR: PROMOTING BUSINESS AND TOURISM IN THE CRAFT BOURBON INDUSTRY; ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF THE BOURBON INDUSTRY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 10-12-2012; IN COMMERCE 10-12-2012.

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING EDUCATIONAL INFORMATION TO OTHERS RELATED TO THE HISTORY OF AND CURRENT EVENT NEWS ABOUT THE BOURBON INDUSTRY; SOCIAL ENTERTAINMENT SERVICES, NAMELY, ARRANGING AND CONDUCTING SPECIAL EVENTS RELATED TO THE BOURBON INDUSTRY; CONDUCTING, OPERATING, AND ORGANIZING GUIDED TOURS OF BOURBON DISTILLERIES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-12-2012; IN COMMERCE 10-12-2012.

OWNER OF U.S. REG. NOS. 3,556,684, 4,225,929 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOURBON" FOR INTERNATIONAL CLASSES 35 AND 41 AND "CRAFT TOUR" FOR INTERNATIONAL CLASS 41, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "KENTUCKY BOURBON TRAIL CRAFT TOUR" ACCOMPANIED BY A STILL DESIGN ABOVE CROSSED CORN STALKS AGAINST A CIRCULAR BACKGROUND.



Lisa Street Lee
Acting Director of the United States Patent and Trademark Office

SEC. 2(F) AS TO "KENTUCKY BOURBON TRAIL".

SER. NO. 85-755,344, FILED 10-16-2012.

United States of America

United States Patent and Trademark Office

KENTUCKY KICKS ASS

Reg. No. 4,518,802

Registered Apr. 22, 2014

Int. Cls.: 25 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KENTUCKY FOR KENTUCKY LLC (KENTUCKY LIMITED LIABILITY COMPANY)
804 NORTH LIMESTONE
LEXINGTON, KY 40505

FOR: HOODED SWEAT SHIRTS; SHIRTS; SWEAT SHIRTS; T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-7-2013; IN COMMERCE 2-7-2013.

FOR: ADVERTISING SERVICES, NAMELY, PROMOTING AND MARKETING THE GOODS AND SERVICES OF OTHERS IN THE FIELD OF TRAVEL VIA PRINT AND ELECTRONIC MEDIA; PROMOTING RECREATION AND TOURISM IN KENTUCKY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-19-2012; IN COMMERCE 12-19-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 85-812,140, FILED 12-28-2012.

BARBARA BROWN, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

KENTUCKY SMITH

Reg. No. 4,542,622

Registered June 3, 2014

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

THE PANAMA HAT COMPANY OF THE PACIFIC (HAWAII CORPORATION)
111 HEKILI STREET, SUITE A-293
KAILUA, HI 96734

FOR: HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-8-2009; IN COMMERCE 8-8-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 86-063,883, FILED 9-13-2013.

SOPHIA S. KIM, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

The Kentucky Effect

Reg. No. 4,599,175

Registered Sep. 2, 2014

Int. Cl.: 25

TRADEMARK

SUPPLEMENTAL REGISTER

COXX EVENTS, LLC (KENTUCKY LIMITED LIABILITY COMPANY)
1011 BURNING SPRINGS DRIVE
LOUISVILLE, KY 40223

FOR: APPAREL FOR DANCERS, NAMELY, TEE SHIRTS, SWEATSHIRTS, PANTS, LEGGINGS, SHORTS AND JACKETS; ATHLETIC APPAREL, NAMELY, SHIRTS, PANTS, JACKETS, FOOTWEAR, HATS AND CAPS, ATHLETIC UNIFORMS; ATHLETIC SHIRTS; BASEBALL CAPS AND HATS; BODY SHIRTS; BUTTON DOWN SHIRTS; CAMOUFLAGE SHIRTS; CLOTHING FOR BABIES, TODDLERS AND CHILDREN, TREATED WITH FIRE AND HEAT RETARDANTS, NAMELY, PAJAMAS, JACKETS, SHIRTS, PANTS, JUMPERS; COLLARED SHIRTS; DRESS SHIRTS; FASHION HATS; GOLF SHIRTS; GRAPHIC T-SHIRTS; HATS; HATS FOR INFANTS, BABIES, TODDLERS AND CHILDREN; HEADGEAR, NAMELY, HATS, CAPS; HOODED SWEAT SHIRTS; KNIT SHIRTS; LEATHER HATS; LEATHER SHIRTS; LONG-SLEEVED SHIRTS; MOISTURE-WICKING SPORTS SHIRTS; NIGHT SHIRTS; OPEN-NECKED SHIRTS; OVER SHIRTS; POLO SHIRTS; RAIN HATS; RUGBY SHIRTS; SHIRT FRONTS; SHIRTS; SHIRTS AND SHORT-SLEEVED SHIRTS; SHIRTS AND SLIPS; SHIRTS FOR INFANTS, BABIES, TODDLERS AND CHILDREN; SHIRTS FOR BABIES, ADULTS, CHILDREN, WOMEN, MEN; SHORT-SLEEVED OR LONG-SLEEVED T-SHIRTS; SHORT-SLEEVED SHIRTS; SLEEP SHIRTS; SMALL HATS; SPORT SHIRTS; SPORTS CAPS AND HATS; SPORTS SHIRTS; SPORTS SHIRTS WITH SHORT SLEEVES; SWEAT SHIRTS; T-SHIRTS; T-SHIRTS FOR BABIES, ADULTS, CHILDREN, WOMEN, MEN; TEE SHIRTS; TOBOGGAN HATS; TURTLE NECK SHIRTS; WEARABLE GARMENTS AND CLOTHING, NAMELY, SHIRTS; WIND SHIRTS; WOMEN'S CLOTHING, NAMELY, SHIRTS, DRESSES, SKIRTS, BLOUSES; WOMEN'S HATS AND HOODS; WOOLLY HATS; YOGA SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).



FIRST USE 3-31-2014; IN COMMERCE 3-31-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-238,354, FILED P.R. 4-1-2014; AM. S.R. 7-11-2014.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,702,897

Registered Mar. 17, 2015

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

EASTERN KENTUCKY UNIVERSITY (KENTUCKY CORPORATION)
521 LANCASTER AVENUE
RICHMOND, KY 40475

FOR: WEARABLE GARMENTS AND CLOTHING, NAMELY, SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-30-2013; IN COMMERCE 11-30-2013.

OWNER OF U.S. REG. NOS. 4,312,242 AND 4,402,599.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "R S O REGISTERED STUDENT ORGANIZATION" AND "EASTERN KENTUCKY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SILHOUETTE OF PEOPLE STANDING NEXT TO EACH OTHER INSIDE A CIRCLE WITH RADIATING LINES. ON TOP OF THE TOP QUARTER OF THE CIRCLE APPEARS THE WORDING "R S O REGISTERED STUDENT ORGANIZATION" HOVERING ABOVE THE PEOPLE. THE WORDING "EASTERN KENTUCKY" APPEARS UNDERNEATH THE CIRCLE.

SER. NO. 86-310,929, FILED 6-16-2014.

INGRID C. EULIN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Exhibit C

To: Kentucky Mist Moonshine Inc. (colinfultz@blackenergyinc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86577855 - KENTUCKY MIST MOONSHINE - N/A
Sent: 7/6/2015 1:16:14 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

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

U.S. APPLICATION SERIAL NO. 86577855

MARK: KENTUCKY MIST MOONSHINE

86577855

CORRESPONDENT ADDRESS:
KENTUCKY MIST MOONSHINE INC.
127 WILLOW DR
MAYKING, KY 41837

CLICK HERE TO RESPOND TO THIS LETTER
<http://www.uspto.gov/trademarks/teas/respond>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Kentucky Mist Moonshine Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

colinfultz@blackenergyinc.com

EXAMINER'S AMENDMENT/PRIORITY 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: 7/6/2015

PRIORITY ACTION

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

ISSUES APPLICANT MUST ADDRESS: On July 3, 2015, the trademark examining attorney and Colin Fultz discussed the issues below. Applicant must timely respond to these issues. *See* 15 U.S.C. §1062(b); 37 C.F.R. §2.62(a); TMEP §§708, 711.

SUMMARY OF ISSUES that applicant must address:

- New Mark Drawing Required

NEW MARK DRAWING REQUIRED

The current image of the mark drawing is of poor quality and certain parts of the mark such as the mountains and fog are difficult to see. Applicant should submit a new, higher quality mark drawing image as explained below.

The drawing is not acceptable because the digitized image of the mark is unclear and does not show the mark in sufficient detail. *See* TMEP §807.04(a). A clear drawing of the mark is an application requirement. 37 C.F.R. §2.52.

Therefore, applicant must submit a new drawing showing a clear depiction of the mark. All lines must be clean, sharp and solid, and not fine or crowded. 37 C.F.R. §§2.53(c), 2.54(e); TMEP §§807.05(c), 807.06(a).

To submit a new drawing via the Trademark Electronic Application System (TEAS), applicant must use

the response form and follow the instructions regarding submission of a drawing. TMEP §807.05(a); *see* 37 C.F.R. §2.53(a). An applicant must submit a drawing via TEAS in jpg format, and the USPTO recommends a digitized image with a length and width no smaller than 250 pixels and no larger than 944 pixels. 37 C.F.R. §2.53(c); TMEP §807.05(c).

For drawings submitted on paper, the paper should be approximately 8.5 inches wide by 11 inches long, white, non-shiny, and include the caption "DRAWING PAGE" at the top. 37 C.F.R. §2.54(a)-(c); TMEP §807.06(a). The mark in the drawing must appear no larger than 3.15 inches (8 cm) high by 3.15 inches (8 cm) wide. 37 C.F.R. §2.54(b); TMEP §807.06(a). Further, the drawing must be made with ink or by a process that will provide a high definition when scanned. 37 C.F.R. §2.54(e); TMEP §807.06(a). A photolithographic, printer's proof copy, or other high-quality reproduction of the mark may be used. 37 C.F.R. §2.54(e); TMEP §807.06(a).

The USPTO will not accept amendments or changes to the applied-for mark shown in a new drawing if the changes would materially alter the mark. 37 C.F.R. §2.72; *see* TMEP §§807.13 *et seq.*, 807.14.

EXAMINER'S AMENDMENT

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by the individual identified in the Priority Action section above, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (*see* TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

MARK DRAWING DESCRIPTION

The following description of the mark is added to the record:

The mark consists of the wording "KENTUCKY MIST MOONSHINE" written in stylized font. The "N" in "KENTUCKY" has a swoosh from the right to going to left. The "T" in "KENTUCKY" has a swoosh going from right side to left. The "Y" in "KENTUCKY" is extended and looped back to the left. The "T" in "MIST" has a swoosh from the top right back to the left. Both letter "N"s in the word "MOONSHINE" have a swoosh at top looped back to the left. The wording appears above an image of mountains with lifting fog.

See 37 C.F.R. §2.37; TMEP §§808 *et seq.*

DISCLAIMER

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "KENTUCKY" for International Classes 25 and 33 and "MOONSHINE" for International Class 33 apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

/Catherine L. Tarcu/
Trademark Examining Attorney
Law Office 105
(571) 272-6120
Catherine.Tarcu@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>.

To: Kentucky Mist Moonshine Inc. (colinfultz@blackenergyinc.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86577855 - KENTUCKY MIST MOONSHINE - N/A
Sent: 7/6/2015 1:16:15 PM
Sent As: ECOM105@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 7/6/2015 FOR U.S. APPLICATION SERIAL NO. 86577855

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 7/6/2015, 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.

/Catherine L. Tarcu/

Trademark Examining Attorney

Law Office 105

(571) 272-6120

Catherine.Tarcu@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>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

NOTE TO THE FILE

SERIAL NUMBER: 86577855

DATE: 07/06/2015

NAME: croehl

NOTE:

Searched:

Google
 Lexis/Nexis
 OneLook
 Wikipedia
 Acronym Finder
 Other:

Discussed ID with:

Senior Atty
 Managing Atty

 Protest evidence reviewed

Checked:

Geographic significance
 Surname
 Translation
 ID with ID/CLASS mailbox

Discussed Geo. Sig. with:

Senior Atty
 Managing Atty

Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

phone
 email

Left message with
Attorney/Applicant

Requested Law Library search
for:

Issued Examiner's Amendment
and entered changes in TRADEUPS

PRINT DO NOT PRINT

Description of the mark
 Translation statement

Added design code in TRADEUPS

Negative translation statement
 Consent of living individual

Re-imaged standard character
drawing

Changed TRADEUPS to:

Contacted TM MADRID ID/CLASS
about misclassified definite ID

OTHER:

Yes that will be fine thanks

Sent from my iPhone

On Jul 2, 2015, at 12:14 PM, Tarcu, Catherine L. <Catherine.Tarcu@USPTO.GOV> wrote:

Hello Mr. Fultz,

I am writing to follow up to my email below. If you could please let me know why noon on Monday, July 6th whether you approve that would be great.

Have a nice holiday.

Best regards,

Catherine

From: Tarcu, Catherine L.

Sent: Monday, June 29, 2015 4:12 PM

To: 'colinfultz@blackenergyinc.com'

Subject: U.S. Trademark Application SN 86577855 Kentucky Mist Moonshine

Hello Mr. Fultz,

I am the trademark examining attorney assigned to the Kentucky Mist Moonshine trademark application. I would like to propose the following changes to the application:

Mark Drawing Description:

The mark consists of the wording "KENTUCKY MIST MOONSHINE" written in stylized font. The "N" in "KENTUCKY" has a swoosh from the right to going to left. The "T" in "KENTUCKY" has a swoosh going from right side to left. The "Y" in "KENTUCKY" is extended and looped back to the left. The "T" in "MIST" has a swoosh from the top right back to the left. Both letter "N"s in the word "MOONSHINE" have a swoosh at top looped back to the left. The wording appears above an image of mountains with lifting fog.

Disclaimer:

I would like to propose a disclaimer for the wording "KENTUCKY" and "MOONSHINE" in the application. A "disclaimer" is a statement in the application record that states that the applicant does not claim exclusive rights to an unregistrable component of a mark, i.e. the wording "KENTUCKY" and "MOONSHINE"; and a disclaimer does not affect the appearance of the mark or physically remove disclaimed matter from the mark. TMEP §§1213, 1213.10.

The statement would appear as:

No claim is made to the exclusive right to use "KENTUCKY" for International Classes 25 and 33 and "MOONSHINE" for International Class 33 apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

New Mark Drawing:

I will require a new mark drawing that shows the applied-for mark in a better quality. The drawing submitted barely shows the mountains and it is very hard to make out that it is a picture of a mountain range with fog. If you currently have a better image quality drawing I can make the change for you, otherwise I can issue an office action and you can submit a new drawing file later on.

Please let me know if you approve.

Best regards,

Catherine

Catherine L. Tarcu
Trademark Examining Attorney – Law Office 105
United States Patent & Trademark Office
(571) 272-6120 voice | catherine.tarcu@uspto.gov

<image001.png>

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

*** User:croehl ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	"Kentucky Mist"[on]
02	440	N/A	0	0	0:04	*kentucky*[bi,ti]not dead[ld]
03	11457	N/A	0	0	0:02	(*ky* "ky" "k y")[bi,ti]not dead[ld]
04	4518	N/A	0	0	0:02	*m{"iye"} {"szc"} t*[bi,ti]not dead[ld]
05	27	0	27	20	0:01	4 and (2 3)
06	2150	N/A	0	0	0:02	*moon*[bi,ti]not dead[ld]
07	18544	N/A	0	0	0:03	*{"szc"}h{"iye"}n*[bi,ti]not dead[ld]
08	261	0	261	257	0:01	6 and 7
09	66	0	66	58	0:01	4 and (6 7)
10	3376	N/A	0	0	0:01	(011506)[dc]not dead[ld]
11	6292	N/A	0	0	0:02	(060104)[dc]not dead[ld]
12	261	0	5	261	0:01	10 and 11
13	5769	N/A	0	0	0:01	(10 11) and ("025" "033")[cc]
14	2271	N/A	0	0	0:02	(10 11) and ("035" "042" "010" "011" a b 200)[ic]
15	267	0	2	267	0:01	(10 11) and ("010" "011" a b 200)[ic]

Session started 6/29/2015 3:19:36 PM

Session finished 6/29/2015 3:46:05 PM

Total search duration 0 minutes 25 seconds

Session duration 26 minutes 29 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86577855

*** User:croehl ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	440	N/A	0	0	0:01	*kentucky*[bi,ti]not dead[ld]
02	11457	N/A	0	0	0:02	(*ky* "ky" "k y")[bi,ti]not dead[ld]
03	4518	N/A	0	0	0:02	*m{"iye"} {"szc"}t*[bi,ti]not dead[ld]
04	27	0	27	20	0:01	2 and 3
05	2150	N/A	0	0	0:02	*moon*[bi,ti]not dead[ld]
06	18544	N/A	0	0	0:03	* {"szc"}h {"iye"}n*[bi,ti]not dead[ld]
07	66	0	66	58	0:01	3 and (5 6)
08	1925	N/A	0	0	0:01	3 and ("025" "033")[cc]
09	1049	N/A	0	0	0:01	3 and ("035" "042" "025" "033" a b 200)[ic]
10	808	N/A	0	0	0:02	3 and ("035" "025" "033" a b 200)[ic]
11	395	N/A	0	0	0:01	3 and ("025" "033" a b 200)[ic]
12	2624	N/A	0	0	0:01	*mist*[bi,ti]not dead[ld]
13	1150	N/A	0	0	0:01	12 and ("025" "033")[cc]
14	592	N/A	0	0	0:01	12 and ("035" "042" "025" "033" a b 200)[ic]
15	265	0	265	240	0:01	12 and ("025" "033" a b 200)[ic]

Session started 6/29/2015 3:48:09 PM

Session finished 6/29/2015 4:01:58 PM

Total search duration 0 minutes 21 seconds

Session duration 13 minutes 49 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TICRS as Serial Number: 86577855

From: TMDesignCodeComments
Sent: Tuesday, April 7, 2015 00:24 AM
To: colinfultz@blackenergyinc.com
Subject: Official USPTO Notice of Design Search Code: U.S. Trademark SN: 86577855: KENTUCKY MIST MOONSHINE (Stylized/Design)

Docket/Reference Number:

The USPTO may assign design search codes, as appropriate, to new applications and renewed registrations 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>.

Response to this notice is not required; however, to suggest additions or changes to the design search code(s) assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86577855>.

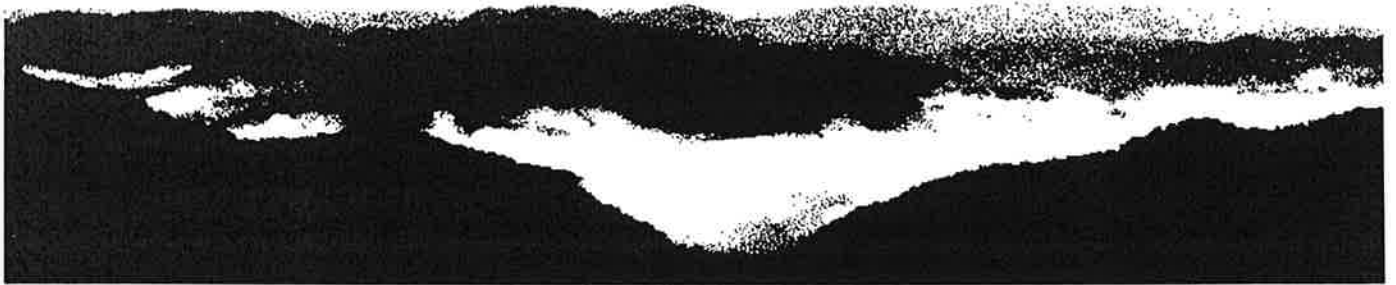
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

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

DESIGN SEARCH CODES:

01.15.06 - Advertising, skywriting
01.15.06 - Clouds
01.15.06 - Fog
06.01.04 - Mountains (landscapes)
06.01.04 - Scenery with mountains
26.11.21 - Rectangles that are completely or partially shaded
26.17.09 - Bands, curved
26.17.09 - Bars, curved
26.17.09 - Curved line(s), band(s) or bar(s)
26.17.09 - Lines, curved

Kentucky Mist Moonshine



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86577855

Filing Date: 03/26/2015

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>\\TICRS\EXPORT16\IMAGEOUT 16\865\778\86577855\xml1\FTK0002.JPG</u>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	kentucky mist moonshine
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the "n" in "kentucky" has a swoosh from the right to going to left. The "t" in "kentucky" has a swoosh going from right side to left. The "y" in "kentucky" is extended and looped back to the left. The "t" in "mist" has a swoosh from the top right back to the left. Both "n"'s in "moonshine" have a swoosh at top looped back to the left. The photo of mountain with lifting fog.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	940 x 627
REGISTER	Principal
APPLICANT INFORMATION	

* OWNER OF MARK	Kentucky Mist Moonshine Inc.
* STREET	127 Willow Dr
* CITY	Mayking
* STATE (Required for U.S. applicants)	Kentucky
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants)	41837
PHONE	6063351204
FAX	6066333162
EMAIL ADDRESS	colinfultz@blackenergyinc.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
* TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Kentucky
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	025
* IDENTIFICATION	Hats; Hooded sweatshirts; Jackets; Pants; Shirts; Shoes; Socks
* FILING BASIS	SECTION 1(b)
* INTERNATIONAL CLASS	033
* IDENTIFICATION	Distilled Spirits
* FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
* TRANSLATION (if applicable)	
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
STIPPLING FOR SHADING	The stippling is for shading purposes only.

CORRESPONDENCE INFORMATION

*NAME	Kentucky Mist Moonshine Inc.
*STREET	127 Willow Dr
*CITY	Mayking
*STATE (Required for U.S. applicants)	Kentucky
*COUNTRY	United States
*ZIP/POSTAL CODE	41837
PHONE	6063351204
FAX	6066333162
*EMAIL ADDRESS	colinfultz@blackenergyinc.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2
FEE PER CLASS	225
*TOTAL FEE PAID	450
SIGNATURE INFORMATION	
* SIGNATURE	/Colin Fultz/
* SIGNATORY'S NAME	Colin Fultz
* SIGNATORY'S POSITION	President
SIGNATORY'S PHONE NUMBER	6063351204
* DATE SIGNED	03/26/2015

FILED: 11/02/15 10:00 AM
FBI/DOJ

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86577855

Filing Date: 03/26/2015

To the Commissioner for Trademarks:

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

The literal element of the mark consists of kentucky mist moonshine.

The mark consists of the "n" in "kentucky" has a swoosh from the right to going to left. The "t" in "kentucky" has a swoosh going from right side to left. The "y" in "kentucky" is extended and looped back to the left. The "t" in "mist" has a swoosh from the top right back to the left. Both "n"s in "moonshine" have a swoosh at top looped back to the left. The photo of mountain with lifting fog.

The applicant, Kentucky Mist Moonshine Inc., a corporation of Kentucky, having an address of
127 Willow Dr
Mayking, Kentucky 41837
United States

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, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Hats; Hooded sweatshirts; Jackets; Pants; Shirts; Shoes; Socks

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 033: Distilled Spirits

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

Stippling for shading

The stippling is for shading purposes only.

The applicant's current Correspondence Information:

Kentucky Mist Moonshine Inc.

127 Willow Dr
Mayking, Kentucky 41837
6063351204(phone)
6066333162(fax)

colinfultz@blackenergyinc.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; 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 goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like 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 registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Colin Fultz/ Date Signed: 03/26/2015

Signatory's Name: Colin Fultz

Signatory's Position: President

RAM Sale Number: 86577855

RAM Accounting Date: 03/27/2015

Serial Number: 86577855

Internet Transmission Date: Thu Mar 26 17:10:45 EDT 2015

TEAS Stamp: USPTO/FTK-64.129.109.154-201503261710454

91799-86577855-5304aa71707013e0fc9a9fa31

c3d26267cb5b36c210b7908845a884c2df1a7c5-

DA-3921-20150326103517712313

Kentucky Mist Moonshine

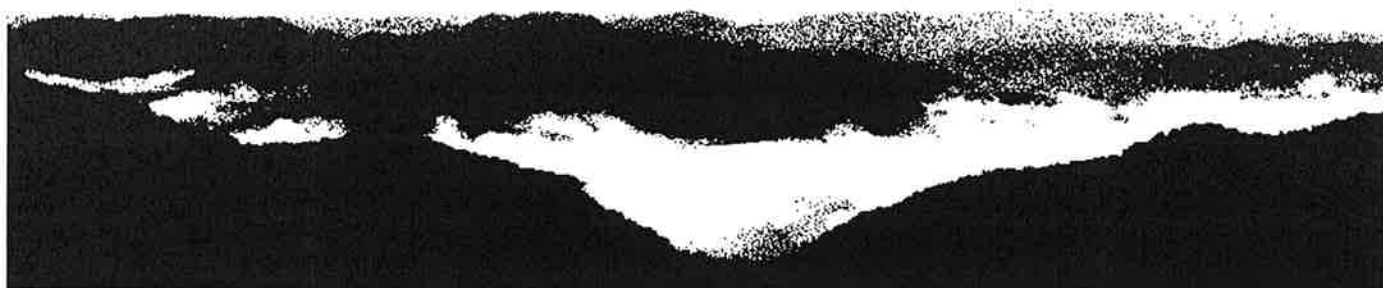


Exhibit D

Warren D. Schickli
Michael S. Hargis
Andrew D. Dorisio



King & Schickli PLLC
Your brightest ideas deserve our brand of protection.®

Patrick M. Torre, Ph.D.
Trevor I. Graves
Nicholas P. Coleman
Michael A. Meredith

Of Counsel
J. Ralph King
Zachary E. Derbyshire, Ph.D.

October 12, 2015

Mr. Colin Fultz, President
Kentucky Mist Moonshine, Inc.
128 East Main Street
Whitesburg, Kentucky 41858

Re: Kentucky Mist Moonshine, Inc.
Our Reference: 850-109 CRR

Dear Mr. Fultz:

I am writing on behalf of my client, the University of Kentucky ("University"). The purpose of this letter is two-fold. First, the University is requesting that Kentucky Mist Moonshine, Inc. expressly abandon its effort to register the mark KENTUCKY MIST MOONSHINE & Design (U.S. Reg. App. Ser. No. 86/577,855) in Class 25. Second, the University is requesting that you continue to take care to avoid using the mark in combination with the University's source-identifying color schemes and/or other indicia associated with the University, in connection with clothing, or any other goods or services.

As you may be aware, the University is the owner of several registrations for its marks including U.S. Registration No. 2,066,804 (copy attached) for the mark KENTUCKY to identify *inter alia* T-shirts and sweatshirts. The University has used the federally registered mark KENTUCKY as a source identifier of its goods and services continuously since at least as early as 1997. By virtue of this continuous use and the longstanding registration of the mark, the registration has become incontestable, which is presumptive evidence of its validity and enforceability throughout the entire United States.

It is our present position that Kentucky Mist Moonshine, Inc.'s use of the mark KENTUCKY MIST MOONSHINE to identify articles of clothing is likely to cause deception, confusion, and mistake as to Kentucky Mist Moonshine, Inc.'s affiliation, connection or association with the University, and as to the University's sponsorship or approval of Kentucky Mist Moonshine, Inc.'s activities in violation of federal law. 15 U.S.C. §1125. See also, 15 U.S.C. § 1114 et seq. and applicable state law.

To avoid any such actual confusion or even a likelihood of confusion, and to protect the integrity of the University's rights and the strength of its federally registered trademark, we find it necessary to make the above request, i.e., that Kentucky Mist Moonshine, Inc. expressly

Mr. Colin Fultz, President
Kentucky Mist Moonshine, Inc.
October 12, 2015
Page 2

abandon its efforts to register the above-referenced mark in Class 25. If Kentucky Mist Moonshine, Inc. is willing to honor our request, we will consider the matter closed without more.

In the event our requests are not met, the University is prepared to file a Notice of Opposition against Kentucky Mist Moonshine, Inc.'s application to register the mark in Class 25, if and when the mark is published, and will consider further action as it deems necessary.

That said, we wish you well in your new endeavor and look forward to receiving written confirmation from you that the Class 25 goods have been deleted from the registration application preferably by the end of October. If any portion of this letter is not clear, please contact me directly.

Very truly yours,

KING & SCHICKLI, PLLC



Michael S. Hargis

MSH/vdc
Enclosure

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS
 Kentucky Mist Moonshine Inc.
 128 East Main St
 Whitesburg, KY 41858

(b) County of Residence of First Listed Plaintiff Letcher
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 James Francis, Fowler Bell PLLC
 300 W Vine St, Ste 600, Lexington, KY 40507
 859-252-6700

DEFENDANTS
 University of Kentucky
 301 Main Building
 Lexington, KY 40506-0032

County of Residence of First Listed Defendant Fayette
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 2201

Brief description of cause:
Declaratory action for partial cancellation or reformation of a federal trademark

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Eastern District of Kentucky

KENTUCKY MIST MOONSHINE INC.

Plaintiff(s)

v.

UNIVERSITY OF KENTUCKY

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) University of Kentucky
Office of Legal Counsel
301 Main Building
Lexington, KY 40506-0032

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James M. Francis
Fowler Bell PLLC
300 W Vine St, Ste 600
Lexington, KY 40507

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: