

March 1, 2013

John Client  
123 Main Street  
Rochester, NY 14624

**Re: Docket No.:**  
**Trademark Search**  
**Teddy Bear Design Logo**

Dear Mr. Client:

**SCOPE OF SEARCH**

The goal of this search was to evaluate whether the Teddy Bear logo along with the literal elements of "The Original Teddy Bear Cradle Company" was available as a master brand for Federal Trademark Protection for use with services in the nature of furniture and baskets, specifically gift baskets. The logo image considered in this search appears below:



The following Design Codes were selected for searching based on their relation to the selected logo.

- 03.01.14** Other bears (including polar bears or grizzly bears but not including teddy bears in 21.01.11)
- 04.07.07** Geometric figures or combinations of geometric figures representing an animal
- 21.01.11** Stuffed animals, including teddy bears
- 26.01.09** Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.
- 26.01.11** Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle

Particular attention was give to Design Code 21.01.11 – Toys, Stuffed animals, including teddy bears.

The following International Classes were selected for searching based on their relation to the goods and services you want to market:

003 - Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

020 - Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

021 - Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel-wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

028 – Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

030 – Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

031 – Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

039 – Transport; packaging and storage of goods; travel arrangement

045 - Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Particular attention was give to International Class 20, Furniture and Class 21, Containers.

The strategy used to determine which design codes to select are in Appendix A. The strategy used to determine which International Codes for the classes of Goods and Services you want to provide is in Appendix B.

A search for both the literal elements and your logo was conducted of all federally registered and applied for marks as of March 17, 2011. A search was conducted of the literal elements of all state registered marks within the most current database of state

marks. A search was also conducted of domain names and common law marks of the literal elements of your mark.

**CONCLUSION**





The Teddy Bear logo along with the literal elements of “The Original Teddy Bear Cradle Company” mark should be registerable with the United States Patent and Trademark Office (USPTO).

Should any of these be raised in a rejection by the Trademark Office, we believe your mark could be successfully distinguished in a trademark office action response as “not confusingly similar.”

**EXECUTIVE SUMMARY OF SEARCH RESULTS**

There were no federally registered marks that were identical to the literal element “The Original Teddy Bear Cradle Company”. There were no federally registered marks that appeared confusingly similar to the image or literal elements of the mark. All federal marks found were distinguishable and should not pose a barrier to trademark registration of “The Original Teddy Bear Cradle Company” and design on the Federal Trademark Register.

The logo images that were most similar in appearance to your logo are appended below. These logo images contained similar ear shapes or eye shapes or were outline-type drawings:

			
<p>Bear Berry Imports</p>	<p><b>MAKE MARTHA BEAR HAPPY! READ HER ONLINE STORIES AT MARTHA BEAR.COM.</b></p>	<p><b>ME &amp; MY TEDDY!</b></p>	<p><b>TEDDY BOOM</b></p>
<p>IC 035</p>	<p>IC 041</p>	<p>IC 025</p>	<p>IC 025</p>
<p>Wholesale Distributorships featuring food; import and export agencies in the field</p>	<p>Entertainment Services, namely, online stories featuring a character bear.</p>	<p>Clothing</p>	<p>Clothing</p>

of food; and distributorships services in the field of food.			
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“Bear Berry Imports” is similar to your mark in that it is the head of a Teddy Bear, with a geometric circular look made with line drawings for the ears, eyes, nose and mouth. However, it is distinguishable from your mark in that it is in class 35, which your goods and services would not be in, it has concentric circles outlining the bear head and the literal elements are different.

“Make Martha Bear Happy! Read Her Online Stories at Martha Bear.com” is similar to your mark in that it is the head of a Teddy Bear, with the circular look being that of the outline of a Teddy Bear head, and made with line drawings for the ears, nose and mouth. However, it is distinguishable from your mark in that it is in class 41, which your goods and services would not be in, it has no eyes, the ears do not show an inner ear area, and the literal elements are different.

“Me & My Teddy” is similar to your mark in that it is the head of a Teddy Bear, with a geometric circular look made with line drawings for the ears, nose and mouth. However, it is distinguishable from your mark in that it is in class 35, which your goods and services would not be in. It has no eyes, the ears do not show an inner ear area, it has concentric circles outlining the bear head and the literal elements are different.

“Teddy Boom” is similar to your mark in that it contains the head of a Teddy Bear, with made with line drawings for the ears, eyes, nose and mouth. However, it is distinguishable from your mark in that it is in class 35, which your goods and services would not be in, its eyes are a solid dot where your eyes are outline drawings. It also has the body of the Teddy Bear and the literal elements are different.

A search of the 50 state trademark records revealed that no marks are confusing similar. Summaries of the records are enclosed for your review.

I hope this information is useful in your decision to proceed in registering the mark. Please call to discuss the search if you have additional questions or concerns.

Respectfully,

Attorney

Enclosure

## APPENDIX A

### DESIGN SEARCH CODES

The following Design Codes were selected for searching based on their relation to the selected logo. Their category breakdowns are below.

**03.01.14** Other bears (including polar bears or grizzly bears but not including teddy bears in 21.01.11)

**04.07.07** Geometric figures or combinations of geometric figures representing an animal

**21.01.11** Stuffed animals, including teddy bears

**26.01.09** Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.

**26.01.11** Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle

#### CATEGORY 03: ANIMALS

03.01 Cats, dogs, wolves, foxes, bears, lions, tigers

**03.01.14** Other bears (including polar bears or grizzly bears but not including teddy bears in 21.01.11)

#### CATEGORY 04: SUPERNATURAL BEINGS, MYTHOLOGICAL OR LEGENDARY BEINGS FANTASTICAL BEINGS OR UNIDENTIFIABLE BEINGS

04.07 Plants, objects or geometric figures representing a person or an animal

**04.07.07** Geometric figures or combinations of geometric figures representing an animal

Specific Guideline: A geometric figure or combination of geometric figures representing or forming an animal are in 04.07.07, the appropriate realistic third-level code section and the stylized section for the animal in Category 03

#### CATEGORY 21: GAMES, TOYS AND SPORTING ARTICLES

21.01 Games, toys

**21.01.11** Stuffed animals, including teddy bears

## CATEGORY 26: GEOMETRIC FIGURES AND SOLIDS

### 26.01 Circles

**Specific Guideline:** The term circle refers to semi-circles except in reference to carriers or borders (26.01.01), incomplete circles (26.01.03) and circles with two breaks (26.01.04).

**26.01.09** Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle.

**Specific Guideline:** This section is cross-coded with the specific section(s) for the objects, humans, plants or animals which form or border the perimeter the circle.

**26.01.11** Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle

**Specific Guideline 1:** This section is cross-coded with the specific section(s) for the objects, humans, plants or animals which comprise the circle.

**Specific Guideline 2:** If a design falling in this section is surrounded by a circle, do not cross-code the design as concentric circles (26.01.17 and 26.01.18) or as a circle within a circle (26.01.20).

## APPENDIX B

### GOODS AND SERVICES CLASS SELECTIONS

The following Goods and Services Classes were selected for searching based on their relation to the desired market of the requested logo.

003 - Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

020 - Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

021 - Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel-wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

028 – Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

030 – Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

031 – Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

039 – Transport; packaging and storage of goods; travel arrangement

045 - Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

#### Gift Baskets:

- |   |     |   |
|---|-----|---|
| 1 | 003 | Gift baskets containing non-medicated bath preparations and cosmetic preparations                                   |
| 2 | 028 | Gift baskets comprised primarily of toy imitation sporting goods, namely, toy game balls and accessories therefor   |
| 3 | 028 | Gift baskets comprised primarily of imitation toys sports products, namely, toy game balls and accessories therefor |
| 4 | 028 | Gift baskets containing plush toys  |
| 5 | 030 | Gift baskets containing candy   |
| 6 | 031 | Gift baskets of fresh fruits  |

- 7 039 Delivery of gift baskets with selected items regarding a particular occasion or theme
- 8 045 Preparation of customized gift baskets with selected items regarding a particular occasion or theme
- 9 045 Preparation of customized gift baskets

Baskets

- 1 003 Gift baskets containing non-medicated bath preparations and cosmetic preparations
- 2 006 Baskets of common metals
- 3 007 Clothes washing machine featuring a wash cycle that circulates water over the balance ring on top of the clothes accomplished through a spinning basket during wash, which sheds water up the tub wall, over the balance ring, and on top of the clothes
- 4 007 Utensil baskets for dishwashing machines
- 5 012 Baskets adapted for bicycles
- 6 014 Baskets of precious metal
- 7 016 Desk baskets for desk accessories
- 8 020 Baker's bread baskets
- 9 020 Baskets for transporting goods for commercial purposes
- 10 020 Hampers [baskets for transporting goods for commercial purposes]
- 11 020 Hampers in the nature of baskets for transporting goods for commercial purposes
- 12 020 Storage and organization systems comprising shelves, drawers, cupboards, baskets and clothes rods, sold as a unit
- 13 021 Baskets for domestic use, not of metal
- 14 021 Baskets for waste paper littering
- 15 021 Baskets of {indicate composition, e.g., wicker, straw, wood, cloth} [NOT of metal and not for commercial use]
- 16 021 Bread baskets for domestic use
- 17 021 Cooking utensils, namely, wire baskets
- 18 021 Fitted picnic baskets
- 19 021 Flower baskets
- 20 021 Laundry baskets
- 21 021 Natural and synthetic fiber coco liners fitted for plant boxes, plant pots, and plant baskets
- 22 021 Paper mache baskets
- 23 021 Picnic baskets sold empty
- 24 021 Plant baskets
- 25 021 Plastic hand-held shopping baskets
- 26 021 Steamer baskets
- 27 021 Waste baskets
- 28 021 Waste paper baskets
- 29 021 Wastepaper baskets
- 30 026 Basket clasps
- 31 026 Sewing baskets
- 32 028 Basket balls
- 33 028 Fly fishing stripper baskets
- 34 028 Gift baskets comprised primarily of toy imitation sporting goods, namely, toy game balls and accessories therefor
- 35 028 Gift baskets comprised primarily of imitation toys sports products, namely, toy game balls and accessories therefor
- 36 028 Gift baskets containing plush toys
- 37 030 Gift baskets containing candy
- 38 031 Gift baskets of fresh fruits
- 39 039 Delivery of gift baskets with selected items regarding a particular occasion or theme
- 40 045 Preparation of customized gift baskets with selected items regarding a particular occasion or theme



## APPENDIX C

### SEARCHES PERFORMED on USPTO

1. Search for “Teddy Bear” and “Original” in the literal element in the 5 different design codes

((Teddy Bear)[MN] or (Teddy Bear) [MP] or (Teddy Bear) [TI] or (Teddy Bear) [TL]) and ((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((Original) [MN] or (Original) [MP] or (Original) [TI] or (Original) [TL])

- 3 docs, 15 Occurrences
- All 3 reviewed

2. Search for “Teddy Bear” and “Cradle” in the literal element in the 5 different design codes

((Teddy Bear)[MN] or (Teddy Bear) [MP] or (Teddy Bear) [TI] or (Teddy Bear) [TL]) and ((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((Cradle) [MN] or (Cradle) [MP] or (Cradle) [TI] or (Cradle) [TL])

- 0 Occurrences

3. Search for the 5 different design codes in the 8 different classes

((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((003) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC])

- docs: 4578 occ: 10270

4. Search for the 5 different design codes in the 8 different classes with “Teddy Bear” in the literal element and translations.

((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((003) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC]) and ((Teddy Bear)[MN] or (Teddy Bear) [MP] or (Teddy Bear) [TI] or (Teddy Bear) [TL])

- docs: 277 occ: 1308

5. Search for the 5 different design codes in the 8 different classes with “Teddy Bear” in the literal element.

((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((003) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC]) and ((Teddy Bear)[MN] or (Teddy Bear) [MP])

- docs: 266 occ: 1288

6. Search for the 5 different design codes in the 8 different classes with “Teddy” and “Bear” in the literal element.

((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((003) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC]) and ((Teddy)[MN] or (Teddy) [MP]) and((Bear)[MN] or (Bear) [MP])

- docs: 23 occ: 154

- All 23 reviewed

7. Search for the 5 different design codes in the 8 different classes with “Teddy” and “Bear” in the literal element and live marks only.

((03.01.14)[DD] or (04.07.07)[DD] or (21.01.11)[DD] or (26.01.09)[DD] or (26.01.11)[DD]) and ((030) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC]) and ((Teddy)[MN] or (Teddy) [MP]) and((Bear)[MN] or (Bear) [MP]) and (live) [LD]

- docs: 8 occ: 63

- All 8 reviewed

8. Search for the 5 different design codes in the 8 different classes with “Teddy” and “Bear” in the literal element and live marks only.

((21.01.11)[DD]) and ((030) [IC] or (020) [IC] or (021) [IC] or (028) [IC] or (030) [IC] or (031) [IC] or (039) [IC] or (045) [IC]) and ((Teddy)[MN] or (Teddy) [MP]) and((Bear)[MN] or (Bear) [MP])

- docs: 18 occ: 113

- All 18 reviewed

9. Search for “Teddy Bear” in the literal element, in the 21.01.11 Teddy Bear Design Code and live marks only.

(Teddy Bear)[BI] and (21.01.11)[DD] and (live) [LD]

- docs: 59 occ: 239
- All 59 reviewed

10. Search for “Teddy Bear” in the literal element, in the 03.01.14 Animals, Other Bears, Design Code.

(Teddy Bear)[BI] and (03.01.14)[DD]

- docs: 763 occ: 183

(Teddy Bear)[MN] and (03.01.14)[DD]

- docs: 691 occ: 1426

(Teddy Bear) [MP] and (03.01.14)[DD]

- docs: 682 occ: 1406

11. Search for “Teddy Bear” in the literal element, in the 04.07.07 Geometric figures or combinations of geometric figures representing an animal, Design Code.

(Teddy Bear)[BI] and (04.07.07)[DD]

- docs: 1 occ: 1

(Teddy Bear) [MN] and (04.07.07)[DD]

- docs: 1 occ: 1 - reviewed

(Teddy Bear) [MP] and (04.07.07)[DD]

- docs: 1 occ: 1

- reviewed

12. Search for “Teddy Bear” in the literal element, in the 21.01.11, Toys, Stuffed animals, including teddy bears, Design Code.

(Teddy Bear)[BI] and (21.01.11)[DD]

- docs: 219 occ: 583

(Teddy Bear)[MN] and (21.01.11)[DD]

- docs: 204 occ: 450

(Teddy Bear) [MP] and (21.01.11)[DD]

- docs: 197 occ: 435

13. Search for “Teddy Bear” in the literal element, in the 26.01.09, Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle, Design Code.

(Teddy Bear)[BI] and (26.01.09)[DD]

- docs: 5 occ: 15

- All 5 reviewed

-

(Teddy Bear)[MN] and (26.01.09)[DD]

- docs: 5 occ: 10

- All 5 reviewed

(Teddy Bear) [MP] and (26.01.09)[DD]

- docs: 4 occ: 8

- All 4 reviewed

14. Search for “Teddy Bear” in the literal element, in the 26.01.11, Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle, Design Code.

(Teddy Bear)[BI] and (26.01.11)[DD]

- docs: 2 occ: 15

- Both reviewed

(Teddy Bear) [MN] and (26.01.11)[DD]

- docs: 2 occ: 6
- Both reviewed

(Teddy Bear)[MP] and (26.01.11)[DD]

- docs: 2 occ: 6
- Both reviewed

15. Search for “Teddy Bear Company” in the literal element.

(Teddy Bear Company)[COMB]

- docs: 14 occ: 85
- All 14 reviewed

**APPENDIX D**

**SELECTED RELEVANT USPTO SEARCHES**

**APPENDIX E**

**SELECTED RELEVANT USPTO MARKS**

## APPENDIX F

### STATE and DOMAIN SEARCHES

Logo and Literal Element "The Original Teddy Bear Cradle Company"

## Strategy

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Date Generated: March 17, 2011		
	Query	#Hits
<b>Federal, State</b>		
Q1	TM = TEDDY BEAR	483
<b>gTLDs, ccTLDs</b>		
Q2	TM = TEDDY BEAR	0
<b>Federal, State</b>		
Q3	(TM = TEDDY BEAR) And (TM = CRADLE)	0
<b>gTLDs, ccTLDs</b>		
Q4	(TM = TEDDY BEAR) And (TM = CRADLE)	0
<b>Federal, State</b>		
Q5	(TM = TEDDY BEAR) And (TM = ORIGINAL)	9
<b>gTLDs, ccTLDs</b>		
Q6	(TM = TEDDY BEAR) And (TM = ORIGINAL)	0
<b>Federal, State</b>		
Q7	(TM = ORIGINAL) And (TM = CRADLE)	0
<b>gTLDs, ccTLDs</b>		



Q8	(TM = ORIGINAL) And (TM = CRADLE)	0
<b>Federal, State</b>		
Q9	TM = THE ORIGINAL TEDDY BEAR CRADLE COMPANY	0
<b>gTLDs, ccTLDs</b>		
Q10	TM = THE ORIGINAL TEDDY BEAR CRADLE COMPANY	0
<b>Federal</b>		
Q11	(TM = TEDDY BEAR) And (DC = 030114)	48
Q12	(TM = TEDDY BEAR) And (DC = 040707)	0
Q13	(TM = TEDDY BEAR) And (DC = 210111)	54
Q14	(TM = TEDDY BEAR) And (DC = 260109)	0
Q15	(TM = TEDDY BEAR) And (DC = 260111)	2
Q16	(Q11 And Q13 And Q15)	1
Q17	(Q11 Or Q13 Or Q15)	71
Q18	(TM = CRADLE) And (DC = 030114) (Phonetic Engine off)	0
Q19	(TM = CRADLE) And (DC = 040707) (Phonetic Engine off)	0
Q20	(TM = CRADLE) And (DC = 030114)	0
Q21	(TM = CRADLE) And (DC = 040707)	0
Q22	(TM = CRADLE) And (DC = 210111)	0
Q23	(TM = CRADLE) And (DC = 260109)	0
Q24	(TM = CRADLE) And (DC = 260111)	0

## Database Currency Dates

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Database Currency on 03/17/2011

## Federal Date Information

### Most Recent Record

*USPTO Applications*

**March 14, 2011**

*Images*

**March 15, 2011**

This search report contains information from the Official Gazette published on **March 15, 2011** and trademark application data from USPTO daily updates through **March 15, 2011**

## State Currency Schedule

State	Inclusive Through	State	Inclusive Through
* Alabama	January 27, 2011	* Montana	November 3, 2010
* Alaska	August 19, 2010	* Nebraska	August 31, 2010
* Arizona	September 18, 2008	* Nevada	January 15, 2007
Arkansas	January 28, 2011	* New Hampshire	July 7, 2004
* California	May 24, 2010	* New Jersey	October 8, 2010
* Colorado	November 23, 2009	* New Mexico	January 26, 2011
* Connecticut	October 13, 2010	* New York	June 16, 2010
* Delaware	December 28, 2010	North Carolina	September 16, 2009
* Florida	January 12, 2010	* North Dakota	August 31, 2010

* Georgia	December 1, 2010	* Ohio	September 28, 2010
* Hawaii	December 22, 2010	* Oklahoma	April 14, 2006
Idaho	July 29, 2010	* Oregon	July 29, 2010
Illinois	July 29, 2010	* Pennsylvania	May 28, 2009
* Indiana	October 29, 2007	* Puerto Rico	February 2, 2002
* Iowa	November 1, 2010	* Rhode Island	December 17, 2010
* Kansas	January 24, 2011	* South Carolina	September 23, 2010
* Kentucky	December 22, 2010	* South Dakota	December 29, 2010
* Louisiana	December 30, 2010	* Tennessee	January 31, 2011
Maine	January 28, 2011	* Texas	March 4, 2009
Maryland	March 13, 2009	* Utah	January 25, 2011
* Massachusetts	October 29, 2010	Vermont	August 25, 2010
* Michigan	December 29, 2008	* Virginia	September 29, 2010
* Minnesota	January 28, 2011	* Washington	September 27, 2010
* Mississippi	July 25, 2008	* West Virginia	October 6, 2006
* Missouri	January 11, 2011	* Wisconsin	January 26, 2011
		* Wyoming	December 24, 2003

**Effective date: March 15, 2011**

**\* Images Available**

## gTLDs Date Information