

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,239,861

Registered May 8, 2007

SERVICE MARK
PRINCIPAL REGISTER

BIG CANOE

More ironic is your use of Big Canoe, GA as a your address, which is also used in incorporation filings of the POA and about a 1000+ other places.

BIG CANOE COMPANY, LLC (SOUTH CAROLINA LTD LIAB CO)

10591 BIG CANOE

BIG CANOE, GA 30143

FOR: REAL ESTATE SERVICES, NAMELY, REAL ESTATE BROKERAGE AND MANAGEMENT, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-1-1972; IN COMMERCE 6-1-1972.

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

OWNER OF U.S. REG. NOS. 1,521,251 AND 2,886,872.

SEC. 2(F).

SER. NO. 78-945,130, FILED 8-4-2006.

WENDY JUN, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jan 31, 2007

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
78/945,130
2. Mark:
BIG CANOE
Standard Character Mark
3. International Class(es):
36
4. Publication Date:
Feb 20, 2007
5. Applicant:
Big Canoe Company, LLC

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

Hunter S. Freeman
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827

TMP&I

Trademark Snap Shot Publication Stylesheet

(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	78945130	FILING DATE	08/04/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JUN, WON KYUNG WENDY	L.O. ASSIGNED	103

PUB INFORMATION

RUN DATE	12/09/2006
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
STATUS DATE	12/08/2006
LITERAL MARK ELEMENT	BIG CANOE

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	YES	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO

66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BIG CANOE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Big Canoe Company, LLC
ADDRESS	10591 Big Canoe Big Canoe, GA 30143
ENTITY	16-LTD LIAB CO
CITIZENSHIP	South Carolina

GOODS AND SERVICES

INTERNATIONAL CLASS	036
DESCRIPTION TEXT	Real estate services, namely, real estate brokerage and management

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	036	FIRST USE DATE	06/01/1972	FIRST USE IN COMMERCE DATE	06/01/1972	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	1521251 2886872

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/08/2006	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	012
11/17/2006	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
11/16/2006	GNEA	O	EXAMINERS AMENDMENT E-MAILED	010
11/16/2006	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	009
10/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	008
10/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	007
10/16/2006	DOCK	D	ASSIGNED TO EXAMINER	006
10/05/2006	RSHG	O	REQUEST FOR SPECIAL HANDLING - GRANTED	005
09/29/2006	RFSH	I	REQUEST FOR SPECIAL HANDLING RECEIVED	004
09/29/2006	MAIL	I	PAPER RECEIVED	003
08/23/2006	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	002
08/09/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Hunter S. Freeman
CORRESPONDENCE ADDRESS	Hunter S. Freeman McNair Law Firm, P.A. P.O. Box 10827 Greenville, SC 29603-0827
DOMESTIC REPRESENTATIVE	NONE

BIG CANOE

To: Big Canoe Company, LLC (IPdocket@mcnair.net)
Subject: TRADEMARK APPLICATION NO. 78945130 - BIG CANOE - N/A
Sent: 11/16/2006 10:38:08 AM
Sent As: ECOM103@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/945130

APPLICANT: Big Canoe Company, LLC

78945130

CORRESPONDENT ADDRESS:

Hunter S. Freeman
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827

RETURN ADDRESS:

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

If no fees are enclosed, the address should include the words
"Box Responses - No Fee."

MARK: BIG CANOE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

IPdocket@mcnair.net

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/945130

EXAMINER'S AMENDMENT

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

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by Hunter Freeman on November 15, 2006, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

2(f) Based on Prior Registration

Applicant seeks Principal Register registration under Trademark Act Section 2(f), 15 U.S.C. §1052(f), by claiming acquired distinctiveness through ownership of U.S. Registration 1521251.

/W. Wendy Jun/

Trademark Examining Attorney

Law Office 103

Phone - 571-272-8810

Fax No. 571-273-8810

wendy.jun@uspto.gov

To: Big Canoe Company, LLC (ipatl@alston.com)
Subject: TRADEMARK APPLICATION NO. 78945130 - BIG CANOE - N/A
Sent: 10/25/2006 4:11:50 PM
Sent As: ECOM103@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3
Attachment - 4
Attachment - 5
Attachment - 6

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/945130

APPLICANT: Big Canoe Company, LLC

78945130

CORRESPONDENT ADDRESS:

Russell P. Beets
Alston & Bird LLP
1201 W. Peachtree Street
Atlanta GA 30309-3424

RETURN ADDRESS:

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

MARK: BIG CANOE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

ipatl@alston.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/945130

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

Search Results

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

2(e)(2) - Geographically Descriptive Refusal

Registration is refused because the mark is primarily geographically descriptive of the origin of applicant's goods and/or services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); TMEP §§1210.01(a) and 1210.04 *et seq.*

A three-part test is applied to determine whether a mark is primarily geographically descriptive of the goods and/or services within the meaning of Trademark Act Section 2(e)(2):

- (1) the primary significance of the mark must be geographic, i.e., the mark names a particular geographic place or location;
- (2) purchasers would be likely to make a goods-place or services-place association, i.e., purchasers are likely to believe the goods or services originate in the geographic location identified in the mark; and
- (3) the goods and/or services originate in the place identified in the mark.

TMEP §1210.01(a); *See In re MCO Properties, Inc.*, 38 USPQ2d 1154 (TTAB 1995); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989).

The attached web pages and applicant's own specimen show that the primary significance of the term "BIG CANOE" in the mark is the name of a geographic location. Purchasers are likely to believe the goods and/or services originate in that geographic location because the specimen indicates that the goods and/or services are provided there. Thus there is a presumed services-place association in this case. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re U.S. Cargo, Inc.*, 49 USPQ2d 1702 (TTAB 1998); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989); *In re Handler Fenton Westerns, Inc.*, 214 USPQ 848 (TTAB 1982); TMEP §1210.04.

When the geographic significance of a term is its primary significance and the geographic place is neither obscure nor remote, the goods/place or services/place association will ordinarily be presumed from the fact that the applicant's goods or services originate in the place named in the mark. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001) (MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991) (PARADISE ISLAND AIRLINES held primarily geographically descriptive of the transportation of passengers and goods by air); *In re California Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988) (CALIFORNIA PIZZA KITCHEN held primarily geographically descriptive of restaurant services).

Remoteness or obscurity is determined from the perspective of the average American consumer. *See In re Societe Generale des Eaux Minerales de Vittel, S.A.*, 824 F.2d 957 3 USPQ2d 1450 (Fed. Cir. 1987) (VITTEL and design held not primarily geographically descriptive of cosmetic products because of lack of goods/place association between the goods and the applicant's place of business in Vittel, France). However, the significance of the term is determined not in the abstract, but from the point of view of the consumers of the particular goods or services identified in the application. *In re MCO Properties Inc.*, 38 USPQ2d 1154 (TTAB 1995) (FOUNTAIN HILLS held primarily geographically descriptive of real estate development services rendered in Fountain Hills, Arizona, where the record showed that Fountain Hills was the name of the town where the applicant was located and rendered its services, and that the purchasers who came in contact with the mark would associate that place with the services).

Although the trademark examining attorney has refused registration on the Principal Register, applicant may respond to the stated refusal(s) under 2(e)(2) by amending the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 *et seq.*

Although Supplemental Register registration does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under §2(d) of the Trademark Act, 15 U.S.C. §1052(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

Finally, although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Section 2(f) -- Acquired Distinctiveness

The record indicates that applicant has used its mark for a long time; therefore, applicant may seek registration on the Principal Register under Trademark Act Section 2(f), 15 U.S.C. §1052(f), based on acquired distinctiveness. To amend the application to Section 2(f) based on five years use, applicant should submit the following written statement claiming acquired distinctiveness, if accurate:

The mark has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

Applicant must verify this statement with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.41(b); TMEP §1212.05(d).

The burden of proving that a mark has acquired distinctiveness is on applicant. *See Yamaha Int'l Corp. v. Hoshino Gakki Co. Ltd.*, 840 F.2d 1572, 6 USPQ2d 1001 (Fed. Cir. 1988); *In re Meyer & Wenthe, Inc.*, 267 F.2d 945, 122 USPQ 372 (C.C.P.A. 1959). Applicant must establish that the purchasing public has come to view the proposed mark as an indicator of origin. Allegations of sales and advertising expenditures cannot per se establish that a term has acquired significance as a mark. It is necessary to examine the advertising material to determine how the term is used, the commercial impression

created by such use, and the significance the term would have to prospective purchasers. The ultimate test in determining acquisition of distinctiveness under Trademark Act Section 2(f) is not applicant's efforts, but applicant's success in educating the public to associate the claimed mark with a single source. *In re Packaging Specialists, Inc.*, 221 USPQ 917 (TTAB 1984); *Congoleum Corp. v. Armstrong Cork Co.*, 218 USPQ 528 (TTAB 1983); *Bliss & Laughlin Industries Inc. v. Brookstone Co.*, 209 USPQ 688 (TTAB 1981).

Section 2(f) – Prior Registration

Because applicant has two prior registrations for similar marks for similar goods and services, applicant may choose to register the mark on the Principle Register under 2(f) based on prior registration No. 1521251.

/W. Wendy Jun/

Trademark Examining Attorney

Law Office 103

Phone - 571-272-8810

Fax No. 571-273-8810

wendy.jun@uspto.gov

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

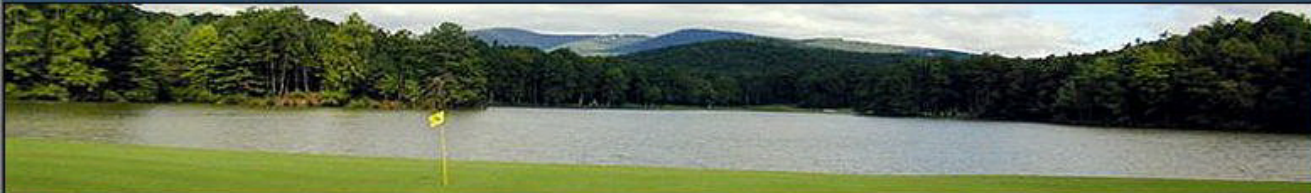
STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

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- Big Canoe, GA Info**
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Big Canoe, Ga. (706) 579-2259

Contact Us

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That Small Town Feeling in a Safe and Secure Environment

Big Canoe, Georgia is North Georgia Real Estate at it's finest. This is a gated community (24 hour security) where you can purchase a golf course home and play golf on our private community golf course. (27 holes) Not only is Big Canoe a golf community, it is located on 6,200 acres of pristine mountain property just 45 minutes north of Atlanta. This is North



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N. Georgia Area Info
[Area Attractions](#)
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45 minutes north of Atlanta. This is North Georgia Real Estate at it's finest. This Georgia Mountain Real Estate is the closest real mountains to all of Florida.



Big Canoe is a private community offering golf real estate in a private golf community. So, if you're looking for a mountain home for sale, a Georgia Mountain Cabin or some Georgia Mountain Property, plan a visit to Big Canoe, Georgia now.

Big Canoe, GA also has lakefront real estate located on three lakes. This North Georgia Mountain Resort community is also considered one of the finest Georgia Retirement Communities in the Southeast. Real Estate in Big Canoe is North Georgia's premier golf community.

We at Terrell Griffin Realtors, hope you'll come see our Georgia Mountain Getaway. The seasons are mild, the people are friendly. Some have come for a weekend and stayed for a lifetime.

"We Live In The Neighborhood. . ."
Terrell Griffin REALTORS® Presents Big Canoe, GA (706) 579-2259

E-mail comments and suggestions to terrellgriffin@alltel.net

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- Maps to Big Canoe
- Things to Do
- Big Canoe Picture Book



Big Canoe, Georgia
 Northern Georgia Mountain Vacation and
 Business Rental Home



Congratulations! You have found one of the most popular vacation, and business retreat properties in the southeast. For Business or Pleasure, the home described on this site is the **#1** home in Georgia for vacation getaways, corporate functions, business retreats, reunions, weddings, social outings, club gatherings, and awards banquets -- **Year Round!** Located in the beautiful 6400-acre golf resort community of Big Canoe, this luxury rental home is nestled in the North Georgia Blue Ridge Mountains **1 hour north of Atlanta**. Come enjoy the spectacular lake, mountain, and golf course views from the convenience of the great room and large decks. In addition to its 3 beautiful lakes, and **brehtaking scenery**, Big Canoe offers many first-rate amenities including the challenging 27-hole **Sconti Golf Course** - **designed by Joe Lee and recognized by Golf Digest as one of the 20 best courses in Georgia**. To understand why Big Canoe is such a popular vacation destination, browse through the various sections of this web site. To understand why this lakeside home is the best choice for your special outing, click on the pictures and floorplans of this luxurious 5 bedroom, 3.5 bath home and see for yourself! Enjoy, and thanks for visiting!



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Big Canoe, Ga

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Welcome



Big Canoe Georgia and North Georgia Real Estate at its finest!

Come to Big Canoe Georgia and experience the fresh air and beauty of the North Georgia Mountains. Big Canoe Georgia is a private, gated community that offers prime North Georgia real estate in the Blue Ridge Mountains: from simple mountain retreats or luxurious full time residences. Choose your dream home or home site from North Georgia Real Estate mountain properties that offer mountain views, golf course frontage or views, lake views or frontage, or private, wooded real estate.

Big Canoe Georgia is composed of thousands of acres of pristine North Georgia Real Estate mountain property, with seven mountains with elevations up to 3,000+ feet. Big Canoe Georgia is the Atlanta

property, with seven mountains with elevations up to 3,000+ feet. Big Canoe Georgia is the Atlanta area's finest mountain community, conveniently located about one hour north of Atlanta. The private school, Wildwood Christian Academy, is located within one mile of Big Canoe's Georgia main gate.

Big Canoe Georgia has four spectacular seasons: mild winters, cool summers, lovely springs and colorful autumns. Many of the amenities include 27 holes of championship golf, fitness center, tennis and fishing. Because the environment of Big Canoe Georgia is so extraordinary, a wealth of year round outdoor amenities exists for the privileged residents.

Please [click here](#) to learn about our Big Canoe Georgia experts! Contact us today at 770-893-3700 or 1-888-625-9500 to schedule a time to view this spectacular Big Canoe Georgia community with the finest real estate North Georgia has to offer!

[Please click here to take a visual tour of Big Canoe Georgia.](#)

Please note the visual tour may take a few moments to load. Thank you for your patience.

Properties was the recipient of a 2005 CENTURY 21 Gold Medallion Award

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Updated 10/22/2006

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*** User:wjun ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	6	2	3	2	0:01	1521251
02	3	0	2	1	0:01	2886872
03	11951	N/A	0	0	0:02	*b{"iy"}g*[bi,ti]
04	28474	N/A	0	0	0:31	*{"ckq"}{v}n{v1:2}*[bi,ti]
05	45	25	6	5	0:01	3 and 4
06	185	95	25	11	0:01	*canoe*[bi,ti]
07	185	N/A	0	0	0:01	*{"kqc"}ano*[bi,ti]
08	0	0	0	0	0:01	7 not 6

Session started 10/25/2006 3:27:48 PM

Session finished 10/25/2006 3:35:27 PM

Total search duration 0 minutes 39 seconds

Session duration 7 minutes 39 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78945130



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

October 5, 2006

Hunter S. Freeman
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827

Re: Trademark Application Serial No. 78-945130
Mark: BIG CANOE

Dear Mr. Freeman:

Your request for special handling of the above-identified trademark application was received in the Trademark Office on September 29, 2006. It has been considered by the Office of the Commissioner for Trademarks and has been found to meet all requirements. TMEP §§1710 and 1710.01.

Decision: Request for special handling is hereby GRANTED.

The trademark application will be returned to Law Office 103 and be handled in accordance with TMEP §§702.02 and 1710.02.

Sincerely,

Ralph Williams
Paralegal Specialist
Office of the Assistant Commissioner
for Trademarks
571-272-9584

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Big Canoe Company, LLC	Examining Attorney: --
Serial No. 78945130	Law Office --
Filed: 08/04/2006	Docket No. 114031.01000A
For: BIG CANOE	

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

Dear Sir:

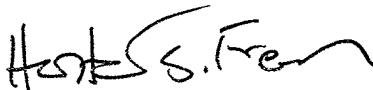
TRANSMITTAL LETTER

Please find the following correspondence items enclosed for filing in the United States Patent and Trademark Office:

1. Petition to Make Special;
2. Declaration;
3. Revocation and Reappointment of Power of Attorney and Change of Correspondence Address; and
4. Return Receipt Postcard.

Please charge payment of the Petition Fee of \$100, and any other fees which may be due, to Deposit Account No. 502079. A copy of this letter is enclosed.

Respectfully submitted,



Hunter S. Freeman
McNair Law Firm, P.A.
Registration No. 56,356
P.O. Box 10827
Greenville, S.C. 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant



I hereby certify that this correspondence is being deposited with the United States Postal Service as **FIRST CLASS MAIL** with sufficient postage and mailing label affixed thereto in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on September 26, 2006.

By: Jean S. Manson
Jean S. Manson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Big Canoe Company, LLC	Examining Attorney: --
Serial No. 78945130	Law Office --
Filed: 08/04/2006	Docket No. 114031.01000A
For: BIG CANOE	

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

Dear Sir:

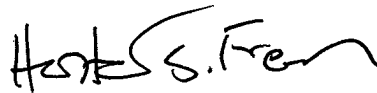
TRANSMITTAL LETTER

Please find the following correspondence items enclosed for filing in the United States Patent and Trademark Office:

1. Petition to Make Special;
2. Declaration;
3. Revocation and Reappointment of Power of Attorney and Change of Correspondence Address; and
4. Return Receipt Postcard.

Please charge payment of the Petition Fee of \$100, and any other fees which may be due, to Deposit Account No. 502079. A copy of this letter is enclosed.

Respectfully submitted,



Hunter S. Freeman
McNair Law Firm, P.A.
Registration No. 56,356
P.O. Box 10827
Greenville, S.C. 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant

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By: Jean S. Manson
Jean S. Manson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BIG CANOE

Serial No.: 78945130

Filing Date: August 4, 2006

Applicant's Name and Address: Big Canoe Company, LLC
South Carolina Limited Liability Corporation
10591 Big Canoe
Big Canoe, GA 30143

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

Dear Sir:

PETITION TO MAKE SPECIAL

Pursuant to TMEP Sections 1710 and 702.02, Applicant hereby requests that this application be made special. Specifically, this application was filed on August 4, 2006, based on Registration No. 2,285,515, for the same mark and for the same services. Applicant failed to renew the registration of No. 2,285,515 under Section 8, and thus, we hereby request this application be made special and examined as soon as possible.

Respectfully submitted,



Hunter S. Freeman
Registration No. 56,356
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BIG CANOE

Serial No.: 78945130

Filing Date: August 4, 2006

**Applicant's Name and Address: Big Canoe Company, LLC
South Carolina Limited Liability Corporation
10591 Big Canoe
Big Canoe, GA 30143**

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Dear Sir:

DECLARATION

I, William Byrne, am over 21 years of age, competent to testify, and declare the following:

- 1. I am an officer of Big Canoe Company, LLC, ("Big Canoe").**
- 2. On October 28, 1998, Big Canoe filed an application for the mark BIG CANOE in International Class 036 for use in real estate services, namely, real estate brokerage and management.**
- 3. On October 12, 1999, the mark was registered as U.S. Registration No. 2,285,515.**
- 4. On July 22, 2006, the mark was cancelled for failure to file a renewal under Section 8 of the U.S. Patent and Trademark Office.**
- 5. Subsequently, on August 4, 2006, the mark was re-filed for the same goods and services as previously registered and received serial number 78945130.**

I declare pursuant to 28 USC § 1746 and under penalty of perjury that the foregoing is true and correct.

Big Canoe Company, LLC

Date: 9-25, 2006

By: 
William Byrne

Its: Managing Partner
Title

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BIG CANOE

Serial No.: 78945130

Filing Date: August 4, 2006

Applicant's Name and Address: Big Canoe Company, LLC
South Carolina Limited Liability Corporation
10591 Big Canoe
Big Canoe, GA 30143

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

Dear Sir:

**REVOCATION AND REAPPOINTMENT OF POWER OF ATTORNEY AND
CHANGE OF CORRESPONDENCE ADDRESS**

As applicant of the above identified application, the undersigned hereby revokes all previous powers of attorney and hereby appoints Cort Flint, Reg. No. 27,260; Douglas W. Kim, Reg. No. 44,828; William D. Lee, Jr., Reg. No. 22,660; Henry S. Jaudon, Reg. No. 34,056; Seann P. Lahey, Reg. No. 51,910; Hunter S. Freeman, Reg. No. 56,356, and John R. Perkins, Jr., Reg. No. 52,112, of McNair Law Firm, P.A., to transact all business in the Patent and Trademark Office in connection with the above-identified application.

Please address all correspondence to the McNair Law Firm, P.A., Post Office Box 10827, Greenville, SC, 29603-0827 or email to IPdocket@mcnair.net.

Respectfully submitted,

Big Canoe Company, LLC

Date: 9-25, 2006

By: 
William Byrne

Its: Managing Partner
Title

<SERIAL NUMBER> 78945130
<MARK> BIG CANOE <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=78945>
<LAW OFFICE ASSIGNED>
<CONTACT TYPE> Correspondent

<ORIGINAL ADDRESS> RUSSELL P. BEETS
ALSTON & BIRD LLP
1201 W. PEACHTREE STREET
ATLANTA Georgia (GA) 30309-3424
United States (USX)
404-881-7777
404-881-7000
ipatl@alston.com

<NEW ADDRESS>
<CORRESPONDENT> Russell P. Beets
<ORGANIZATION> Alston & Bird LLP
<STREET ADDRESS> 1201 W. Peachtree Street
<CTIY> Atlanta
<STATE> GA
<POSTAL CODE> 30309-3424
<PHONE> 404-881-7000
<FAX> 404-881-7777
<EMAIL> ipatl@alston.com
<EMAIL AUTHORIZED> Y
<SUBMIT DATE> Aug 23, 2006

<SIGNATURE>
<ESIGNATURE-TYPE> DIRECT
<SIGNATURE-TYPE> D
<SIGNATURE-ENTRY-NUMBER>
<SIGNATURE-NAME> /Russell P. Beets/
<SIGNATORY-DATE> 20060823
<SIGNATORY-NAME> Russell P. Beets
<SIGNATORY-POSITION> Attorney for Applicant

Trademark/Service Mark Application, Principal Register

Serial Number: 78945130

Filing Date: 08/04/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	BIG CANOE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BIG CANOE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Big Canoe Company, LLC
STREET	10591 Big Canoe
CITY	Big Canoe
STATE	Georgia
ZIP/POSTAL CODE	30143
COUNTRY	United States
EMAIL	ipatl@alston.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	South Carolina
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
DESCRIPTION	Real estate services, namely, real estate brokerage and management
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/1972
FIRST USE IN COMMERCE DATE	At least as early as 06/01/1972
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT4\IMAGEOUT4\789\451\78945130\xml1\AP P0003.JPG
	\\TICRS\EXPORT4\IMAGEOUT4\789\451\78945130\xml1\AP P0004.JPG

SPECIMEN DESCRIPTION	Copies of pages from Applicant's brochure and web site featuring mark and covered services
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 1521251 and 2886872.
SIGNATURE SECTION	
SIGNATURE	/William J. Byrne/
SIGNATORY NAME	William J. Byrne
SIGNATORY DATE	08/04/2006
SIGNATORY POSITION	President
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	CC
ATTORNEY	
NAME	Russell P. Beets
FIRM NAME	Alston & Bird LLP
STREET	1201 W. Peachtree Street
CITY	Atlanta
STATE	Georgia
ZIP/POSTAL CODE	30309-3424
COUNTRY	United States
PHONE	404-881-7000
FAX	404-881-7777
EMAIL	ipat@alston.com
AUTHORIZED EMAIL COMMUNICATION	Yes
OTHER APPOINTED ATTORNEY(S)	Ginabeth B. Hutchison, Edward M. Prince
CORRESPONDENCE SECTION	
NAME	Russell P. Beets
FIRM NAME	Alston & Bird LLP
STREET	1201 W. Peachtree Street
CITY	Atlanta
STATE	Georgia
ZIP/POSTAL CODE	30309-3424

COUNTRY	United States
PHONE	404-881-7000
FAX	404-881-7777
EMAIL	ipat@alston.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Aug 04 14:00:47 EDT 2006
TEAS STAMP	USPTO/BAS-66192134245-200 60804140047530144-7894513 0-200cc9926a214a911796fb5 1106e2747c6-CC-1691-20060 804133412312231

PTO Form 1478 (Rev 6/2005)

OMB No. 0651-0009 (Exp xx/xx/xxxx)

Trademark/Service Mark Application, Principal Register

Serial Number: 78945130

Filing Date: 08/04/2006

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of BIG CANOE.

The applicant, Big Canoe Company, LLC, a limited liability company organized under the laws of South Carolina, residing at 10591 Big Canoe, Big Canoe, Georgia, United States, 30143, 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.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 036: Real estate services, namely, real estate brokerage and management

In International Class 036, the mark was first used at least as early as 06/01/1972, and first used in commerce at least as early as 06/01/1972, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Copies of pages from Applicant's brochure and web site featuring mark and covered services.

Specimen - 1

Specimen - 2

Applicant claims ownership of U.S. Registration Number(s) 1521251 and 2886872.

The applicant hereby appoints Russell P. Beets and Ginabeth B. Hutchison, Edward M. Prince of Alston & Bird LLP, 1201 W. Peachtree Street, Atlanta, Georgia, United States, 30309-3424 to submit this application on behalf of the applicant.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: ipat@alston.com.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to

use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William J. Byrne/ Date: 08/04/2006

Signatory's Name: William J. Byrne

Signatory's Position: President

Mailing Address:

Russell P. Beets

1201 W. Peachtree Street

Atlanta, Georgia 30309-3424

RAM Sale Number: 1691

RAM Accounting Date: 08/04/2006

Serial Number: 78945130

Internet Transmission Date: Fri Aug 04 14:00:47 EDT 2006

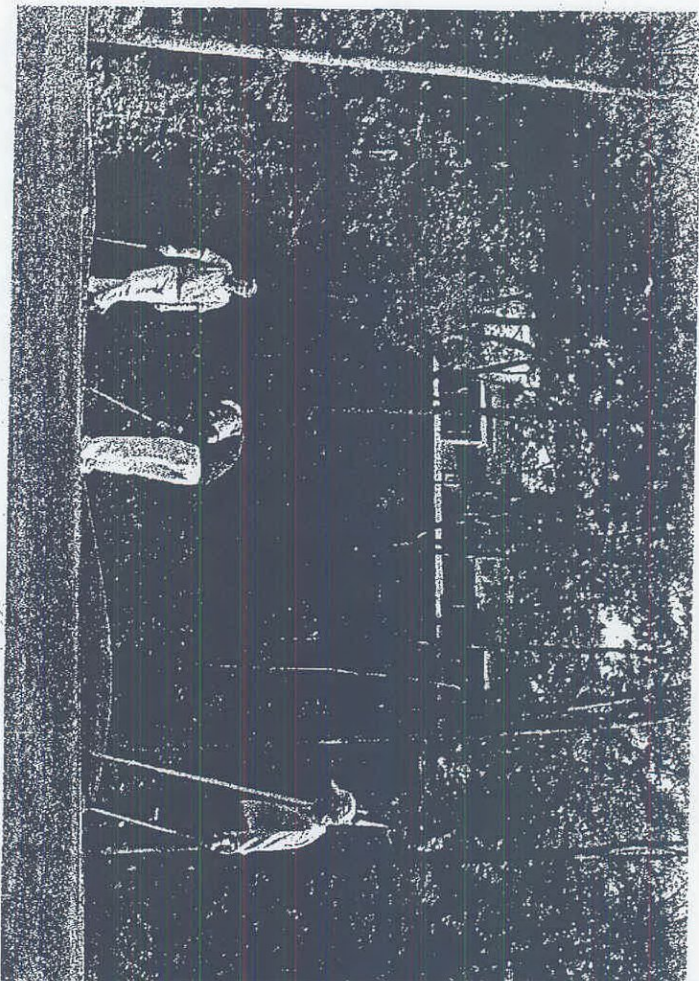
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2747c6-CC-1691-20060804133412312231

BIG CANOE

Choosing the right line is tough.



Choosing the best real estate company, no problem.

Some choices are more difficult than others. Fortunately, if you're interested in buying or selling property anywhere in Big Canoe, the choice is simple: Big Canoe Realty. With some of the area's top-performing agents and the finest on-going training in the business, we're ready to help you reach your goals. Call Big Canoe Realty today to find out more. What could be easier?

www.bigcanoe.com
770-893-2733 or 1-866-BIGCANOE


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I am looking for:

- Home
- Home site

What is most important to you in choosing a home or home site?

- Views
- Price
- Square footage
- New offerings



Download floorplans



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Real Estate

Big Canoe Realty is your one source for the latest information on homes, neighborhoods and new listings. Visit our [Interactive Master Plan](#) to explore our neighborhoods and find the perfect home or home site. Let us be your guide to your mountain dream home.

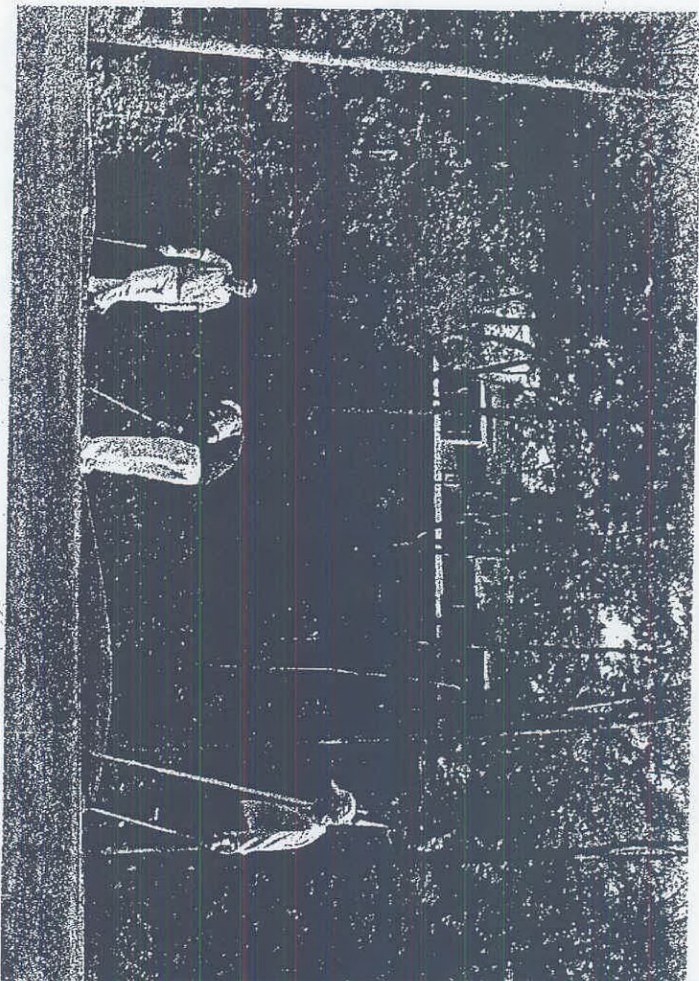
For more information call the Atlanta line at 770-893-2733 or toll free 1-866-BIG-CANOE.

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I am looking for:

- Home
- Home site

What is most important to you in choosing a home or home site?

- Views
- Price
- Square footage
- New offerings



Download floorplans



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Homefinder Search

Real Estate

Big Canoe Realty is your one source for the latest information on homes, neighborhoods and new listings. Visit our [Interactive Master Plan](#) to explore our neighborhoods and find the perfect home or home site. Let us be your guide to your mountain dream home.

For more information call the Atlanta line at 770-893-2733 or toll free 1-866-BIG-CANOE.

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