



For Innovation

Application No: 2423035

Pimp That Snack Ltd.

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O/Ref: 2423035/Team C/TLONG
Y/Ref: Pimp That Snack
Date: 9 November 2006

Please reply by 9 January 2007 quoting our reference.

Dear Sir,

Application No: 2423035 in Classes 09, 16, 25, 38, 41
For the Mark: Pimp That Snack
Applicant: Pimp That Snack Ltd.

EXAMINATION OF TRADE MARK APPLICATION

Thank you for your letter which was received in this office on 01.11.2006.

Absolute Grounds For Refusal - Section 3

I have considered your comments and would firstly point out that the objection relates to Classes 9 and 16 only. This is because it is felt that the term "Pimp my" has now become so well known as meaning to improve or develop something, which it must be said is a direct result of programs such as "Pimp my ride", that the term "Pimp my snack" would no longer be seen as a trademark by the average consumer but rather a description of goods that relate to the development or improvement of ordinary snacks. I think this is the key point, consumers conceptions of certain terms do change over time, obviously four or five years ago very few people in this country had heard of the term "Pimp my" but it has now become commonly used (as the internet hits enclosed with the examination report demonstrate) and as a result has lost any spark of distinctiveness it may have had in relation to the goods for which the objection has been raised.

However the mark is deemed to be acceptable in Classes 25, 38 and 41 which would appear to be the main area of interest to your clients. If acceptable Classes 9 and 16 may be deleted and the application allowed to proceed to advertisement for the remaining classes.

With regard to the precedents quoted in your letter, I was not party to the circumstances surrounding their acceptance suffice to say that the Registry is not bound by precedent

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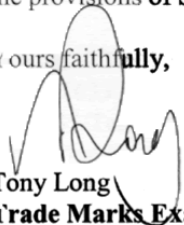
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and each case must be judged on its own merits.

If you disagree with my findings then may I suggest that you apply for a hearing with one of the Registry's Hearing Officers at which your case may be argued.

If you do not reply by the date requested above, the application will be refused under the provisions of Section 37(4) of the Trade Marks Act 1994.

Yours faithfully,



Tony Long
Trade Marks Examiner