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**To:** NC Beaches, Inc. ([trademark@ncbeaches.com](mailto:trademark@ncbeaches.com))  
**Subject:** TRADEMARK REGISTRATION NO. 3528863 - COME AS GUESTS.  
LEAVE AS FAMILY. - N/A  
**Sent:** 12/03/13 08:59:46 PM  
**Sent As:** PRG@uspto.gov  
**Attachments:**

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**IMPORTANT NOTICE  
USPTO OFFICE ACTION HAS ISSUED ON 12/03/2013 FOR  
REGISTRATION NO. 3528863**

Please follow the instructions below to continue the examination of your post registration filing:

**VIEW OFFICE ACTION:** Click on this link

<http://tsdr.uspto.gov/view.action?DDA=Y&sn=77352824&type=OOA&date=20131203>

(or copy and paste this URL into the address field of your browser), or visit <http://tsdr.uspto.gov/> and enter the registration number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period your response deadline will be calculated from.

**Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.**

**HELP:** For technical assistance in accessing the Office action, please e-mail [tsdr@uspto.gov](mailto:tsdr@uspto.gov). Please contact the assigned examiner with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline may result in the cancellation and/or expiration of your registration.**

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

**U.S. REGISTRATION NO.** 3528863

**REGISTRANT:** NC Beaches, Inc.

**77352824**

**CORRESPONDENT'S ADDRESS :**

NC BEACHES, INC.  
2781 Seashell Drive SW  
HOLDEN BEACH NC 28462

**MARK:** COME AS GUESTS. LEAVE AS FAMILY.

**CORRESPONDENT'S REFERENCE/DOCKET NO.** N/A

**CORRESPONDENT'S EMAIL ADDRESS :**

[trademark@ncbeaches.com](mailto:trademark@ncbeaches.com)

**CLICK ON THE LINK BELOW TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/reg\\_maintain.jsp](http://www.uspto.gov/trademarks/teas/reg_maintain.jsp)

***POST REGISTRATION OFFICE ACTION***

**ISSUE/MAILING DATE: 12/3/2013**

U.S. Registration Number 3528863

The Sections 8 & 15 Combined Affidavit submitted on November 21, 2013, cannot be accepted or acknowledged for the reasons set forth below.

The specimen submitted with the Section 8 Affidavit is unacceptable because it does not show use of the registered mark in commerce. It appears to be a photocopy of the drawing or a picture or rendering of the registered mark, and does not show the mark actually used in commerce on the goods or in the sale or

advertising of the services. *See* 37 C.F.R. §2.56(c); TMEP §904.04(a).

Therefore, the owner must submit the following:

- (1) A substitute specimen showing current use of the registered mark in commerce for each class of goods and/or services specified in the registration; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8.**” 37 C.F.R. §2.161(g); TMEP §1604.12(c).

Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. *See* TMEP §§904.03 *et seq.* Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services. *See* TMEP §§1301.04 *et seq.*

The following statement and declaration under 37 C.F.R. §2.20 can be used to verify the Combined Affidavit, if properly signed and dated:

The owner was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted specimen, during the relevant period for filing the 6-year Section 8, that is, between the 5<sup>th</sup> and 6<sup>th</sup> year anniversary after the date of registration or the date of publication under 15 U.S.C. §1062, or during the ensuing grace period.

The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration or the date of publication under 15 U.S.C. §1062(c), and is still in use in commerce on or in connection with all goods and/or services listed in the existing registration. There has been no final decision adverse to the owner’s claim of ownership of such mark for such goods and/or services, or to the owner’s rights to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the United States Patent and Trademark Office or in the courts.

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. §1001, and that such willful false statement may jeopardize the validity of this document, declares that s/he is properly authorized to execute this document on behalf of the owner, and 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 of Authorized Person  
Lynell Eaddy  
\_\_\_\_\_  
Type or Print Name  
7/4/14  
\_\_\_\_\_  
Date

**RESPONSE TIME DEADLINE:** A complete response must be received within 6 months from the issuance date of this Office action or prior to expiration of the 6<sup>th</sup> year anniversary date on **November 04,**

2014, whichever is later. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. 37 C.F.R. §2.163(b)-(c); TMEP §1604.16.

ADVISORY: If a response to this Office action is not filed within the response deadline above, and time remains in the grace period, the owner may avoid cancellation of its registration by filing a new affidavit of use within the grace period. 37 C.F.R. §2.163(c). Additional fees are required to file a new affidavit during the grace period. 37 C.F.R. §2.161(d)(1)-(2). For more information about this, please contact the undersigned.

/stakhar/  
Surinder Takhar  
Trademark Specialist  
Post Registration Unit  
Phone - (571) 272-9512  
Fax - (571) 273-9512  
Surinder.Takhar@Uspto.gov

**TO RESPOND TO THIS LETTER:** Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form number 11 at [http://www.uspto.gov/trademarks/teas/reg\\_maintain.jsp](http://www.uspto.gov/trademarks/teas/reg_maintain.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by (1) the individual owner; (2) someone with legal authority to bind the owner (e.g., a corporate officer or general partner); or (3) an authorized attorney, if one is appointed to represent the owner. If the owner is represented by an attorney, the attorney must sign the response.

**CHECK THE STATUS OF THE REGISTRATION:** To check the status of your registration at any time, visit the Office's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the complete status screen. 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>.

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED SPECIALIST.**