

Peter Wilcock

The Patent Office
Cardiff Road
Newport
South Wales
NP10 8QQ

20th November 2006

Your ref: 2423035/Team C/TLONG

Re: Pimp That Snack Trademark

Dear Sirs,

We refer to your letter of November 9th 2006.

I must express my sincere confusion regarding the grounds for the objection against the above trademark in Classes 9 and 16. You make several arguments relating to the eligibility of 'Pimp My Snack' as a trademark with references to the prefix of 'Pimp My'.

You will appreciate my confusion, given that the trademark application is for neither of these terms. It is for **Pimp That Snack** as a whole phrase. Prior to the website of the same name, **Pimp That Snack** was not a phrase in common use and not known to the public. As we have previously stated, it was not until April of 2006, when the website rose to prominence, that the term **Pimp That Snack** was known in any context. Consequently **Pimp That Snack** is a phrase solely and inextricably connected to the website of the same name.

I am unable to see therefore how any argument that cites specific combinations of words, not seen in the trademark applied for, could possibly be applicable as an objection or grounds for absolute refusal. It would appear that a third-party has objected against the application for **Pimp That Snack** on grounds that have not been sufficiently validated. An objection cannot be upheld for the simple reason that **Pimp That Snack** is a distinctive and complete phrase that previously unknown and brought into existence by the popularity of the website.

This demonstrates considerably more than the 'spark of distinctiveness' required for registration. Were you to conduct an internet search for the term **Pimp That Snack**, you would find no reference to it other than the website itself, or links and discussions that otherwise relate to the website – it is a phrase known in no other context. I do not see how your website search results, that uses a *different* combination of words *other* than those applied for (i.e. 'Pimp My') as a partial phrase, can be used as an argument that the trademark **Pimp That Snack** is insufficiently distinctive when clearly this is not the case.

Regardless, it seems quite contrary that despite the arguments presented about the mark's ineligibility in Classes 9 and 16, you state that the mark is acceptable in Classes 25, 38, and 41. Your comment that the latter Classes appear to be 'the main area of interest to [our] clients' is entirely subjective and quite incorrect. **Pimp That Snack** engages in a wide variety of activities and we deem it necessary to protect our rights in this Mark in the Classes applied for.

Having clarified our position and reiterated the unique and undeniably distinctive nature of this Mark, we ask again that it be carried forward to Advertisement.

Sincerely,

Peter Wilcock

For and on behalf of Pimp That Snack Ltd.