

To: Chipotle Mexican Grill, Inc. (kmiller@hollandhart.com)
Subject: TRADEMARK APPLICATION NO. 78203745 - CHIPOTLE MEXICAN GRILL - 40911
Sent: 6/30/03 7:27:34 PM
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/203745

APPLICANT: Chipotle Mexican Grill, Inc.

CORRESPONDENT ADDRESS:
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Holland & Hart LLP
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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom111@uspto.gov

MARK: CHIPOTLE MEXICAN GRILL

CORRESPONDENT'S REFERENCE/DOCKET NO : 40911

CORRESPONDENT EMAIL ADDRESS:
kmiller@hollandhart.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

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/203745

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

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02. However, please note the following issues/requirements.

Disclaimer Requirement

The applicant must disclaim the descriptive wording "CHIPOTLE" and "MEXICAN GRILL" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The wording is merely descriptive because it is a feature of the services.

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP §1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "CHIPOTLE" and "MEXICAN GRILL" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Incorrect Classification

The applicant has classified the services incorrectly. The applicant must amend the application to classify the services in International Class **43**. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Translation

The applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §2.61(b); TMEP §809.

Significance of Wording

The applicant must indicate whether “CHIPOTLE” has any significance in the relevant trade, any geographical significance, or any meaning in a foreign language. 37 C.F.R. §2.61(b).

Further action awaits response to the above.

/Mrs. W. K. H. Price, Esq./
Trademark Attorney
Law Office 111
(703) 308-9111, ext. 426
ecom111@uspto.gov

How to respond to this Office Action:

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To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney’s name on the upper right corner of each page of your response.

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

For general and other useful information about trademarks, you are encouraged to visit the Office’s web site at <http://www.uspto.gov/main/trademarks.htm>

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