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March 23, 2015,

Rusty Lucas
P.O. Box 422
Sandusky, Ohio 44871

Dear Mr. Lucas,

Thank you for your letter and I am truly sorry to hear about the death of your father as I, too, lost my dad in the last few years. He was Robert Lucas, born in Cleveland and lived the majority of his life in Midland Michigan. My daughter was so enamored with her grandfather; she gave her son the first name Lucas, to honor him.

I appreciate your letter and will answer your questions as best I can but not in the same order.

Genealogy: At all branches of the Toledo-Lucas County Public Library, using our public computers and catalog computers you can access Ancestry.com. At Main Library, 325 Michigan St, we have a Local History floor with expert librarians on getting you started on genealogy. We also have other databases that can be used to find history of families. I have attached to this letter what I found from using the information on your father's obituary as far as your grandparents. I would encourage you to come to Main Library and talk with the Local History Librarians as they will better be able to help you.

List of Rusty Lucas: I've attached a list of the current Rusty Lucases that are listed in the ReferenceUSA white pages. Bear in mind, that these are the ones that have had or have a land line for phone. Facebook – 5; Twitter – 7; LinkedIn – 5; all have people using the name Rusty Lucas who may or may not be the same as the white pages list.

Trademark: I have included in this letter, the USPTO.gov publication “**Basic Facts about Trademarks**”, “**Registering Your Trademark or Servicemark in Ohio**” and information about two free programs we are doing at Main. **Ask A Patent/Trademark/Copyright Attorney** – April 7, May 5 or June 2 where Intellectual Property Attorneys volunteer their time to talk with prospective inventors and business people. I will be teaching **Trademarks 101: Owning Your Brand** – May 6.

A trademark, by definition, is generally a word, phrase, symbol, or design, or a combination thereof, that identifies and distinguishes the source of the goods/services of one party from those of another. One requirement for a trademark is that the good or service it represents is being sold in the market place. Upon each renewal of the trademark – every seven years – details have to be submitted that show it is still being used in commerce. Think about Coca Cola and the multitude of trademarks that it has and continues to renew for over 100 years.

Certain requests for trademark will usually be denied and they include:

- Likelihood of being confused with an existing mark
- Surname
- An individual's name or likeness (Even Beyoncé and Jay-Z had their request denied)
- Geographically description of goods origin
- Disparaging or offensive marks
- Foreign terms that translate to a descriptive or generic term
- Title of a book and/or movie

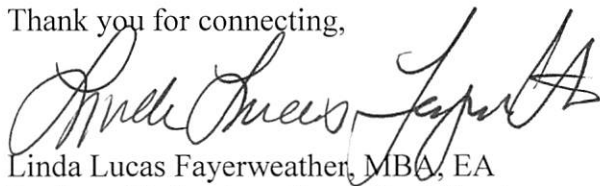
You can see from that list (page 4 in the Basic Facts book) that the likelihood of getting a trademark for your name is going to be a very long shot. I would encourage you to attend one of the Ask a Patent/Copyright/Trademark Attorney coming up on April 7 (7PM) and talk with the experts.

Now, for some good news:

- If you had a business that was named “Rusty Lucas” and had a product or service that was called “Rusty Lucas”, you might be able to get a trademark. Think about Tim Horton's or Charles Schwab as both companies with trademarks from a trade name which originally was an individual name. A surname (last name) will be rejected if it is commonly thought of as a surname. If you had a business that was trading goods or services that over time became associated with your good or service, it could become a trademark. Think about McDonalds, Andersons, Kroger or Ford. These were all last names of the original business owner.
- The domain name www.RustyLucas.com is available and you could purchase that for \$9.99/year at GoDaddy.com.

I'm only the facilitator of the information here and from the Patent Trademark Resource Center at the Toledo-Lucas County Public Library. Speaking with one of our volunteer attorneys would be a good first move to decide what you will be doing moving forward. Feel free to come the Main and meet with me.

Thank you for connecting,



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