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Subject: U.S. TRADEMARK APPLICATION NO. 85361278 - FLORASUN - GLA 3004 - Request for
Reconsideration Denied - Return to TTAB - Message 1 of 7

Attachment Information:

Count: 8

Files: thesweet-01.jpg, thesweet-02.jpg, thesweet-03.jpg, thesweet-04.jpg, thesweet-05.jpg, thesweet-06.jpg, thesweet-07.jpg, 85361278.doc

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

U.S. APPLICATION SERIAL NO. 85361278

MARK: FLORASUN



CORRESPONDENT ADDRESS:

SERGEI OREL

LAW OFFICE OF SERGEI OREL, LLC

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LOWER LEVEL MALL

GUTTENBERG, NJ 07093

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

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APPLICANT: Biofloral Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

GLA 3004

CORRESPONDENT E-MAIL ADDRESS:

sorel@sergei-orel.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 9/3/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated January 12, 2015 is maintained

and continues to be final: Refusal under Trademark Act Section 2(d) as to Registration No. 2425875. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

In addition to evidence previously provided regarding the relatedness of the applicant's and registrant's goods, the attached excerpt from <http://thesweethome.com> describes grow light fixtures in the nature of 2-foot bulbs and fixtures for "home growers, aquarium hobbyists, and orchid growers." In addition, the attached excerpts from www.bsled.com, <http://busybeeleds.com>, www.topledgrowlight.com, www.cidly.com, www.ledgrowlightsoutlet.com, www.ledaquagrow.com, www.ledlightplant.com, www.ledlighting4less.com, www.eshinesystems.com, and www.twilightgroups.net show that the same companies provide both LED light, grow lights or light fixtures for horticultural or cultivation use and aquarium lamps through the same channels of trade.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Verna B. Ririe/

Trademark Attorney

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The Sweethome

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The Grow Lights We Like

MARCH 4, 2015 MEG MUCKENHOUP

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After more than 50 hours of research and interviews with five experts—including one who designed plant lighting for Antarctica and the moon—I can say that the [Hydrofarm FLT24](#) is the best commercial system with bulbs (and a...

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Over the past two years we've spent more than 150 hours tracking down and testing the best school supplies, gadgets, and dorm-life gear you'll need to make everyone's school year as comfortable and successful as it can be—whether you're preparing the students in your household for their first day of kindergarten or you're going back to campus for a new semester.

Hydrofarm FLT24 Grow Lights We Like

Buy for \$90* from Amazon

*At the time of publishing, the price was \$91

[2-Ft/4-Tube T5 Commercial System with Bulbs \(\\$92\)](#) is economical, is low-maintenance, runs cool in small spaces, and provides bright light for stout plants. It's the one we would buy if we were starting seeds indoors.



Grow lights for most Hydrofarm FLT24
The \$91 Hydrofarm FLT24 is economical and low-maintenance, runs cool in small spaces, and provides bright light for stout plants. It's the grow light we'd spend our money on.

\$90* from Amazon
*At the time of publishing, the price was \$91.

This was not an easy conclusion to reach—as part of our research, we found that a large number of grow light manufacturers and resellers either don't actually know how to provide appropriate light output information or they simply don't want to tell you. The typical lumen measurement is great for humans with eyeballs, but not directly relevant to what plants can use. Color temperature is also a common metric, which is only slightly relevant to gardeners and still doesn't help tell you how powerful it will be to your plants. The photosynthetic photon flux density, or PPF, is the best measure. (We discuss these things much later on in the guide.) In fact, as we were performing the research for this guide, we had one manufacturer ask us for help on measuring PPF, showing just how opaque this industry is. It's no wonder gardeners are left feeling around in the dark to figure out which lights work best for what they're growing.

If our main choice sells out, the [Sun Blaze 2 ft. - 4 Lamp - F24T5-HO - Fluorescent Grow Light Fixture](#) (\$80) is a good bet and is only our second choice because there's less information



Also Great
The runner-up Sun Blaze T5-24
The Sun Blaze is a good runner-up if our main pick is unavailable for whatever reason. It's essentially the same light, but there's less information on its long-term

How to support The SweetHome

Important Specs

Weight:	11.6 pounds
Length:	23 inches
Width:	13.5 inches
Wattage:	96 watts

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available about its long-term performance. That said, it's essentially the same light as our top pick and gets excellent reviews.

Lettuce farmers and those who grow other greens are a special case. Growing a plant to maturity indoors requires far more photons than sprouting a seedling. If you're thinking of attempting indoor lettuce, kale, spinach, herbs, or other leafy things, you need stronger stuff than a T5, which simply won't give you enough photons in a day. Go directly to a setup with two [BML Light Bar Grow-Max Spectrum](#) lights, and don't look back.

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\$81 from Amazon

Also Great



\$100 from BML

performance.

For growing greens

[BML Light Bar Grow-Max Spectrum](#)

Go with a setup like this if you plan on growing leafy greens like lettuce, kale, spinach, and herbs indoors.

Your Guide



Meg Muckenhoupt is an environmental and travel writer. Her book *Boston Gardens and Green Spaces* (Union Park Press, 2010) is a *Boston Globe* Local Bestseller, and she is co-creator of the Green Spaces: Boston app. She has appeared on NPR's *Radio Boston* and *WCVB's Chronicle*, and *WGBH's Forum* site. She blogs at [GreenSpaceBoston.com](#).

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The Best Cheap Vacuum

Who's this guide for?

If you're starting your seedlings on a sunny windowsill and you're serious about your gardening, you should buy a grow light instead. You'll see an immediate difference in the color and growth of your seedlings before you put them outdoors for the season. They'll be greener and stockier, with stronger stems, and they'll grow faster than they would with limited, filtered light through your window. If you already have a traditional fluorescent light setup with T8 or T12 bulbs (with a diameter of about 1-1.5 in./2.5-4 cm), you should consider upgrading. Over the course of five years, you'll spend \$30-60 more using T5 bulbs than you would with two T8 bulbs, depending on how much your electricity costs. But it's worth it. Your seedlings will get greener and grow faster simply because the T5s will deliver more photons to their light-loving leaves than the T8s. You will see even more of a benefit with crops that require long indoor growing periods before you move them outdoors (tomatoes, peppers, eggplant, artichokes, cardoons, sluggish offspring...).

How we picked and tested

The best grow light is the light that grows what you want to grow. It produces enough photons in the right spectrum (400-700 nm) to give plants the energy they need to grow and has enough light at both "red" and "blue" wavelengths to make plants grow dark green leaves and thick stems. (You can read more about this in [The light plants need.](#)) The best lights give you just as much light as you need, but not more (because you don't want to waste electricity), and don't produce excess heat. Unfortunately for gardeners, it's difficult to get good information about plant lights (see [Why can't you get useful measurements for grow lights?](#)). Lighting companies don't give out relevant measurements, and the typists stuffing up the internet only seem to want to grow either marijuana, salt-water corals, or orchids. (I've been searching for a blog about a garden that combines all three into a single seaside pleasure dome, but I have yet to find it.) Unfortunately, most hobbyist growers—from pot to petunias—do not publish rigorous scientific research into their growing methods. The aquarium lighting folks actually [test their setups](#), but their criteria for a good light is a bit different from a typical tomato-grower's (ditto for orchids). As such, I consulted five different experts to find out what makes a good grow light and what most gardeners need.

- Gene Giacomelli, Ph.D., director of the [Controlled Environment Agriculture Center](#) at the University of Arizona, has designed plant lighting for the Antarctic research lab McMurdo Station and a "lunar greenhouse" for use on space missions.
- Ed Hanwood, Ph.D., is the chief technology officer and co-founder of [AeroFarm](#), a

The Best Cheap Vacuum
Shark Navigator Lift-Away NV352

The Best Sprinkler
Gardena ZoomMaxx Oscillating Sprinkler on Weighted Sled Base

Categories

- Appliances
- Bathroom
- Bedroom
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- Garage
- Home Office
- Kitchen
- Lawn & Garden
- Medicine Cabinet
- Nursery
- Office
- Pantry
- Security
- Smarts
- Tools

New Things

September 2, 2015

- There's a new version of the [Ned](#) [our](#)

- Ed Harwood, Ph.D., is the chief technology officer and co-founder of [AeroFarms](#), a "vertical farm" supplier that provides equipment for companies growing more than 250 varieties of greens and herbs under LED (light-emitting diode) lights inside warehouses.
- Neil Mattson, Ph.D., is an associate professor and floriculture extension specialist at Cornell University's Department of Horticulture.
- Peter Wardenburg is the president of Hydrofarm hydroponic suppliers.
- Bruce Bugbee is a professor at the Crop Physiology Laboratory, Department of Plant Soils and Climate, Utah State University. He co-authored an article about grow light efficiency with his graduate student Jacob Nelson, my sixth expert.

Basically, if you're growing plants indoors, you can choose between fluorescent, compact fluorescent, metal halide, and high pressure sodium (HPS) lamps or LED bulbs (more on this in the "Types of lights" section). These bulbs vary in size, the amount of light they put out, and what wavelengths of light they emit. Using our experts' plant lighting analysis, I looked for lights that provided the photon output required for regular seedlings, herbs, and tabletop lettuces. After estimating performance, I then calculated the five-year cost of using the fixture including purchase cost, bulb replacement costs, and the amount of electricity needed to give plants the required [daily light integral](#) (DLI). (See [How we calculated output vs. cost](#).)

Our pick



Grow lights for most Hydrofarm FLT24
The \$91 Hydrofarm FLT24 is economical and low-maintenance, runs cool in small spaces, and provides bright light for stout plants. It's the grow light we'd spend our money on.

\$90* from Amazon

*At the time of publishing, the price was \$91.

The results of our research and expert input were unequivocal. If you want to give your seedlings a greenhouse-worthy start, go out and get a four-bulb T5 fixture with 24-watt T5

• There's a new version of the Nest, our favorite smart thermostat. The [Nest 3.0](#) isn't much different from our current pick, but adds a larger, brighter display, and a slightly thinner profile. The price remains \$249. We'll bring it in for testing, but we're fairly certain the Nest 3.0 will be our new pick. [\[Best Smart Thermostat\]](#)

• [Best Deal:](#) Our pick for [best smart thermostat](#), the Nest 2.0, is down to \$199 (from \$249). [\[Amazon\]](#)



September 1, 2015

• Please help us out by taking [this short survey](#) about your coffee making preferences so we can find the best coffee grinders.



August 20, 2015

• [Best Deal:](#) Our budget pick for [best slow cooker](#), the Crock-Pot SCV400B 4-Quart Oval Manual Slow Cooker, is down to \$16 (from \$22). [\[Amazon\]](#)

Inner Vision for the weekend of August 28, 2015



• In this weekend's edition of Inner Vision, getting the best deal when [shopping for a mattress](#), making your

High Output (HO) bulbs (Plain T5 bulbs at 2-foot lengths are only 14 watts and won't produce as much light.) There aren't that many 2-foot four-bulb T5 fixtures on the market—and even fewer reviews of T5 systems—but the overwhelming favorite among Amazon reviewers is the [Hydrofarm FLT24 2-Ft. 4-Tube T5 Commercial System with Bulbs \(\\$92\)](#). Users praise the light's even illumination over an entire seedling flat, its brightness, and the fact, stocky seedlings they raise with this light. A few reviewers complain about customer service for replacing bulbs broken in shipping. Peter Warburg, Hydrofarm president, recommended 1-bulb for gardeners over different kinds of lights. "1- or seed-starting, T5s are the most cost-effective. They're practical and affordable ... they're the best practical choice."

Neil Mattson, Cornell University horticulture professor, raises plants from tissue cultures in his laboratory with T5 lights as well. "It works well for me," he said. "With four lights on a 2-foot [wide] shelf you get much better growth than two." This light does put out some heat, however. [An orchid grower wrote](#) that this light fixture raised the temperature of his terrarium by 5-7°F (3-5°C). However, most seed-starters have their flats out in the open, not in a glass box. In that case, the temperature increase should be minimal. The Hydrofarm T5's light temperature is rated as 6500 K, or "daylight," which means the light will look slightly bluish-white. You can see the spectrum on this [camivorous plants fan page](#), or witness a nausea-inducing animation of the colors of different light temperatures on [Wikipedia](#). When you look at your plants under the Hydrofarm T5s, their colors will look about the same as they would if you put them outside at noon. (Interior decorators for vampires will want to hang a dark curtain around the light to avoid evoking unpleasant memories.) If you prefer a woody, rustic brown hue for your plant light housing, instead of dazzling white, the [Hydrofarm T5 Designer 2Ft. 4-Tube Fixture w/ Bulbs FLT24 \(\\$108\)](#) is almost identical to the FLT24 above. Its one point of departure from the FLT24, apart from its distinguished mottled-bronze exterior, is that it features a three-prong outlet at one corner of the light. That outlet allowing growers to "daisy-chain" lights together and control multiple lights with a single timer, which is presumably why it costs \$16 more than the white version. You could also just buy a [two-outlet timer](#) for \$10 when the time comes to plug in a second light, but you'll miss the thrill of viewing a block of gleaming mud-colored metal hovering above your tender seedlings. The choice is yours.

How much will it cost in electricity to run this thing?

Depending on the cost of your electricity, it will cost somewhere between \$33 and \$100 to run these lights for five years and your seedlings will get plenty of photons—a DU of 6 over the course of a 16-hour day—to attain their maximum potential. (If you want them to

[own wine salt](#), and [The Burning House](#), a blog where people share the things they'd grab first in a fire.

August 27, 2015

The Best Pregnancy Test



After conducting more than 50 hours of research and having three of our female editors pee on a total of 60 pregnancy tests, we found the [First Response manual test](#) is the best option for most people. It gives the most accurate results (and the fastest results) because it's the most sensitive over-the-counter test you can buy. Plus, it's just as easy to read as a digital test and much less likely to give you an error message.

Older New Things

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attain a fairly average seedling potential, run your lights for just 11 hours a day to get a DLI of 4 and save a third of the electricity cost.) With an expected bulb life of 20,000 hours, you should be able to start seedlings for the next 22 years.

Flaws but not dealbreakers

As mentioned earlier, the Hydrofarm 4-Tube T5 fixture will not bring your tabletop greens to their full potential. If you keep this light on 24 hours a day, you'll still only get a DLI of 9—considerably below the DLI of 12 that greenhouse growers consider necessary for producing lettuce, herbs, spinach, and other greens. If you're hankering for leafy greens, read on to see our choice for lettuce farmers below.

For growing greens

If you really want to grow greens indoors, you're going to have to spend a lot of lettuce ... I mean money. As Giacomelli said, "The premium [for indoor plants] is two to three times the price of non-branded tomato or lettuce at the supermarket." Depending

on the cost of your electricity, you'll spend anywhere from \$600 to \$1,200 growing lettuce for five years with two BML Light Bar Grow-Max Spectrum lights (\$179 each), the cheapest alternative I found that would provide enough photons per day to grow greens. Mount two bars a foot over your seedling tray, and you'll get a DLI of 12 if you keep these bars on for 17 hours a day and a DLI of 17 if you keep your greens lit for 24 hours a day like AeroFarm and other indoor growers. That's a great DLI for green bibb lettuce, according to [researchers at Cornell University's Controlled Environment Agriculture Program](#), but more delicate greens may suffer "tip burn"—yucky-looking brown edges due to plant stress. Researchers like BML Horticulture for their [extensive product information](#) and quality build. Maltson called their Spyder light "the Cadillac of LEDs," and BML's lights tied for the cheapest electrical cost per photos delivered of the LEDs that Dr. Bruce Bugbee tested. Advanced Aquarist reviewer Dana Riddle [wrote](#), "In a day where many LED fixtures are being offered with more and more flits, BML offers no-nonsense lighting at



For growing greens BML Light Bar Grow-Max Spectrum
Go with a setup like this if you plan on growing leafy greens like lettuce, kale, spinach, and herbs indoors.

this.

Find an error? Also, if you notice a guide that needs a little freshening up, or has errors, please tweet us at @homesweethome or email us at notes@thesweethome.com and we'll fix it. Thank you.



You gotta jiggle the handle.

