ESTTA Tracking number:

ESTTA801215

Filing date:

02/14/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210158
Party	Defendant Lundy Law, LLP
Correspondence Address	MANNY D POKOTILOW CAESAR RIVISE BERNSTEIN COHEN & POKOT 1635 MARKET ST, SEVEN PENN CENTER 12TH FLOOR PHILADELPHIA, PA 19103 UNITED STATES trademarks@crbcp.com, mlozada@crbcp.com
Submission	Defendant's Notice of Reliance
Filer's Name	Manny D. Pokotilow
Filer's e-mail	mpokotilow@crbcp.com, mjames@crbcp.com
Signature	/s/MPokotilow
Date	02/14/2017
Attachments	L118140003 Applicants Notice of Reliance.pdf(18579 bytes) Exhibit A.pdf(1793797 bytes) Exhibit B.pdf(5377465 bytes) Exhibit C.pdf(1142136 bytes) Exhibit D.pdf(905588 bytes) Exhibit E.pdf(3217490 bytes) Exhibit F.pdf(891171 bytes) Exhibit G.pdf(747070 bytes) Exhibit H.pdf(2213975 bytes) Exhibit I.pdf(2776497 bytes) Exhibit J.pdf(878272 bytes) Exhibit J.pdf(878272 bytes) Exhibit K.pdf(364588 bytes) Exhibit L.pdf(1351441 bytes) Exhibit M pt 1.pdf(4748796 bytes) Exhibit M pt 2.pdf(1294992 bytes) Exhibit M pt 3.pdf(5184039 bytes) Exhibit M pt 4.pdf(2087689 bytes) Exhibit N.pdf(703985 bytes) Exhibit O.pdf(331234 bytes) Exhibit P.pdf(92415 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LARRY PITT & ASSOCIATES, P.C. :

:

Opposer,

vs. : Opposition No. 91210158

•

LUNDY LAW, LLP : A.S.N. 85/767,757

:

Applicant.

:

APPLICANT LUNDY LAW, LLP'S NOTICE OF RELIANCE

Pursuant to 37 CFR 2.122, Applicant, Lundy Law, LLP hereby makes of record and notifies Opposer, Larry Pitt and Associates, P.C., of its reliance on the following:

- Attached hereto as Exhibit A is the prosecution history for the United States
 Trademark Application Serial No. 78911044 for the mark AFTER 911, CALL 411,
 downloaded on November 30, 2016 from the Trademark Electronic Search System
 (TESS) via www.uspto.gov. Applicant will rely on this material as a third party
 registration for a mark that is used as a "call for action".
- 2. Attached hereto as Exhibit B is the prosecution history for the United States
 Trademark Application Serial No. 86644277 for Keep Calm, Call Us, downloaded on
 November 30, 2016 from the Trademark Electronic Search System (TESS) via
 www.uspto.gov. Applicant will rely on this material as a third party registration for a
 mark that is used a "call for action".
- Attached hereto as Exhibit C is the prosecution history for the United States
 Trademark Application Serial No. 86947306 for HURT BY A BUS? CALL US,
 downloaded on November 30, 2016 from the Trademark Electronic Search System

- (TESS) via <u>www.uspto.gov</u>. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 4. Attached hereto as Exhibit D is the prosecution history for the United States Trademark Application Serial No. 86947309 for JUST CALL- WE DO IT ALL, downloaded on November 30, 2016 from the Trademark Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 5. Attached hereto as Exhibit E is the prosecution history for the United States Trademark Application Serial No. 86520440 for CALL BURNETTI. WE'RE READY., downloaded on November 30, 2016 from the Trademark Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 6. Attached hereto as Exhibit F is the prosecution history for the United States Trademark Application Serial No. 86589846 for CALL MY LAWYER, downloaded on November 30, 2016 from the Trademark Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 7. Attached hereto as Exhibit G is the prosecution history for the United States
 Trademark Application Serial No. 86551030 for 1-800 CALL-KEN, downloaded on
 November 30, 2016 from the Trademark Electronic Search System (TESS) via
 www.uspto.gov. Applicant will rely on this material as a third party registration for a
 mark that is a "call for action".

- 8. Attached hereto as Exhibit H is the prosecution history for the United States

 Trademark Application Serial No. 85901296 for IN PAIN? CALL KAINE.,

 downloaded on November 30, 2016 from the Trademark Electronic Search System

 (TESS) via www.uspto.gov. Applicant will rely on this material as a third party
 registration for a mark that is a "call for action".
- 9. Attached hereto as Exhibit I is the prosecution history for the United States Trademark Application Serial No. 85968277 for CALL 4 HELP!, downloaded on November 30, 2016 from the Trademark Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 10. Attached hereto as Exhibit J is the prosecution history for the United States Trademark Application Serial No. 86753937 for IT'S TIME TO CALL DEREK HALL, downloaded on November 30, 2016 from the Trademark Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 11. Attached hereto as Exhibit K is the prosecution history for the United States

 Trademark Application Serial No. 86787438 for DON'T DROP THE BALL. MAKE

 THE RIGHT CALL!, downloaded on November 30, 2016 from the Trademark

 Electronic Search System (TESS) via www.uspto.gov. Applicant will rely on this

 material as a third party registration for a mark that is a "call for action".
- 12. Attached hereto as Exhibit L is the prosecution history for the United States

 Trademark Application Serial No. 86192891 for IT'S AN EASY NUMBER TO

 REMEMBER, downloaded on November 30, 2016 from the Trademark Electronic

- Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration.
- 13. Attached hereto as Exhibit M is the prosecution history for the United States

 Trademark Application Serial No. 86314314 for Remember the 8s., downloaded on

 November 30, 2016 from the Trademark Electronic Search System (TESS) via

 www.uspto.gov. Applicant will rely on this material as a third party registration for a
 mark that is a "call for action".
- 14. Attached hereto as Exhibit N is the prosecution history for the United States

 Trademark Application Serial No. 85249673 for REMEMBER: WILLS FOR FIRST

 RESPONDERS, downloaded on November 30, 2016 from the Trademark Electronic

 Search System (TESS) via www.uspto.gov. Applicant will rely on this material as a third party registration for a mark that is a "call for action".
- 15. Attached hereto as Exhibit O is Opposer's expert Ross H. Fishman's Avvo web page, located at https://www.avvo.com/attorneys/60035-il-ross-fishman-1139404.html and printed on October 25, 2016. Applicant will rely on this material in conjunction with testimony given at the testimonial deposition of Ross H. Fishman.
- 16. Attached hereto as Exhibit P is a short recording of the local Fox News that was broadcast on Thursday, February 9, 2017 on Channel 29 throughout the Philadelphia area. Applicant will rely on this material to show that REMEMBER THIS NAME is associated by the public with Applicant, Lundy Law.

* * * * *

Respectfully submitted,

CAESAR RIVISE, PC

Dated: February 14, 2017 By: /s/ MPokotilow

Manny D. Pokotilow 1635 Market Street 12th Floor - Seven Penn Center Philadelphia, PA 19103-2212

Attorneys for Applicant Lundy Law, LLP

CERTIFICATE OF MAILING

The undersigned hereby certifies that the within APPLICANT LUNDY LAW, LLP'S NOTICE OF RELIANCE is being electronically filed with the Trademark Trial and Appeal Board, via the Electronic System for Trademark Trial and Appeals (ESTTA) on February 14, 2017.

/s/ MPokotilow
Manny Pokotilow

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 14, 2017, the within APPLICANT LUNDY LAW, LLP'S NOTICE OF RELIANCE is being served upon Opposer, via email and First Class Mail in an envelope addressed to:

Jacqueline Lesser Baker & Hostetler LLP Cira Centre – 12th Floor 2929 Arch Street Philadelphia, PA 19104-2891

> /s/ MPokotilow Manny Pokotilow

Generated on: This page was generated by TSDR on 2016-11-30 10:43:38 EST

Mark: AFTER 911, CALL 411

AFTER 911, CALL 411

US Serial Number: 78911044 Application Filing Jun. 19, 2006

Date:

US Registration 3548378 Registration Date: Dec. 16, 2008

Number:

Register: Principal Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 25, 2014

Publication Date: Jun. 26, 2007 Notice of Sep. 18, 2007

Allowance Date:

Mark Information

Mark Literal AFTER 911, CALL 411

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Disclaimer: "911, CALL 411"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis,

tendonitis; health care services

International 044 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

Use in Commerce: Jul. 03, 2006 First Use: Jul. 03, 2006

Basis Information (Case Level)

Currently Use: Yes Filed Use: No Amended Use: No Filed ITU: Yes Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Amended 44E: No Currently 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: 1-800-411-I.P.HOLDINGS, LLC Owner Address: 2659 WEST OAKLAND PARK BLVD.

LAUDERDALE LAKES, FLORIDA 33311

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA

Where Organized:

Exhibit A Larry Pitt & Assoc., P.C. v. Lundy Law, LLP **Opposition No. 91/210158**

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew Nelles

Correspondent

Correspondent Matthew Nelles **Name/Address:** Broad and Cassel

100 S.E. 3rd Ave., Suite 2700 Fort Lauderdale, FLORIDA 33394 UNITED STATES

Phone: 954-764-7060 **Fax**: 954-761-8135

Correspondent e- mnelles@broadandcassel.com jpicone@broadan Correspondent e- Yes

mail: dcassel.com mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2016	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 11, 2016	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 25, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 25, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Apr. 11, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	66607
Apr. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Apr. 11, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 09, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 12, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 16, 2008	REGISTERED-PRINCIPAL REGISTER	
Nov. 07, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Nov. 07, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 07, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Nov. 07, 2008	EXAMINERS AMENDMENT E-MAILED	
Nov. 07, 2008	SU-EXAMINER'S AMENDMENT WRITTEN	74672
Nov. 07, 2008	ALLOWANCE WITHDRAWN-INADVERTENTLY ISSUED ACTION	
Oct. 29, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 28, 2008	EXAMINER'S AMENDMENT ENTERED	70629
Oct. 28, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Oct. 28, 2008	EXAMINERS AMENDMENT E-MAILED	
Oct. 28, 2008	SU-EXAMINER'S AMENDMENT WRITTEN	74672
Oct. 28, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Oct. 28, 2008	NON-FINAL ACTION E-MAILED	
Oct. 28, 2008	SU - NON-FINAL ACTION - WRITTEN	74672
Sep. 18, 2008	STATEMENT OF USE PROCESSING COMPLETE	64657
Sep. 15, 2008	USE AMENDMENT FILED	64657
Sep. 18, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	64657
Sep. 15, 2008	TEAS STATEMENT OF USE RECEIVED	
Mar. 06, 2008	EXTENSION 1 GRANTED	98765
Mar. 06, 2008	EXTENSION 1 FILED	98765
Mar. 06, 2008	TEAS EXTENSION RECEIVED	
Sep. 18, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 26, 2007	PUBLISHED FOR OPPOSITION	
Jun. 06, 2007	NOTICE OF PUBLICATION	

Apr. 20, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Apr. 14, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 11, 2007	EXAMINER'S AMENDMENT ENTERED	70629
Apr. 11, 2007	ASSIGNED TO LIE	70629
Apr. 10, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 10, 2007	EXAMINERS AMENDMENT -WRITTEN	74672
Mar. 24, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 23, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 23, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 25, 2006	NON-FINAL ACTION E-MAILED	6325
Nov. 25, 2006	NON-FINAL ACTION WRITTEN	74672
Nov. 20, 2006	ASSIGNED TO EXAMINER	74672
Jun. 22, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted

Continued Use:

Affidavit of Section 15 - Accepted

Incontestability:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111 Date in Location: Apr. 25, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 2 Registrant: Shapiro, Guy

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3931/0948 Pages: 5

Date Recorded: Feb. 09, 2009

Supporting assignment-tm-3931-0948.pdf

Documents:

Assignor

Name: SHAPIRO, GUY Execution Date: Feb. 06, 2009 Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Name: LEWIN, ROBERT C. Execution Date: Feb. 06, 2009 Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Assignee

Name: LEWIN, ROBERT C.

Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Address: 2659 W. OAKLAND PK. BLVD.

FT. LAUDERDALE, FLORIDA 33311

Correspondent

Correspondent DEBORA J. MCCORMICK

Name:

Correspondent 2141 WISCONSIN AVE. NW, SUITE C-2

Address: WASHINGTON, DC 20007

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4220/0586 Pages: 4 Date Recorded: Jun. 08, 2010

Supporting assignment-tm-4220-0586.pdf

Documents:

Assignor

Name:LEWIN, ROBERT C.Execution Date:Jun. 04, 2010Legal Entity Type:INDIVIDUALCitizenship:UNITED STATES

Assignee

Name: 1-800-411-I.P.HOLDINGS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country FLORIDA

Where Organized:

Address: 2659 WEST OAKLAND PARK BLVD.

LAUDERDALE LAKES, FLORIDA 33311

Correspondent

Correspondent DEBORA J. MCCORMICK, ESQ.

Name:

Correspondent 2141 WISCONSIN AVE. NW, SUITE C2

Address: WASHINGTON, DC 20007

Domestic Representative - Not Found

Proceedings

Summary

Number of 1 Proceedings:

Type of Proceeding: Opposition

Proceeding 91218620 Filing Date: Oct 01, 2014

Number:

Status: Terminated Status Date: Jan 08, 2015

Interlocutory GEORGE POLOGEORGIS

Attorney:

Defendant

Name: R.T. Holdings, LLC

Correspondent ROBIN C MAY ESQ

Address: LAW OFFICE OF ROBIN C MAY PLLC

613 S CAVALCADE CIR OAK GROVE KY , 42262-9503

UNITED STATES

Correspondent e- robin@robinmayfirm.com

mail

Associated marks

MarkApplication StatusSerial NumberRegistration NumberAFTER 911, CALL MR. HURTAbandoned - After Inter-Partes Decision86232019

Plaintiff(s)

Name: 1-800-411-I.P. Holdings, LLC

Correspondent MATTHEW S NELLES
Address: BROAD AND CASSEL

100 SE 3RD AVE, SUITE 2700 FORT LAUDERDALE FL , 33394

UNITED STATES

Correspondent e- mnelles@broadandcassel.com, clehm@broadandcassel.com

mail:

Associated marks			
Mark	Application Status	Serial Number	Registration Number
AFTER 911, CALL 411	Section 8 and 15 - Accepted and Acknowledged	78911044	3548378
1-800-411-PAIN	Registered	85005253	3885749
411PAIN	Renewed	78077338	2621497
Prosecution History			

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 01, 2014	Nov 10, 2014
3	PENDING, INSTITUTED	Oct 01, 2014	
4	NOTICE OF DEFAULT	Nov 20, 2014	
5	BD DECISION: SUSTAINED	Jan 08, 2015	
6	TERMINATED	Jan 08, 2015	

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78911044
REGISTRATION NUMBER	3548378
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	AFTER 911, CALL 411
ATTORNEY SECTION	
ORIGINAL ADDRESS	Debora J. McCormick 0347-12 2141 WISCONSIN AVE NW STE C2 WASHINGTON District of Columbia 20007-6201 US 202-625-7000 202-625-7001 trademarks@aplegal.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Matthew Nelles
FIRM NAME	Broad and Cassel
STREET	100 S.E. 3rd Ave., Suite 2700
CITY	Fort Lauderdale
STATE	Florida
COUNTRY	United States
POSTAL/ZIP CODE	33394
PHONE	954-764-7060
FAX	954-761-8135
EMAIL	mnelles@broadandcassel.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW CORRESPONDENCE ADDRESS	
NAME	Matthew Nelles
FIRM NAME	Broad and Cassel
STREET	100 S.E. 3rd Ave., Suite 2700

СІТУ	Fort Lauderdale
STATE	Florida
COUNTRY	United States
POSTAL/ZIP CODE	33394
PHONE	954-764-7060
FAX	954-761-8135
EMAIL	mnelles@broadandcassel.com;jpicone@broadandcassel.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	
SIGNATURE SECTION	
SIGNATORY FILE	
ORIGINAL PDF FILE	hw_199189192226-153503614 Robert_Lewin_Signature_page.pdf
CONVERTED PDF FILE(S) (1 page)	\\\TICRS\EXPORT16\IMAGEOUT16\789\110\78911044\xml3\RAA0002.JPG
SIGNATORY NAME	Robert Lewin
SIGNATORY POSITION	President
SIGNATORY PHONE NUMBER	954-735-6584
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jan 11 15:52:08 EST 2016
TEAS STAMP	USPTO/RAA-XXX.XXX.XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 2196 (Rev 09/2005)

OMB No. 0651-0056 (Exp 09/30/2017)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks: MARK: AFTER 911, CALL 411 SERIAL NUMBER: 78911044 REGISTRATION NUMBER: 3548378

The original attorney

Debora J. McCormick 0347-12 2141 WISCONSIN AVE NW STE C2 WASHINGTON District of Columbia 20007-6201 US 202-625-7000 202-625-7001 trademarks@aplegal.com

Original Correspondence Address:

Debora J. McCormick GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON District of Columbia 20007-6201 US 202-625-7000 202-625-7001 trademarks@aplegal.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

Newly Appointed Attorney:

Matthew Nelles Broad and Cassel 100 S.E. 3rd Ave., Suite 2700 Fort Lauderdale, Florida 33394 United States 954-764-7060 954-761-8135 mnelles@broadandcassel.com

The following is to be used as the correspondence address:

Matthew Nelles
Broad and Cassel
100 S.E. 3rd Ave., Suite 2700
Fort Lauderdale, Florida 33394
United States

954-764-7060 954-761-8135

mnelles@broadandcassel.com;jpicone@broadandcassel.com

Original PDF file:

hw_199189192226-153503614_._Robert_Lewin_Signature_page.pdf

Converted PDF file(s) (1 page)

Signature File1

Signatory's Name: Robert Lewin Signatory's Position: President Signatory's Phone Number: 954-735-6584

Serial Number: 78911044

Internet Transmission Date: Mon Jan 11 15:52:08 EST 2016

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.XXX-20160111155208

308106-78077338-55048dbd5a01583f308321b3 723e126ddc2557439ef64120b4aa93726cc1a7b2

-N/A-N/A-20160111153503614996

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

Handwritten Signature

Signature Section:	2		
Signature:		100	
Date: 1 / 8 // 6			
Signatory's Name: Robert Lewin			
Signatory's Position: President		,	

Signatory's Phone Number: 954-735-6584

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), include only the signature page (no declaration is required, nor should any other information from the actual revocation be included).

Back

From: TMOfficialNotices@USPTO.GOV
Sent: Friday, April 25, 2014 11:01 PM
To: trademarks@aplegal.com

Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 3548378: AFTER 911, CALL 411:

Docket/Reference No. 0347-12

Serial Number: 78911044 Registration Number: 3548378 Registration Date: Dec 16, 2008 Mark: AFTER 911, CALL 411

Owner: 1-800-411-I.P.HOLDINGS, LLC

Apr 25, 2014

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):

044

TRADEMARK SPECIALIST POST-REGISTRATION DIVISION 571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=78911044. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3548378
REGISTRATION DATE	12/16/2008
SERIAL NUMBER	78911044
MARK SECTION	
MARK	AFTER 911, CALL 411
ATTORNEY SECTION (current)	
NAME	Stevan Lieberman
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	stevan@aplegal.com
DOCKET/REFERENCE NUMBER	0347/12
ATTORNEY SECTION (proposed)	
NAME	Debora J. McCormick
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	trademarks@aplegal.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	0347-12
OTHER APPOINTED ATTORNEY	Stevan H. Lieberman

CORRESPONDENCE SECTION (current)	
NAME	Stevan Lieberman
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	stevan@aplegal.com
DOCKET/REFERENCE NUMBER	0347/12
CORRESPONDENCE SECTION (proposed)	
NAME	Debora J. McCormick
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	trademarks@aplegal.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	0347-12
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	044
GOODS OR SERVICES	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\789\110\78911044\xml1\\ 8150002.JPG
SPECIMEN DESCRIPTION	Digital copy of door hanger flyer
OWNER SECTION (current)	
NAME	1-800-411-I.P.HOLDINGS, LLC
STREET	2659 WEST OAKLAND PARK BLVD.
CITY	LAUDERDALE LAKES
STATE	Florida

I .			
ZIP/POSTAL CODE	33311		
COUNTRY	United States		
OWNER SECTION (proposed)			
NAME	1-800-411-I.P.HOLDINGS, LLC		
STREET	2659 WEST OAKLAND PARK BLVD.		
CITY	LAUDERDALE LAKES		
STATE	Florida		
ZIP/POSTAL CODE	33311		
COUNTRY	United States		
EMAIL	trademarks@aplegal.com		
LEGAL ENTITY SECTION (current)			
ТҮРЕ	limited liability company		
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida		
LEGAL ENTITY SECTION (proposed)			
ТҮРЕ	limited liability company		
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida		
PAYMENT SECTION			
NUMBER OF CLASSES	1		
NUMBER OF CLASSES PAID	1		
SUBTOTAL AMOUNT	300		
TOTAL FEE PAID	300		
SIGNATURE SECTION			
SIGNATURE	/Debora McCormick/		
SIGNATORY'S NAME	Debora J. McCormick		
SIGNATORY'S POSITION	Attorney of Record		
DATE SIGNED	04/11/2014		
SIGNATORY'S PHONE NUMBER	202-625-7000		
PAYMENT METHOD	СС		
1	FILING INFORMATION		
SUBMIT DATE	Fri Apr 11 14:20:35 EDT 2014		
TEAS STAMP	USPTO/S08N15-XX.XX.XXX.XX X-20140411142035893925-35 48378-500861f1984f771d7ce 1ddbededb41595b67d817ccab e13cb23750dc8b3b94ee4f-CC -459-20140411141053843836		

Combined Declaration of Use and Incontestability under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 3548378 **REGISTRATION DATE:** 12/16/2008

MARK: AFTER 911, CALL 411

The owner, 1-800-411-I.P.HOLDINGS, LLC, a limited liability company legally organized under the laws of Florida, having an address of 2659 WEST OAKLAND PARK BLVD.

LAUDERDALE LAKES, Florida 33311

United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 044, the mark is in use in commerce on or in connection with **all** of the goods/**all** of the services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods/**all** services, or to indicate membership in the collective membership organization, listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Digital copy of door hanger flyer.

Specimen File1

The registrant's current Attorney Information: Stevan Lieberman of GREENBERG & LIEBERMAN, LLC

2141 WISCONSIN AVE NW STE C2

WASHINGTON, District of Columbia (DC) 20007-6201

United States

The docket/reference number is 0347/12.

The registrant's proposed Attorney Information: Debora J. McCormick of GREENBERG & LIEBERMAN, LLC

2141 WISCONSIN AVE NW STE C2

WASHINGTON, District of Columbia (DC) 20007-6201

United States

The docket/reference number is 0347-12.

The Other Appointed Attorney(s): Stevan H. Lieberman.

The phone number is 202-625-7000.

The fax number is 202-625-7001.

The email address is trademarks@aplegal.com.

The registrant's current Correspondence Information: Stevan Lieberman of GREENBERG & LIEBERMAN, LLC

2141 WISCONSIN AVE NW STE C2

WASHINGTON, District of Columbia (DC) 20007-6201

United States

The docket/reference number is 0347/12.

The registrant's proposed Correspondence Information: Debora J. McCormick of GREENBERG & LIEBERMAN, LLC

2141 WISCONSIN AVE NW STE C2

WASHINGTON, District of Columbia (DC) 20007-6201

United States

The docket/reference number is 0347-12.

The phone number is 202-625-7000.

The fax number is 202-625-7001.

The email address is trademarks@aplegal.com.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. Section 1062(c), and is still in use in commerce on or in connection with all goods/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/services, or to the owner's right 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 a court.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Debora McCormick/ Date: 04/11/2014

Signatory's Name: Debora J. McCormick Signatory's Position: Attorney of Record Signatory's Phone Number: 202-625-7000

Mailing Address (current):

GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, District of Columbia 20007-6201

Mailing Address (proposed):

GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, District of Columbia 20007-6201

Serial Number: 78911044

Internet Transmission Date: Fri Apr 11 14:20:35 EDT 2014 TEAS Stamp: USPTO/S08N15-XX.XXX.XXX.XXX-2014041114203 5893925-3548378-500861f1984f771d7ce1ddbe dedb41595b67d817ccabe13cb23750dc8b3b94ee 4f-CC-459-20140411141053843836

AFTER 911, CALL 411

INJURED IN AN ACCIDENT?

AFTER 911, CALL 411

1-800-411-PAIN 24 HOURS A DAY, 7 DAYS A WEEK

• AUTO ACCIDENTS • WORK INJURIES • SLIP/FALLS • SPORTS INJURIES

AFTER 911, CALL 411

ORTHOPEDIC, NEUROLOGY,
CHIROPRACTIC, MASSAGE THERAPIST

• X-RAYS DONE ON SITE • PHYSICAL THERAPY • PAIN MANAGEMENT

AFTER 911, CALL 411

1-800-411-PAIN

MEDICAL AND LAWYER REFERRAL SERVICE

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 3548378

Serial Number: 78911044

RAM Sale Number: 3548378

RAM Accounting Date: 20140414 Total Fees: \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	Fee	Transaction	Fee per	Number	Number of	Total
	<u>Code</u>	<u>Date</u>	<u>Class</u>	of Classes	Classes Paid	<u>Fee</u>
§8 affidavit	7205	20140411	\$100	1	1	\$100
§15 affidavit	7208	20140411	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20140411



AFTER 911, CALL 411

INJURED IN AN ACCIDENT?

AFTER 911, CALL 411

1-800-411-PAIN 24 HOURS A DAY, 7 DAYS A WEEK

• AUTO ACCIDENTS • WORK INJURIES • SLIP/FALLS • SPORTS INJURIES

AFTER 911, CALL 411

ORTHOPEDIC, NEUROLOGY,
CHIROPRACTIC, MASSAGE THERAPIST

• X-RAYS DONE ON SITE • PHYSICAL THERAPY • PAIN MANAGEMENT

AFTER 911, CALL 411

1-800-411-PAIN

MEDICAL AND LAWYER REFERRAL SERVICE

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

Reg. No. 3,548,378

United States Patent and Trademark Office

Registered Dec. 16, 2008

SERVICE MARK PRINCIPAL REGISTER

AFTER 911, CALL 411

LEWIN, ROBERT C. (UNITED STATES INDIVIDUAL)
2659 W. OAKLAND PK. BLVD
FT. LAUDERDALE, FL 33311 AND
SHAPIRO, GUY (UNITED STATES INDIVIDUAL)
3837 N.E. 167TH STREET
N. MIAMI, FL 33160

FOR: MEDICAL SERVICES; PHYSICAL THERAPY AND PHYSICAL REHABILITATION SERVICES; MEDICAL THERAPEUTIC SERVICES, NAMELY, PAIN MANAGEMENT AND PAIN TREATMENT FOR ORTHOPEDIC AND SPORTS INJURIES, NECK AND BACK PAIN, AUTO ACCIDENTS, NEUROLOGICAL PROBLEMS, PERSONAL INJURY, ARTHRITIS, TENDONITIS; HEALTH CARE SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 7-3-2006; IN COMMERCE 7-3-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "911, CALL 411" , APART FROM THE MARK AS SHOWN.

SN 78-911,044, FILED 6-19-2006.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY



NOTICE OF ACCEPTANCE OF SOU MAILING DATE: Nov 8, 2008

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: http://www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78911044

MARK: AFTER 911, CALL 411
OWNER: Lewin, Robert C.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR TRADEMARKS P.O. BOX 1451 ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL U.S POSTAGE PAID

Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 78911044 FILING DATE 06/19/2006 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY WHITTAKER BROWN, TRACY L.O. ASSIGNED 111 **PUB INFORMATION RUN DATE** 11/08/2008 **PUB DATE** 06/26/2007 STATUS 819-SU - REGISTRATION REVIEW COMPLETE STATUS DATE 11/07/2008 LITERAL MARK ELEMENT AFTER 911, CALL 411 DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO NO 1 (a) 1 (a) YES 1 (a) YES NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT AFTER 911, CALL 411 MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG CURRENT OWNER INFORMATION** PARTY TYPE 20-OWNER AT PUBLICATION NAME Lewin, Robert C.

2659 W. Oakland Pk. Blvd

Ft. Lauderdale, FL 33311

01-INDIVIDUAL

ADDRESS

ENTITY

GOODS AND SERVICES		
CITIZENSHIP	United States of America	
ENTITY	01-INDIVIDUAL	
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160	
NAME	Shapiro, Guy	
PARTY TYPE	20-OWNER AT PUBLICATION	
CITIZENSHIP	United States of America	

GOODS AND	D SERVICES
INTERNATIONAL CLASS	044
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services

	GOODS AND SERVICES CLASSIFICATION						
INTERNATIONAL CLASS	044	FIRST USE DATE	07/03/2006	FIRST USE IN COMMERCE DATE	07/03/2006	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION			NO				
DISCLAIMER W/PREDETER TXT			"911, CALL 411"				

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/07/2008	REGV	0	LAW OFFICE REGISTRATION REVIEW COMPLETED	038
11/07/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	037
11/07/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	036
11/07/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	035
11/07/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	034
11/07/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	033
11/07/2008	ZZBX	Z	ALLOWANCE WITHDRAWN-INADVERTENTLY ISSUED ACTION	032
10/29/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	031
10/28/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	030
10/28/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	029
10/28/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	028
10/28/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	027
10/28/2008	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	026
10/28/2008	GNRT	0	NON-FINAL ACTION E-MAILED	025
10/28/2008	CNRT	W	SU - NON-FINAL ACTION - WRITTEN	024
09/18/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	023
09/15/2008	IUAF	S	USE AMENDMENT FILED	022
09/18/2008	AITU	А	CASE ASSIGNED TO INTENT TO USE PARALEGAL	021
09/15/2008	EISU	I	TEAS STATEMENT OF USE RECEIVED	020
03/06/2008	EX1G	S	EXTENSION 1 GRANTED	019
03/06/2008	EXT1	S	EXTENSION 1 FILED	018

03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016
06/26/2007	PUBO	Α	PUBLISHED FOR OPPOSITION	015
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/11/2007	ALIE	Α	ASSIGNED TO LIE	010
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stevan Lieberman
CORRESPONDENCE ADDRESS	Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION			
PARTY TYPE	10-ORIGINAL APPLICANT		
NAME	Lewin, Robert C.		
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311		
ENTITY	01-INDIVIDUAL		
CITIZENSHIP	United States of America		
PARTY TYPE	10-ORIGINAL APPLICANT		
NAME	Shapiro, Guy		
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160		
ENTITY	01-INDIVIDUAL		
CITIZENSHIP	United States of America		

AFTER 911, CALL 411

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

α	VER	V /	171	NA/
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SERIAL NUMBER	78911044	FILING DATE	06/19/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WHITTAKER BROWN, TRACY	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	11/08/2008			
PUB DATE	06/26/2007			
STATUS	819-SU - REGISTRATION REVIEW COM	PLETE		
STATUS DATE	11/07/2008			
LITERAL MARK ELEMENT	AFTER 911, CALL 411			
DATE ABANDONED	N/A	DATE CANCELLED	N/A	
SECTION 2F	NO	SECTION 2F IN PART	NO	
SECTION 8	NO	SECTION 8 IN PART	NO	
SECTION 15	NO	REPUB 12C	N/A	
RENEWAL FILED	NO	RENEWAL DATE	N/A	
DATE AMEND REG	N/A			

FILING BASIS

FILED BASIS CU		CURREN	ENT BASIS AMENDED BA		ED BASIS
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911, CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

GOODS AND SERVICES			
CITIZENSHIP United States of America			
ENTITY	01-INDIVIDUAL		
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160		
NAME	Shapiro, Guy		
PARTY TYPE	20-OWNER AT PUBLICATION		
CITIZENSHIP	United States of America		

GOODS AND SERVICES				
INTERNATIONAL CLASS	044			
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services			

GOODS AND SERVICES CLASSIFICATION INTERNATIONAL CLASS O44 FIRST USE DATE O7/03/2006 FIRST USE IN COMMERCE DATE DATE O7/03/2006 CLASS STATUS 6-ACTIVE						
					CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS						
CHANGE IN REGISTRATION			NO			
DISCLAIMER W/PREDETER TXT			"911, CALL 411"			

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/07/2008	REGV	0	LAW OFFICE REGISTRATION REVIEW COMPLETED	038
11/07/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	037
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11/07/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	035
11/07/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	034
11/07/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	033
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10/28/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	028
10/28/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	027
10/28/2008	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	026
10/28/2008	GNRT	0	NON-FINAL ACTION E-MAILED	025
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09/15/2008	IUAF	S	USE AMENDMENT FILED	022
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03/06/2008	EXT1	S	EXTENSION 1 FILED	018

03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016
06/26/2007	PUBO	А	PUBLISHED FOR OPPOSITION	015
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/11/2007	ALIE	А	ASSIGNED TO LIE	010
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stevan Lieberman	
CORRESPONDENCE ADDRESS	Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201	
DOMESTIC REPRESENTATIVE	NONE	

PRIOR OWNER INFORMATION		
PARTY TYPE	10-ORIGINAL APPLICANT	
NAME	Lewin, Robert C.	
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311	
ENTITY	01-INDIVIDUAL	
CITIZENSHIP	United States of America	
PARTY TYPE	10-ORIGINAL APPLICANT	
NAME	Shapiro, Guy	
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160	
ENTITY	01-INDIVIDUAL	
CITIZENSHIP	United States of America	

AFTER 911, CALL 411

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW							
SERIAL NUMBER	78911044	FILING DATE	06/19/2006				
REG NUMBER	0000000	REG DATE	N/A				
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK				
INTL REG # N/A IN		INTL REG DATE	N/A				
TM ATTORNEY WHITTAKER BROWN TRACY		LO ASSIGNED	111				

PUB INFORMATION						
RUN DATE	11/08/2008					
PUB DATE	06/26/2007					
STATUS	819-SU - REGISTRATION REVIEW COMPLETE					
STATUS DATE	11/07/2008					
LITERAL MARK ELEMENT	AFTER 911, CALL 411					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911, CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America				
PARTY TYPE	20-OWNER AT PUBLICATION				
NAME	Shapiro, Guy				
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160				
ENTITY	01-INDIVIDUAL				
CITIZENSHIP	United States of America				
GOODS AND SERVICES					

GOODS AND SERVICES					
INTERNATIONAL CLASS	044				
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services				

GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL 044 FIRST USE DATE 07/03/2006				FIRST USE IN COMMERCE DATE	07/03/2006	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGIS	TRATION			NO			
DISCLAIMER W/PREDETER TXT				"911, CALL 411"			

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/07/2008	REGV	0	LAW OFFICE REGISTRATION REVIEW COMPLETED	038
11/07/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	037
11/07/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	036
11/07/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	035
11/07/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	034
11/07/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	033
11/07/2008	ZZBX	Z	ALLOWANCE WITHDRAWN-INADVERTENTLY ISSUED ACTION	032
10/29/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	031
10/28/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	030
10/28/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	029
10/28/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	028
10/28/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	027
10/28/2008	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	026
10/28/2008	GNRT	0	NON-FINAL ACTION E-MAILED	025
10/28/2008	CNRT	W	SU - NON-FINAL ACTION - WRITTEN	024
09/18/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	023
09/15/2008	IUAF	S	USE AMENDMENT FILED	022
09/18/2008	AITU	А	CASE ASSIGNED TO INTENT TO USE PARALEGAL	021
09/15/2008	EISU	I	TEAS STATEMENT OF USE RECEIVED	020
03/06/2008	EX1G	S	EXTENSION 1 GRANTED	019
03/06/2008	EXT1	S	EXTENSION 1 FILED	018

03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016
06/26/2007	PUBO	Α	PUBLISHED FOR OPPOSITION	015
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/11/2007	ALIE	Α	ASSIGNED TO LIE	010
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	800
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stevan Lieberman	
CORRESPONDENCE ADDRESS	Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201	
DOMESTIC REPRESENTATIVE	NONE	

PRIOR OWNER INFORMATION				
PARTY TYPE	10-ORIGINAL APPLICANT			
NAME	Lewin, Robert C.			
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP	United States of America			
PARTY TYPE	10-ORIGINAL APPLICANT			
NAME	Shapiro, Guy			
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP	United States of America			

AFTER 911, CALL 411

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911, CALL 411 - 0347/12

 Sent:
 11/7/2008 10:11:42 AM

 Sent As:
 ECOM111@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/911044

MARK: AFTER 911, CALL 411

78911044

CORRESPONDENT ADDRESS:

Stevan Lieberman

GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE NW STE C2
WASHINGTON DC 20007-6201

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Lewin, Robert C.

CORRESPONDENT'S REFERENCE/DOCKET NO:

0347/12

CORRESPONDENT E-MAIL ADDRESS:

stevan@aplegal.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 11/7/2008

OFFICE SEARCH: The examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

AMENDMENT: In accordance with the authorization granted by Debra McCormick, Esq. on November 7, 2008, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. Otherwise, no response is necessary. TMEP §707.

If the identification of goods and/or services has been amended, please note that any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

Disclaimer

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "911, CALL 411" apart from the mark as shown.

15 U.S.C. §1056; TMEP §§1213, 1213.03(a) and 1213.08(a)(i).

USPTO /T. Whittaker-Brown/ Examining Attorney, LO 111 U.S. Patent & Trademark Office Phone: 571-272-9397

Fax: 571-273-9111 Formal Responses Only

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911, CALL 411 - 0347/12

 Sent:
 11/7/2008 10:11:44 AM

 Sent As:
 ECOM111@USPTO.GOV

Attachments:

IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 11/7/2008 FOR APPLICATION SERIAL NO. 78911044

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=78911044&doc_type=EXA&mail_date=20081107 (or copy and paste this URL into the address field of your browser), or visit http://tmportal.uspto.gov/external/portal/tow and enter the application serial 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 <u>response time period</u>. Your response deadline will be calculated from <u>11/7/2008</u>.

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 **TDR@uspto.gov**. Please contact the assigned examining attorney 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 will result in the ABANDONMENT of your application.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 78911044 FILING DATE 06/19/2006 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY WHITTAKER BROWN, TRACY L.O. ASSIGNED 111 **PUB INFORMATION RUN DATE** 10/30/2008 PUB DATE 06/26/2007 STATUS 818-SU - STATEMENT OF USE ACCEPTED - APPROVED FOR REGISTRATION STATUS DATE 10/29/2008 LITERAL MARK ELEMENT AFTER 911, CALL 411 DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO **SECTION 8 IN PART** NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) YES 1 (a) YES 1 (b) NO NO 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT AFTER 911, CALL 411 MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG**

CURRENT OWNER INFORMATION			
PARTY TYPE	20-OWNER AT PUBLICATION		
NAME	Lewin, Robert C.		
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311		
ENTITY	01-INDIVIDUAL		

CITIZENSHIP	United States of America			
PARTY TYPE	20-OWNER AT PUBLICATION			
NAME	Shapiro, Guy			
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP	United States of America			
GOODS AND SERVICES				

GOODS AND SERVICES				
INTERNATIONAL CLASS	044			
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services			

	GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	044	FIRST USE DATE	07/03/2006	FIRST USE IN COMMERCE DATE	07/03/2006	CLASS STATUS	6-ACTIVE	
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGISTRATION				NO				
DISCLAIMER W/PREDETER TXT			"911 CALL 411"					

PROSECUTION HISTORY					
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM	
10/29/2008	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	031	
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10/28/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	028	
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10/28/2008	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	026	
10/28/2008	GNRT	0	NON-FINAL ACTION E-MAILED	025	
10/28/2008	CNRT	W	SU - NON-FINAL ACTION - WRITTEN	024	
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09/15/2008	IUAF	S	USE AMENDMENT FILED	022	
09/18/2008	AITU	Α	CASE ASSIGNED TO INTENT TO USE PARALEGAL	021	
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03/06/2008	EXT1	S	EXTENSION 1 FILED	018	
03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017	
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016	
06/26/2007	PUBO	А	PUBLISHED FOR OPPOSITION	015	
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014	
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013	
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012	
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011	

04/11/2007	ALIE	A	ASSIGNED TO LIE	010
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002
06/22/2006 NWAP I NEW APPLICATION ENTERED IN TRAM 001		001		

ATTORNEY Stevan Lieberman CORRESPONDENCE ADDRESS Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201 DOMESTIC REPRESENTATIVE NONE

PRIOR OWNER INFORMATION				
PARTY TYPE	10-ORIGINAL APPLICANT			
NAME	Lewin, Robert C.			
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP	United States of America			
PARTY TYPE	10-ORIGINAL APPLICANT			
NAME	Shapiro, Guy			
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP	United States of America			

AFTER 911, CALL 411

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

OVER	VIEW
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SERIAL NUMBER	78911044	FILING DATE	06/19/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WHITTAKER BROWN, TRACY	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	10/29/2008				
PUB DATE	06/26/2007				
STATUS	811-EXAMINER'S AMENDMENT - MAILE	D			
STATUS DATE	10/28/2008				
LITERAL MARK ELEMENT	AFTER 911, CALL 411				
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO SECTION 8 IN PART NO				
SECTION 15	NO REPUB 12C N/A				
RENEWAL FILED	NO	RENEWAL DATE	N/A		
DATE AMEND REG	N/A				

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911, CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

GOODS AND SERVICES		
CITIZENSHIP	United States of America	
ENTITY	01-INDIVIDUAL	
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160	
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INTERNATIONAL CLASS	044
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MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION			NO				
DISCLAIMER W/PREDETER TXT			"911 CALL 411"				

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/28/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	030
10/28/2008	GNEN	0	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	029
10/28/2008	GNEA	0	EXAMINERS AMENDMENT E-MAILED	028
10/28/2008	SNEA	W	SU-EXAMINER'S AMENDMENT WRITTEN	027
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09/15/2008	IUAF	S	USE AMENDMENT FILED	022
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03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016
06/26/2007	PUBO	А	PUBLISHED FOR OPPOSITION	015
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012
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04/11/2007	ALIE	Α	ASSIGNED TO LIE	010

04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	800
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11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPON	DENCE INFORMATION
ATTORNEY	Stevan Lieberman
CORRESPONDENCE ADDRESS	Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201

DOMESTIC REPRESENTATIVE NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL
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PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Shapiro, Guy
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

AFTER 911, CALL 411

AFTER 911, CALL 411

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

 Sent:
 10/28/2008 10:59:36 AM

 Sent As:
 ECOM111@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/911044

MARK: AFTER 911 CALL 411

78911044

CORRESPONDENT ADDRESS:

Stevan Lieberman

GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE NW STE C2
WASHINGTON DC 20007-6201

GENERAL
http://ww

GENERAL TRADEMARK INFORMATION:

http://www.uspto.gov/main/trademarks.htm

APPLICANT: Lewin, Robert C.

CORRESPONDENT'S REFERENCE/DOCKET NO:

0347/12

CORRESPONDENT E-MAIL ADDRESS:

stevan@aplegal.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 10/28/2008

OFFICE SEARCH: The examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

AMENDMENT: In accordance with the authorization granted by Stevan Lieberman, Esq. on October 28, 2008, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. Otherwise, no response is necessary. TMEP §707.

If the identification of goods and/or services has been amended, please note that any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

Drawing Amendment

The application is amended to add a comma to the standard character drawing. The drawing is amended as follows:

AFTER 911, CALL 411

USPTO

/T. Whittaker-Brown/ Examining Attorney, LO 111 U.S. Patent & Trademark Office

Phone: 571-272-9397

Fax: 571-273-9111 Formal Responses Only

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark

Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

Sent: 10/28/2008 10:59:38 AM **Sent As:** ECOM111@USPTO.GOV

Attachments:

IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 10/28/2008 FOR APPLICATION SERIAL NO. 78911044

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=78911044&doc_type=EXA&mail_date=20081028 (or copy and paste this URL into the address field of your browser), or visit http://tmportal.uspto.gov/external/portal/tow and enter the application serial 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 <u>response time period</u>. Your response deadline will be calculated from 10/28/2008.

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 **TDR@uspto.gov**. Please contact the assigned examining attorney 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 will result in the ABANDONMENT of your application.

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

Sent: 10/28/2008 9:19:14 AM **Sent As:** ECOM111@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/911044

MARK: AFTER 911 CALL 411

CORRESPONDENT ADDRESS:

Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201 *78911044*

RESPOND TO THIS ACTION:

http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/main/trademarks.htm

APPLICANT: Lewin, Robert C.

CORRESPONDENT'S REFERENCE/DOCKET NO:

0347/12

CORRESPONDENT E-MAIL ADDRESS:

stevan@aplegal.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 10/28/2008

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

Specimen Does Not Match Drawing

The mark on the specimen disagrees with the mark on the drawing. In this case, the specimen displays the mark with a comma, while the drawing shows the mark without a comma.

The mark on the drawing must be a substantially exact representation of the mark as used on or in connection with the goods and/or services, as shown by the specimen. 37 C.F.R. §2.51(b); TMEP §807.12(a); see 37 C.F.R. §2.72(b)(1).

Therefore, applicant must submit one of the following:

- (1) A new drawing of the mark that agrees with the mark on the specimen but does not materially alter the original mark. *See* 37 C.F.R. §2.72(b); TMEP §§807.13(a), 807.14 *et seq.*; or
- (2) A substitute specimen showing use in commerce of the mark on the drawing, and the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §§2.20, 2.33: "The substitute specimen was in use in commerce prior to the expiration of the time allowed applicant for filing a statement of use." See 37 C.F.R. §2.59(b)(2); TMEP §§807.12(a), 904.05. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Applicant may not withdraw the statement of use. 37 C.F.R. §2.88(g); TMEP §1109.17.

Response Guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

Any arguments regarding the content of this Office action should be made in writing, as those discussions should be kept of record.

USPTO
/T. Whittaker-Brown/
Examining Attorney, LO 111
U.S. Patent & Trademark Office

Phone: 571-272-9397

Fax: 571-273-9111 Formal Responses Only

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at http://www.uspto.gov/teas/eTEASpageD.htm, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For technical assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses**.

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

Sent: 10/28/2008 9:19:16 AM **Sent As:** ECOM111@USPTO.GOV

Attachments:

IMPORTANT NOTICE USPTO OFFICE ACTION HAS ISSUED ON 10/28/2008 FOR APPLICATION SERIAL NO. 78911044

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=78911044&doc_type=OOA&mail_date=20081028 (or copy and paste this URL into the address field of your browser), or visit http://tmportal.uspto.gov/external/portal/tow and enter the application serial 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 <u>response time period</u>. Your response deadline will be calculated from 10/28/2008.

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 **TDR@uspto.gov**. Please contact the assigned examining attorney 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 will result in the ABANDONMENT of your application.

Trademark Snap Shot ITU Unit Action (Table presents the data on ITU Unit Action) **OVERVIEW** SERIAL NUMBER 78911044 FILING DATE 06/19/2006 **REG NUMBER** 0000000 REG DATE N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # INTL REG DATE N/A N/ATM ATTORNEY WHITTAKER BROWN, TRACY L.O. ASSIGNED 111 **PUB INFORMATION RUN DATE** 09/19/2008 PUB DATE 06/26/2007 STATUS 748-STATEMENT OF USE - TO EXAMINER STATUS DATE 09/18/2008 LITERAL MARK ELEMENT **AFTER 911 CALL 411** DATE ABANDONED DATE CANCELLED N/A N/ASECTION 2F NO SECTION 2F IN PART NO SECTION 8 NO **SECTION 8 IN PART** NO SECTION 15 NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A

FILING BASIS

N/A

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA STANDARD CHARACTER MARK

DATE AMEND REG

	STANDARD CHARACTER WARK	TES	
LITERAL MARK ELEMENT		AFTER 911 CALL 411	
	MARK DRAWING CODE	4-STANDARD CHARACTER MARK	
	COLOR DRAWING FLAG	NO	

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America			
PARTY TYPE	20-OWNER AT PUBLICATION			
NAME	Shapiro, Guy			
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY	01-INDIVIDUAL			
CITIZENSHIP United States of America				
GOODS AND SERVICES				

GOODS AN	D SERVICES
INTERNATIONAL CLASS	044
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services

GOODS AND SERVICES CLASSIFICATION						
INTERNATIONAL CLASS 044 FIRST USE DATE 07/03/2006 FIRST USE IN COMMERCE DATE 07/03/2006 CLASS STATUS 6-ACTIVE						
MISCELLANEOUS INFORMATION/STATEMENTS						
CHANGE IN REGISTRATION			NO			
DISCLAIMER W/PREDETER TXT			"911 CALL 411"			

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/18/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	023
09/15/2008	IUAF	S	USE AMENDMENT FILED	022
09/18/2008	AITU	Α	CASE ASSIGNED TO INTENT TO USE PARALEGAL	021
09/15/2008	EISU	I	TEAS STATEMENT OF USE RECEIVED	020
03/06/2008	EX1G	S	EXTENSION 1 GRANTED	019
03/06/2008	EXT1	S	EXTENSION 1 FILED	018
03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016
06/26/2007	PUBO	Α	PUBLISHED FOR OPPOSITION	015
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/11/2007	ALIE	А	ASSIGNED TO LIE	010
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003

11/20/2006	DOCK	D	D ASSIGNED TO EXAMINER		002
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM		001
CURRENT CORRESPONDENCE INFORMATION					
ATTORNEY Stevan Lieberman					
CORRESPONDENCE ADDRESS		Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201			
DOMESTIC REPRESENTATIVE				NONE	
PRIOR OWNER INFORMATION PARTY TYPE 10-ORIGINAL APPLICANT					
NAME				Lewin, Robert C.	
ADDRESS		2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311			
ENTITY				01-INDIVIDUAL	
CITIZENSHIP				United States of America	
PARTY TYPE		10-ORIGINAL APPLICANT			
NAME		Shapiro, Guy			
ADDRESS		3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY				01-INDIVIDUAL	
CITIZENSHIP				United States of America	

AFTER 911 CALL 411

AUTO ACCIDENT

Millions of people have car accidents every year and almost every person involved in a car accident suffers an injury to some degree. The symptoms do not always appear immediately following the accident. It may be days or weeks before you start feeling stiffness, headaches, numbness and other symptoms. These symptoms may also include radiating pain in arms or down the legs. Face and chest injuries due to air bag deployment. You may have ankle pain due to slamming on the brakes or wrist pain from gripping the steering wheel so tightly. Sleep patterns may be effected as well as sexual function. These factors make it important to seek medical care for diagnosis and treatment following any auto accident. Accident victims often face medical bills, lost wages, pain and suffering and severe injuries. 1-800-411-PAIN provides help from start to finish, from filling out difficult paperwork, to billing the responsible insurance company for you.

- ◆ Car accident victims are entitled to 10,000 in PIP Benefits
- Other accidents may include single car accidents, hit & runs, and pedestrians hit by a car, you may still be entitled to 10,000 in PIP Benefits
- If you were At-Fault you still have rights and may be entitled to 10,000 in PIP Benefits

1-800-411-PAIN is always there for you, holidays, nights, weekends, 24 hours a day, 7 days a week.

Auto Accident	For Immediate Assista	ance Please Call: 1.800-411-
		APPER SHO, CAME O
	Please fill out the info	rmation below and you will be contacted ASAP.
	First Name	Last Name
	Address	City
	State	Zip
	Email	Best Time to Contact
	Daytime Phone	Cell Phone
	Ú.	

Remember, after dialing 911, Call 411. Contact us 24 hours a day, 7 days a week. 1-800-411-PAIN

1 of 1 9/15/2008 10:36 AM

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered		
SERIAL NUMBER	78911044		
LAW OFFICE ASSIGNED	LAW OFFICE 111		
NOTICE OF ALLOWANCE	YES		
EXTENSION OF USE	NO		
REQUEST TO DIVIDE	NO		
MARK SECTION			
STANDARD CHARACTERS	YES		
USPTO-GENERATED IMAGE	YES		
LITERAL ELEMENT	AFTER 911 CALL 411		
OWNER SECTION (1st owner)(no change)			
OWNER SECTION (2nd owner)(no change)			
GOODS AND/OR SERVICES SECTION			
INTERNATIONAL CLASS	044		
CURRENT IDENTIFICATION	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services		
GOODS AND/OR SERVICES	KEEP ALL LISTED		
FIRST USE ANYWHERE DATE	07/03/2006		
FIRST USE IN COMMERCE DATE	07/03/2006		
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT3\IMAGEOUT3 \789\110\78911044\xml1\SO \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		
SPECIMEN DESCRIPTION	Advertisement on web page		
PAYMENT SECTION			
NUMBER OF CLASSES	1		
SUBTOTAL AMOUNT	100		
TOTAL AMOUNT	100		
SIGNATURE SECTION			
SIGNATURE	/Stevan Lieberman/		
SIGNATORY'S NAME	Stevan Lieberman		
SIGNATORY'S POSITION	Attorney of Record		

DATE SIGNED	09/15/2008	
SIGNATURE	/Stevan Lieberman/	
SIGNATORY'S NAME	Stevan Lieberman	
SIGNATORY'S POSITION	Attorney of Record	
DATE SIGNED	09/15/2008	
FILING INFORMATION		
SUBMIT DATE	Mon Sep 15 11:18:59 EDT 2008	
TEAS STAMP	USPTO/SOU-XX.XXX.XX.200 80915111859722061-7891104 4-400fe208dd9437544128859 8f44f1c9353-CC-6533-20080 915111126755414	

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: AFTER 911 CALL 411 SERIAL NUMBER: 78911044

This Allegation of Use is being filed after a Notice of Allowance has issued.

The applicants, Lewin, Robert C., having an address of 2659 W. Oakland Pk. Blvd, Ft. Lauderdale, Florida United States 33311, and Shapiro, Guy, having an address of 3837 N.E. 167th Street, N. Miami, Florida United States 33160, are using or are using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 044:

Current identification: Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance or as subsequently modified.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/03/2006, and first used in commerce at least as early as 07/03/2006, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Advertisement on web page. Specimen File1

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she 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: /Stevan Lieberman/ Date Signed: 09/15/2008

Signatory's Name: Stevan Lieberman Signatory's Position: Attorney of Record

Signature: /Stevan Lieberman/ Date Signed: 09/15/2008

Signatory's Name: Stevan Lieberman Signatory's Position: Attorney of Record

RAM Sale Number: 6533

RAM Accounting Date: 09/15/2008

Serial Number: 78911044

Internet Transmission Date: Mon Sep 15 11:18:59 EDT 2008

TEAS Stamp: USPTO/SOU-XX.XXX.XX.X-200809151118597220 61-78911044-400fe208dd94375441288598f44f 1c9353-CC-6533-20080915111126755414

AUTO ACCIDENT

Millions of people have car accidents every year and almost every person involved in a car accident suffers an injury to some degree. The symptoms do not always appear immediately following the accident. It may be days or weeks before you start feeling stiffness, headaches, numbness and other symptoms. These symptoms may also include radiating pain in arms or down the legs. Face and chest injuries due to air bag deployment. You may have ankle pain due to slamming on the brakes or wrist pain from gripping the steering wheel so tightly. Sleep patterns may be effected as well as sexual function. These factors make it important to seek medical care for diagnosis and treatment following any auto accident. Accident victims often face medical bills, lost wages, pain and suffering and severe injuries. 1-800-411-PAIN provides help from start to finish, from filling out difficult paperwork, to billing the responsible insurance company for you.

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- Other accidents may include single car accidents, hit & runs, and pedestrians hit by a car, you may still be entitled to 10,000 in PIP Benefits
- If you were At-Fault you still have rights and may be entitled to 10,000 in PIP Benefits

1-800-411-PAIN is always there for you, holidays, nights, weekends, 24 hours a day, 7 days a week.

Auto Accident	For Immediate Assista	ance Please Call: 1.800-411-
		APPER SHO, CAME O
	Please fill out the info	rmation below and you will be contacted ASAP.
	First Name	Last Name
	Address	City
	State	Zip
	Email	Best Time to Contact
	Daytime Phone	Cell Phone
	Ú.	

Remember, after dialing 911, Call 411. Contact us 24 hours a day, 7 days a week. 1-800-411-PAIN

1 of 1 9/15/2008 10:36 AM

FEE RECORD SHEET

Serial Number: 78911044

RAM Sale Number: 6533 Total Fees: \$100

RAM Accounting Date: 20080915

<u>Transaction</u>	Fee <u>Code</u>	Transaction <u>Date</u>	Fee per <u>Class</u>	Number of Classes	Total <u>Fee</u>
Statement of Use (SOU)	7003	20080915	\$100	1	\$100

Transaction Date: 20080915





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

NOTICE OF APPROVAL OF EXTENSION REQUEST

Mar 8, 2008

TM11

ATTORNEY REFERENCE NUMBER:

0347/12

SERIAL NUMBER: 78/911044
MARK: AFTER 911 CALL 411
OWNER: Lewin, Robert C.
EXTENSION REQUEST NUMBER: 1

Stevan Lieberman

GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2

WASHINGTON DC 20007-6201

EXTENSION REQUEST NUMBER: 1 NOTICE OF ALLOWANCE DATE: Sep 18, 2007

A Notice of Allowance was issued on Sep 18, 2007 for the trademark application identified above. The FIRST request for Extension of Time to File a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action (Table presents the data on ITU Unit Action) **OVERVIEW** SERIAL NUMBER 78911044 FILING DATE 06/19/2006 0000000 REG DATE **REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY WHITTAKER BROWN, TRACY L.O. ASSIGNED 111 **PUB INFORMATION RUN DATE** 03/08/2008 PUB DATE 06/26/2007 STATUS 730-FIRST EXTENSION - GRANTED STATUS DATE 03/06/2008 LITERAL MARK ELEMENT **AFTER 911 CALL 411** DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO **SECTION 8 IN PART** NO SECTION 15 NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT **AFTER 911 CALL 411** MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG**

CURRENT OWNER INFORMATION			
PARTY TYPE	20-OWNER AT PUBLICATION		
NAME	Lewin, Robert C.		
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311		
ENTITY	01-INDIVIDUAL		

CITIZENSHIP	United States of America					
PARTY TYPE	20-OWNER AT PUBLICATION					
NAME	Shapiro, Guy					
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160					
ENTITY	01-INDIVIDUAL					
CITIZENSHIP	United States of America					
GOODS AND SERVICES						
INTERNATIONAL CLASS	044					
DESCRIPTION TEXT	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services					

GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	044	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE	
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGISTRATION			NO					
DISCLAIMER W/PREDETER TXT				"911 CALL 411"				

PROSECUTION HISTORY					
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM	
03/06/2008	EX1G	S	EXTENSION 1 GRANTED	019	
03/06/2008	EXT1	S	EXTENSION 1 FILED	018	
03/06/2008	EEXT	I	TEAS EXTENSION RECEIVED	017	
09/18/2007	NOAM	0	NOTICE OF ALLOWANCE-MAILED	016	
06/26/2007	PUBO	А	PUBLISHED FOR OPPOSITION	015	
06/06/2007	NPUB	0	NOTICE OF PUBLICATION	014	
04/20/2007	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	013	
04/14/2007	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	012	
04/11/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011	
04/11/2007	ALIE	А	ASSIGNED TO LIE	010	
04/10/2007	GNEA	0	EXAMINERS AMENDMENT E-MAILED	009	
04/10/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	008	
03/24/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007	
03/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006	
03/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005	
11/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004	
11/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003	
11/20/2006	DOCK	D	ASSIGNED TO EXAMINER	002	
06/22/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001	

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stevan Lieberman
CORRESPONDENCE ADDRESS	Stevan Lieberman GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON DC 20007-6201
DOMESTIC REPRESENTATIVE	NONE
PRIOR OWNER	INFORMATION
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Shapiro, Guy
ADDRESS	3837 N.E. 167th Street N. Miami, FL 33160
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

AFTER 911 CALL 411

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78911044
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AFTER 911 CALL 411
OWNER SECTION (1st owner)(no change)	
OWNER SECTION (2nd owner)(no change)	
ATTORNEY SECTION (current)	
NAME	Stevan Lieberman
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	stevan@aplegal.com
ATTORNEY DOCKET NUMBER	0347/12
ATTORNEY SECTION (proposed)	
NAME	Stevan Lieberman
FIRM NAME	GREENBERG & LIEBERMAN, LLC
STREET	2141 WISCONSIN AVE NW STE C2
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20007-6201
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001

EMAIL	stevan@aplegal.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	0347/12
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	044
CURRENT IDENTIFICATION	Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	09/18/2007
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/Stevan Lieberman/
SIGNATORY'S NAME	Stevan Lieberman
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	03/06/2008
SIGNATURE	/Stevan Lieberman/
SIGNATORY'S NAME	Stevan Lieberman
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	03/06/2008
FILING INFORMATION	
SUBMIT DATE	Thu Mar 06 14:16:39 EST 2008
TEAS STAMP	USPTO/ESU-XX.XXX.XX.200 80306141639161296-7891104 4-40045d777eed72a1cb4b93a 643a617c293-CC-8065-20080 306140905821810

PTO Form 1581 (Rev 9/2005) OMB No. 0651-0054 (Exp. 09/30/2011)

SOU Extension Request (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Sep 18, 2007

STEVAN LIEBERMAN GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201 ATTORNEY REFERENCE NUMBER

0347/12

** IMPORTANT INFORMATION: 6 MONTH DEADLINE **

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at http://www.uspto.gov/teas/index.html (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/91104

MARK: AFTER 911 CALL 411 (STANDARD CHARACTER MARK)

OWNER: Lewin, Robert C.

2659 W. Oakland Pk. Blvd

Ft. Lauderdale , FLORIDA 33311

OWNER: Shapiro, Guy

3837 N.E. 167th Street N. Miami , FLORIDA 33160

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED



NOTICE OF PUBLICATION UNDER §12(a) MAILING DATE: Jun 6, 2007

PUBLICATION DATE: Jun 26, 2007

The mark identified below will be published in the Official Gazette on Jun 26, 2007. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at http://www.uspto.gov/web/trademarks/tmog/ any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at http://bookstore.gpo.gov or 202-512-1800. To check the status of your application, go to http://tarr.uspto.gov/.

SERIAL NUMBER: 78911044

MARK: AFTER 911 CALL 411
OWNER: Lewin, Robert C.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR TRADEMARKS P.O. BOX 1451 ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL U.S POSTAGE PAID

STEVAN LIEBERMAN GREENBERG & LIEBERMAN LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	78911044	FILING DATE	06/19/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WHITTAKER BROWN, TRACY	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	04/23/2007					
PUB DATE	N/A					
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE					
STATUS DATE	04/20/2007					
LITERAL MARK ELEMENT	AFTER 911 CALL 411					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED	BASIS	CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911 CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

CITIZENSHIP						United States of Am	erica		
PARTY TYPE	ARTY TYPE					10-ORIGINAL APPL	ICANT		
IAME						Shapiro, Guy			
ADDRESS						3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY						01-INDIVIDUAL			
CITIZENSHIP United States of America									
					GOODS AN	D SERVICES			
INTERNATIONAL C	LASS					044			
DESCRIPTION TEXT Medical services; Physical therapy and physical rehabilitation services therapeutic services, namely pain management and pain treatment for and sports injuries, neck and back pain, auto accidents, neurological p personal injury, arthritis, tendonitis; health care services						ent for orthopedic			
				GOOI	S AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL CLASS	044		FIRST U	JSE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
			I	MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION					NO			
DISCLAIMER W/PR	EDETER TX	Γ				"911 CALL 411"			
					PROSECUTION	ON HISTORY			
DATE		ENT	CD	ENT TYP	E DESCRIPTION				ENT NUM
04/20/2007		PR	EV	0	LAW OFFICE P	UBLICATION REVIE	W COMPLETED		013
04/14/2007		CN	SA	Р	APPROVED FO	R PUB - PRINCIPAL	REGISTER		012
04/11/2007		XA	EC	I	EXAMINER'S A	MENDMENT ENTERI	ED		011
04/11/2007		AL	.IE	Α	ASSIGNED TO	LIE			010
04/10/2007		GN	EA	0	EXAMINERS A	MENDMENT E-MAILE	D		009
04/10/2007		CN	EA	R	EXAMINERS A	MENDMENT -WRITTE	EN		008
03/24/2007		TE	ME	I	TEAS/EMAIL C	ORRESPONDENCE I	ENTERED		007
03/23/2007		CR	FA	I	CORRESPOND	ENCE RECEIVED IN	LAW OFFICE		006
03/23/2007		TR	OA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		005
11/25/2006		GN	RT	F	NON-FINAL AC	TION E-MAILED			004
11/25/2006		CN	RT	R	NON-FINAL AC	TION WRITTEN			003
11/20/2006		DO	CK	D	ASSIGNED TO	EXAMINER			002
06/22/2006		NW	'AP	I	NEW APPLICA	TION ENTERED IN TI	RAM		001
				CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY						Stevan Lieberman			
CORRESPONDENCE ADDRESS				STEVAN LIEBERMA GREENBERG & LIE 2141 WISCONSIN A WASHINGTON, DC	BERMAN, LLC AVE NW STE C2				
DOMESTIC REPRE	SENTATIVE					NONE			
						J			

AFTER 911 CALL 411

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 78911044 FILING DATE 06/19/2006 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY WHITTAKER BROWN, TRACY L.O. ASSIGNED 111 **PUB INFORMATION RUN DATE** 04/17/2007 **PUB DATE** N/A STATUS 680-APPROVED FOR PUBLICATON STATUS DATE 04/14/2007 LITERAL MARK ELEMENT **AFTER 911 CALL 411** DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO NO 1 (a) 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT **AFTER 911 CALL 411** MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Lewin, Robert C.

2659 W. Oakland Pk. Blvd

Ft. Lauderdale, FL 33311

01-INDIVIDUAL

ADDRESS

ENTITY

CITIZENSHIP					United States of Ar	merica		
PARTY TYPE	ARTY TYPE				10-ORIGINAL APP	PLICANT		
NAME					Shapiro, Guy			
ADDRESS					3837 N.E. 167th Street N. Miami, FL 33160			
ENTITY					01-INDIVIDUAL			
CITIZENSHIP United States of America								
				GOODS AN	D SERVICES			
INTERNATIONAL C	LASS				044			
DESCRIPTION TEXT Medical services; Physical therap therapeutic services, namely pain and sports injuries, neck and back personal injury, arthritis, tendonitis.						s, namely pain manag- neck and back pain, a	ement and pain treatm tuto accidents, neurolo	nent for orthopedic
			GOOD	OS AND SERVIC	CES CLASSIFIC	CATION		,
INTERNATIONAL CLASS	044	FIRST	USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
CHANGE IN REGIST					NO "911 CALL 411"			
				PROSECUTI	ON HISTORY			
DATE	E	NT CD	ENT TYP	E DESCRIPTION				ENT NUM
04/14/2007		CNSA	Р	APPROVED FO	OR PUB - PRINCIPAI	L REGISTER		012
04/11/2007		KAEC	ı	EXAMINER'S A	MENDMENT ENTER	RED		011
04/11/2007		ALIE	Α	ASSIGNED TO	LIE			010
04/10/2007	(GNEA	0	EXAMINERS A	MENDMENT E-MAIL	.ED		009
04/10/2007	(CNEA	R	EXAMINERS A	MENDMENT -WRIT	ΓΕΝ		
03/24/2007	-	ГЕМЕ	ı					
		CRFA I CORRESPONDENCE RECEIVED IN LAW OFFICE						008
03/23/2007		CRFA	I					
		CRFA FROA	l I	CORRESPONE		N LAW OFFICE		007
03/23/2007	-		<u> </u>	CORRESPONE TEAS RESPON	DENCE RECEIVED II	N LAW OFFICE		007 006
03/23/2007 11/25/2006	-	ΓROA	I	TEAS RESPON	DENCE RECEIVED II	N LAW OFFICE		007 006 005
03/23/2007 11/25/2006 11/25/2006	-	TROA GNRT	l F	TEAS RESPON	DENCE RECEIVED II USE TO OFFICE ACT	N LAW OFFICE		007 006 005 004
03/23/2007 11/25/2006 11/25/2006 11/20/2006)	TROA GNRT CNRT	I F R	CORRESPOND TEAS RESPOND NON-FINAL ACTUAL ACT	DENCE RECEIVED II USE TO OFFICE ACT	N LAW OFFICE		007 006 005 004 003
03/23/2007 11/25/2006 11/25/2006 11/20/2006)	TROA GNRT CNRT DOCK	F R D	CORRESPOND TEAS RESPOND NON-FINAL ACTUAL ACT	DENCE RECEIVED II USE TO OFFICE ACT CTION E-MAILED CTION WRITTEN EXAMINER TION ENTERED IN	N LAW OFFICE FION RECEIVED		007 006 005 004 003 002
03/23/2007 03/23/2007 11/25/2006 11/25/2006 11/20/2006 06/22/2006)	TROA GNRT CNRT DOCK	F R D	CORRESPOND TEAS RESPOND NON-FINAL ACT NON-FINAL ACT ASSIGNED TO NEW APPLICA	DENCE RECEIVED II USE TO OFFICE ACT CTION E-MAILED CTION WRITTEN EXAMINER TION ENTERED IN	N LAW OFFICE FION RECEIVED		007 006 005 004 003 002
03/23/2007 11/25/2006 11/25/2006 11/20/2006 06/22/2006	1 1	TROA GNRT CNRT DOCK	F R D	CORRESPOND TEAS RESPOND NON-FINAL ACT NON-FINAL ACT ASSIGNED TO NEW APPLICA	DENCE RECEIVED II USE TO OFFICE ACT OFFICE A	TRAM RMATION MAN EBERMAN, LLC AVE NW STE C2		007 006 005 004 003 002

AFTER 911 CALL 411

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	78911044	FILING DATE	06/19/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WHITTAKER BROWN, TRACY	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	04/12/2007	04/12/2007						
PUB DATE	N/A							
STATUS	647-EXAMINERS AMENDMENT - MAILE	D						
STATUS DATE	04/10/2007	04/10/2007						
LITERAL MARK ELEMENT	AFTER 911 CALL 411							
DATE ABANDONED	N/A	N/A DATE CANCELLED N/A						
SECTION 2F	NO	SECTION 2F IN PART	NO					
SECTION 8	NO	SECTION 8 IN PART	NO					
SECTION 15	NO	NO REPUB 12C N/A						
RENEWAL FILED	NO	RENEWAL DATE	N/A					
DATE AMEND REG	N/A							

FILING BASIS

FILED BASIS		CURREN	IT BASIS	AMENDED BASIS		
1 (a)	NO	1 (a)	NO	1 (a)	NO	
1 (b)	YES	1 (b)	YES	1 (b)	NO	
44D	NO	44D	NO	44D	NO	
44E	NO	44E	NO	44E	NO	
66A	NO	66A	NO			
NO BASIS	NO	NO BASIS	NO			

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911 CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

CITIZENSHIP				United States of Ame	erica			
PARTY TYPE				10-ORIGINAL APPL	ICANT			
NAME				Shapiro, Guy				
ADDRESS				3837 N.E. 167th Stre N. Miami, FL 33160	eet			
ENTITY				01-INDIVIDUAL				
CITIZENSHIP				United States of Ame	erica			
			GOODS AN	D SERVICES				
INTERNATIONAL CLASS				044				
DESCRIPTION TEXT				therapeutic services, and sports injuries, r	namely pain manage	nysical rehabilitation se ement and pain treatm uto accidents, neurolo care services	ent for orthopedic	
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS 044	FIRST	USE DATE N	ONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE	
CHANGE IN REGISTRATION		MISCELLA	NEOUS INFO	RMATION/STAT	rements			
CHANGE IN REGISTRATION				NO				
DISCLAIMER W/PREDETER	I X I			"911 CALL 411"				
		,	PROSECUTION	ON HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM	
04/11/2007	XAEC	I	EXAMINER'S A	MENDMENT ENTER	ĒD		011	
04/11/2007	ALIE	A	ASSIGNED TO	LIE			010	
04/10/2007	GNEA	0	EXAMINERS A	MENDMENT E-MAILE	D		009	
04/10/2007	CNEA	R	EXAMINERS A	MENDMENT -WRITTE	ΞN		800	
03/24/2007	TEME	I	TEAS/EMAIL C	ORRESPONDENCE E	ENTERED		007	
03/23/2007	CRFA	I	CORRESPOND	DENCE RECEIVED IN	LAW OFFICE		006	
03/23/2007	TROA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		005	
11/25/2006	GNRT	F	NON-FINAL AC	TION E-MAILED			004	
11/25/2006	CNRT	R	NON-FINAL AC	TION WRITTEN			003	
11/20/2006	DOCK	D	ASSIGNED TO	EXAMINER			002	
06/22/2006	NWAP	ı	NEW APPLICA	TION ENTERED IN T	RAM		001	
		CURRENT	CORRESPON	NDENCE INFOR	MATION			
ATTORNEY				Stevan Lieberman				
CORRESPONDENCE ADDRESS				STEVAN LIEBERMAN GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201				
DOMESTIC REPRESENTATIV	/E			NONE				

AFTER 911 CALL 411

To: Lewin, Robert C. (stevan@aplegal.com)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

Sent: 4/10/2007 1:42:32 PM

Sent As: ECOM111@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/911044

APPLICANT: Lewin, Robert C.

78911044

CORRESPONDENT ADDRESS:

STEVAN LIEBERMAN GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201

MARK: AFTER 911 CALL 411

CORRESPONDENT'S REFERENCE/DOCKET NO: 0347/12

CORRESPONDENT EMAIL ADDRESS:

stevan@aplegal.com

RETURN ADDRESS:

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

Please provide in all correspondence:

- Filing date, serial number, mark and applicant's name.
- 2. Date of this Office Action.
- 3. Examining Attorney's name and Law Office number.
- Your telephone number and email address.

Serial Number 78/911044

EXAMINER'S AMENDMENT

OFFICE RECORDS SEARCH: The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. \$1052(d). TMEP \$704.02.

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by Stevan Leiberman, Esq. on April 10, 2007, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Entity Type

The applicant's are joint applicant's.

USPTO /Tracy Whittaker-Brown/ Examining Attorney, Law Office 111 U.S. Patent & Trademark Office

Phone: 571-272-9397

Fax: 571-273

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at http://portal.uspto.gov/external/portal/tow. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

α	7 TO TO	TITE	7 1 1 7
\cdot	/ PJK	VII	1. VV

SERIAL NUMBER	78911044	FILING DATE	06/19/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WHITTAKER BROWN, TRACY	L.O. ASSIGNED	111

PUB INFORMATION

RUN DATE	03/27/2007	03/27/2007						
PUB DATE	N/A							
STATUS	661-RESPONSE AFTER NON-FINAL-AC	TION-ENTERED						
STATUS DATE	03/24/2007	03/24/2007						
LITERAL MARK ELEMENT	AFTER 911 CALL 411							
DATE ABANDONED	N/A	DATE CANCELLED	N/A					
SECTION 2F	NO	SECTION 2F IN PART	NO					
SECTION 8	NO	NO SECTION 8 IN PART NO						
SECTION 15	NO	NO REPUB 12C N/A						
RENEWAL FILED	NO	RENEWAL DATE	N/A					
DATE AMEND REG	N/A							

FILING BASIS

FILED BASIS		CURREN	IT BASIS	AMENDED BASIS		
1 (a)	NO	1 (a)	NO	1 (a)	NO	
1 (b)	YES	1 (b)	YES	1 (b)	NO	
44D	NO	44D	NO	44D	NO	
44E	NO	44E	NO	44E	NO	
66A	NO	66A	NO			
NO BASIS	NO	NO BASIS	NO			

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	AFTER 911 CALL 411
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Lewin, Robert C.
ADDRESS	2659 W. Oakland Pk. Blvd Ft. Lauderdale, FL 33311
ENTITY	01-INDIVIDUAL

CITIZENSHIP							United States of Am	erica			
PARTY TYPE							10-ORIGINAL APPLICANT				
NAME						Shapiro, Guy					
ADDRESS						3837 N.E. 167th Str N. Miami, FL 33160	eet				
ENTITY							01-INDIVIDUAL				
CITIZENSHIP							United States of Am	erica			
					(GOODS ANI	D SERVICES				
INTERNATIONAL CLASS 044											
DESCRIPTION TEXT Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedi and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services						r orthopedic					
GOODS AND SERVICES CLASSIFICATION											
INTERNATIONAL CLASS					E	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE		
			1	MISCELL	ANE	OUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION						NO				
DISCLAIMER W/PR	EDETER TX	Γ					"911 CALL 411"				
					Pl	ROSECUTION	ON HISTORY				
DATE		ENT	CD	ENT TYP	E I	DESCRIPTION					ENT NUM
03/24/2007		TE	ME	I		TEAS/EMAIL C	ORRESPONDENCE	ENTERED			007
03/23/2007		CR	FA	I		CORRESPOND	ENCE RECEIVED IN	LAW OFFICE			006
03/23/2007		TR	OA	I		TEAS RESPON	SE TO OFFICE ACT	ION RECEIVED			005
11/25/2006		GN	RT	F	1	NON-FINAL AC	TION E-MAILED				004
11/25/2006		CN	RT	R	1	NON-FINAL AC	TION WRITTEN				003
11/20/2006		DO	CK	D		ASSIGNED TO	EXAMINER				002
06/22/2006		NW	'AP	I	1	NEW APPLICA	TION ENTERED IN T	RAM			001
				CURREN	NT C	ORRESPON	DENCE INFOR	MATION			
ATTORNEY							Stevan Lieberman				
CORRESPONDENCE ADDRESS					STEVAN LIEBERMAN GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201						

NONE

DOMESTIC REPRESENTATIVE

AFTER 911 CALL 411

Response to Office Action

The table below presents the data as entered.

Input Field	Entered			
SERIAL NUMBER	78911044			
LAW OFFICE ASSIGNED	LAW OFFICE 111			
MARK SECTION (no change)				
GOODS AND/OR SERVICES SECTION (current)				
INTERNATIONAL CLASS	044			
DESCRIPTION				
	ervices; Therapeutic services, namely pain management and pain treatment for accidents, neurological problems, personal injury, arthritis, tendonitis; Health care			
FILING BASIS	Section 1(b)			
GOODS AND/OR SERVICES SECTION (proposed)				
INTERNATIONAL CLASS	044			
DESCRIPTION				
Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services				
FILING BASIS	Section 1(b)			
ADDITIONAL STATEMENTS SECTION				
DISCLAIMER "No claim is made to the exclusive right to use 911 CALL 411 apart from as shown."				
SIGNATURE SECTION				
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .			
RESPONSE SIGNATURE	/Stevan Lieberman/			
SIGNATORY'S NAME	Stevan Lieberman			
SIGNATORY'S POSITION	Attorney of Record			
DATE SIGNED	03/23/2007			
AUTHORIZED SIGNATORY	YES			
FILING INFORMATION SECTION				
SUBMIT DATE	Fri Mar 23 15:06:53 EDT 2007			
TEAS STAMP	USPTO/ROA-XX.XXX.XX.X-200 70323150653635689-7891104 4-370acccb7cf99c0422373b1 68a80e8cfc1-N/A-N/A-20070 323145952372695			

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78911044** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 044 for Medical Services; Physical Therapy and Rehabilitation services; Therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; Health care services' Attorney Referral Services

Original Filing Basis: 1(b).

Proposed: Class 044 for Medical services; Physical therapy and physical rehabilitation services; Medical therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; health care services

Filing Basis: 1(b).

Additional Statements

"No claim is made to the exclusive right to use 911 CALL 411 apart from the mark as shown."

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /Stevan Lieberman/ Date: 03/23/2007

Signatory's Name: Stevan Lieberman Signatory's Position: Attorney of Record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 78911044

Internet Transmission Date: Fri Mar 23 15:06:53 EDT 2007

TEAS Stamp: USPTO/ROA-XX.XXX.XX.X-200703231506536356

89-78911044-370acccb7cf99c0422373b168a80 e8cfc1-N/A-N/A-20070323145952372695 To: Lewin, Robert C. (<u>stevan@aplegal.com</u>)

Subject: TRADEMARK APPLICATION NO. 78911044 - AFTER 911 CALL 411 - 0347/12

Sent: 11/25/2006 1:26:25 PM

Sent As: ECOM111@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/911044

APPLICANT: Lewin, Robert C.

CORRESPONDENT ADDRESS:

STEVAN LIEBERMAN

GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE NW STE C2 WASHINGTON, DC 20007-6201

MARK: AFTER 911 CALL 411

CORRESPONDENT'S REFERENCE/DOCKET NO: 0347/12

CORRESPONDENT EMAIL ADDRESS:

stevan@aplegal.com

78911044

RETURN ADDRESS: Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

Please provide in all correspondence:

- Filing date, serial number, mark and applicant's name.
- 2. Date of this Office Action.
- Examining Attorney's name and Law Office number.
- Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at http://tarr.uspto.gov/, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/911044

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

Disclaimer

The applicant must disclaim the descriptive wording "911 CALL 411" 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 provides instruction to consumers. 911 and 411 are alphanumeric telephone numbers. CALL refers to using the telephone. A term that consists of a merely descriptive term with numerals in the form of an alphanumeric telephone number is merely descriptive under Trademark Act Section 2(e)(1). *See In re Page*, 51 USPQ2d 1660 (TTAB 1999) (888 PATENTS merely descriptive of patent-related legal services); TMEP §1209.03(l).

The applicant must disclaim the wording together even if the terms are only individually descriptive. The terms must be disclaimed together because they are presented in the applicant's mark together. TMEP § 1213.08(b). *In re Surelock Mfg. Co.*, Inc, 125 USPQ 23, 24 (TTAB 1960). 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 911 CALL 411 apart from the mark as shown. *See In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

Identification

The wording "and rehabilitation services; therapeutic services, namely, pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; Health care services' Attorney Referral Services" in the identification of services is unacceptable as indefinite because it is not sufficiently precise and it refers to services in different classes. Applicant may adopt the following identification of services, if accurate: MEDICAL SERVICES; PHYSICAL THERAPY AND PHYSICAL REHABILITATION SERVICES; MEDICAL THERAPEUTIC SERVICES, NAMELY PAIN MANAGEMENT AND PAIN TREATMENT FOR ORTHOPEDIC AND SPORTS INJURIES, NECK AND BACK PAIN, AUTO ACCIDENTS, NEUROLOGICAL PROBLEMS, PERSONAL INJURY, ARTHRITIS, TENDONITIS; HEALTH CARE SERVICES; in International Class 44 and/or ATTORNEY REFERRAL SERVICES in International Class 35. TMEP §1402.01, if accurate. TMEP §1402.11.

The applicant is encouraged to visit the Patent and Trademark Office's web site at http://tess2.uspto.gov/netahtml/tidm.html to find examples of acceptable identifications of goods and services. The applicant is encouraged to use the precise wording from recent registrations in amending the identification to items not found in the Manual of Acceptable Identifications.

Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

Multiple Class Applications

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at http://www.uspto.gov). 37 C.F.R. §2.86(a)(2); TMEP §§810 and 1403.01.

Search

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. §1052(d). TMEP §704.02.

Response Guidelines

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing. If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney. Any arguments regarding the contents of the Office Action should be made in writing, as those discussions should be made of record.

USPTO
/Tracy Whittaker-Brown/
Examining Attorney, Law Office 111
U.S. Patent & Trademark Office
Phone: 571-272-9397

Fax: 571-273

HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at http://www.uspto.gov/teas/index.html. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the** *date of receipt in the Office*, not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at http://tarr.uspto.gov.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at http://portal.uspto.gov/external/portal/tow.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at http://www.uspto.gov/main/trademarks.htm

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

call

call (kôl) verb

called, call-ing, calls verb, transitive

- 1. To say in a loud voice; announce: called my name from across the street; calling out numbers.
- 2. To demand or ask for the presence of: called the children to dinner; call the police.
- 3. To demand or ask for a meeting of; convene or convoke: call the legislature into session.
- 4. To order or request to undertake a particular activity or work; summon: She was called for jury duty. He was called to the priesthood.
- 5. To give the command for; order: call a work stoppage.
- 6. To communicate or try to communicate with by telephone: called me at nine.
- 7. To lure (prey) by imitating the characteristic cry of an animal: call ducks.
- 8. To cause to come to the mind or to attention: a story that calls to mind an incident in my youth.
- 9. To name: What will you call the baby?
- 10. To consider or regard as being of a particular type or kind; characterize: Let's call the game a draw. I'd hardly call him a good manager.
- 11. To designate; label: Nobody calls me a liar.
- 12. a. To demand payment of: call a loan. b. To require the presentation of (a bond) for redemption before maturity.
- 13. Sports. a. To stop or postpone (a game) because of bad weather, darkness, or other adverse conditions. b. To declare in the capacity of an umpire or referee: call a runner out; call a foul on a boxer; call a penalty for holding. c. To indicate a decision in regard to: calling balls and strikes behind the plate; called a close play. d. To give the orders or signals for: a quarterback who called a poor play.
- 14. Games. a. To describe the intended outcome of (one's billiard shot) before playing. b. To equal the bet of (the preceding bet or bettor) in a poker game.
- 15. To indicate or characterize accurately in advance; predict: It is often difficult to call the outcome of an election. See synonyms at predict.
- 16. To challenge the truthfulness or genuineness of: called the debater on a question of fact.
- 17. To shout directions in rhythm for (a square dance).

verb. intransitive

- 1. a. To speak loudly; shout: a swimmer who was calling for help. b. To utter a characteristic cry. Used of an animal: geese calling in early morning.
- 2. To communicate or try to communicate with someone by telephone: I called twice, but no one answered.
- 3. To pay a short visit: We called to pay our respects.

noun

- 1. A loud cry; a shout.
- 2. a. The characteristic cry of an animal. b. A sound or an instrument made to imitate such a cry, used as a lure: a moose call.
- A telephone communication or connection.
- 4. Need or occasion: There was no call for an apology.
- 5. Demand: There isn't much call for buggy whips today.
- 6. A claim on a person's time or life: the call of duty.
- 7. A short visit, especially one made as a formality or for business or professional purposes.
- 8. A summons or an invitation
- 9. a. A signal, such as that made by a horn or bell. b. The sounding of a horn to encourage hounds during a hunt.
- 10. a. A strong inner urge or prompting; a vocation: a call to the priesthood. b. The strong attraction or appeal of a given activity or environment: the call of the wild; answered the call of the desert.
- 11. A roll call.
- 12. A notice of rehearsal times posted in a theater.
- 13. Sports. A decision made by an umpire or a referee.
- 14. A direction or series of directions rhythmically called out to square dancers.
- 15. a. A demand for payment of a debt. b. A demand to submit bonds to the issuer for redemption before the maturity date. c. An option to buy a certain quantity of a stock or commodity for a specified price within a specified time. d. A demand for payment due on stock bought on margin when the value has shrunk.

- phrasal verb.

call back

- I. To communicate the need for (someone) to return from one situation or location to a previous one: Management called the laid-off workers back.
- 2. To telephone or radio (a person) who has called previously: I called her back at noon.
- 3. To recall (a defective product) for repair: The company has called back all such models built in 1990.

call down

- 1. To find fault with; reprimand: The teacher called me down for disobedience.
- 2. To invoke, as from heaven.

call for

- 1. To appear, as on someone else's premises, in order to get: My chauffeur will call for you at seven.
- 2. To be an appropriate occasion for: This news calls for champagne.
- 3. To require; demand: work that calls for patience.

call forth

To evoke; elicit: a love song that calls forth sad memories.

call in

- 1. To take out of circulation: calling in silver dollars.
- 2. To summon for assistance or consultation: call in a specialist.

3. To communicate with another by telephone: Has the boss called in today?

call off

- 1. To cancel or postpone: call off a trip; called the trip off.
- 2. To restrain or recall: Call off your dogs.

call out

- 1. To cause to assemble; summon: call out the guard.
- 2. To challenge to a duel.

call up

- 1. To summon to active military service: called up reserve troops for active duty.
- 2. To cause one to remember; bring to mind: stories that call up old times.
- 3. To bring forth for action or discussion; raise.

call upon

- 1. To order; require: I call upon you to tell the truth.
- 2. To make a demand or a series of demands on: Social institutions are now being called upon to provide assistance to the homeless.

— idiom.

call a spade a spade

To speak directly, precisely, and forthrightly.

call in question or call into question

To raise doubts about.

call it a day Informal.

To stop whatever one has been doing, for the remainder of the day or at least for the present.

call it quits Informal.

To stop working or trying; quit.

call names

To speak to or about another in offensive terms.

call (someone's) bluff

To challenge another with a display of strength or confidence.

call the shots or call the tune Informal.

To exercise authority; be in charge.

on call

- 1. Available when summoned for service or use: physicians who were on call for 48 hours.
- 2. Subject to payment on demand.

within call

Close enough to come if summoned: The nurse is within call if you need him.

[Middle English callen, probably from Old Norse kalla.]

Synonyms: call, convene, convoke, muster, summon. The central meaning shared by these verbs is "to demand or request to appear, come, or assemble": called the doctor; convene a meeting; convoke the legislature; mustering the militia; summon a witness. [1]

[1] The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

NOTE TO THE FILE

SERIAL NUMBER:	/8911044			
DATE: 11/25/2006				
NAME: twhittaker-brown				
NOTE:				
_ Checked LEXIS/NEXIS				
_ Searched internet using [insert search engine or web site]			
_ Checked with Law Libra	ry re surname.			
_ Checked geographic sign	iificance.			
_ Checked with translations	s branch.			
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Personal interview conducted with attorney/applicant re				
_ Attorney/applicant called to discuss				
_ Bulky specimens with examiner.				
_ Acronym website searched.				
_ Changed Tradeups to add				
_ Changed Tradeups to delete				
_ Changed Tradeups to add Examiner's Amendment.				
_ Letter of Protest Granted				
X OTHER (hit list search)				

***	User:twhittaker	***
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03	413	0	2	2	0:02	2 and 042[cc]

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Sent to TICRS as Serial Number: 78911044

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04	420	N/A	0	0	0:01	*411*[bi,ti]
05	9	6	3	2	0:03	("41 1" or "4 11" or "4 1 1")[bi,ti]
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07	179	0	179	101	0:02	4 not dead[ld]

Session started 11/25/2006 12:13:49 PM Session finished 11/25/2006 12:21:39 PM Total search duration 0 minutes 15 seconds Session duration 7 minutes 50 seconds Defaut NEAR limit=1ADJ limit=1

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04	79436	N/A	0	0	0:02	"9"[bi,ti]*one*[bi,ti]
05	19900	N/A	0	0	0:03	"1"[bi,ti]
06	59628	N/A	0	0	0:02	*{"ck"}al*[bi,ti]
07	5674	N/A	0	0	0:01	*four*[bi,ti]
08	7221	N/A	0	0	0:01	"4"[bi,ti]
09	378	148	230	171	0:01	*eleven*[bi,ti]
10	2764	N/A	0	0	0:01	*11*[bi,ti]
11	0	0	0	0	0:01	2 and 3
12	57	28	29	19	0:01	2 and 4
13	20	11	9	7	0:01	2 and 5
14	23	10	13	8	0:01	2 and 6
15	4	1	3	3	0:01	2 and 7
16	7	3	4	4	0:01	2 and 8
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18	36	21	15	9	0:01	6 and 3
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30	460	0	5	4	0:02	27 and 035[ic]
31	64	0	64	52	0:01	27 and 044[ic]

0:01

27 and (a or b or 200)[ic]

Session started 11/25/2006 11:48:33 AM
Session finished 11/25/2006 12:09:19 PM
Total search duration 0 minutes 48 seconds
Session duration 20 minutes 46 seconds
Defaut NEAR limit=1ADJ limit=1

10

32

10

Sent to TICRS as Serial Number: 78911044

Trademark/Service Mark Application, Principal Register

Serial Number: 78911044 Filing Date: 06/19/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	·
MARK	AFTER 911 CALL 411
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AFTER 911 CALL 411
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Lewin, Robert C.
STREET	2659 W. Oakland Pk. Blvd
CITY	Ft. Lauderdale
STATE	Florida
ZIP/POSTAL CODE	33311
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
LEGAL ENTITY SECTION	
ТҮРЕ	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
OWNER SECTION	
NAME	Shapiro, Guy
STREET	3837 N.E. 167th Street
CITY	N. Miami
STATE	Florida
ZIP/POSTAL CODE	33160
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
LEGAL ENTITY SECTION	
ТҮРЕ	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES SECTION	

INTERNATIONAL CLASS	044
DESCRIPTION	Medical Services; Physical Therapy and Rehabilitation services; Therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; Health care services' Attorney Referral Services
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/Stevan Lieberman/
SIGNATORY NAME	Stevan Lieberman
SIGNATORY DATE	06/19/2006
SIGNATORY POSITION	Attorney
SIGNATURE	/Stevan Lieberman/
SIGNATORY NAME	Stevan Lieberman
SIGNATORY DATE	06/19/2006
SIGNATORY POSITION	Attorney
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	DA
ATTORNEY	
NAME	Stevan Lieberman
FIRM NAME	Greenberg & Lieberman, LLC
INTERNAL ADDRESS	Suite C2
STREET	2141 Wisconsin Ave., NW
CITY	Washington
STATE	District of Columbia
ZIP/POSTAL CODE	20007
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	stevan@aplegal.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	0347/12
OTHER APPOINTED ATTORNEY(S)	Debora McCormick
CORRESPONDENCE SECTION	

NAME	Stevan Lieberman
FIRM NAME	Greenberg & Lieberman, LLC
INTERNAL ADDRESS	Suite C2
STREET	2141 Wisconsin Ave., NW
CITY	Washington
STATE	District of Columbia
ZIP/POSTAL CODE	20007
COUNTRY	United States
PHONE	202-625-7000
FAX	202-625-7001
EMAIL	stevan@aplegal.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Mon Jun 19 12:26:26 EDT 2006
TEAS STAMP	USPTO/BAS-XXXXXXXX-200606 19122626439077-78911044-2 0061315ec49bb6d5563746be2 a632fd1c-DA-1693-20060619 122431503802

Trademark/Service Mark Application, Principal Register

Serial Number: 78911044 Filing Date: 06/19/2006

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of AFTER 911 CALL 411.

The applicants, Robert C. Lewin, a citizen of United States, residing at 2659 W. Oakland Pk. Blvd, Ft. Lauderdale, Florida, United States, 33311, Guy Shapiro, a citizen of United States, residing at 3837 N.E. 167th Street, N. Miami, Florida, United States, 33160, request registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 044: Medical Services; Physical Therapy and Rehabilitation services; Therapeutic services, namely pain management and pain treatment for orthopedic and sports injuries, neck and back pain, auto accidents, neurological problems, personal injury, arthritis, tendonitis; Health care services' Attorney Referral Services

The applicants hereby appoint Stevan Lieberman and Debora McCormick of Greenberg & Lieberman, LLC, Suite C2, 2141 Wisconsin Ave., NW, Washington, District of Columbia, United States, 20007 to submit this application on behalf of the applicants. The attorney docket/reference number is 0347/12.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: stevan@aplegal.com.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

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. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that 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: /Stevan Lieberman/ Date: 06/19/2006

Signatory's Name: Stevan Lieberman Signatory's Position: Attorney

Signature: /Stevan Lieberman/ Date: 06/19/2006

Signatory's Name: Stevan Lieberman

Signatory's Position: Attorney

Mailing Address:

Stevan Lieberman Suite C2 2141 Wisconsin Ave., NW Washington, District of Columbia 20007

RAM Sale Number: 1693

RAM Accounting Date: 06/19/2006

Serial Number: 78911044

Internet Transmission Date: Mon Jun 19 12:26:26 EDT 2006

TEAS Stamp: USPTO/BAS-XXXXXXXX-20060619122626439077-

78911044-20061315ec49bb6d5563746be2a632f

d1c-DA-1693-20060619122431503802

AFTER 911 CALL 411

AFTER 911 CALL 411

Generated on: This page was generated by TSDR on 2016-11-30 10:53:07 EST

Mark: KEEP CALM CALL US

Keep Calm Call Us

US Serial Number: 86644277 Application Filing May 28, 2015

Date:

US Registration 4918050 Registration Date: Mar. 15, 2016

Number:

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 15, 2016

Publication Date: Dec. 29, 2015

Mark Information

Mark Literal KEEP CALM CALL US

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation

services in all areas of criminal defense, personal injury law, family law; Litigation services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 06, 2012 **Use in Commerce:** Feb. 06, 2012

Basis Information (Case Level)

 Filed Use:
 No
 Currently Use:
 Yes
 Amended Use:
 Yes

 Filed ITU:
 No
 Currently ITU:
 No
 Amended ITU:
 No

 Filed 44D:
 No
 Currently 44D:
 No
 Amended 44D:
 No

 Filed 44E:
 No
 Amended 44E:
 No

Filed 66A: No Currently 66A: No Filed No Basis: Yes Currently No Basis: No

Current Owner(s) Information

Exhibit B Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158 Owner Name: Law Offices of Powers Sellers & Finkelstein, PLC.

Owner Address: Suite B

6344 Roosevelt Blvd.

Clearwater, FLORIDA UNITED STATES 33760

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jenna Cyra Finkelstein

Attorney Primary jenna@PSFfirm.com Email Address: Attorney Email Yes Authorized:

Correspondent

Correspondent JENNA CYRA FINKELSTEIN

Name/Address: Law Offices Of Powers Sellers & Finkelstein Plc

6344 Roosevelt Blvd Ste B

Clearwater, FLORIDA UNITED STATES 33760-1803

Phone: 727-531-2926 Fax: 727-531-2706

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2016	REGISTERED-PRINCIPAL REGISTER	
Dec. 29, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 29, 2015	PUBLISHED FOR OPPOSITION	
Dec. 09, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 23, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Nov. 18, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
Oct. 30, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Oct. 23, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 22, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 22, 2015	NON-FINAL ACTION E-MAILED	6325
Oct. 22, 2015	NON-FINAL ACTION WRITTEN	92563
Oct. 07, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
Oct. 07, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Sep. 30, 2015	ASSIGNED TO LIE	77976
Sep. 15, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 11, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 11, 2015	NON-FINAL ACTION E-MAILED	6325
Sep. 11, 2015	NON-FINAL ACTION WRITTEN	92563
Sep. 09, 2015	ASSIGNED TO EXAMINER	92563
Jun. 03, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 01, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Mar. 15, 2016

United States of America United States Patent and Trademark Office

Keep Calm Call Us

Reg. No. 4,918,050 LAW OFFICES OF POWERS SELLERS & FINKELSTEIN, PLC. (FLORIDA LIMITED LIABILITY COMPANY)

Registered Mar. 15, 2016 SUITE B

6344 ROOSEVELT BLVD. CLEARWATER, FL 33760

SERVICE MARK

FOR: ATTORNEY SERVICES; LEGAL SERVICES, NAMELY, PROVIDING CUSTOMIZED DOCUMENTATION, INFORMATION, COUNSELING, ADVICE AND CONSULTATION SERVICES IN ALL AREAS OF CRIMINAL DEFENSE, PERSONAL INJURY LAW, FAMILY

PRINCIPAL REGISTER LAW; LITIGATION SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 2-6-2012; IN COMMERCE 2-6-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-644,277, FILED 5-28-2015.

KARA JACKSON, EXAMINING ATTORNEY



Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, December 29, 2015 00:40 AM

To: jenna@PSFfirm.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86644277: KEEP CALM CALL US

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86644277 Mark: KEEP CALM CALL US International Class(es): 045

Owner: Law Offices of Powers Sellers & Finkelstei n, PLC.

Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Dec 29, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2015-12-29&serialNumber=86644277

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86644277&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86644277&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Dec 9, 2015

NOTICE OF PUBLICATION

Serial No.: 86-644,277

Mark: KEEP CALM CALL US (STANDARD CHARACTER MARK)

International Class(es):

Publication Date: Dec 29, 2015

Applicant: Law Offices of Powers Sellers & Finkelst

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filled within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954

Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jenna@PSFfirm.com

From: TMOfficialNotices@USPTO.GOV Wednesday, December 9, 2015 03:37 AM Sent:

jenna@PSFfirm.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86644277: KEEP CALM CALL US Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86644277) is scheduled to publish in the *Official Gazette* on Dec 29, 2015. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86644277. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86644277. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86644277. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86644277. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86644277. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86644277.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	86644277	FILING DATE	05/28/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JACKSON, SHA-KARA ELOU	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

	FUD INFURIATION							
RUN DATE	11/24/2015							
PUB DATE	12/29/2015							
STATUS	681-PUBLICATION/ISSUE REVIEW COM	IPLETE						
STATUS DATE	11/23/2015							
LITERAL MARK ELEMENT	KEEP CALM CALL US							
DATE ABANDONED	N/A	DATE CANCELLED	N/A					
SECTION 2F	NO	SECTION 2F IN PART	NO					
SECTION 8	NO	SECTION 8 IN PART	NO					
SECTION 15	NO	REPUB 12C	N/A					
RENEWAL FILED	NO	NO RENEWAL DATE N/A						
DATE AMEND REG	N/A							

FILING BASIS

FILED BASIS		CURREN	IT BASIS	AMENDED BASIS		
1 (a)	NO	1 (a)	YES	1 (a)	YES	
1 (b)	NO	1 (b)	NO	1 (b)	NO	
44D	NO	44D	NO	44D	NO	
44E	NO	44E	NO	44E	NO	
66A	NO	66A	NO			
NO BASIS	YES	NO BASIS	NO			

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	KEEP CALM CALL US
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Law Offices of Powers Sellers & Finkelstein, PLC.
ADDRESS	Suite B 6344 Roosevelt Blvd. Clearwater, FL 33760
ENTITY	16-LTD LIAB CO

CITIZENSHIP	Florida
GOODS ANI	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

INTERNATIONAL CLASS						045					
DESCRIPTIO	DESCRIPTION TEXT							Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services			
				GOOD	S AND SE	ERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL CLASS	045	F	FIRST US	SE DATE	02/06/2012		FIRST USE IN COMMERCE DATE	02/06/2012	CLASS STATUS	6-AC	CTIVE
			M	IISCELL	ANEOUS	INFOI	RMATION/STA	rements	·		
CHANGE IN REGIS	STRATION						NO				
					PROSE	CUTIO	ON HISTORY				
DATE		ENT C	DD	ENT TYP	E DESCR	IPTION					ENT NUM
11/23/2015		PRE	V	0	LAW OF	FFICE PI	UBLICATION REVIE	W COMPLETED			018
11/18/2015		CNS	A	0	APPRO	VED FO	R PUB - PRINCIPAL	REGISTER			017
10/30/2015		TEMI	E	I	TEAS/E	MAIL CO	DRRESPONDENCE	ENTERED			016
10/30/2015		CRF	A	I	CORRE	SPOND	ENCE RECEIVED IN	LAW OFFICE			015
10/23/2015		TRO	A	I	TEAS F	RESPON	SE TO OFFICE ACT	ON RECEIVED			014
10/22/2015	2/2015 GNRN O		0	NOTIFIC	CATION	OF NON-FINAL ACT	ION E-MAILED			013	
10/22/2015		GNR ⁻	Т	0	NON-FI	NAL AC	TION E-MAILED				012
10/22/2015		CNR	Т	R	NON-FI	NAL AC	TION WRITTEN				011
10/07/2015		TEMI	E	I	TEAS/E	MAIL CO	DRRESPONDENCE	ENTERED			010
10/07/2015		CRF	Α	I	CORRE	SPOND	ENCE RECEIVED IN	LAW OFFICE			009
09/30/2015		ALIE		Α	ASSIGN	NED TO I	LIE				800
09/15/2015		TRO	Α	I	TEAS F	RESPON	SE TO OFFICE ACT	ON RECEIVED			007
09/11/2015		GNRI	N	0	NOTIFIC	CATION	OF NON-FINAL ACT	ION E-MAILED			006
09/11/2015		GNR [*]	T	F	NON-FI	NAL AC	TION E-MAILED				005
09/11/2015		CNR ⁻	T	R	NON-FI	NAL AC	TION WRITTEN				004
09/09/2015		DOC	K	D	ASSIGN	NED TO I	EXAMINER				003
06/03/2015		NWO	S	I	NEW A	PPLICAT	TION OFFICE SUPPL	IED DATA ENTERE	D IN TRAM		002
06/01/2015	06/01/2015 NWAP I NEW APPLICA						ION ENTERED IN T	RAM			001
			C	CURREN	T CORRE	ESPON	DENCE INFOR	MATION			
ATTORNEY							Jenna Cyra Finkelst	ein			
CORRESPONDENCE ADDRESS							JENNA CYRA FINK Law Offices Of Pow 6344 Roosevelt Blvd Clearwater, FL 3376	ers Sellers & Finkelst d Ste B			
DOMESTIC REPRE	SENITATIVE						NONE				

ATTORNEY	Jenna Cyra Finkelstein
CORRESPONDENCE ADDRESS	JENNA CYRA FINKELSTEIN Law Offices Of Powers Sellers & Finkelst 6344 Roosevelt Blvd Ste B Clearwater, FL 33760-1803
DOMESTIC REPRESENTATIVE	NONE

Keep Calm Call Us

			Trademark Snap Shot (Table presents the data	t Publication Stylesheet on Publication Approval)				
			OVER	RVIEW				
SERIAL NUMBER			86644277	FILING DATE	05/28/2015			
REG NUMBER			0000000	REG DATE			N/A	
REGISTER			PRINCIPAL	MARK TYPE		SI	ERVICE MARK	
NTL REG #			N/A	INTL REG DATE			N/A	
TM ATTORNEY		JACKS	ON, SHA-KARA ELOU	L.O. ASSIGNED		N2	0-NOT FOUND	
			PUB INFO	RMATION				
RUN DATE		11/19/2015						
PUB DATE		N/A						
STATUS		680-APPRO	VED FOR PUBLICATON					
STATUS DATE		11/18/2015						
ITERAL MARK ELEMENT		KEEP CALM	I CALL US					
DATE ABANDONED			N/A	DATE CANCELLED			N/A	
SECTION 2F			NO	SECTION 2F IN PART			NO	
SECTION 8			NO	SECTION 8 IN PART			NO	
SECTION 15			NO	REPUB 12C			N/A	
RENEWAL FILED		NO		RENEWAL DATE		N/A		
DATE AMEND REG			N/A					
			FILING	G BASIS				
FILED I	BASIS			ENT BASIS AMENDED BASIS				
1 (a)	NO)	1 (a)	YES	1 (a)		YES	
1 (b)	NO)	1 (b)	NO	1 (b)		NO	
14D	NO)	44D	NO	44D		NO	
14E	NO)	44E	NO	44E		NO	
66A	NO)	66A	NO				
NO BASIS	YE	S	NO BASIS	NO				
			MARK	C DATA				
STANDARD CHARACTER I	MARK			YES				
LITERAL MARK ELEMENT				KEEP CALM CALL US				
MARK DRAWING CODE				4-STANDARD CHARACTER	R MARK			
COLOR DRAWING FLAG				NO				
			CURRENT OWNE	CR INFORMATION				

10-ORIGINAL APPLICANT

Suite B 6344 Roosevelt Blvd. Clearwater, FL 33760

16-LTD LIAB CO

Law Offices of Powers Sellers & Finkelstein, PLC.

PARTY TYPE

NAME

ADDRESS

ENTITY

CITIZENSHIP	Florida
GOODS ANI	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

					GOODS AIV.	DSERVICES				
INTERNATIONAL C	LASS					045				
DESCRIPTIO	N TEXT					Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services				
				COOL	S AND SERVIC	CES CLASSIFIC	ATION			
INTERNATIONAL	045		EIDCT I	JSE DATE	02/06/2012	FIRST USE IN	02/06/2012	CLASS STATUS	6-ACTIVE	
CLASS	045		rinoi	JSE DATE	02/06/2012	COMMERCE DATE	02/06/2012	CLASS STATUS	6-ACTIVE	
			1	MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION					NO				
					PROSECUTI	ON HISTORY				
DATE		ENT	CD	ENT TYP	E DESCRIPTION				ENT NUM	
11/18/2015		CN	SA	0	APPROVED FO	OR PUB - PRINCIPAL	REGISTER		017	
10/30/2015		TEI	МЕ	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED		016	
10/30/2015		CRFA		I	CORRESPOND	DENCE RECEIVED IN	LAW OFFICE		015	
10/23/2015		TR	OA	I	TEAS RESPON	ISE TO OFFICE ACT	ION RECEIVED		014	
10/22/2015		GN	RN	0	NOTIFICATION	OF NON-FINAL ACT	TON E-MAILED		013	
10/22/2015		GN	RT	0	NON-FINAL AC	TION E-MAILED			012	
10/22/2015		CN	RT	R	NON-FINAL AC	TION WRITTEN			011	
10/07/2015		TEI	ME	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED		010	
10/07/2015		CR	FA	I	CORRESPOND	DENCE RECEIVED IN	LAW OFFICE		009	
09/30/2015		AL	IE	Α	ASSIGNED TO	LIE			800	
09/15/2015		TR	OA	I	TEAS RESPON	ISE TO OFFICE ACT	ION RECEIVED		007	
09/11/2015		GN	RN	0	NOTIFICATION	OF NON-FINAL ACT	TION E-MAILED		006	
09/11/2015		GN	RT	F	NON-FINAL AC	TION E-MAILED			005	
09/11/2015		CN	RT	R	NON-FINAL AC	TION WRITTEN			004	
09/09/2015		DO	СК	D	ASSIGNED TO	EXAMINER			003	
06/03/2015		NW	os	I	NEW APPLICA	TION OFFICE SUPPL	LIED DATA ENTER	RED IN TRAM	002	
06/01/2015		NW	ΆΡ	I	NEW APPLICA	TION ENTERED IN T	RAM		001	
				CURREN	T CORRESPON	NDENCE INFOR	MATION			
ATTORNEY						Jenna Cyra Finkelst	ein			
CORRESPONDENC	CE ADDRESS	S				JENNA CYRA FINK Law Offices Of Pow 6344 Roosevelt Blvd Clearwater Fl 3376	ers Sellers & Finke d Ste B	lst		

CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY	Jenna Cyra Finkelstein			
CORRESPONDENCE ADDRESS	JENNA CYRA FINKELSTEIN Law Offices Of Powers Sellers & Finkelst 6344 Roosevelt Blvd Ste B Clearwater, FL 33760-1803			
DOMESTIC REPRESENTATIVE	NONE			

Keep Calm Call Us

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

α	VER	X71		X 7
\mathbf{U}	V 17.15		11	W

SERIAL NUMBER	86644277	FILING DATE	05/28/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JACKSON, SHA-KARA ELOU	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

FUB INFORMATION						
RUN DATE	11/02/2015	11/02/2015				
PUB DATE	N/A					
STATUS	661-RESPONSE AFTER NON-FINAL-AC	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED				
STATUS DATE	10/30/2015	10/30/2015				
LITERAL MARK ELEMENT	KEEP CALM CALL US					
	,					
DATE ABANDONED	N/A	N/A DATE CANCELLED N/A				
SECTION 2F	NO	NO				
SECTION 8	NO SECTION 8 IN PART NO					
SECTION 15	NO REPUB 12C N/A					
RENEWAL FILED	NO	NO RENEWAL DATE N/A				
DATE AMEND REG	N/A					

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	YES
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	YES	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	KEEP CALM CALL US
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Law Offices of Powers Sellers & Finkelstein, PLC.
ADDRESS	Suite B 6344 Roosevelt Blvd. Clearwater, FL 33760
ENTITY	16-LTD LIAB CO

CITIZENSHIP	Florida		
GOODS AND	D SERVICES		
GOODS AND SERVICES			
INTERNATIONAL CLASS	045		
DESCRIPTION TEXT	Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services		

INTERNATIONAL CLASS			045						
DESCRIPTION TEXT Attorney services; Legal services, namely, providing customized documentation information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services									
				GOOL	OS AND SERVIC	CES CLASSIFIC	ATION		
INTERNATIONAL CLASS								6-ACTIVE	
			N	MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION					NO			
					PROSECUTI	ON HISTORY			
DATE		ENT	CD	ENT TYP	E DESCRIPTION				ENT NUM
10/30/2015		TEN	ИΕ	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED		016
10/30/2015		CRF	FA	I	CORRESPONI	DENCE RECEIVED IN	LAW OFFICE		015
10/23/2015		TRO	DA	I	TEAS RESPON	NSE TO OFFICE ACT	ION RECEIVED		014
10/22/2015		GNF	RN	0	NOTIFICATION	NOTIFICATION OF NON-FINAL ACTION E-MAILED			
10/22/2015		GNF	RT	0	NON-FINAL AC	CTION E-MAILED			012
10/22/2015		CNF	RT	R	NON-FINAL AC	NON-FINAL ACTION WRITTEN			
10/07/2015		TEN	ИΕ	ı	TEAS/EMAIL C	ORRESPONDENCE	ENTERED		010
10/07/2015		CRF	FA	l l	CORRESPONI	DENCE RECEIVED IN	LAW OFFICE		009
09/30/2015		ALI	IE .	Α	ASSIGNED TO	LIE			008
09/15/2015		TRO	DA	I	TEAS RESPON	NSE TO OFFICE ACT	ION RECEIVED		007
09/11/2015		GNF	RN	0	NOTIFICATION	OF NON-FINAL ACT	TION E-MAILED		006
09/11/2015		GNF	RT	F	NON-FINAL AC	CTION E-MAILED			005
09/11/2015		CNF	RT	R	NON-FINAL AC	CTION WRITTEN			004
09/09/2015		DOC	CK	D	ASSIGNED TO	ASSIGNED TO EXAMINER			
06/03/2015		NW	os	I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM			002
06/01/2015		NWA	AP	l	NEW APPLICA	NEW APPLICATION ENTERED IN TRAM			001
				CURREN	T CORRESPO	NDENCE INFOR	RMATION		
ATTORNEY						Jenna Cyra Finkels	tein		
CORRESPONDENCE ADDRESS JENNA CYRA FINKELSTEIN Law Offices Of Powers Sellers & Finkelst 6344 Roosevelt Blvd Ste B Clearwater, FL 33760-1803									

NONE

DOMESTIC REPRESENTATIVE

Keep Calm Call Us

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86644277
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86644277/large
LITERAL ELEMENT	KEEP CALM CALL US
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Attorney services; Legal services, namely, providing custall areas of criminal defense, personal injury law, family	tomized documentation, information, counseling, advice and consultation services in law; Litigation services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/06/2012
FIRST USE IN COMMERCE DATE	At least as early as 02/06/2012
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Attorney services; Legal services, namely, providing custall areas of criminal defense, personal injury law, family	tomized documentation, information, counseling, advice and consultation services in law; Litigation services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/06/2012
FIRST USE IN COMMERCE DATE	At least as early as 02/06/2012
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR " The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT16\IMAGEOUT 16\866\442\86644277\xml7\ ROA0005.JPG

ORIGINAL PDF FILE	<u>SPU0-9776118-20151023151611026874business_card.pdf</u>
CONVERTED PDF FILE(S) (1 page)	\\\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml7\ROA0002.JPG
ORIGINAL PDF FILE	SPU0-9776118-20151023151611026874Info_Flyer_PSF.pdf
CONVERTED PDF FILE(S) (2 pages)	\\\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml7\ROA0003.JPG
	\\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml7\ROA0004.JPG
SPECIMEN DESCRIPTION	photograph of billboard; marketing/advertising brochure; business card
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jenna Finkelstein/
SIGNATORY'S NAME	Jenna Finkelstein
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	727-531-2926
DATE SIGNED	10/23/2015
RESPONSE SIGNATURE	/Jenna Finkelstein/
SIGNATORY'S NAME	Jenna Finkelstein
SIGNATORY'S POSITION	owner
SIGNATORY'S PHONE NUMBER	727-531-2926
DATE SIGNED	10/23/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 23 15:35:17 EDT 2015
TEAS STAMP	USPTO/ROA-XX.XX.XX.2015 1023153517199007-86644277 -540d2677e99c1d3108342d3e c78c957bd6fc9669e6e56fb29 18ab1168c77be79fd-N/A-N/A -20151023151611026874

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86644277** KEEP CALM CALL US(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86644277/large) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark

was first used at least as early as 02/06/2012 and first used in commerce at least as early as 02/06/2012, and is now in use in such commerce.

Proposed: Class 045 for Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 02/06/2012 and first used in commerce at least as early as 02/06/2012, and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 045. The specimen(s) submitted consists of photograph of billboard; marketing/advertising brochure; business card.

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].

JPG file(s):

Specimen File1

Original PDF file:

SPU0-9776118-20151023151611026874 . business card.pdf

Converted PDF file(s) (1 page)

Specimen File1

Original PDF file:

SPU0-9776118-20151023151611026874_._Info_Flyer_PSF.pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; for a collective trademark, collective service mark, collective membership mark application, or certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; for a certification mark application, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: for a trademark or service mark application, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; for a collective trademark, collective service mark, collective membership mark, or certification mark application, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; for a certification mark application, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the

certification program or of the goods/services that meet the certification standards of the applicant. To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

Signature: /Jenna Finkelstein/ Date: 10/23/2015

Signatory's Name: Jenna Finkelstein

Signatory's Position: Owner

Signatory's Phone Number: 727-531-2926

Response Signature

Signature: /Jenna Finkelstein/ Date: 10/23/2015

Signatory's Name: Jenna Finkelstein

Signatory's Position: owner

Signatory's Phone Number: 727-531-2926

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 86644277

Internet Transmission Date: Fri Oct 23 15:35:17 EDT 2015

TEAS Stamp: USPTO/ROA-XX.XX.XX.2015102315351719900

7-86644277-540d2677e99c1d3108342d3ec78c9 57bd6fc9669e6e56fb2918ab1168c77be79fd-N/

A-N/A-20151023151611026874

KeepCalmCallUs.com

Personal Injury & Criminal Defense Attorneys

727-531-2926

info@psffirm.com 6344 Roosevelt Boulevard, Suite B Clearwater, FL 33760

THE LAW OFFICES OF





Jenna Finkelstein

Jenna Finkelstein is a highly sought after criminal defense and personal injury trial attorney due to her years of experience successfully litigating serious, complex cases. She has over 60 jury trials to her credit.

Jenna earned her undergraduate degree from the University of Florida in Gainesville. She received her B.A. in Criminology, with a minor in Psychology.

Jenna received her Juris Doctorate from Stetson University College of Law in Gulfport, Florida. She earned a certificate for Concentration in Advocacy.

While at Stetson, Jenna held the title of Deputy Chief Ambassador and participated in many on and off campus events. Jenna also served as the Vice President for the Florida Association of Women

Lawyers at Stetson (FAWLS) and was a member of the Student Bar Association.

Jenna completed an internship at the Public Defender's Office for the Sixth Judicial Circuit, where she then began her professional career. She litigated and negotiated thousands of favorable dispositions in the seven years she served as a government attorney. Jenna represented individuals charged with felonies and misdemeanors including but not limited to, grand theft, DUI manslaughter, drug trafficking, capital sexual battery and first degree murder. Due to her undeniable skills and thorough understanding of complex litigation, Jenna was chosen to serve on the Capital Case Trial Division Team, a team of trial attorneys who represent individuals charged with Capital Murder for which the State is seeking the death penalty.

Jenna continues to dedicate her career to helping those accused of criminal offenses as well as those who have a need for representation in family law and personal injury cases. She is passionate about the law and promises personal attention to all of her clients and their individual needs. Jenna is a seasoned trial attorney who knows the legal system and its players. Jenna and her team at the Law Offices of Powers Sellers & Finkelstein, PLC, are committed to fighting for you.

Amanda Powers Sellers

Florida criminal defense and personal injury lawyer, Amanda Powers Sellers, has aggressively litigated thousands of Florida cases. With more than ten years of litigation experience, she has the essential skills necessary to effectively negotiate and litigate criminal and personal injury cases.

Amanda earned her undergraduate degree in Crimi-

nal Justice from the University of North Florida (UNF) where she graduated Magna Cum Laude. She received a Leadership Scholarship at the University. She continued her advanced education by obtaining her Juris Doctorate at Stetson University College of Law in Gulfport, Florida. During her final year at Stetson she was elected to serve as Chief Honor Court Attorney which further demonstrates her accountability. Before forming her criminal

defense and personal injury practice in Florida, she worked for the Sixth Judicial Circuit, Public Defender's Office where she was quickly promoted to supervise the Mental Health Program. Due to her exhibition of outstanding trial techniques, she was assigned to the Capital Death Penalty Trial Division, representing individuals charged with First Degree Murder who faced the death penalty.

Amanda obtained her license to practice law in Alabama in 2006. She practiced personal injury law in the state of Alabama with a successful personal injury law firm representing plaintiffs for injury, premises liability and wrongful death claims.

Amanda is a seasoned litigator and an aggressive negotiator. With a wealth of experience she has proven that her gentle, but aggressive style consistently achieves optimal results for her clients.

"Being from the south has taught me that I can attract more flies with honey. Negotiating a case requires a unique skill. I am gentle when I need to be gentle and I am tough when I need to be tough. Trial work and negotiation usually require a combination of both, which comes from years of experience and a true passion for the law."

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POWERS SELLERS FINKELSTEINPLC

FIRM PROFILE

Powers Sellers & Finkelstein is based in Clearwater, Florida and serves the Tampa Bay area and neighboring counties.

OUR PRACTICE AREAS

Experienced Criminal Defense and Personal Injury lawyers with a personal approach. Our team has over 20 years of litigation experience. We have litigated thousands of cases – we know the system. Let us put our knowledge and experience to work for you. Aggressive representation with personal attention is the hallmark of our litigation team. Our firm handles cases in Clearwater, St. Petersburg, Largo and the surrounding Tampa Bay areas.



OUR GENTLE BUT AGGRESSIVE APPROACH

We understand that consulting an attorney can be very stressful. We approach every case with compassion and an open mind. We will aggressively defend your rights while we strive to help you understand the complexities of the legal system, and we will always make your case a priority

Our Promise

We realize that your legal issue is personal and deserves special attention. Although we cannot guarantee a specific outcome in your case, we promise to utilize our resources and our experience to obtain the best possible outcome for you. We offer our due diligence, creativity, experience, and professionalism to reach the goals set forth in the beginning of your case. In doing so, we promise to do all that we can to ease your anxiety and gain your trust. We recognize that your peace of mind is directly related to how your case is handled by our firm from the moment we first meet.

OUR TEAM

Amanda Powers Sellers, Attorney amanda@psffirm.com



JENNA FINKELSTEIN, Attorney jenna@psffirm.com

Shanna St. George, Legal Assistant shanna@psffirm.com

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Our Promise

We realize that your legal issue is personal and deserves special attention. Although we cannot guarantee a specific outcome in your case, we promise to utilize our resources and our experience to obtain the best possible outcome for you. We offer our due diligence, creativity, experience, and professionalism to reach the goals set forth in the beginning of your case. In doing so, we promise to do all that we can to ease your anxiety and gain your trust. We recognize that your peace of mind is directly related to how your case is handled by our firm from the moment we first meet.

OUR TEAM

Amanda Powers Sellers, Attorney amanda@psffirm.com



JENNA FINKELSTEIN, Attorney jenna@psffirm.com

Shanna St. George, Legal Assistant shanna@psffirm.com

KeepCalmCallUs.com



To: Law Offices of Powers Sellers & Finkelst ETC. (jenna@PSFfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86644277 - KEEP CALM CALL US - N/A

 Sent:
 10/22/2015 11:31:32 AM

 Sent As:
 ECOM120@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86644277

MARK: KEEP CALM CALL US

CORRESPONDENT ADDRESS:

JENNA CYRA FINKELSTEIN Law Offices Of Powers Sellers & Finkelst 6344 Roosevelt Blvd Ste B Clearwater, FL 33760-1803

APPLICANT: Law Offices of Powers Sellers & Finkelst ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jenna@PSFfirm.com

86644277

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

VIEW YOUR APPLICATION FILE

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 10/22/2015

This Office action is in response to applicant's communication filed on September 11, 2015.

The submitted basis and specimen has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES that applicant must address:

• Specimen Refusal – Unacceptable Printer's Proof

SPECIMEN REFUSAL - UNACCEPTABLE PRINTERS PROOF

Registration is refused because the specimen in International Class 45 is a printer's proof and thus does not show the applied-for mark in use in commerce for each international class. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a), 1301.04(a), (g)(i). Generally, printer's proofs are preliminary copies of documents used to make corrections before publication. Proofs are usually not disseminated to the public, and thus do not show use in commerce of the mark in connection with the identified services. *See* 15 U.S.C. §1127; *In re The Signal Cos.*, 228 USPQ 956, 957-58 n.4 (TTAB 1986); TMEP §§904.04(a), 904.07(a), 1301.04(a).

Specifically, the submitted specimen's appear to be proofs of mail advertisements and a draft of a potential billboard. However, the specimen does not show that the mailers have been disseminated to the public or the billboard displayed to the public.

An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each international class of services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Examples of specimens for services include advertising and marketing materials, brochures, photographs of business signage and billboards, and webpages that show the mark used in the actual sale, rendering, or advertising of the services. *See* TMEP §1301.04(a), (h)(iv)(C).

Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

- (1) Submit a different specimen (a verified "substitute" specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use.
- (2) Amend the filing basis to intent to use under Section 1(b), for which no specimen is required. This option will later necessitate additional fee(s) and filing requirements such as providing a specimen.

For an overview of *both* response options referenced above and instructions on how to satisfy either option online using the Trademark Electronic Application System (TEAS) form, please go to http://www.uspto.gov/trademarks/law/specimen.jsp.

RESPONSE GUIDELINES

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at http://www.uspto.gov/trademarks/teas/index.jsp. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to TEAS@uspto.gov.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Kara E. Jackson/ Examining Attorney Law Office 120 (571)272-4358 Kara.Jackson@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

To: Law Offices of Powers Sellers & Finkelst ETC. (jenna@PSFfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86644277 - KEEP CALM CALL US - N/A

Sent: 10/22/2015 11:31:32 AM **Sent As:** ECOM120@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 10/22/2015 FOR U.S. APPLICATION SERIAL NO. 86644277

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 10/22/2015 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation warnings.jsp.

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

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SERIAL NUMBER	86644277	FILING DATE	05/28/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JACKSON, SHA-KARA ELOU	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

1 OD INTORNIATION			
RUN DATE	10/08/2015		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	10/07/2015		
LITERAL MARK ELEMENT	KEEP CALM CALL US		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	YES
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	YES	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	KEEP CALM CALL US
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Law Offices of Powers Sellers & Finkelstein, PLC.
ADDRESS	Suite B 6344 Roosevelt Blvd. Clearwater, FL 33760
ENTITY	16-LTD LIAB CO

CITIZENSHIP	Florida
GOODS ANI	O SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

				GOODS AN	DSERVICES				
INTERNATIONAL C	CLASS				045				
DESCRIPTION TEXT					Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services				
			GOOI	DS AND SERVIO	CES CLASSIFIC	ATION			
INTERNATIONAL CLASS FIRST USE DATE 02/06/2012					FIRST USE IN COMMERCE DATE	02/06/2012	CLASS STATUS	6-A0	CTIVE
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	STRATION				NO				
		,		PROSECUTI	ON HISTORY				
DATE		ENT CD	ENT TYP	PE DESCRIPTION	DESCRIPTION				ENT NUM
10/07/2015		TEME	I	TEAS/EMAIL C	CORRESPONDENCE ENTERED 010				010
10/07/2015		CRFA	l l	CORRESPONI	DENCE RECEIVED IN LAW OFFICE 009			009	
09/30/2015		ALIE	A	ASSIGNED TO	LIE				800
09/15/2015		TROA	I	TEAS RESPO	NSE TO OFFICE ACT	ION RECEIVED			007
09/11/2015		GNRN	0	NOTIFICATION	N OF NON-FINAL ACT	TION E-MAILED			006
09/11/2015		GNRT	F	NON-FINAL AC	CTION E-MAILED				005
09/11/2015		CNRT	R	NON-FINAL AC	CTION WRITTEN				004
09/09/2015		DOCK	D	ASSIGNED TO	D EXAMINER 00				003
06/03/2015		NWOS	I	NEW APPLICA	ATION OFFICE SUPPLIED DATA ENTERED IN TRAM 002			002	
06/01/2015		NWAP	I	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	NT CORRESPO	NDENCE INFOR	MATION			
ATTORNEY					Jenna Cyra Finkelst	ein			
CORRESPONDEN	CE ADDRESS	6			JENNA CYRA FINK Law Offices Of Pow 6344 Roosevelt Blv Clearwater, FL 3376	ers Sellers & Finkelst d Ste B			
DOMESTIC REPRE	SENTATIVE				NONE				

Keep Calm Call Us

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86644277
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86644277/large
LITERAL ELEMENT	KEEP CALM CALL US
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Attorney services; Legal services, namely, providing cus all areas of criminal defense, personal injury law, family	tomized documentation, information, counseling, advice and consultation services in law; Litigation services
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Attorney services; Legal services, namely, providing cus all areas of criminal defense, personal injury law, family	tomized documentation, information, counseling, advice and consultation services in law; Litigation services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/06/2012
FIRST USE IN COMMERCE DATE	At least as early as 02/06/2012
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR" The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPU0-9776118-20150915095924580501</u> . <u>PSF_4x9_BAR_PROOF2.pdf</u>
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml4\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml4\ROA0003.JPG

ORIGINAL PDF FILE	SPU0-9776118-20150915095924580501PSF_board.pdf
CONVERTED PDF FILE(S) (1 page)	\\\\TICRS\EXPORT16\IMAGEOUT16\866\442\86644277\xml4\ROA0004.JPG
SPECIMEN DESCRIPTION	Mailer to potential clients advertisement/billboard/marketing materials
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jenna Finkelstein/
SIGNATORY'S NAME	Jenna Finkelstein
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	727-531-2926
DATE SIGNED	09/15/2015
RESPONSE SIGNATURE	/Jenna Finkelstein/
SIGNATORY'S NAME	Jenna Finkelstein
SIGNATORY'S POSITION	owner
SIGNATORY'S PHONE NUMBER	727-531-2926
DATE SIGNED	09/15/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 15 10:12:07 EDT 2015
TEAS STAMP	USPTO/ROA-XX.XX.XX.2015 0915101207246857-86644277 -54080d7ff4ece17fe29f747d 857d6bf763bcd771f2b09da46 b516bcef14761568-N/A-N/A- 20150915095924580501

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86644277** KEEP CALM CALL US(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86644277/large) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services Original Filing Basis:

Proposed: Class 045 for Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

Filing Basis: Section 1(a), Use in Commerce: For all applications: The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). For a collective trademark, collective service mark, collective membership mark, or certification mark application: The applicant is exercising legitimate control over the use of the mark in commerce as of the application filing date. For a certification mark application: The applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the

applicant. The mark was first used at least as early as 02/06/2012 and first used in commerce at least as early as 02/06/2012, and is now in use in such commerce.

 $Applicant\ hereby\ submits\ one (or\ more)\ specimen (s)\ for\ Class\ 045\ .\ The\ specimen (s)\ submitted\ consists\ of\ Mailer\ to\ potential\ clients\ advertisement/billboard/marketing\ materials\ .$

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].

Original PDF file:

SPU0-9776118-20150915095924580501 . PSF 4x9 BAR PROOF2.pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

Original PDF file:

SPU0-9776118-20150915095924580501_._PSF_board.pdf

Converted PDF file(s) (1 page)

Specimen File1

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; for a collective trademark, collective service mark, collective membership mark application, or certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; for a certification mark application, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: for a trademark or service mark application, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; for a collective trademark, collective service mark, collective membership mark, or certification mark application, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; for a certification mark application, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

Signature: /Jenna Finkelstein/ Date: 09/15/2015

Signatory's Name: Jenna Finkelstein

Signatory's Position: Owner

Signatory's Phone Number: 727-531-2926

Response Signature

Signature: /Jenna Finkelstein/ Date: 09/15/2015

Signatory's Name: Jenna Finkelstein

Signatory's Position: owner

Signatory's Phone Number: 727-531-2926

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 86644277

Internet Transmission Date: Tue Sep 15 10:12:07 EDT 2015 TEAS Stamp: USPTO/ROA-XX.XX.XX.2015091510120724685 7-86644277-54080d7ff4ece17fe29f747d857d6 bf763bcd771f2b09da46b516bcef14761568-N/A

-N/A-20150915095924580501

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To: Law Offices of Powers Sellers & Finkelst ETC. (jenna@PSFfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86644277 - KEEP CALM CALL US - N/A

Sent: 9/11/2015 9:06:30 AM

Sent As: ECOM120@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86644277

MARK: KEEP CALM CALL US

CORRESPONDENT ADDRESS:

JENNA CYRA FINKELSTEIN Law Offices Of Powers Sellers & Finkelst 6344 Roosevelt Blvd Ste B Clearwater, FL 33760-1803

APPLICANT: Law Offices of Powers Sellers & Finkelst ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jenna@PSFfirm.com

86644277

CLICK HERE TO RESPOND TO THIS LETTER:

 $\underline{http://www.uspto.gov/trademarks/te}\underline{as/response}\underline{fo}\underline{rms.jsp}$

VIEW YOUR APPLICATION FILE

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/11/2015

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

SUMMARY OF ISSUES:

· Filing Basis for Application Required

BASIS FOR APPLICATION

Applicant has not specified a filing basis for the application. An application must specify and meet the requirements of at least one filing basis. 37 C.F.R. §§2.32(a)(5), 2.34(a); TMEP §806.

An application may be filed based on any of the following:

(1) **Use of the mark in commerce** under Trademark Act Section 1(a);

- (2) A bona fide intention to use the mark in commerce under Section 1(b);
- (3) A claim of **priority** under Section 44(d) that is based on an earlier-filed **foreign application**, and that has been filed within six months of the filing date of the foreign application; and/or
- (4) **A foreign registration** of a mark in applicant's country of origin under Section 44(e).

15 U.S.C. §§1051(a)-(b), 1126(d)-(e); 37 C.F.R. §2.34(a)(1)-(a)(4); TMEP §806.01(a)-(d).

Therefore, applicant must (1) amend the application to specify at least one filing basis, and (2) satisfy all the requirements for the basis or bases asserted. TMEP §806.

Depending on the circumstances, applicant may be entitled to assert more than one of the above bases. When claiming more than one basis, applicant must (1) satisfy all requirements for each basis claimed; (2) state that more than one basis is being asserted; and (3) list separately each basis, followed by the goods or services to which that basis applies. 37 C.F.R. §2.34(b); TMEP §806.02(a).

Although multi-basis applications are permitted, applicant cannot assert both use in commerce and intent to use for the same goods or services. 37 C.F.R. §2.34(b); TMEP §806.02(b).

The requirements for each basis are outlined below.

REQUIREMENTS FOR AN APPLICATION BASED ON §1(a): USE IN COMMERCE

An application based on use of the mark in commerce must include the following:

- (1) The following statement: "The mark is in use in commerce and was in use in commerce as of the application filing date;
- (2) The date of applicant's first use of the mark anywhere on the goods or in connection with the services;
- (3) The date of applicant's first use of the mark in commerce;
- (4) One "specimen" showing how applicant uses the mark in commerce. If a specimen was not submitted with the initial application, applicant must submit the following statement: "The specimen was in use in commerce at least as early as the application filing date:" and
- (5) Verification, in an affidavit or signed declaration under 37 C.F.R. §2.20, of the above statements and dates of use.

See 15 U.S.C. §1051(a); 37 C.F.R. §§2.34(a)(1), 2.59(a); TMEP §806.01(a).

REQUIREMENTS FOR AN APPLICATION BASED ON §1(b): INTENT-TO-USE IN COMMERCE

An application based on a bona fide intention to use the mark in commerce must include the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20:

Applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date.

15 U.S.C. §1051(b)(3)(B); 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); see 37 C.F.R. §2.193(e)(1).

REQUIREMENTS FOR AN APPLICATION BASED ON \$44(d): FOREIGN APPLICATION FOR THE SAME MARK

An application based on an earlier-filed foreign application for the same mark and the same goods or services must include the following:

- (1) A timely "claim of priority," that is, a claim of priority that has been filed within six months of the filing date of the foreign application;
- (2) (a) The filing date and foreign country of the first regularly filed foreign application or (b) a statement that the U.S. application is based upon a subsequent regularly filed application in the same foreign country, and that any prior-filed application has been withdrawn, abandoned or otherwise disposed of, without having been laid open to public inspection and without having any rights outstanding, and has not served as a basis for claiming a right of priority;

- (3) The serial number of the foreign application upon which the priority claim is based; and
- (4) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "Applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date."

15 U.S.C. §1126(d); 37 C.F.R. §2.34(a)(4); TMEP §806.01(c); Paris Convention for the Protection of Industrial Property art. 4, Mar. 20, 1883, http://www.wipo.int/treaties/en/ip/paris/trtdocs_wo020.html.

REQUIREMENTS FOR AN APPLICATION BASED ON §44(e): FOREIGN REGISTRATION FOR THE SAME MARK

An application based on a foreign registration must include the following:

- (1) A true copy, a photocopy, a certification, or a certified copy of a registration of the mark in applicant's country of origin. A copy of a foreign registration must be a document issued to an applicant by or certified by the intellectual property office in the applicant's country of origin. TMEP §1004.01. Applicant's country of origin must be a party to a convention or treaty relating to trademarks to which the United States is also a party or extend reciprocal registration rights to nationals of the United States by law. TMEP §1002.01.
- (2) An English translation of the foreign registration if the foreign certificate of registration is not written in English. The translator should sign the translation. TMEP §1004.01(b).
- (3) The following statement, verified in an affidavit or signed declaration under 37 C.F.R. §2.20: "Applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date."

See 15 U.S.C. §1126(b), (e); 37 C.F.R. §2.34(a)(3); TMEP §806.01(d).

RESPONSE GUIDELINES

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at http://www.uspto.gov/trademarks/teas/index.jsp. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to TEAS@uspto.gov.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Kara E. Jackson/ Examining Attorney Law Office 120 (571)272-4358 Kara.Jackson@uspto.gov TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

To: Law Offices of Powers Sellers & Finkelst ETC. (jenna@PSFfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86644277 - KEEP CALM CALL US - N/A

Sent: 9/11/2015 9:06:31 AM **Sent As:** ECOM120@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 9/11/2015 FOR U.S. APPLICATION SERIAL NO. 86644277

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 9/11/2015 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation warnings.jsp.

***	User:	kiac'	kson1	***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	1	0	1	1	0:04	"Law Offices of Powers Sellers & Finkelstein" [ow]
02	3414	N/A	0	0	0:02	*{"ck"}{"iey"}{"iey"}p*[bi,ti] and live[ld]
03	813	N/A	0	0	0:02	*{"ck"}{v}lm*[bi,ti] and live[ld]
04	4349	N/A	0	0	0:02	*{"ck"}all*[bi,ti] and live[ld]
05	123558	N/A	0	0	0:02	*us*[bi,ti] and live[ld]
06	1	0	1	1	0:01	2 and 3 and 4 and 5
07	383	0	383	364	0:01	2 and (3 4 5)
08	23	0	23	23	0:01	3 and (4 5)
09	409	N/A	0	0	0:01	4 and 5
10	66	0	66	65	0:01	2 and 3
11	815	N/A	0	0	0:02	*{"ckq"}{v}lm*[bi,ti] and live[ld]
12	283	0	283	265	0:02	9 and "045"[cc]

Session started 9/9/2015 1:42:08 PM Session finished 9/9/2015 2:37:56 PM Total search duration 0 minutes 21 seconds Session duration 55 minutes 48 seconds Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86644277

Keep Calm Call Us

Trademark/Service Mark Application, Principal Register

Serial Number: 86644277 Filing Date: 05/28/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86644277
MARK INFORMATION	
*MARK	Keep Calm Call Us
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Keep Calm Call Us
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Law Offices of Powers Sellers & Finkelstein, PLC.
INTERNAL ADDRESS	Suite B
*STREET	6344 Roosevelt Blvd.
*CITY	Clearwater
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33760
PHONE	727-531-2926
FAX	727-531-2706
EMAIL ADDRESS	info@PSFfirm.com
WEBSITE ADDRESS	www.keepcalmcallus.com
LEGAL ENTITY INFORMATION	
ТҮРЕ	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATIO	N
INTERNATIONAL CLASS	045
*IDENTIFICATION	Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services
NO FILING BASIS SPECIFIED	BASIS REQUIRED

ATTORNEY INFORMATION	
NAME	Jenna Cyra Finkelstein
FIRM NAME	Law Offices of Powers Sellers & Finkelstein, PLC.
INTERNAL ADDRESS	Suite B
STREET	6344 Roosevelt Blvd.
CITY	Clearwater
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33760
PHONE	727-531-2926
FAX	727-531-2706
EMAIL ADDRESS	jenna@PSFfirm.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Amanda Powers Sellers
CORRESPONDENCE INFORMATION	
NAME	Jenna Cyra Finkelstein
FIRM NAME	Law Offices of Powers Sellers & Finkelstein, PLC.
INTERNAL ADDRESS	Suite B
STREET	6344 Roosevelt Blvd.
CITY	Clearwater
STATE	Florida
COUNTRY	United States
ZIP/POSTAL CODE	33760
PHONE	727-531-2926
FAX	727-531-2706
*EMAIL ADDRESS	jenna@PSFfirm.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/Jenna Finkelstein/
SIGNATORY'S NAME	Jenna Finkelstein
SIGNATORY'S POSITION	Owner

SIGNATORY'S PHONE NUMBER	727-531-2926
DATE SIGNED	05/28/2015

Trademark/Service Mark Application, Principal Register

Serial Number: 86644277 Filing Date: 05/28/2015

To the Commissioner for Trademarks:

MARK: Keep Calm Call Us (Standard Characters, see mark)

The literal element of the mark consists of Keep Calm Call Us.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Law Offices of Powers Sellers & Finkelstein, PLC., a limited liability company legally organized under the laws of Florida, having an address of

Suite B, 6344 Roosevelt Blvd. Clearwater, Florida 33760 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Attorney services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of criminal defense, personal injury law, family law; Litigation services

The applicant has not specified a filing basis.

For informational purposes only, applicant's website address is: www.keepcalmcallus.com

The applicant's current Attorney Information:

Jenna Cyra Finkelstein and Amanda Powers Sellers of Law Offices of Powers Sellers & Finkelstein, PLC.

Suite B 6344 Roosevelt Blvd. Clearwater, Florida 33760 United States

The applicant's current Correspondence Information:

Jenna Cyra Finkelstein

Law Offices of Powers Sellers & Finkelstein, PLC.

Suite B

6344 Roosevelt Blvd.

Clearwater, Florida 33760

727-531-2926(phone)

727-531-2706(fax)

jenna@PSFfirm.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Jenna Finkelstein/ Date: 05/28/2015

Signatory's Name: Jenna Finkelstein

Signatory's Position: Owner RAM Sale Number: 86644277 RAM Accounting Date: 05/29/2015

Serial Number: 86644277

Internet Transmission Date: Thu May 28 15:36:27 EDT 2015

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XXX-201505281536277

73332-86644277-53035cf25645429113dec6cdf a78d1281dfc3a444e9dd6bb4804621a83e12fd70

-CC-2002-20150528145648028406

Keep Calm Call Us

Generated on: This page was generated by TSDR on 2016-11-30 10:55:44 EST

Mark: HURT BY A BUS? CALL US

HURT BY A BUS? CALL US

US Serial Number: 86947306 Application Filing Mar. 21, 2016

Date:

US Registration 5068224 Registration Date: Oct. 25, 2016

Number:

Filed as TEAS Yes Currently TEAS Yes Plus: Plus:

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 25, 2016

Publication Date: Aug. 09, 2016

Mark Information

Mark Literal HURT BY A BUS? CALL US

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 11, 2016 Use in Commerce: Jan. 11, 2016

Basis Information (Case Level)

Filed Use: YesCurrently Use: YesAmended Use: NoFiled ITU: NoCurrently ITU: NoAmended ITU: NoFiled 44D: NoCurrently 44D: NoAmended 44D: NoFiled 44E: NoCurrently 44E: NoAmended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Exhibit C Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158 Owner Name: : Zehl & Associates, PC

Owner Address: 2700 Post Oak Blvd Ste 1120

Houston, TEXAS UNITED STATES 77056

Legal Entity Type: professional corporation State or Country TEXAS Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marvin Kirby Roberts III,

Attorney Primary mkroberts@andersonroberts.com Email Address: Attorney Email Yes Authorized:

Correspondent

Correspondent MARVIN KIRBY ROBERTS III, Name/Address: ANDERSON ROBERTS, PLLC

823 CONGRESSS AVE, STE. P-10 AUSTIN, TEXAS UNITED STATES 78701

Correspondent e- mkroberts@andersonroberts.com mail: Correspondent e- Yes mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 25, 2016	REGISTERED-PRINCIPAL REGISTER	
Aug. 09, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 09, 2016	PUBLISHED FOR OPPOSITION	
Jul. 20, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 30, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 29, 2016	ASSIGNED TO EXAMINER	88206
Mar. 24, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 24, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Oct. 25, 2016

Anited States of America Maried States Water and Arademark Office United States Patent and Trademark Office

HURT BY A BUS? CALL US

Reg. No. 5,068,224 : Zehl & Associates, PC (TEXAS professional corporation)

2700 Post Oak Blvd Ste 1120

Houston, TX 77056 Registered Oct. 25, 2016

CLASS 45: Legal services Int. Cl.: 45

FIRST USE 1-11-2016; IN COMMERCE 1-11-2016 **Service Mark**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY **Principal Register**

PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-947,306, FILED 03-21-2016

APRIL ELIZABET REEVES, EXAMINING ATTORNEY



Michelle K. Zen

Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

Page: 2 of 2 / RN # 5068224

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, August 9, 2016 00:41 AM
To: mkroberts@andersonroberts.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86947306: HURT BY A BUS? CALL US

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86947306 Mark: HURT BY A BUS? CALL US International Class(es): 045 Owner: : Zehl & Associates, PC Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Aug 09, 2016.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2016-08-09&serialNumber=86947306

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86947306&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86947306&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Jul 20, 2016

NOTICE OF PUBLICATION

Serial No.: 86-947,306 Mark: HURT BY A BUS? CALL US (STANDARD CHARACTER MARK)

- International Class(es):
- Publication Date: Aug 9, 2016

Applicant:

: Zehl & Associates, PC

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filled within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954

Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

mkroberts@andersonroberts.com

From: TMOfficialNotices@USPTO.GOV Wednesday, July 20, 2016 03:58 AM Sent: mkroberts@andersonroberts.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86947306: HURT BY A BUS? CALL US Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86947306) is scheduled to publish in the *Official Gazette* on Aug 9, 2016. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86947306. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947306. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947306. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947306. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947306.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86947306 FILING DATE 03/21/2016 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY REEVES, APRIL ELIZABET L.O. ASSIGNED 102 **PUB INFORMATION RUN DATE** 07/01/2016 PUB DATE N/A **STATUS** 680-APPROVED FOR PUBLICATON STATUS DATE 06/30/2016 LITERAL MARK ELEMENT HURT BY A BUS? CALL US DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT HURT BY A BUS? CALL US MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME : Zehl & Associates, PC

2700 Post Oak Blvd Ste 1120 Houston, TX 77056

99-professional corporation

ADDRESS

ENTITY

CITIZENSHIP	Texas	
	GOODS AND SERVICES	
INTERNATIONAL CLASS	045	
DESCRIPTION TEXT	Legal services	

				GOODS AND	D SERVICES			
INTERNATIONAL CLASS				045				
DESCRIPTIO	DESCRIPTION TEXT				Legal services			
			GOOI	OS AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL CLASS				01/11/2016	FIRST USE IN COMMERCE DATE	01/11/2016	CLASS STATUS	6-ACTIVE
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION				NO			
				PROSECUTIO	ON HISTORY			
DATE		ENT	CD ENT TYP	E DESCRIPTION				ENT NUM
06/30/2016		CNS	SA O	APPROVED FO	R PUB - PRINCIPAL	REGISTER		004
06/29/2016		DOC	CK D	ASSIGNED TO	EXAMINER			003
03/24/2016		NWC	os I	NEW APPLICA	TION OFFICE SUPPL	LIED DATA ENTERED	O IN TRAM	002
03/24/2016		NWA	AP I	NEW APPLICA	ATION ENTERED IN TRAM 001			
			CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY	ATTORNEY				Marvin Kirby Roberts III,			
CORRESPONDENCE ADDRESS				MARVIN KIRBY RO ANDERSON ROBEI 823 CONGRESSS A AUSTIN, TX 78701	RTS, PLLC			
DOMESTIC REPRE	SENTATIVE				NONE			

HURT BY A BUS? CALL US

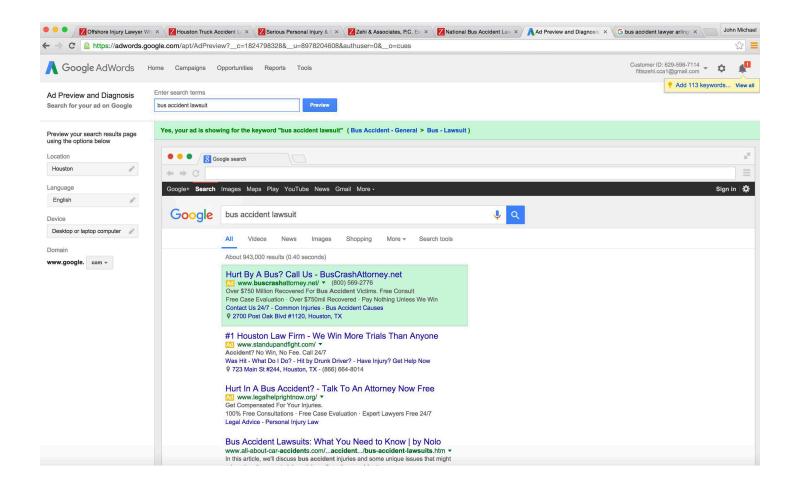
***	User areeves	***

Total	Dead	Live	Live	Status/	Search
Marks	Marks	Viewed	Viewed	Search	
		Docs	Images	Duration	
1307	N/A	0	0	0:01	*h{"eu"}rt*[bi,ti]
42046	N/A	0	0	0:01	"by"[bi,ti]
39570	N/A	0	0	0:02	*bu{"sz"}*[bi,ti]
107634	N/A	0	0	0:01	*{"ckq"}al*[bi,ti]
12421	N/A	0	0	0:02	"us"[bi,ti]
19	0	19	18	0:01	1 and (2 3 4 5) and live[ld]
425	N/A	0	0	0:01	2 and (3 4 5) and live[ld]
302	0	302	292	0:01	3 and (2 4 5) and live[ld]
334	N/A	0	0	0:02	2 and (4 5) and live[ld]
330	0	330	326	0:01	2 and (4 5) and live[ld] not (6 8)
74	0	74	73	0:01	(4 and 5) and live[ld] not (6 8)
	Marks 1307 42046 39570 107634 12421 19 425 302 334 330	Marks Marks 1307 N/A 42046 N/A 39570 N/A 107634 N/A 12421 N/A 19 0 425 N/A 302 0 334 N/A 330 0	Marks Marks Viewed Docs 1307 N/A 0 42046 N/A 0 39570 N/A 0 107634 N/A 0 12421 N/A 0 19 0 19 425 N/A 0 302 0 302 334 N/A 0 330 0 330	Marks Marks Viewed Docs Viewed Images 1307 N/A 0 0 42046 N/A 0 0 39570 N/A 0 0 107634 N/A 0 0 12421 N/A 0 0 19 0 19 18 425 N/A 0 0 302 0 302 292 334 N/A 0 0 330 0 330 326	Marks Viewed Docs Viewed Images Search Duration 1307 N/A 0 0 0:01 42046 N/A 0 0 0:01 39570 N/A 0 0 0:02 107634 N/A 0 0 0:01 12421 N/A 0 0 0:02 19 0 19 18 0:01 425 N/A 0 0 0:01 302 0 302 292 0:01 334 N/A 0 0 0:02 330 0 326 0:01

Session started 6/30/2016 2:01:21 PM Session finished 6/30/2016 3:55:46 PM Total search duration 0 minutes 14 seconds Session duration 114 minutes 25 seconds Defaut NEAR limit=30ADJ limit=1

Sent to TICRS as Serial Number: 86947306

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PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86947306 Filing Date: 03/21/2016

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered			
TEAS Plus	YES			
MARK INFORMATION				
*MARK	HURT BY A BUS? CALL US			
*STANDARD CHARACTERS	YES			
USPTO-GENERATED IMAGE	YES			
LITERAL ELEMENT	HURT BY A BUS? CALL US			
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.			
REGISTER	Principal			
APPLICANT INFORMATION				
*OWNER OF MARK	: Zehl & Associates, PC			
*STREET	2700 Post Oak Blvd Ste 1120			
*CITY	Houston			
*STATE (Required for U.S. applicants)	Texas			
*COUNTRY	United States			
*ZIP/POSTAL CODE (Required for U.S. applicants)	77056			
LEGAL ENTITY INFORMATION				
*TYPE	professional corporation			
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Texas			
GOODS AND/OR SERVICES AND BASIS INFORMATIO	N			
*INTERNATIONAL CLASS	045			
*IDENTIFICATION	Legal services			
*FILING BASIS	SECTION 1(a)			
FIRST USE ANYWHERE DATE	At least as early as 01/11/2016			
FIRST USE IN COMMERCE DATE	At least as early as 01/11/2016			

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\869\473\86947306\xml1\\FTK0003.JPG				
SPECIMEN DESCRIPTION Google Search advertisement					
ADDITIONAL STATEMENTS INFORMATION					
*TRANSLATION (if applicable)					
*TRANSLITERATION (if applicable)					
*CLAIMED PRIOR REGISTRATION (if applicable)					
*CONSENT (NAME/LIKENESS) (if applicable)					
*CONCURRENT USE CLAIM (if applicable)					
ATTORNEY INFORMATION					
NAME	Marvin Kirby Roberts III, Esq.				
FIRM NAME	Anderson Roberts, PLLC				
STREET	823 Congresss Ave, Ste. P-10				
CITY	Austin				
STATE	Texas				
COUNTRY	United States				
ZIP/POSTAL CODE	78701				
PHONE	+1(512)686-3446x101				
FAX	+1(512)686-3446				
EMAIL ADDRESS	mkroberts@andersonroberts.com				
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes				
OTHER APPOINTED ATTORNEY	Justin G. Roberts, Esq. James L. Anderson III, Esq.				
CORRESPONDENCE INFORMATION					
*NAME	Marvin Kirby Roberts III, Esq.				
FIRM NAME	Anderson Roberts, PLLC				
*STREET	823 Congresss Ave, Ste. P-10				
*CITY	Austin				
*STATE (Required for U.S. addresses)	Texas				
*COUNTRY	United States				
*ZIP/POSTAL CODE	78701				
PHONE	+1(512)686-3446x101				
FAX	+1(512)686-3446				
*EMAIL ADDRESS	mkroberts@andersonroberts.com				
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes				
FEE INFORMATION					

APPLICATION FILING OPTION	TEAS Plus	
NUMBER OF CLASSES	1	
FEE PER CLASS	225	
*TOTAL FEE PAID	225	
SIGNATURE INFORMATION		
* SIGNATURE	/Marvin Kirby Roberts III, Esq./	
* SIGNATORY'S NAME	Marvin Kirby Roberts III, Esq.	
* SIGNATORY'S POSITION	Attorney of record, Texas bar member	
SIGNATORY'S PHONE NUMBER	+1(512)686-3446x101	
* DATE SIGNED	03/21/2016	

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86947306 Filing Date: 03/21/2016

To the Commissioner for Trademarks:

MARK: HURT BY A BUS? CALL US (Standard Characters, see mark)
The literal element of the mark consists of HURT BY A BUS? CALL US.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, : Zehl & Associates, PC, a professional corporation legally organized under the laws of Texas, having an address of 2700 Post Oak Blvd Ste 1120
Houston, Texas 77056
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/11/2016, and first used in commerce at least as early as 01/11/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Google Search advertisement.

Specimen File1

The applicant's current Attorney Information:

Marvin Kirby Roberts III, Esq. and Justin G. Roberts, Esq. James L. Anderson III, Esq. of Anderson Roberts, PLLC 823 Congresss Ave, Ste. P-10

Austin, Texas 78701 United States +1(512)686-3446x101(phone) +1(512)686-3446(fax) mkroberts@andersonroberts.com (authorized)

The applicant's current Correspondence Information:

Marvin Kirby Roberts III, Esq.
Anderson Roberts, PLLC
823 Congresss Ave, Ste. P-10
Austin, Texas 78701
+1(512)686-3446x101(phone)
+1(512)686-3446(fax)
mkroberts@andersonroberts.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Marvin Kirby Roberts III, Esq./ Date Signed: 03/21/2016

Signatory's Name: Marvin Kirby Roberts III, Esq.

Signatory's Position: Attorney of record, Texas bar member

RAM Sale Number: 86947306 RAM Accounting Date: 03/22/2016

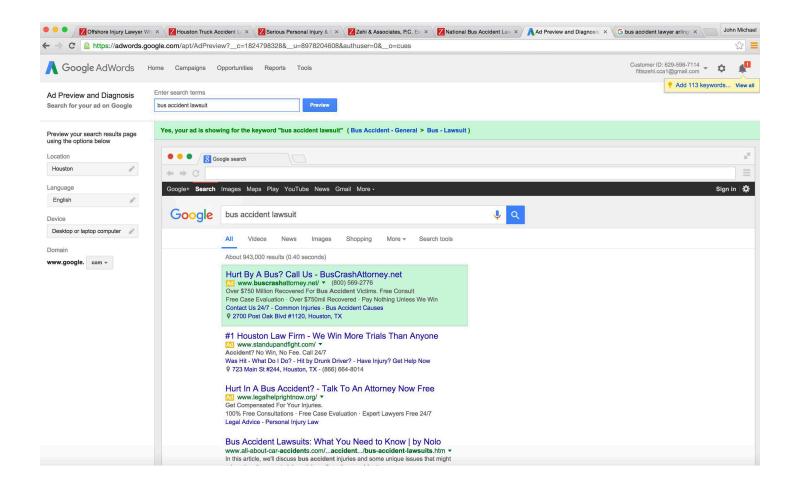
Serial Number: 86947306

Internet Transmission Date: Mon Mar 21 15:28:24 EDT 2016
TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-2016032115282440

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-1986 - 20160321151614225485

HURT BY A BUS? CALL US



Generated on: This page was generated by TSDR on 2016-11-30 10:56:33 EST

Mark: JUST CALL - WE DO IT ALL!

JUST CALL - WE DO IT ALL!

US Serial Number: 86947309 Application Filing Mar. 21, 2016

Date:

US Registration 5064290 Registration Date: Oct. 18, 2016
Number:

Filed as TEAS Yes Currently TEAS Yes

Plus: Plus: Register: Principal

Mark Type: Service Mark

TM5 Common Status
Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 18, 2016

Publication Date: Aug. 02, 2016

Mark Information

Mark Literal JUST CALL - WE DO IT ALL!

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 18, 2016 Use in Commerce: Mar. 18, 2016

Basis Information (Case Level)

Filed Use: YesCurrently Use: YesAmended Use: NoFiled ITU: NoCurrently ITU: NoAmended ITU: NoFiled 44D: NoCurrently 44D: NoAmended 44D: NoFiled 44E: NoCurrently 44E: NoAmended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Exhibit D Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158 Owner Name: Parker Waichman LLP

Composed of: Jerrold S. Parker - USA Herbert L. Waichman - USA

Owner Address: 6 Harbor Park Drive

Port Washington, NEW YORK UNITED STATES 11050

Legal Entity Type: limited liability partnership State or Country NEW YORK

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jerrold S. Parker

Attorney Primary jerry@yourlawyer.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JERROLD S. PARKER
Name/Address: PARKER WAICHMAN LLP
6 HARBOR PARK DRIVE

PORT WASHINGTON, NEW YORK UNITED STATES 11050

Phone: 516-466-6500 **Fax:** 516-466-6665

Correspondent e- jerry@yourlawyer.com Correspondent e- Yes mail: mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 18, 2016	REGISTERED-PRINCIPAL REGISTER	
Aug. 02, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 02, 2016	PUBLISHED FOR OPPOSITION	
Jul. 13, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 29, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jun. 22, 2016	ASSIGNED TO LIE	73797
Jun. 14, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 14, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 14, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 13, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 13, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 13, 2016	NON-FINAL ACTION WRITTEN	74786
Jun. 13, 2016	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 13, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 08, 2016	ASSIGNED TO EXAMINER	74786
Mar. 24, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 24, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Oct. 18, 2016

Anited States of America United States Patent and Trademark Office

JUST CALL - WE DO IT ALL!

Reg. No. 5,064,290 Parker Waichman LLP (NEW YORK limited liability partnership)

6 Harbor Park Drive

Port Washington, NY 11050 Registered Oct. 18, 2016

CLASS 45: Legal services Int. Cl.: 45

FIRST USE 3-18-2016; IN COMMERCE 3-18-2016 **Service Mark**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY **Principal Register**

PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-947,309, FILED 03-21-2016

JENNIFER MCGAR MARTIN, EXAMINING ATTORNEY



Michelle K. Len

Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

Page: 2 of 2 / RN # 5064290

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, August 2, 2016 01:04 AM

To: jerry@yourlawyer.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86947309: JUST CALL - WE DO IT ALL!

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86947309 Mark: JUST CALL - WE DO IT ALL! International Class(es): 045 Owner: Parker Waichman LLP Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Aug 02, 2016.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2016-08-02&serialNumber=86947309

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86947309&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86947309&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Jul 13, 2016

NOTICE OF PUBLICATION

- Serial No.: 86-947,309
- 3. International Class(es):
- 4. Publication Date: Aug 2, 2016

- 2. Mark: JUST CALL - WE DO IT ALL! (STANDARD CHARACTER MARK)
- 5. Applicant: Parker Waichman LLP

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954

Pittchurgh PA 15250 7954

Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jerry@yourlawyer.com

From: TMOfficialNotices@USPTO.GOV Wednesday, July 13, 2016 04:09 AM Sent:

jerry@yourlawyer.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86947309: JUST CALL - WE DO IT ALL! Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86947309) is scheduled to publish in the *Official Gazette* on Aug 2, 2016. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86947309. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947309. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947309. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947309. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947309. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86947309.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

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SERIAL NUMBER	86947309	FILING DATE	03/21/2016	
REG NUMBER	0000000	REG DATE	N/A	
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK	
INTL REG #	N/A	INTL REG DATE	N/A	
TM ATTORNEY	MARTIN, JENNIFER MCGAR	L.O. ASSIGNED	116	

PUB INFORMATION

TOD IN ORMATION							
RUN DATE	07/01/2016	07/01/2016					
PUB DATE	08/02/2016						
STATUS	681-PUBLICATION/ISSUE REVIEW CO	681-PUBLICATION/ISSUE REVIEW COMPLETE					
STATUS DATE	06/29/2016						
LITERAL MARK ELEMENT	JUST CALL - WE DO IT ALL!	JUST CALL - WE DO IT ALL!					
DATE ABANDONED	N/A	DATE CANCELLED	N/A				
SECTION 2F	NO	NO SECTION 2F IN PART NO					
SECTION 8	NO	NO SECTION 8 IN PART NO					
SECTION 15	NO	NO REPUB 12C N/A					
RENEWAL FILED	NO	RENEWAL DATE	N/A				
DATE AMEND REG	N/A						

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	JUST CALL - WE DO IT ALL!
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Parker Waichman LLP
ADDRESS	6 Harbor Park Drive Port Washington, NY 11050
ENTITY	99-limited liability partnership

CITIZENSHIP	New York				
COMPOSED OF	Jerrold S. Parker - USA Herbert L. Waichman - USA				
GOODS AND SERVICES					
INTERNATIONAL CLASS 045					
INTERNATIONAL CLASS	045				

INTERNATIONAL CLASS			045					
DESCRIPTION TEXT					Legal services			
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	045	FIRST USE DATE 03/18/2016 FIRST USE IN COMMERCE DATE 03/18/2016 CLASS STATUS 6					6-ACTIVE	
	MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGIST	TRATION				NO			
				PROSECUTION	ON HISTORY			
DATE	EN	T CD	ENT TYPI	DESCRIPTION				ENT NUM
06/29/2016	P	REV	0	LAW OFFICE P	UBLICATION REVIE	W COMPLETED		014
06/22/2016	А	LIE	А	ASSIGNED TO	LIE			013
06/14/2016	С	NSA	0	APPROVED FO	R PUB - PRINCIPAL	REGISTER		012
06/14/2016	Т	EME	I	TEAS/EMAIL C	TEAS/EMAIL CORRESPONDENCE ENTERED 01			
06/14/2016	С	RFA	I	CORRESPOND	CORRESPONDENCE RECEIVED IN LAW OFFICE 010			
06/14/2016	Т	ROA	I	TEAS RESPON	TEAS RESPONSE TO OFFICE ACTION RECEIVED 009			
06/13/2016	G	NRN	0	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED		008
06/13/2016	G	NRT	F	NON-FINAL AC	TION E-MAILED			007
06/13/2016	С	NRT	R	NON-FINAL AC	TION WRITTEN			006
06/13/2016	Z	ZZX	Z	PREVIOUS ALI	OWANCE COUNT W	ITHDRAWN		005
06/13/2016	С	NSA	0	APPROVED FO	R PUB - PRINCIPAL	REGISTER		004
06/08/2016	D	OCK	D	ASSIGNED TO	EXAMINER			003
03/24/2016	N	WOS	I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM			
03/24/2016	N	WAP	I	NEW APPLICA	TION ENTERED IN T	RAM		001
			CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY				Jerrold S. Parker				
PAF 6 HA				JERROLD S. PARK PARKER WAICHMA 6 HARBOR PARK D PORT WASHINGTO	AN LLP PRIVE			
DOMESTIC REPRES	SENTATIVE				NONE			

JUST CALL - WE DO IT ALL!

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86947309 FILING DATE 03/21/2016 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY MARTIN, JENNIFER MCGAR L.O. ASSIGNED 116 **PUB INFORMATION RUN DATE** 06/15/2016 **PUB DATE** N/A STATUS 680-APPROVED FOR PUBLICATON STATUS DATE 06/14/2016 LITERAL MARK ELEMENT JUST CALL - WE DO IT ALL! DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT JUST CALL - WE DO IT ALL! MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Parker Waichman LLP

6 Harbor Park Drive Port Washington, NY 11050

99-limited liability partnership

ADDRESS

ENTITY

CITIZENSHIP	New York		
COMPOSED OF	Jerrold S. Parker - USA Herbert L. Waichman - USA		
COODS AND SERVICES			
COOR AN	DCEDVICEC		
GOODS AN	D SERVICES		
GOODS AN INTERNATIONAL CLASS	D SERVICES 045		

				GOODS AN	D SERVICES				
INTERNATIONAL C	LASS				045				
DESCRIPTION	N TEXT				Legal services				
			GOOI	OS AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL 045 FIRST USE DATE 03/18			03/18/2016	FIRST USE IN COMMERCE DATE	OMMERCE			6-ACTIVE	
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION				NO				
				PROSECUTION	ON HISTORY				
DATE		ENT C	D ENT TYP	E DESCRIPTION					ENT NUM
06/14/2016		CNS	A O	APPROVED FO	R PUB - PRINCIPAL	REGISTER			012
06/14/2016		TEME	E I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED			011
06/14/2016		CRFA	A I	CORRESPOND	ENCE RECEIVED IN	LAW OFFICE			010
06/14/2016		TRO	A I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED			009
06/13/2016		GNRI	N O	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED			800
06/13/2016		GNR ⁻	T F	NON-FINAL AC	TION E-MAILED				007
06/13/2016		CNR ⁻	T R	NON-FINAL AC	TION WRITTEN				006
06/13/2016		ZZZX	X Z	PREVIOUS ALL	OWANCE COUNT W	/ITHDRAWN			005
06/13/2016		CNS	A 0	APPROVED FO	R PUB - PRINCIPAL	REGISTER			004
06/08/2016		DOC	K D	ASSIGNED TO	EXAMINER				003
03/24/2016		NWO	s I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				002
03/24/2016		NWA	P I	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	T CORRESPON	DENCE INFOR	MATION			
ATTORNEY					Jerrold S. Parker				
CORRESPONDENCE ADDRESS			JERROLD S. PARK PARKER WAICHMA 6 HARBOR PARK D PORT WASHINGTO	AN LLP DRIVE					

NONE

DOMESTIC REPRESENTATIVE

JUST CALL - WE DO IT ALL!

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

SERIAL NUMBER	86947309	FILING DATE	03/21/2016
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MARTIN, JENNIFER MCGAR	L.O. ASSIGNED	116

PUB INFORMATION

	1001110	14,11111011		
RUN DATE	06/15/2016			
PUB DATE	N/A			
STATUS	680-APPROVED FOR PUBLICATON	680-APPROVED FOR PUBLICATON		
STATUS DATE	06/14/2016	06/14/2016		
LITERAL MARK ELEMENT	JUST CALL - WE DO IT ALL!			
DATE ABANDONED	N/A	DATE CANCELLED	N/A	
SECTION 2F	NO	SECTION 2F IN PART	NO	
SECTION 8	NO	SECTION 8 IN PART	NO	
SECTION 15	NO	REPUB 12C	N/A	
RENEWAL FILED	NO	RENEWAL DATE	N/A	
DATE AMEND REG	N/A			

FILING BASIS

FILED	BASIS	CURREN	CURRENT BASIS AMENDED BASIS		CURRENT BASIS AMENI		ED BASIS
1 (a)	YES	1 (a)	YES	1 (a)	NO		
1 (b)	NO	1 (b)	NO	1 (b)	NO		
44D	NO	44D	NO	44D	NO		
44E	NO	44E	NO	44E	NO		
66A	NO	66A	NO				
NO BASIS	NO	NO BASIS	NO				

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	JUST CALL - WE DO IT ALL!
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Parker Waichman LLP
ADDRESS	6 Harbor Park Drive Port Washington, NY 11050
ENTITY	99-limited liability partnership

CITIZENSHIP	New York		
COMPOSED OF	Jerrold S. Parker - USA Herbert L. Waichman - USA		
COODS AND SERVICES			
COOR AN	DCEDVICEC		
GOODS AN	D SERVICES		
GOODS AN INTERNATIONAL CLASS	D SERVICES 045		

				GOODS AN	D SERVICES				
INTERNATIONAL C	LASS				045				
DESCRIPTION	N TEXT				Legal services				
			GOOI	OS AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL 045 FIRST USE DATE 03/18			03/18/2016	FIRST USE IN COMMERCE DATE	OMMERCE			6-ACTIVE	
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION				NO				
				PROSECUTION	ON HISTORY				
DATE		ENT C	D ENT TYP	E DESCRIPTION					ENT NUM
06/14/2016		CNS	A O	APPROVED FO	R PUB - PRINCIPAL	REGISTER			012
06/14/2016		TEME	E I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED			011
06/14/2016		CRFA	A I	CORRESPOND	ENCE RECEIVED IN	LAW OFFICE			010
06/14/2016		TRO	A I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED			009
06/13/2016		GNRI	N O	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED			800
06/13/2016		GNR ⁻	T F	NON-FINAL AC	TION E-MAILED				007
06/13/2016		CNR ⁻	T R	NON-FINAL AC	TION WRITTEN				006
06/13/2016		ZZZX	X Z	PREVIOUS ALL	OWANCE COUNT W	/ITHDRAWN			005
06/13/2016		CNS	A 0	APPROVED FO	R PUB - PRINCIPAL	REGISTER			004
06/08/2016		DOC	K D	ASSIGNED TO	EXAMINER				003
03/24/2016		NWO	s I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				002
03/24/2016		NWA	P I	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	T CORRESPON	DENCE INFOR	MATION			
ATTORNEY					Jerrold S. Parker				
CORRESPONDENCE ADDRESS			JERROLD S. PARK PARKER WAICHMA 6 HARBOR PARK D PORT WASHINGTO	AN LLP DRIVE					

NONE

DOMESTIC REPRESENTATIVE

JUST CALL - WE DO IT ALL!

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86947309
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86947309/large
LITERAL ELEMENT	JUST CALL - WE DO IT ALL!
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
LEGAL ENTITY SECTION (current)	
ТҮРЕ	limited partnership
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
LEGAL ENTITY SECTION (proposed)	
ТҮРЕ	limited liability partnership
STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York
NAME OF ALL GENERAL PARTNERS, ACTIVE MEMBERS, INDIVIDUAL, TRUSTEES, OR EXECUTORS, AND CITIZENSHIP/ INCORPORATION	Jerrold S. Parker - USA Herbert L. Waichman - USA
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jerrold s. parker/
SIGNATORY'S NAME	Jerrold S. Parker
SIGNATORY'S POSITION	Partner
SIGNATORY'S PHONE NUMBER	516-466-6500
DATE SIGNED	06/14/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 14 09:49:17 EDT 2016
TEAS STAMP	USPTO/ROA-XXX.XXX.XXX.XXX-20160614094917884413-8694 7309-5502b56d2e6d527f5e33 bcfa29e1edf3a9c921123ea26 42938abdd8d488270-N/A-N/A -20160614094447277348

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 86947309 JUST CALL - WE DO IT ALL!(Standard Characters, see http://tmngal.uspto.gov/resting2/api/img/86947309/large) has been amended as follows:

APPLICANT AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: Parker Waichman LLP, a limited partnership having an address of

6 Harbor Park Drive

Port Washington, New York 11050

United States

jerry@yourlawyer.com (not authorized)

516-466-6500

516-466-6665

Proposed: Parker Waichman LLP, limited liability partnership legally organized under the laws of New York, comprising of Jerrold S. Parker -USA Herbert L. Waichman - USA, having an address of

6 Harbor Park Drive

Port Washington, New York 11050

United States

jerry@yourlawyer.com (not authorized)

516-466-6500

516-466-6665

SIGNATURE(S)

Response Signature

Signature: /jerrold s. parker/ Date: 06/14/2016

Signatory's Name: Jerrold S. Parker

Signatory's Position: Partner

Signatory's Phone Number: 516-466-6500

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 86947309

Internet Transmission Date: Tue Jun 14 09:49:17 EDT 2016

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XXX-201606140949178

84413-86947309-5502b56d2e6d527f5e33bcfa2 9e1edf3a9c921123ea2642938abdd8d488270-N/

A-N/A-20160614094447277348

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86947309 FILING DATE 03/21/2016 **REG DATE REG NUMBER** 0000000 N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY MARTIN, JENNIFER MCGAR L.O. ASSIGNED 116 **PUB INFORMATION RUN DATE** 06/14/2016 **PUB DATE** N/A STATUS 641-NON-FINAL ACTION - MAILED STATUS DATE 06/13/2016 LITERAL MARK ELEMENT JUST CALL - WE DO IT ALL! DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT JUST CALL - WE DO IT ALL! MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Parker Waichman LLP

6 Harbor Park Drive Port Washington, NY 11050

13-LIMITED PARTNERSHIP

ADDRESS

ENTITY

CITIZENSHIP	New York
COMPOSED OF	Jerrold S. Parker Esq Partner - U.S.A.
GOODS ANI	SERVICES
	, 62K, 1626
INTERNATIONAL CLASS	045

INTERNATIONAL CLASS	045											
DESCRIPTION TEXT	Legal services											
GOODS AND SERVICES CLASSIFICATION												
INTERNATIONAL 045 FIRST USE DATE 03/1			03/18/2016	FIRST USE IN COMMERCE DATE	03/18/2016	CLASS STATUS	6-AC	ΓIVE				
MISCELLANEOUS INFORMATION/STATEMENTS												
CHANGE IN REGISTRATION				NO								
PROSECUTION HISTORY												
DATE ENT CD ENT TYPE DESCRIPTION				ENT				ENT NUM				
06/13/2016	/2016 GNRN O NOTIFICATION OF NON-FINAL ACTION E-MAILED							800				
06/13/2016	6 GNRT F NON-FINAL ACTION E-MAILED							007				
06/13/2016	6 CNRT R NON-FINAL ACTION WRITTEN							006				
06/13/2016	ZZZX	Z	PREVIOUS ALI	PREVIOUS ALLOWANCE COUNT WITHDRAWN								
06/13/2016	CNSA	0	APPROVED FOR PUB - PRINCIPAL REGISTER					004				
06/08/2016	DOCK D ASSIGNED TO EXAMINER					003						
03/24/2016 NWOS I NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM							002					
03/24/2016 NWAP I NEW APPLICATION					ION ENTERED IN TRAM 00			001				
CURRENT CORRESPONDENCE INFORMATION												
ATTORNEY Jerrold S. Parker												
CORRESPONDENCE ADDRESS				JERROLD S. PARKER PARKER WAICHMAN LLP 6 HARBOR PARK DRIVE PORT WASHINGTON, NY 11050								
DOMESTIC REPRESENTATIVE				NONE								

JUST CALL - WE DO IT ALL!

To: Parker Waichman LLP (jerry@yourlawyer.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86947309 - JUST CALL - WE DO IT ALL! - N/A

Sent: 6/13/2016 5:18:22 PM

Sent As: ECOM116@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86947309

MARK: JUST CALL - WE DO IT ALL!

CORRESPONDENT ADDRESS:

JERROLD S. PARKER
PARKER WAICHMAN LLP
6 HARBOR PARK DRIVE
PORT WASHINGTON, NY 11050

APPLICANT: Parker Waichman LLP

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jerry@yourlawyer.com

86947309

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

VIEW YOUR APPLICATION FILE

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 6/13/2016

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application

REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

NO CONFLICTING MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

ENTITY

The designation "LLP" is included in applicant's name, but the entity type is set forth as a "partnership." Generally, "LLP" identifies a "limited liability partnership," and not a partnership. Therefore, applicant must specify whether the entity type is a limited liability partnership or a partnership and amend the application accordingly. TMEP §803.03(k).

If applicant is a limited liability partnership, applicant must amend the entity type and provide the U.S. state under whose laws it is organized. *Id.* If applicant is a partnership, applicant must provide the legal name of the partnership and U.S. state or foreign country under whose laws the partnership is organized. *See* 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.03(b), 803.04. In addition, for a U.S. partnership, applicant must list, if not yet specified, the names, legal entities, and national citizenship (for individuals), or the U.S. state or foreign country of organization or incorporation (for businesses) of all general partners. 37 C.F.R. §2.32(a)(3)(iii); TMEP §803.03(b). For foreign partnerships, the names and citizenships of the general partners are not required. *See* TMEP §803.03(b).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused under Trademark Act Section 1 because the application was void as filed. An application must be filed by the owner of the mark. 15 U.S.C. §1051; 37 C.F.R. §2.71(d); TMEP §§803.01, 803.06, 1201.02(b).

RESPONSE

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at http://www.uspto.gov/trademarks/teas/index.jsp. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to TEAS@uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to <a href="http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp

/Jennifer M. Martin/ Examining Attorney Law Office 116 (571) 272-9193 Jennifer.Martin@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at trademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

To: Parker Waichman LLP (jerry@yourlawyer.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86947309 - JUST CALL - WE DO IT ALL! - N/A

Sent: 6/13/2016 5:18:23 PM

Sent As: ECOM116@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 6/13/2016 FOR U.S. APPLICATION SERIAL NO. 86947309

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 6/13/2016 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

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Total Marks Marks Viewed Viewed Search	*** [Jser:jmartin3 ***	*				
Discription		-		Live	Live	Status/	Search
01 5644 N/A 0 0 0:01 *just*[bi,ti] and live[ld] 02 4286 N/A 0 0 0:02 *call*[bi,ti] and live[ld] 03 41 0 41 37 0:01 1 and 2 04 86651 N/A 0 0 0:02 *we*[bi,ti] and live[ld] 05 69902 N/A 0 0 0:01 *do*[bi,ti] and live[ld] 06 248714 N/A 0 0 0:01 *fit*[bi,ti] and live[ld] 07 48946 N/A 0 0 0:01 *all*[bi,ti] and live[ld] 08 13957 N/A 0 0 0:01 4 and (5 6 7) 10 9348 N/A 0 0 0:01 4 and 5 and 6 and 7 11 83 0 83 79 0:01 4 and 5 and 6 and 7 12 5863 N/A 0 0 0:01 (1 2) and (4 5 7) 14 0 <		Marks	Marks	Viewed	Viewed	Search	
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22 1194 N/A 0 0 0:01 (1 2) and (16 17 18 19)	20	1756	N/A	0	0	0:02	16 and (17 18 19)
	21	27558	N/A	0	0	0:01	17and (18 19)
23 715 0 714 680 0.02 22 and 0.45[cc]	22	1194	N/A	0	0	0:01 (1 2) and (16 17 18	
25 715 0 714 007 0.02 22 and 045[cc]	23	715	0	714	689	0:02	22 and 045[cc]

Session started 6/13/2016 4:31:44 PM Session finished 6/13/2016 5:14:22 PM Total search duration 0 minutes 30 seconds Session duration 42 minutes 38 seconds Defaut NEAR limit=1ADJ limit=1

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OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86947309 Filing Date: 03/21/2016

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APPLICANT INFORMATION					
*OWNER OF MARK	Parker Waichman LLP				
*STREET	6 Harbor Park Drive				
*CITY	Port Washington				
*STATE (Required for U.S. applicants)	New York				
*COUNTRY	United States				
*ZIP/POSTAL CODE (Required for U.S. applicants)	11050				
PHONE	516-466-6500				
FAX	516-466-6665				
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WEBSITE ADDRESS	www.yourlawyer.com				
LEGAL ENTITY INFORMATION					
*TYPE	LIMITED PARTNERSHIP				
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	New York				
NAME(S) OF GENERAL PARTNER(S) & CITIZENSHIP/INCORPORATION	Jerrold S. Parker Esq Partner - U.S.A.				
GOODS AND/OR SERVICES AND BASIS INFORMATION					

*INTERNATIONAL CLASS	045
*IDENTIFICATION	Legal services
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/18/2016
FIRST USE IN COMMERCE DATE	At least as early as 03/18/2016
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SPECIMEN DESCRIPTION	Snapshot of our law firm's website showing the motto.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Jerrold S. Parker
FIRM NAME	Parker Waichman LLP
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СІТУ	Port Washington
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11050
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FAX	516-466-6665
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
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FIRM NAME	Parker Waichman LLP
*STREET	6 Harbor Park Drive
*CITY	Port Washington
*STATE (Required for U.S. addresses)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE	11050
PHONE	516-466-6500

FAX	516-466-6665
*EMAIL ADDRESS	jerry@yourlawyer.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/jerrold s. parker/
* SIGNATORY'S NAME	Jerrold S. Parker
* SIGNATORY'S POSITION	Partner
SIGNATORY'S PHONE NUMBER	516-466-6500
* DATE SIGNED	03/21/2016

OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86947309 Filing Date: 03/21/2016

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MARK: JUST CALL - WE DO IT ALL! (Standard Characters, see <u>mark</u>) The literal element of the mark consists of JUST CALL - WE DO IT ALL!.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Parker Waichman LLP, a limited partnership legally organized under the laws of New York, comprising of Jerrold S. Parker Esq. - Partner - U.S.A., having an address of

6 Harbor Park Drive Port Washington, New York 11050 United States 516-466-6500(phone) 516-466-6665(fax) jerry@yourlawyer.com (not authorized)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

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Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/18/2016, and first used in commerce at least as early as 03/18/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Snapshot of our law firm's website showing the motto..

Specimen File1

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Jerrold S. Parker of Parker Waichman LLP 6 Harbor Park Drive
Port Washington, New York 11050
United States
516-466-6500(phone)
516-466-6665(fax)
jerry@yourlawyer.com (authorized)

The applicant's current Correspondence Information:

Jerrold S. Parker
Parker Waichman LLP
6 Harbor Park Drive
Port Washington, New York 11050
516-466-6500(phone)

516-466-6665(fax)

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A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /jerrold s. parker/ Date Signed: 03/21/2016

Signatory's Name: Jerrold S. Parker Signatory's Position: Partner

RAM Sale Number: 86947309 RAM Accounting Date: 03/22/2016

Serial Number: 86947309

Internet Transmission Date: Mon Mar 21 15:31:07 EDT 2016 TEAS Stamp: USPTO/FTK-XXX.XXX.XXX.XXX-201603211531078

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US Serial Number: 86520440 Application Filing Jan. 31, 2015

Date:

US Registration 4896416 Registration Date: Feb. 02, 2016

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus:

Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 02, 2016

Publication Date: Jun. 16, 2015 Notice of Aug. 11, 2015

Allowance Date:

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Mark Literal CALL BURNETTI. WE'RE READY.

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

> Use in Commerce: Jan. 30, 2015 First Use: Jan. 30, 2015

Basis Information (Case Level)

Filed Use: No Currently Use: Yes Amended Use: No Filed ITU: Yes Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Burnetti, P.A.

Owner Address: 211 South Florida Ave.

Lakeland, FLORIDA 33801

UNITED STATES

Legal Entity Type: CORPORATION State or Country FLORIDA

Where Organized:

Exhibit E Larry Pitt & Assoc., P.C. v. **Lundy Law, LLP Opposition No. 91/210158**

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lori T. Milvain

Correspondent

Correspondent LORI T. MILVAIN

Name/Address: LATHAM, SHUKER, EDEN & BEAUDINE, LLP

111 N MAGNOLIA AVE STE 1400 ORLANDO, FLORIDA 32801-2367

UNITED STATES

Phone: 407-481-5813 **Fax:** 407-481-5801

Correspondent e- | milvain@lseblaw.com | Correspondent e- Yes | mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 02, 2016	REGISTERED-PRINCIPAL REGISTER	
Dec. 30, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 29, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 09, 2015	STATEMENT OF USE PROCESSING COMPLETE	61813
Nov. 10, 2015	USE AMENDMENT FILED	61813
Nov. 25, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Nov. 10, 2015	TEAS STATEMENT OF USE RECEIVED	
Aug. 11, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 16, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 16, 2015	PUBLISHED FOR OPPOSITION	
May 27, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 06, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 06, 2015	ASSIGNED TO EXAMINER	69812
Feb. 11, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 10, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 04, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Dec. 29, 2015

United States of America United States Patent and Trademark Office

CALL BURNETTI. WE'RE READY.

Reg. No. 4,896,416 BURNETTI, P.A. (FLORIDA CORPORATION)

Registered Feb. 2, 2016

211 SOUTH FLORIDA AVE. LAKELAND, FL 33801

Int. Cl.: 45 FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 1-30-2015; IN COMMERCE 1-30-2015. **SERVICE MARK**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-520,440, FILED 1-31-2015.

WILLIAM P. SHANAHAN, EXAMINING ATTORNEY



Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV

Sent: Wednesday, December 30, 2015 00:12 AM

To: Imilvain@lseblaw.com

Subject: Official USPTO Notice of Acceptance of SOU: U.S. Trademark SN 86520440: CALL BURNETTI. WE'RE READY.

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

U.S. Serial Number: 86520440

Mark: CALL BURNETTI. WE'RE READY.

Owner: Burnetti, P.A.

Docket/Reference Number:

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86520440&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to

http://tsdr.uspto.gov/#caseNumber=86520440&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at http://www.uspto.gov/trademarks/ or contact the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86520440 FILING DATE 01/31/2015 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY L.O. ASSIGNED SHANAHAN, WILLIAM PATR 116 **PUB INFORMATION RUN DATE** 12/30/2015 PUB DATE 06/16/2015 STATUS 819-SU - REGISTRATION REVIEW COMPLETE STATUS DATE 12/29/2015 LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) YES 1 (a) YES NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 20-OWNER AT PUBLICATION NAME Burnetti, P.A.

211 South Florida Ave. Lakeland, FL 33801 03-CORPORATION

ADDRESS

ENTITY

CITIZENSHIP	Florida				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Legal services				

GOODS AND SERVICES									
INTERNATIONAL CLASS 045									
DESCRIPTION TEXT Legal services									
GOODS AND SERVICES CLASSIFICATION									
INTERNATIONAL CLASS	045	FIRST USE DATE 01/30/2015 FIRST USE IN COMMERCE DATE 01/30/2015 CLASS STATUS 6-ACTIVE						TIVE	
	MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGIS	TRATION				NO				
PSEUDO MARK					CALL BURNETTI. V	WE ARE READY.			
				PROSECUTI	ON HISTORY				
DATE	i	NT CD	ENT TYP						ENT NUM
12/30/2015		SUNA	E	NOTICE OF AC	CCEPTANCE OF STA	TEMENT OF USE E-	MAILED		015
12/29/2015		CNPR	P	ALLOWED PRI	NCIPAL REGISTER -	SOU ACCEPTED			014
12/09/2015		SUPC	ı	STATEMENT C	F USE PROCESSING	G COMPLETE			013
11/10/2015		IUAF	S	USE AMENDM	ENT FILED				012
11/25/2015		AITU	A	CASE ASSIGN	ED TO INTENT TO U	SE PARALEGAL			011
11/10/2015		EISU	I	TEAS STATEM	ENT OF USE RECEI	VED			010
08/11/2015		NOAM	E	NOA E-MAILED) - SOU REQUIRED F	ROM APPLICANT			009
06/16/2015		NPUB	E	OFFICIAL GAZ	ETTE PUBLICATION	CONFIRMATION E-N	MAILED		800
06/16/2015		PUBO	А	PUBLISHED FO	OR OPPOSITION				007
05/27/2015		NONP	E	NOTIFICATION	OF NOTICE OF PU	BLICATION E-MAILEI)		006
05/06/2015		CNSA	Р	APPROVED FO	OR PUB - PRINCIPAL	REGISTER			005
05/06/2015		DOCK	D	ASSIGNED TO	EXAMINER				004
02/11/2015		MPMK	E	NOTICE OF PS	SEUDO MARK E-MAIL	_ED			003
02/10/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	LIED DATA ENTEREI	O IN TRAM		002
02/04/2015		NWAP	l I	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	T CORRESPON	NDENCE INFOR	RMATION			
ATTORNEY					Lori T. Milvain				
CORRESPONDENC	CORRESPONDENCE ADDRESS LORI T. MILVAIN LATHAM, SHUKER, EDEN & BEAUDINE, LLP 111 N MAGNOLIA AVE STE 1400 ORLANDO, FL 32801-2367								
DOMESTIC REPRESENTATIVE NONE									
PRIOR OWNER INFORMATION									
PARTY TYPE					10-ORIGINAL APPL	LICANT			
NAME					Burnetti, P.A.				
ADDRESS 211 South Florida Ave. Lakeland, FL 33801									

03-CORPORATION

ENTITY

CITIZENSHIP	Florida

CALL BURNETTI. WE'RE READY.

Trademark Snap Shot ITU Unit Action (Table presents the data on ITU Unit Action) **OVERVIEW** SERIAL NUMBER 86520440 FILING DATE 01/31/2015 0000000 REG DATE **REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY SHANAHAN, WILLIAM PATR L.O. ASSIGNED 116 **PUB INFORMATION RUN DATE** 12/11/2015 PUB DATE 06/16/2015 **STATUS** 748-STATEMENT OF USE - TO EXAMINER STATUS DATE 12/09/2015 LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 20-OWNER AT PUBLICATION NAME Burnetti, P.A.

211 South Florida Ave. Lakeland, FL 33801 03-CORPORATION

ADDRESS

ENTITY

CITIZENSHIP	Florida				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Legal services				

				GOODS A	ND SERVICES				
INTERNATIONAL CLASS				045					
DESCRIPTIO	DESCRIPTION TEXT Legal services								
			GOOI	S AND SERV	ICES CLASSIFIC	ATION			
INTERNATIONAL CLASS	045	FIR	ST USE DATE	01/30/2015	FIRST USE IN COMMERCE DATE	01/30/2015	CLASS STATUS	6-A	CTIVE
			MISCELL	ANEOUS INF	ORMATION/STA	TEMENTS			
CHANGE IN REGIS	STRATION				NO				
PSEUDO MARK					CALL BURNETTI.	WE ARE READY.			
DATE		FNT OD	ENT TVD		FION HISTORY				ENIT NILINA
DATE 12/09/2015		SUPC	ENT TYP		Γ OF USE PROCESSIN	G COMPLETE			ENT NUM 013
1/10/2015		IUAF	S		MENT FILED	G COMPLETE			013
1/25/2015		AITU	A		SNED TO INTENT TO U	ISE PARAI EGAI			011
1/10/2015		EISU	1		EMENT OF USE RECEI				010
08/11/2015		NOAM	E		.ED - SOU REQUIRED				009
06/16/2015		NPUB	E	OFFICIAL G	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED				
06/16/2015		PUBO	А	PUBLISHED	FOR OPPOSITION				007
05/27/2015		NONP	Е	NOTIFICATI	ON OF NOTICE OF PU	BLICATION E-MAILEI	D		006
05/06/2015		CNSA	Р	APPROVED	FOR PUB - PRINCIPAL	REGISTER			005
05/06/2015		DOCK	D	ASSIGNED -	TO EXAMINER				004
02/11/2015		MPMK	E	NOTICE OF	PSEUDO MARK E-MAI	LED			003
02/10/2015		NWOS	I	NEW APPLIC	CATION OFFICE SUPP	LIED DATA ENTEREI	D IN TRAM		002
02/04/2015		NWAP	ı	NEW APPLI	CATION ENTERED IN 1	TRAM			001
			CURREN	T CORRESPO	ONDENCE INFOR	RMATION			
ATTORNEY					Lori T. Milvain				
CORRESPONDENCE ADDRESS					LORI T. MILVAIN LATHAM, SHUKER, EDEN & BEAUDINE, LLP 111 N MAGNOLIA AVE STE 1400 ORLANDO, FL 32801-2367				
DOMESTIC REPRESENTATIVE					NONE				
]	PRIOR OWNE	CR INFORMATIO	N			
PARTY TYPE				10-ORIGINAL APPLICANT					
NAME					Burnetti, P.A.	Burnetti, P.A.			
ADDRESS					211 South Florida A Lakeland, FL 3380				
					AN CORPORATION				

03-CORPORATION

Florida

ENTITY

CITIZENSHIP

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Additional Practice Areas

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Free Consultation for Personal Injury or Wrongful Death Claims

After a car accident, injury or wrongful death, you may have questions and wonder what your rights are, if you have a personal injury question, Burnetti, P.A. can review your potential case and help determine if you have a claim to pursue compensation (money) from the negligent person or company that caused your injuries.

At Burnetti, P.A., there's no need to worry that you can't sford a Laxeland. Orlando or Tampa personal injury lawyer or car accident lawyer. If you do not receive any compensation, you do not pay any fees or costs.

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Day/Evening/Weekend Appointments Available

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Lakeland Law Office - Tampa Law Office Orlando Law Office

At Burnett, P.A., there personal injury dairn a

At Burnett, PA., there are no fees and no cost to you if you file a personal injury daily and there is no recover.

VIDEOS | CASE RESULTS | MORE WHO

Auto Accidents
Personal Injury

Defective Products
Slip and Fall

Medical Malpractice

Moreus Compensation

Temps Oriendo Lakeland

Car Accident Lawyers



Severe personal injuries and financial hardship caused by a car accident can bring a viction's life to a screeching hatt

Lakeland, Orlando and <u>Temba dar accident lawrers</u> at Burnetti, P.A. fight for the legal rights of auto accident victims. If you have been injured due to someone else's negligence, you may be entitled to file a personal injury claim to pursue compensation.

VIDEOS | CASE RESULTS | MORE INTO

Car Accidents
Motorcycle Accidents

Distracted Driving

Pedestrian Accidents

Drunk Daving Accidents

Trucking Injury

Tampa, Orlando, Lakeland

Medical Malpractice Attorneys



During a time of medical need, doctors, nurses, dentists and other medical professionals are committed to providing the best possible medical care. Tragically though, catastrophic injuries can occur due to mistakes and negligence. Lakeland, Orlando and <u>Tampa medical</u> <u>materials</u> at Burnett, P.K. may be able to help you recover monetary compensation if you have been harmed by medical materiatics or medical negligence.

VIDEOS | CASE RESULTS | MORE INFO

Birth Injury Nursing Home Abuse

Emergency Room Error

Medical Negligence

INE HEID

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86520440
LAW OFFICE ASSIGNED	LAW OFFICE 116
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86520440/large
LITERAL ELEMENT	CALL BURNETTI. WE'RE READY.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Burnetti, P.A.
STREET	211 South Florida Ave.
CITY	Lakeland
STATE	Florida
ZIP/POSTAL CODE	33801
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Burnetti, P.A.
STREET	211 South Florida Ave.
CITY	Lakeland
STATE	Florida
ZIP/POSTAL CODE	33801
COUNTRY	United States
EMAIL	lmilvain@lseblaw.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
CURRENT IDENTIFICATION	Legal services
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/30/2015
FIRST USE IN COMMERCE DATE	01/30/2015

SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-714312498-20151110170530025418Specimen_11-10-15.pdf
CONVERTED PDF FILE(S) (1 page)	\\\TICRS\EXPORT16\IMAGEOUT16\865\204\86520440\xml9\SOU0002.JPG
SPECIMEN DESCRIPTION	Screen shot of Applicant's website for the services using the mark
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/ltm/
SIGNATORY'S NAME	Lori T. Milvain
SIGNATORY'S POSITION	Attorney of record, Florida bar member
DATE SIGNED	11/10/2015
SIGNATORY'S PHONE NUMBER	407-481-5813
FILING INFORMATION	
SUBMIT DATE	Tue Nov 10 17:08:33 EST 2015
TEAS STAMP	USPTO/SOU-XX.XX.XXX.XX-20 151110170833697050-865204 40-5401d56694f969134cc928 164a45a635891b5383a3354b9 96c54addd772b6893e-DA-387 4-20151110170530025418

PTO Form 1553 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: CALL BURNETTI. WE'RE READY.(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86520440/large)

SERIAL NUMBER: 86520440

The applicant, Burnetti, P.A., having an address of 211 South Florida Ave.
Lakeland, Florida 33801
United States
is submitting the following allegation of use information:

For International Class 045:

Current identification: Legal services

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/30/2015, and first used in commerce at least as early as 01/30/2015, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Screen shot of Applicant's website for the services using the mark.

Original PDF file:

<u>SPN0-714312498-20151110170530025418_._Specimen_11-10-15.pdf</u> **Converted PDF file(s)** (1 page)

<u>Specimen File1</u>

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any

registration resulting therefrom, declares that 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: /ltm/ Date Signed: 11/10/2015

Signatory's Name: Lori T. Milvain

Signatory's Position: Attorney of record, Florida bar member

Signatory's Phone: 407-481-5813

RAM Sale Number: 86520440 RAM Accounting Date: 11/12/2015

Serial Number: 86520440

Internet Transmission Date: Tue Nov 10 17:08:33 EST 2015

TEAS Stamp: USPTO/SOU-XX.XX.XXX.XX-20151110170833697

050-86520440-5401d56694f969134cc928164a4 5a635891b5383a3354b996c54addd772b6893e-D

A-3874-20151110170530025418

CLICK HERE TO CHAT LIVE

Mongilli Lisam

Additional Practice Areas

Get Your Free

DON'T

DRINK

AND

DRIVE

Gar Ribbont

Free Consultation for Personal Injury or Wrongful Death Claims

After a car accident, injury or wrongful death, you may have questions and wonder what your rights are, if you have a personal injury question, Burnetti, P.A. can review your potential case and help determine if you have a claim to pursue compensation (money) from the negligent person or company that caused your injuries.

At Burnetti, P.A., there's no need to worry that you can't sford a Laxeland. Orlando or Tampa personal injury lawyer or car accident lawyer. If you do not receive any compensation, you do not pay any fees or costs.

CALL BURNETTI, WE'RE READY.

Calls Answered 24 / 7

Day/Evening/Weekend Appointments Available

Home · Hospital · Our Offices

Lakeland Law Office - Tampa Law Office Orlando Law Office

At Burnett, P.A., there personal injury dairn a

At Burnett, PA., there are no fees and no cost to you if you file a personal injury daily and there is no recover.

VIDEOS | CASE RESULTS | MORE WHO

Auto Accidents
Personal Injury

Defective Products
Slip and Fall

Medical Malpractice

Moreus Compensation

Temps Oriendo Lakeland

Car Accident Lawyers



Severe personal injuries and financial hardship caused by a car accident can bring a viction's life to a screeching hatt

Lakeland, Orlando and <u>Temba dar accident lawrers</u> at Burnetti, P.A. fight for the legal rights of auto accident victims. If you have been injured due to someone else's negligence, you may be entitled to file a personal injury claim to pursue compensation.

VIDEOS | CASE RESULTS | MORE INTO

Car Accidents
Motorcycle Accidents

Distracted Driving

Pedestrian Accidents

Drunk Daving Accidents

Trucking Injury

Tampa, Orlando, Lakeland

Medical Malpractice Attorneys



During a time of medical need, doctors, nurses, dentists and other medical professionals are committed to providing the best possible medical care. Tragically though, catastrophic injuries can occur due to mistakes and negligence. Lakeland, Orlando and <u>Tampa medical</u> <u>materials</u> at Burnett, P.K. may be able to help you recover monetary compensation if you have been harmed by medical materiatics or medical negligence.

VIDEOS | CASE RESULTS | MORE INFO

Birth Injury Nursing Home Abuse

Emergency Room Error

Medical Negligence

INE HEID

FEE RECORD SHEET

Serial Number: 86520440

RAM Sale Number: 86520440 Total Fees: \$100

RAM Accounting Date: 20151112

<u>Transaction</u>	Fee <u>Code</u>	Transaction <u>Date</u>	Fee per <u>Class</u>	Number of Classes	Total <u>Fee</u>
Statement of Use (SOU)	7003	20151110	\$100	1	\$100

Transaction Date: 20151110



From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, August 11, 2015 00:12 AM

To: Imilvain@lseblaw.com

Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86520440: CALL BURNETTI. WE'RE READY.

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Aug 11, 2015

Serial Number: 86520440

Mark: CALL BURNETTI. WE'RE READY.

Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at http://www.uspto.gov/teas/index.html (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at http://www.uspto.gov/teas/index.html. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

Serial Number: 86520440

Mark: CALL BURNETTI. WE'RE READY.

Docket/Reference Number:

Owner: Burnetti, P.A.

211 South Florida Ave. Lakeland , FLORIDA 33801

Correspondence Address: LORI T. MILVAIN

LATHAM, SHUKER, EDEN & BEAUDINE, LLP

111 N MAGNOLIA AVE STE 1400 ORLANDO, FL 32801-2367

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

045 - Legal services -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in fillings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to http://tarr.uspto.gov. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86520440. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, June 16, 2015 00:33 AM

To: Imilvain@lseblaw.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86520440: CALL BURNETTI. WE'RE READY.

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86520440

Mark: CALL BURNETTI. WE'RE READY.

International Class(es): 045 Owner: Burnetti, P.A. Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 16, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2015-06-16&serialNumber=86520440

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86520440&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86520440&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

May 27, 2015

NOTICE OF PUBLICATION

 Serial No.: 86-520,440 Mark:
 CALL BURNETTI. WE'RE READY.
 (STANDARD CHARACTER MARK)

- International Class(es):
- 4. Publication Date: Jun 16, 2015

5. Applicant: Burnetti, P.A.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954

Pittchurgh PA 15250 7954

Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

lmilvain@lseblaw.com

From: TMOfficialNotices@USPTO.GOV Wednesday, May 27, 2015 03:41 AM Sent:

lmilvain@lseblaw.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86520440: CALL BURNETTI. WE'RE READY. Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86520440) is scheduled to publish in the *Official Gazette* on Jun 16, 2015. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86520440). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86520440). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86520440). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86520440).

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86520440 FILING DATE 01/31/2015 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A SHANAHAN, WILLIAM PATR TM ATTORNEY L.O. ASSIGNED 116 **PUB INFORMATION RUN DATE** 05/07/2015 PUB DATE N/A **STATUS** 680-APPROVED FOR PUBLICATON STATUS DATE 05/06/2015 LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT CALL BURNETTI. WE'RE READY. MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Burnetti, P.A.

211 South Florida Ave. Lakeland, FL 33801 03-CORPORATION

ADDRESS

ENTITY

CITIZENSHIP	Florida			
GOODS AND SERVICES				
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL CLASS			045					
DESCRIPTION TEXT			Legal services					
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL 045 FIRST USE DATE NO.		NONE	FIRST USE IN COMMERCE DATE	NONE CLASS STATUS		6-ACTIVE		
		MISCELL	ANEOUS INFO	RMATION/STAT	TEMENTS			
CHANGE IN REGISTRATION				NO				
PSEUDO MARK				CALL BURNETTI. W	E ARE READY.			
PROSECUTION HISTORY								
DATE 05/06/2015	ENT CI CNSA			DESCRIPTION ENT NUM APPROVED FOR PUB - PRINCIPAL REGISTER 005				
05/06/2015	DOCK			APPROVED FOR PUB - PRINCIPAL REGISTER 005 ASSIGNED TO EXAMINER 004				
02/11/2015	MPMK			NOTICE OF PSEUDO MARK E-MAILED 003				
02/10/2015	NWOS			NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM 002				
02/04/2015	NWAP	-					001	
CURRENT CORRESPONDENCE INFORMATION								
ATTORNEY Lori T. Milvain								
				LORI T. MILVAIN LATHAM, SHUKER, EDEN & BEAUDINE, LLP 111 N MAGNOLIA AVE STE 1400 ORLANDO, FL 32801-2367				
DOMESTIC REPRESENTATIVE NONE								

CALL BURNETTI. WE'RE READY.

***	User:pshanahan	***
	USEL DSHallallall	

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	13547	N/A	0	0	0:01	*{"kc"}all*[bi,ti]
02	743	N/A	0	0	0:01	$b{v}rn{v}t^{[bi,ti]}$
03	229826	N/A	0	0	0:01	*we*[bi,ti]
04	25923	N/A	0	0	0:01	(*read{"iey"}* or *red{"iye"}*)[bi,ti]
05	1	0	1	1	0:01	1 and 2 and 3 not dead[ld]
06	6	0	6	6	0:01	2 and (1 3 4) not dead[ld]
07	4	0	4	3	0:01	1 and 3 and 4 not dead[ld]
08	4	0	4	4	0:02	burnetti[bi,ti]
09	1	0	1	1	0:01	*800*[bi,ti] and 2 not dead[ld]

Session started 5/6/2015 2:05:55 PM
Session finished 5/6/2015 2:09:00 PM
Total search duration 0 minutes 10 seconds
Session duration 3 minutes 5 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86520440

From: TMDesignCodeComments

Sent: Wednesday, February 11, 2015 00:21 AM

To: Imilvain@lseblaw.com

Subject: Official USPTO Notice of Pseudo Mark: U.S. Trademark SN: 86520440: CALL BURNETTI. WE'RE READY.

Docket/Reference Number:

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86520440. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

CALL BURNETTI. WE ARE READY.

CALL BURNETTI. WE'RE READY.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86520440 Filing Date: 01/31/2015

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	CALL BURNETTI. WE'RE READY.
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CALL BURNETTI. WE'RE READY.
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Burnetti, P.A.
*STREET	211 South Florida Ave.
*CITY	Lakeland
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33801
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFO	RMATION
*INTERNATIONAL CLASS	045
*IDENTIFICATION	Legal services
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	

**REANS.HTERATION (if applicable) **CONSTRICT (NAMELIKENESS) (if applicable) **CONCURRENT USE CLAIM (if applicable) **CONCURRENT USE CLAIM (if applicable) **TORNEY INFORMATION NAME Lori T. Milvain FIRM NAME Latham, Shuker, Eden & Beaudine, I.I.P STREET 111 N. Magnolia Ave., Suite 1400 Orlando STATE COUNTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5801 EAMIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL FIRM NAME Lori T. Milvain **STREET 111 N. Magnolia Ave., Suite 1400 Orlando **CONSTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5801 EMAIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION **NAME Lori T. Milvain FIRM NAME Latham, Shuker, Falen & Beaudine, I.I.P **STREET 111 N. Magnolia Ave., Suite 1400 Orlando **STATE GRoupirdo for U.S. applicants) Florida **COUNTRY United States 22801 PHONE 407-481-5801 **EMAIL ADDRESS Inilvain@lseblaw.com **EMAIL ADDRESS Inilvain@lseblaw.com **EMAIL ADDRESS Inilvain@lseblaw.com **ELE INFORMATION **AUTHORIZED TO COMMUNICATE VIA EMAIL FEE PEE COMMUNICATE VIA EMAIL FEE PEE CALSS 225 **OTATAL FEE RANS **INIVAINE OF CLASSES 1 FEE PEE CLASS 225 **OTATAL FEE RANS **SIGNATURE INFORMATION **INIVAINER **SIGNATURE INFORMATION **INIVAINER **SIGNATURE INFORMATION **INIVAINER **SIGNATURE INFORMATION **INIVAINER **INIV	*TED A NOLLITTED A THOM	
(Graphicable) *CONSERT (NAMELIKENESS) (Graphicable) *CONCRENT USE CLAIM (Graphicable) *ATTORNEY INFORMATION NAME Latham, Shuker, Eden & Beaudine, LLP STREET 111 N. Magnolia Ave., Suite 1400 CITY Orlando STATE Florida COUNTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 EMAIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL FIRM NAME Latham, Shuker, Eden & Beaudine, LLP STREET 111 N. Magnolia Ave., Suite 1400 COUNTRY United States Univarin@leseblaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL YES CORRESPONDENCE INFORMATION *NAME Lori T. Milvain FIRM NAME Latham, Shuker, Eden & Beaudine, LLP *STREET 111 N. Magnolia Ave., Suite 1400 COTIV *CITY Orlando *STATE (Required for U.S. applicants) Florida *COUNTRY United States *COUNTRY *COUNTRY United States *COUNTRY *COUNTRY United States *COUNTRY *COUNTRY United States *COUNTRY *C	*TRANSLITERATION (if applicable)	
NAME Latham, Shuker, Eden & Beaudine, LLP STREET 111 N. Magnolia Ave., Suite 1400 CITY Orlando STATE Florida COUNTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5813 FAX 404-481-5801 EMAIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION **STREET 111 N. Magnolia Ave., Suite 1400 CTIY Orlando *STATE Latham, Shuker, Eden & Beaudine, LLP *STREET 111 N. Magnolia Ave., Suite 1400 CTIY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States 22801 PHONE 407-481-5801 **EMAIL ADDRESS Imilyain@lseblaw.com 407-481-5813 FAX 407-481-5801 **EMAIL ADDRESS Imilyain@lseblaw.com **AUTHORIZED TO COMMUNICATE VIA EMAIL Yes **EMAIL ADDRESS **INFORMATION **AUTHORIZED TO COMMUNICATE VIA EMAIL Yes **EMAIL ADDRESS **UNITED TO COMMUNICATE VIA EMAIL Yes **EMAIL ADDRESS **UNITED TO COMMUNICATE VIA EMAIL Yes **EMAIL ADDRESS **OTAL FEE PAID 225 SIGNATURE /*Itm/		
FIRM NAME Latham, Shuker, Eden & Beaudine, LLP STREET 111 N. Magnolia Avc., Suite 1400 Orlando STATE Florida COUNTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5813 EAX 407-481-5801 EMAIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL PIRM NAME Lori T. Milvain FIRM NAME Lori T. Milvain STATE (Required for U.S. applicants) "COUNTRY United States 32801 PHONE 407-481-5813 Florida "COUNTRY United States 32801 Florida "COUNTRY United States 407-481-5813 FAX 407-481-5813 FAX 407-481-5813 FAX 407-481-5801 "EAAIL ADDRESS Imilvain@lscblaw.com "AUTHORIZED TO COMMUNICATE VIA EMAIL YES FEE INFORMATION "PASS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 "TOTAL FEE PAID SIGNATURE Atm/	ATTORNEY INFORMATION	
STREET	NAME	Lori T. Milvain
CITY	FIRM NAME	Latham, Shuker, Eden & Beaudine, LLP
STATE	STREET	111 N. Magnolia Ave., Suite 1400
COUNTRY	СІТУ	Orlando
March Marc	STATE	Florida
PHONE	COUNTRY	United States
EMAIL ADDRESS	ZIP/POSTAL CODE	32801
EMAIL ADDRESS AUTHORIZED TO COMMUNICATE VIA EMAIL Yes CORRESPONDENCE INFORMATION *NAME Latham, Shuker, Eden & Beaudine, LLP *STREET 111 N. Magnolia Ave., Suite 1400 *CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES †TOTAL FEE PAID 225 SIGNATURE //tm/	PHONE	407-481-5813
AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION NAME Lori T. Milvain FIRM NAME Latham, Shuker, Eden & Beaudine, LLP STREET 111 N. Magnolia Ave., Suite 1400 CITY Orlando STATE (Required for U.S. applicants) COUNTRY United States ZIPPOSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID SIGNATURE /ltm/	FAX	407-481-5801
CORRESPONDENCE INFORMATION *NAME Lori T. Milvain FIRM NAME Latham, Shuker, Eden & Beaudine, LLP *STREET 111 N. Magnolia Ave., Suite 1400 *CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION *SIGNATURE //tm/	EMAIL ADDRESS	lmilvain@lseblaw.com
*NAME Latham, Shuker, Eden & Beaudine, LLP *STREET 111 N. Magnolia Ave., Suite 1400 *CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE //tm/	AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FIRM NAME STREET \$111 N. Magnolia Ave., Suite 1400 *CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE \$2801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS *TOTAL FEE PAID 225 SIGNATURE INFORMATION *SIGNATURE //tm/	CORRESPONDENCE INFORMATION	
*STREET 111 N. Magnolia Ave., Suite 1400 *CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 *TOTAL FEE PAID 225 *SIGNATURE INFORMATION *SIGNATURE //tm/	*NAME	Lori T. Milvain
*CITY Orlando *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION *SIGNATURE //tm/	FIRM NAME	Latham, Shuker, Eden & Beaudine, LLP
*STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE *ZIP/POSTAL CODE *HONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS *TOTAL FEE PAID 225 SIGNATURE INFORMATION *SIGNATURE //tm/	*STREET	111 N. Magnolia Ave., Suite 1400
Required for U.S. applicants) FIORIGA COUNTRY United States ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //tm/	*CITY	Orlando
*ZIP/POSTAL CODE 32801 PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION TEAS Plus NUMBER OF CLASSES 1 *FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION *SIGNATURE	·-	Florida
PHONE 407-481-5813 FAX 407-481-5801 *EMAIL ADDRESS Imilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //ltm/	*COUNTRY	United States
FAX 407-481-5801 *EMAIL ADDRESS lmilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //ltm/	*ZIP/POSTAL CODE	32801
*EMAIL ADDRESS lmilvain@lseblaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes FEE INFORMATION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //tm/	PHONE	407-481-5813
*AUTHORIZED TO COMMUNICATE VIA EMAIL FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS *TOTAL FEE PAID SIGNATURE INFORMATION * SIGNATURE //tm/	FAX	407-481-5801
FEE INFORMATION APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //tm/	*EMAIL ADDRESS	lmilvain@lseblaw.com
APPLICATION FILING OPTION TEAS Plus NUMBER OF CLASSES 1 FEE PER CLASS *TOTAL FEE PAID SIGNATURE INFORMATION *SIGNATURE //tm/	*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
NUMBER OF CLASSES FEE PER CLASS 225 *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //tm/	FEE INFORMATION	
FEE PER CLASS *TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //tm/	APPLICATION FILING OPTION	TEAS Plus
*TOTAL FEE PAID 225 SIGNATURE INFORMATION * SIGNATURE //ltm/	NUMBER OF CLASSES	1
SIGNATURE INFORMATION * SIGNATURE //ltm/	FEE PER CLASS	225
* SIGNATURE //ltm/	*TOTAL FEE PAID	225
	SIGNATURE INFORMATION	
* SIGNATORY'S NAME Lori T. Milvain	* SIGNATURE	/ltm/
	* SIGNATORY'S NAME	Lori T. Milvain

* SIGNATORY'S POSITION	Attorney of record, Florida bar member
SIGNATORY'S PHONE NUMBER	407-481-5800
* DATE SIGNED	01/31/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86520440 Filing Date: 01/31/2015

To the Commissioner for Trademarks:

MARK: CALL BURNETTI. WE'RE READY. (Standard Characters, see mark) The literal element of the mark consists of CALL BURNETTI. WE'RE READY... The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Burnetti, P.A., a corporation of Florida, having an address of 211 South Florida Ave. Lakeland, Florida 33801 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Lori T. Milvain of Latham, Shuker, Eden & Beaudine, LLP 111 N. Magnolia Ave., Suite 1400 Orlando, Florida 32801 United States

The applicant's current Correspondence Information:

Lori T. Milvain Latham, Shuker, Eden & Beaudine, LLP 111 N. Magnolia Ave., Suite 1400 Orlando, Florida 32801 407-481-5813(phone) 407-481-5801(fax)

lmilvain@lseblaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the

applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /ltm/ Date Signed: 01/31/2015 Signatory's Name: Lori T. Milvain

Signatory's Position: Attorney of record, Florida bar member

RAM Sale Number: 86520440 RAM Accounting Date: 02/02/2015

Serial Number: 86520440

Internet Transmission Date: Sat Jan 31 07:14:33 EST 2015

TEAS Stamp: USPTO/FTK-XXX.XXX.XXX.XXX-201501310714334

42971-86520440-530e01ae3e11b3ac198db1236 58d1338751d161ae9d3d966bf2218a83e3bb9dd8

-DA-7592-20150131070356188547

CALL BURNETTI. WE'RE READY.

Generated on: This page was generated by TSDR on 2016-11-30 10:57:42 EST

Mark: CALL MY LAWYER

CALL MY LAWYER

US Serial Number: 86589846 Application Filing Apr. 07, 2015

Date:

US Registration 4855094 Registration Date: Nov. 17, 2015

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus: Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 17, 2015 Publication Date: Sep. 01, 2015

Mark Information

Mark Literal CALL MY LAWYER

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Disclaimer: "LAWYER"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

> Use in Commerce: Feb. 01, 2010 First Use: Feb. 01, 2010

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: The Law Offices of Daniel & Stark, P.C.

Owner Address: 100 W. William Joel Bryan Pkwy.

Bryan, TEXAS 77803

Exhibit F Larry Pitt & Assoc., P.C. v. Lundy Law, LLP **Opposition No. 91/210158**

Legal Entity Type: professional corporation

State or Country TEXAS Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paul W. Kruse Docket Number: 004616-JBL05

Correspondent

Correspondent PAUL W. KRUSE

Name/Address: James Bewley Law Pllc

300 10th Ave S

Nashville, TENNESSEE 37203-4125

UNITED STATES

Phone: 615-477-2167

Correspondent e- trademarks@jamesbewleylaw.com

mail:

Correspondent e- Yes mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 17, 2015	REGISTERED-PRINCIPAL REGISTER	
Sep. 01, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 01, 2015	PUBLISHED FOR OPPOSITION	
Aug. 12, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 29, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jul. 28, 2015	ASSIGNED TO LIE	66213
Jul. 16, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 15, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 15, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 15, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 14, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 14, 2015	NON-FINAL ACTION E-MAILED	6325
Jul. 14, 2015	NON-FINAL ACTION WRITTEN	82429
Jul. 14, 2015	ASSIGNED TO EXAMINER	82429
Apr. 15, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 10, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Nov. 17, 2015

Anited States of America United States Patent and Trademark Office

CALL MY LAWYER

Reg. No. 4,855,094 THE LAW OFFICES OF DANIEL & STARK, P.C. (TEXAS PROFESSIONAL CORPORATION)

100 W. WILLIAM JOEL BRYAN PKWY. Registered Nov. 17, 2015 BRYAN, TX 77803

Int. Cl.: 45 FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 2-1-2010; IN COMMERCE 2-1-2010. SERVICE MARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-PRINCIPAL REGISTER

TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAWYER", APART FROM

THE MARK AS SHOWN.

SER. NO. 86-589,846, FILED 4-7-2015.

THOMAS MANOR, EXAMINING ATTORNEY



Michelle K. Len Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, September 1, 2015 00:41 AM
To: trademarks@jamesbewleylaw.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86589846: CALL MY LAWYER: Docket/Reference No. 004616-JBL05

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86589846 Mark: CALL MY LAWYER International Class(es): 045

Owner: The Law Offices of Daniel & Stark, P.C. Docket/Reference Number: 004616-JBL05

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Sep 01, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2015-09-01&serialNumber=86589846

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86589846&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86589846&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Aug 12, 2015

NOTICE OF PUBLICATION

Serial No.: 86-589,846 Mark: CALL MY LAWYER (STANDARD CHARACTER MARK)

- International Class(es):
- Publication Date: Sep 1, 2015

Applicant: The Law Offices of Daniel & Stark, P.C.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filled within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954

Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

trademarks@jamesbewleylaw.com

From: TMOfficialNotices@USPTO.GOV Wednesday, August 12, 2015 03:41 AM Sent: trademarks@jamesbewleylaw.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86589846: CALL MY LAWYER: Docket/Reference No. 004616-JBL05 Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86589846) is scheduled to publish in the *Official Gazette* on Sep 1, 2015. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86589846) If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86589846). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86589846). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86589846). If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86589846).

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

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())	VER	' V / III	H' V/

SERIAL NUMBER	86589846	FILING DATE	04/07/2015	
REG NUMBER	0000000	REG DATE	N/A	
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK	
INTL REG #	N/A	INTL REG DATE	N/A	
TM ATTORNEY	MANOR, THOMAS M	L.O. ASSIGNED	110	

PUB INFORMATION

RUN DATE	07/30/2015					
PUB DATE	09/01/2015					
STATUS	681-PUBLICATION/ISSUE REVIEW COM	IPLETE				
STATUS DATE	07/29/2015					
LITERAL MARK ELEMENT	CALL MY LAWYER	CALL MY LAWYER				
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED BASIS		CURREN	IT BASIS	AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CALL MY LAWYER
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	The Law Offices of Daniel & Stark, P.C.
ADDRESS	100 W. William Joel Bryan Pkwy. Bryan, TX 77803
ENTITY	99-professional corporation

CITIZENSHIP	Texas			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

				GOODS AN	D SERVICES				
INTERNATIONAL C	LASS				045				
DESCRIPTIO	N TEXT				Legal services				
			GOOD	S AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL 045 FIRST USE DATE 02/01/2010 FIRST USE IN COMMERCE DATE						02/01/2010	CLASS STATUS	6-ACTIV	/E
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION				NO				
DISCLAIMER W/PR	EDETER TXT				"LAWYER"				
				PROSECUTION	ON HISTORY				
DATE		ENT CD	ENT TYP	E DESCRIPTION	DESCRIPTION				ENT NUM
07/29/2015		PREV	0	LAW OFFICE P	UBLICATION REVIE	W COMPLETED			012
07/28/2015		ALIE	A	ASSIGNED TO	LIE				011
07/16/2015		CNSA	0	APPROVED FO	R PUB - PRINCIPAL	REGISTER			010
07/15/2015		TEME	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED			009
07/15/2015		CRFA	I	CORRESPOND	ENCE RECEIVED IN	I LAW OFFICE			800
07/15/2015		TROA	I	TEAS RESPON	ISE TO OFFICE ACT	ION RECEIVED			007
07/14/2015		GNRN	0	NOTIFICATION	OF NON-FINAL ACT	TION E-MAILED			006
07/14/2015		GNRT	F	NON-FINAL AC	TION E-MAILED				005
07/14/2015		CNRT	R	NON-FINAL AC	TION WRITTEN				004
07/14/2015		DOCK	D	ASSIGNED TO					003
04/15/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	LIED DATA ENTEREI	D IN TRAM		002
04/10/2015		NWAP	l l	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	T CORRESPON	DENCE INFOR	RMATION			
ATTORNEY					Paul W. Kruse				
CORRESPONDENC	E ADDRESS				PAUL W. KRUSE James Bewley Law 300 10th Ave S Nashville, TN 37203				

NONE

DOMESTIC REPRESENTATIVE

CALL MY LAWYER

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86589846 FILING DATE 04/07/2015 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A MANOR, THOMAS M TM ATTORNEY L.O. ASSIGNED 110 **PUB INFORMATION** 07/17/2015 **RUN DATE PUB DATE** N/A **STATUS** 680-APPROVED FOR PUBLICATON STATUS DATE 07/16/2015 LITERAL MARK ELEMENT **CALL MY LAWYER** DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT CALL MY LAWYER MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME The Law Offices of Daniel & Stark, P.C.

100 W. William Joel Bryan Pkwy.

99-professional corporation

Bryan, TX 77803

ADDRESS

ENTITY

CITIZENSHIP	Texas				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Legal services				

INTERNATIONAL CLASS			045						
DESCRIPTION TEXT			Legal services						
			GOOD	S AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL CLASS	045	FIRST	USE DATE	02/01/2010	FIRST USE IN 02/01/2010 CLASS STATUS 6-ACTIVE DATE 6-ACTIVE				CTIVE
]	MISCELL	ANEOUS INFO	RMATION/STA	FEMENTS			
CHANGE IN REGIS	TRATION				NO				
DISCLAIMER W/PR	EDETER TXT				"LAWYER"				
				PROSECUTIO	ON HISTORY				
DATE	E	NT CD	ENT TYPE	DESCRIPTION	DESCRIPTION				ENT NUM
07/16/2015		CNSA	0	APPROVED FC	APPROVED FOR PUB - PRINCIPAL REGISTER				010
07/15/2015		TEME	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED			009
07/15/2015		CRFA	I	CORRESPOND	CORRESPONDENCE RECEIVED IN LAW OFFICE				800
07/15/2015		TROA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED			007
07/14/2015		GNRN	0	NOTIFICATION	OF NON-FINAL ACT	TON E-MAILED			006
07/14/2015		GNRT	F	NON-FINAL AC	TION E-MAILED				005
07/14/2015		CNRT	R	NON-FINAL AC	TION WRITTEN				004
07/14/2015		DOCK	D	ASSIGNED TO	EXAMINER				003
04/15/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	IED DATA ENTERE	O IN TRAM		002
04/10/2015		NWAP	I	NEW APPLICA	TION ENTERED IN T	RAM			001
			CURREN	T CORRESPON	DENCE INFOR	MATION			
ATTORNEY					Paul W. Kruse				
CORRESPONDENCE ADDRESS		PAUL W. KRUSE James Bewley Law Pllc 300 10th Ave S Nashville, TN 37203-4125							
DOMESTIC REPRE	SENTATIVE				NONE				

CALL MY LAWYER

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

SERIAL NUMBER	86589846	FILING DATE	04/07/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MANOR, THOMAS M	L.O. ASSIGNED	110

PUB INFORMATION

RUN DATE	07/16/2015					
PUB DATE	N/A					
STATUS	661-RESPONSE AFTER NON-FINAL-AC	TION-ENTERED				
STATUS DATE	07/15/2015	07/15/2015				
LITERAL MARK ELEMENT	CALL MY LAWYER					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CALL MY LAWYER
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	The Law Offices of Daniel & Stark, P.C.
	100 W. William Joel Bryan Pkwy. Bryan, TX 77803
ENTITY	99-professional corporation

CITIZENSHIP	Texas				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Legal services				

				GOODS AN	D SERVICES					
INTERNATIONAL CLASS		045								
DESCRIPTION TEXT			Legal services							
			GOOD	OS AND SERVIC	CES CLASSIFIC	ATION				
INTERNATIONAL CLASS	045	FIRS	T USE DATE	02/01/2010	0 FIRST USE IN COMMERCE DATE 02/01/2010 CLASS STATUS 6-				6-ACTIVE	
			MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS				
CHANGE IN REGIS	TRATION				NO					
DISCLAIMER W/PR	EDETER TXT				"LAWYER"					
DATE		ENT CD	ENT TYPI		ON HISTORY				ENT NUM	
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07/15/2015		TEME	I	TEAS/EMAIL C	ORRESPONDENCE	ENTERED			009	
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07/14/2015		GNRN	0	NOTIFICATION	OF NON-FINAL ACT	TION E-MAILED			006	
07/14/2015		GNRT	F	NON-FINAL AC	TION E-MAILED				005	
07/14/2015		CNRT	R	NON-FINAL AC	TION WRITTEN				004	
07/14/2015		DOCK	D	ASSIGNED TO	EXAMINER				003	
04/15/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPI	LIED DATA ENTERE	D IN TRAM		002	
04/10/2015		NWAP	I	NEW APPLICA	TION ENTERED IN T	RAM			001	
			CURREN	T CORRESPON	NDENCE INFOR	MATION				
ATTORNEY					Paul W. Kruse					
CORRESPONDENC	E ADDRESS				PAUL W. KRUSE James Bewley Law 300 10th Ave S Nashville, TN 37203					

NONE

DOMESTIC REPRESENTATIVE

CALL MY LAWYER

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86589846
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86589846/large
LITERAL ELEMENT	CALL MY LAWYER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use LAWYER apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Paul W. Kruse/
SIGNATORY'S NAME	Paul W. Kruse
SIGNATORY'S POSITION	Attorney of record, TN bar member
SIGNATORY'S PHONE NUMBER	615-477-2167
DATE SIGNED	07/15/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 15 12:20:26 EDT 2015
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XXX-2 0150715122026142894-86589 846-5405937746a3144434124 d2c3927e1d8327edfe3e87dd8 2b4473df1c48e1dd981-N/A-N /A-20150715121751895465

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 86589846 CALL MY LAWYER(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86589846/large) has

been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use LAWYER apart from the mark as shown.

SIGNATURE(S) Response Signature

Signature: /Paul W. Kruse/ Date: 07/15/2015

Signatory's Name: Paul W. Kruse

Signatory's Position: Attorney of record, TN bar member

Signatory's Phone Number: 615-477-2167

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86589846

Internet Transmission Date: Wed Jul 15 12:20:26 EDT 2015

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XXX-2015071512202614

2894-86589846-5405937746a3144434124d2c39 27e1d8327edfe3e87dd82b4473df1c48e1dd981-

N/A-N/A-20150715121751895465

To: The Law Offices of Daniel & Stark, P.C. (trademarks@jamesbewleylaw.com)

U.S. TRADEMARK APPLICATION NO. 86589846 - CALL MY LAWYER - 004616-JBL05 **Subject:**

Sent: 7/14/2015 8:10:44 PM

Sent As: ECOM110@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86589846

MARK: CALL MY LAWYER

CORRESPONDENT ADDRESS:

PAUL W. KRUSE James Bewley Law Pllc 300 10th Ave S

Nashville, TN 37203-4125

86589846

CLICK HERE TO RESPOND TO THIS

LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

VIEW YOUR APPLICATION FILE

APPLICANT: The Law Offices of Daniel & Stark, P.C.

CORRESPONDENT'S REFERENCE/DOCKET

004616-JBL05

CORRESPONDENT E-MAIL ADDRESS:

trademarks@jamesbewleylaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/14/2015

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search Results

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

Although no similar registered or pending mark has been found that would bar registration, applicant must satisfy/address the following Requirement:

Disclaimer Statement Requirement

Applicant must disclaim the wording "LAWYER" because it merely describes the person who provides Applicant's services, and thus is an unregistrable component of the mark. See 15 U.S.C. §§1052(e)(1), 1056(a); DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd., 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

An applicant may not claim exclusive rights to terms that others may need to use to describe their services in the marketplace. See Dena Corp. v. Belvedere Int'l, Inc., 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); In re Aug. Storck KG, 218 USPQ 823, 825 (TTAB 1983).

A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. See Schwarzkopf v. John H. Breck, Inc., 340 F.2d 978, 978, 144 USPO 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use "LAWYER" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to http://www.uspto.gov/trademarks/law/disclaimer.jsp.

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner's amendment. Although a formal response may never be submitted by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. *See* TMEP §707.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

/Thomas M. Manor/ Trademark Examining Attorney Law Office 110 Phone: (571) 270-1519 Fax. No. (571) 273-9110 Thomas.Manor@USPTO.GOV

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

To: The Law Offices of Daniel & Stark, P.C. (trademarks@jamesbewleylaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86589846 - CALL MY LAWYER - 004616-JBL05

Sent: 7/14/2015 8:10:45 PM

Sent As: ECOM110@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 7/14/2015 FOR U.S. APPLICATION SERIAL NO. 86589846

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 7/14/2015 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation warnings.jsp.

***	User:tmanor	***	
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#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	1	0	1	1	0:02	"call my lawyer"[bi,ti] not dead[ld]
02	4307	N/A	0	0	0:01	*{"ck"}all*[bi,ti] not dead[ld]
03	23360	N/A	0	0	0:03	*my*[bi,ti] not dead[ld]
04	5938	N/A	0	0	0:02	*law*[bi,ti] not dead[ld]
05	142	N/A	0	0	0:01	2 and (3 4)
06	68	N/A	0	0	0:01	3 and 4
07	71	0	11	9	0:01	5 and "045"[cc] not dead[ld]
08	57	0	5	5	0:01	6 and "045"[cc] not dead[ld]

Session started 7/14/2015 8:02:42 PM Session finished 7/14/2015 8:09:56 PM Total search duration 0 minutes 12 seconds Session duration 7 minutes 14 seconds Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86589846

CALL MY LAWYER



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86589846 Filing Date: 04/07/2015

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered			
TEAS Plus	YES			
MARK INFORMATION				
*MARK	CALL MY LAWYER			
*STANDARD CHARACTERS	YES			
USPTO-GENERATED IMAGE	YES			
LITERAL ELEMENT	CALL MY LAWYER			
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.			
REGISTER	Principal			
APPLICANT INFORMATION				
*OWNER OF MARK	The Law Offices of Daniel & Stark, P.C.			
*STREET	100 W. William Joel Bryan Pkwy.			
*CITY	Bryan			
*STATE (Required for U.S. applicants)	Texas			
*COUNTRY	United States			
*ZIP/POSTAL CODE (Required for U.S. applicants)	77803			
LEGAL ENTITY INFORMATION				
*TYPE	professional corporation			
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Texas			
GOODS AND/OR SERVICES AND B	ASIS INFORMATION			
*INTERNATIONAL CLASS	045			
*IDENTIFICATION	Legal services			
*FILING BASIS	SECTION 1(a)			
FIRST USE ANYWHERE DATE	At least as early as 02/01/2010			
FIRST USE IN COMMERCE DATE	At least as early as 02/01/2010			

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STREET 300 10th Avenue South CITY Nashville STATE Tennessee COUNTRY United States ZIPPOSTAL CODE 37203 PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA 2 Fannessee FIRM NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC "STREET 300 10th Avenue South "CITY Nashville "STATE (Required for U.S. applicants) Tennessee "COUNTRY United States "ZIPPOSTAL CODE 37203 PHONE 615-477-2167 "EMAIL ADDRESS trademarks@jamesbewleylaw.com "AUTHORIZED TO COMMUNICATE VIA 2 Fannessee	ATTORNEY DOCKET NUMBER	004616-JBL057			
Nashville STATE Tennessee COUNTRY United States ZIP/POSTAL CODE 37203 PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL	FIRM NAME	James Bewley Law, PLLC			
Tennessee COUNTRY United States ZIPPOSTAL CODE 37203 PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL EMAIL CORRESPONDENCE INFORMATION *NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIPPOSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL EMAIL *Yes	STREET	300 10th Avenue South			
COUNTRY ZIPPOSTAL CODE 37203 PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL **CORRESPONDENCE INFORMATION** **NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC **STREET 300 10th Avenue South **CITY Nashville **STATE (Required for U.S. applicants) **COUNTRY United States **ZIPPOSTAL CODE 37203 PHONE 615-477-2167 **EMAIL ADDRESS trademarks@jamesbewleylaw.com **AUTHORIZED TO COMMUNICATE VIA EMAIL **EMAIL **Yes	CITY	Nashville			
PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION *NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *Yes	STATE	Tennessee			
PHONE 615-477-2167 EMAIL ADDRESS trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION *NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *Yes	COUNTRY	United States			
trademarks@jamesbewleylaw.com AUTHORIZED TO COMMUNICATE VIA Yes CORRESPONDENCE INFORMATION *NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *Yes	ZIP/POSTAL CODE	37203			
AUTHORIZED TO COMMUNICATE VIA EMAIL CORRESPONDENCE INFORMATION Paul W. Kruse FIRM NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *Tennessee (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL EMAIL Yes	PHONE	615-477-2167			
EMAIL CORRESPONDENCE INFORMATION *NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *YES	EMAIL ADDRESS	trademarks@jamesbewleylaw.com			
*NAME Paul W. Kruse FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL		Yes			
FIRM NAME James Bewley Law, PLLC *STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL	CORRESPONDENCE INFORMATIO	CORRESPONDENCE INFORMATION			
*STREET 300 10th Avenue South *CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *Yes	*NAME	Paul W. Kruse			
*CITY Nashville *STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL	FIRM NAME	James Bewley Law, PLLC			
*STATE (Required for U.S. applicants) *COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL *AUTHORIZED TO COMMUNICATE VIA EMAIL	*STREET	300 10th Avenue South			
*COUNTRY United States *ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL	*CITY	Nashville			
*ZIP/POSTAL CODE 37203 PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes		Tennessee			
PHONE 615-477-2167 *EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes	*COUNTRY	United States			
**EMAIL ADDRESS trademarks@jamesbewleylaw.com *AUTHORIZED TO COMMUNICATE VIA EMAIL Yes	*ZIP/POSTAL CODE	37203			
*AUTHORIZED TO COMMUNICATE VIA Yes	PHONE	615-477-2167			
EMAIL 1 ES	*EMAIL ADDRESS	trademarks@jamesbewleylaw.com			
FEE INFORMATION		Yes			
	FEE INFORMATION				

APPLICATION FILING OPTION	TEAS Plus	
NUMBER OF CLASSES	1	
FEE PER CLASS	225	
*TOTAL FEE PAID	225	
SIGNATURE INFORMATION		
* SIGNATURE	/Paul W. Kruse/	
* SIGNATORY'S NAME	Paul W. Kruse	
* SIGNATORY'S POSITION	Attorney fo record, TN bar member	
SIGNATORY'S PHONE NUMBER	615-477-2167	
* DATE SIGNED	04/07/2015	

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86589846 Filing Date: 04/07/2015

To the Commissioner for Trademarks:

MARK: CALL MY LAWYER (Standard Characters, see mark)

The literal element of the mark consists of CALL MY LAWYER.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, The Law Offices of Daniel & Stark, P.C., a professional corporation legally organized under the laws of Texas, having an address of

100 W. William Joel Bryan Pkwy. Bryan, Texas 77803 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 02/01/2010, and first used in commerce at least as early as 02/01/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) online advertising for the services bearing the mark.

Original PDF file:

<u>SPE00-6815670130-20150407164018121424</u>. <u>Specimen_of_Use__01217983_.pdf</u>

Converted PDF file(s) (1 page)

Specimen File1

The applicant's current Attorney Information:

Paul W. Kruse of James Bewley Law, PLLC 300 10th Avenue South Nashville, Tennessee 37203 United States

The attorney docket/reference number is 004616-JBL057.

The applicant's current Correspondence Information:

Paul W. Kruse

James Bewley Law, PLLC

300 10th Avenue South

Nashville, Tennessee 37203

615-477-2167(phone)

trademarks@jamesbewleylaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to

do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Paul W. Kruse/ Date Signed: 04/07/2015

Signatory's Name: Paul W. Kruse

Signatory's Position: Attorney fo record, TN bar member

RAM Sale Number: 86589846 RAM Accounting Date: 04/08/2015

Serial Number: 86589846

Internet Transmission Date: Tue Apr 07 16:49:50 EDT 2015

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-2015040716495074

7443-86589846-530874fc155dfef8bdf41ab559 f2ae396a77314da738662dcedf36283cce9193b-

CC-3380-20150407164018121424

CALL MY LAWYER



Generated on: This page was generated by TSDR on 2016-11-30 10:58:13 EST

Mark: 1-800 CALL-KEN

1-800 CALL-KEN

US Serial Number: 86551030 Application Filing Mar. 03, 2015

Date:

US Registration 4835774 Registration Date: Oct. 20, 2015

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus:

Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 20, 2015 Publication Date: Aug. 04, 2015

Mark Information

Mark Literal 1-800 CALL-KEN

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Name Portrait The name "KEN" shown in the mark identifies KENNETH L. NUNN, a living individual whose consent to register is of record.

Consent:

Related Properties Information

Claimed Ownership 3946570

of US

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

Use in Commerce: Mar. 2010 First Use: Mar. 2010

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Currently 44D: No Filed 44D: No Amended 44D: No Currently 44E: No Filed 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No

Exhibit G Filed No Basis: No Currently No Basis: No Larry Pitt & Assoc., P.C. v. Lundy Law, LLP

Opposition No. 91/210158

Current Owner(s) Information

Owner Name: Kenneth L. Nunn

Owner Address: 104 South Franklin Road

Bloomington, INDIANA 474045295

UNITED STATES

Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: John V. Moriarty

Docket Number: 5704-10

Attorney Primary docketDept@uspatent.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JOHN V. MORIARTY

Name/Address: Woodard Emhardt Moriarty McNett & Henry Llp

111 Monument Cir Ste 3700 Indianapolis, INDIANA 46204-5107

UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 20, 2015	REGISTERED-PRINCIPAL REGISTER	
Aug. 04, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 04, 2015	PUBLISHED FOR OPPOSITION	
Jul. 15, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 29, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jun. 29, 2015	ASSIGNED TO LIE	68123
Jun. 10, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 10, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 10, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 10, 2015	EXAMINERS AMENDMENT -WRITTEN	91244
Jun. 08, 2015	ASSIGNED TO EXAMINER	91244
Mar. 16, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 06, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Oct. 20, 2015

Anited States of America United States Patent and Trademark Office

1-800 CALL-KEN

Reg. No. 4,835,774 KENNETH L. NUNN (UNITED STATES INDIVIDUAL)

104 SOUTH FRANKLIN ROAD Registered Oct. 20, 2015 BLOOMINGTON, IN 474045295

Int. Cl.: 45 FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-0-2010; IN COMMERCE 3-0-2010. SERVICE MARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-PRINCIPAL REGISTER

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,946,570.

THE NAME "KEN" SHOWN IN THE MARK IDENTIFIES KENNETH L. NUNN, A LIVING

INDIVIDUAL WHOSE CONSENT TO REGISTER IS OF RECORD.

SER. NO. 86-551,030, FILED 3-3-2015.

CHRISTINA RIEPEL, EXAMINING ATTORNEY



Michelle K. Len Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

 From:
 TMOfficialNotices@USPTO.GOV

 Sent:
 Tuesday, August 4, 2015 00:29 AM

 To:
 docketDept@uspatent.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86551030: 1-800 CALL-KEN: Docket/Reference No. 5704-10

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86551030 Mark: 1-800 CALL-KEN International Class(es): 045 Owner: Kenneth L. Nunn

Docket/Reference Number: 5704-10

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Aug 04, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2015-08-04&serialNumber=86551030

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86551030&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86551030&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Jul 15, 2015

NOTICE OF PUBLICATION

 Serial No.: 86-551,030 2. Mark: 1-800 CALL-KEN (STANDARD CHARACTER MARK)

International Class(es):

Publication Date: Aug 4, 2015

5. Applicant: Kenneth L. Nunn

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

docketDept@uspatent.com

From: TMOfficialNotices@USPTO.GOV Wednesday, July 15, 2015 03:30 AM Sent:

docketDept@uspatent.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86551030: 1-800 CALL-KEN: Docket/Reference No. 5704-10 Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86551030) is scheduled to publish in the *Official Gazette* on Aug 4, 2015 . To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86551030. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86551030. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86551030. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86551030. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86551030.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

α	VER	V /	171	NA/
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SERIAL NUMBER	86551030	FILING DATE	03/03/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RIEPEL, CHRISTINA MAXI	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	06/30/2015				
PUB DATE	08/04/2015				
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE				
STATUS DATE	06/29/2015				
LITERAL MARK ELEMENT	1-800 CALL-KEN				
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO	SECTION 8 IN PART	NO		
SECTION 15 NO		REPUB 12C	N/A		
RENEWAL FILED	NO	RENEWAL DATE	N/A		
DATE AMEND REG	N/A				

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	1-800 CALL-KEN
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kenneth L. Nunn
ADDRESS	104 South Franklin Road Bloomington, IN 474045295
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL CLASS					045			
DESCRIPTION TEXT					Legal services			
			GOOI	OS AND SERVIC	CES CLASSIFICA	ATION		
INTERNATIONAL 045 FIRST USE DATE 03/00/2010 CLASS			FIRST USE IN COMMERCE DATE	03/00/2010	CLASS STATUS	6-ACTIVE		
			MISCELI	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION				NO			
NAME/PORTRAIT [DESC/CONSENT	-				own in the mark ident	ifies "KENNETH L. N record.	UNN", a living
OWNER OF US RE	G NOS				3946570			
			DESCRIPTION				ENT NUI	
DATE		FNT OD	ENT TVE		ON HISTORY			ENIT NILIA
06/29/2015		PREV	0	LAW OFFICE P	PUBLICATION REVIE	W COMPLETED		010
06/29/2015		ALIE	А	ASSIGNED TO	LIE			009
06/10/2015		CNSA	0	APPROVED FO	OR PUB - PRINCIPAL	REGISTER		008
06/10/2015		XAEC	I	EXAMINER'S A	MENDMENT ENTER	ED		007
06/10/2015		GNEN	0	NOTIFICATION	OF EXAMINERS AM	IENDMENT E-MAILE	D	006
06/10/2015		GNEA	F	EXAMINERS A	AMENDMENT E-MAILED			005
06/10/2015		CNEA	R	EXAMINERS A	MENDMENT -WRITT	EN		004
06/08/2015		DOCK	D	ASSIGNED TO	EXAMINER			003
03/16/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	IED DATA ENTERE	O IN TRAM	002
03/06/2015 NWAP I NEW APPLICA			TION ENTERED IN T	RAM		001		
	<u>'</u>		<u>'</u>	<u> </u>				
			CURREN	NT CORRESPON	NDENCE INFOR	MATION		
ATTORNEY					John V. Moriarty			
CORRESPONDENCE ADDRESS					JOHN V. MORIART Woodard Emhardt N	Moriarty McNett & Her	nry	

CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY	John V. Moriarty			
CORRESPONDENCE ADDRESS	JOHN V. MORIARTY Woodard Emhardt Moriarty McNett & Henry 111 Monument Cir Ste 3700 Indianapolis, IN 46204-5107			
DOMESTIC REPRESENTATIVE	NONE			

1-800 CALL-KEN

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86551030 FILING DATE 03/03/2015 **REG NUMBER** 0000000 **REG DATE** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # INTL REG DATE N/A N/ATM ATTORNEY RIEPEL, CHRISTINA MAXI L.O. ASSIGNED 108 **PUB INFORMATION** 06/11/2015 **RUN DATE** PUB DATE N/A STATUS 680-APPROVED FOR PUBLICATON STATUS DATE 06/10/2015 LITERAL MARK ELEMENT 1-800 CALL-KEN DATE ABANDONED DATE CANCELLED N/A N/ASECTION 2F NO SECTION 2F IN PART NO SECTION 8 NO **SECTION 8 IN PART** NO SECTION 15 NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	1-800 CALL-KEN
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kenneth L. Nunn
ADDRESS	104 South Franklin Road Bloomington, IN 474045295
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL CLASS			045					
DESCRIPTION TEXT				Legal services				
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	045	FIF	RST USE DATE	03/00/2010	FIRST USE IN COMMERCE DATE	03/00/2010	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGIST	RATION				NO			
NAME/PORTRAIT D	ESC/CONSENT					own in the mark identi nsent to register is of r	fies "KENNETH L. NU ecord.	NN", a living
OWNER OF US REG	NOS				3946570			
PROSECUTION HISTORY								
DATE		ENT CD						ENT NUM
06/10/2015		CNSA	0		PUB - PRINCIPAL			800
06/10/2015		XAEC	I		MENDMENT ENTERI			007
06/10/2015		GNEN	0			ENDMENT E-MAILED)	006
06/10/2015		GNEA	F		MENDMENT E-MAILE			005
06/10/2015		CNEA	R		MENDMENT -WRITTE	=N		004
06/08/2015		DOCK		ASSIGNED TO		IED DATA ENTEDED	IN TOAM	003
03/16/2015		NWOS				IED DATA ENTERED	OIN I RAM	002
03/06/2015		NWAP	<u> </u>	NEW APPLICA	TION ENTERED IN TI	KAM		001
CURRENT CORRESPONDENCE INFORMATION								
ATTORNEY					John V. Moriarty			
CORRESPONDENCE ADDRESS			JOHN V. MORIART Woodard Emhardt M 111 Monument Cir S Indianapolis, IN 4620	Noriarty McNett & Hen Ste 3700	ry			
DOMESTIC REPRESENTATIVE					NONE			

1-800 CALL-KEN

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

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SERIAL NUMBER	86551030	FILING DATE	03/03/2015
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RIEPEL, CHRISTINA MAXI	L.O. ASSIGNED	108

PUB INFORMATION

RUN DATE	06/11/2015				
PUB DATE	N/A				
STATUS	680-APPROVED FOR PUBLICATON				
STATUS DATE	06/10/2015	06/10/2015			
LITERAL MARK ELEMENT	1-800 CALL-KEN				
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO	SECTION 8 IN PART	NO		
SECTION 15	NO	REPUB 12C	N/A		
RENEWAL FILED	NO	NO RENEWAL DATE N/A			
DATE AMEND REG	N/A				

FILING BASIS

FILED	BASIS	CURREN	IT BASIS	AMENDE	ED BASIS
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	1-800 CALL-KEN
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kenneth L. Nunn
ADDRESS	104 South Franklin Road Bloomington, IN 474045295
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL CLASS			045					
DESCRIPTION TEXT				Legal services				
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	045	FIF	RST USE DATE	03/00/2010	FIRST USE IN COMMERCE DATE	03/00/2010	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGIST	RATION				NO			
NAME/PORTRAIT D	ESC/CONSENT					own in the mark identi nsent to register is of r	fies "KENNETH L. NU ecord.	NN", a living
OWNER OF US REG	NOS				3946570			
PROSECUTION HISTORY								
DATE		ENT CD						ENT NUM
06/10/2015		CNSA	0		PUB - PRINCIPAL			800
06/10/2015		XAEC	I		MENDMENT ENTERI			007
06/10/2015		GNEN	0			ENDMENT E-MAILED)	006
06/10/2015		GNEA	F		MENDMENT E-MAILE			005
06/10/2015		CNEA	R		MENDMENT -WRITTE	=N		004
06/08/2015		DOCK		ASSIGNED TO		IED DATA ENTEDED	IN TOAM	003
03/16/2015		NWOS				IED DATA ENTERED	OIN I RAM	002
03/06/2015		NWAP	<u> </u>	NEW APPLICA	TION ENTERED IN TI	KAM		001
CURRENT CORRESPONDENCE INFORMATION								
ATTORNEY					John V. Moriarty			
CORRESPONDENCE ADDRESS			JOHN V. MORIART Woodard Emhardt M 111 Monument Cir S Indianapolis, IN 4620	Noriarty McNett & Hen Ste 3700	ry			
DOMESTIC REPRESENTATIVE					NONE			

1-800 CALL-KEN

To: Kenneth L. Nunn (docketDept@uspatent.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86551030 - 1-800 CALL-KEN - 5704-10

Sent: 6/10/2015 11:56:37 AM **Sent As:** ECOM108@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86551030

MARK: 1-800 CALL-KEN

CORRESPONDENT ADDRESS:

JOHN V. MORIARTY Woodard Emhardt Moriarty McNett & Henry 111 Monument Cir Ste 3700 Indianapolis, IN 46204-5107

APPLICANT: Kenneth L. Nunn

 ${\bf CORRESPONDENT'S\;REFERENCE/DOCKET\;NO:}$

5704-10

CORRESPONDENT E-MAIL ADDRESS:

docketDept@uspatent.com

86551030

GENERAL TRADEMARK INFORMATION:

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

VIEW YOUR APPLICATION FILE

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 6/10/2015

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by John V. Moriarty on June 10, 2015, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707.

CONSENT STATEMENT

The following statement is added to the record:

"The name "KEN" shown in the mark identifies "KENNETH L. NUNN", a living individual whose consent to register is of record."

TMEP §§813.01(b), 1206.05; see 37 C.F.R. §2.61(b).

/Christina M. Riepel/ Examining Attorney Law Office 108 (571) 272-6358 christina.riepel@uspto.gov notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

To: Kenneth L. Nunn (docketDept@uspatent.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86551030 - 1-800 CALL-KEN - 5704-10

Sent: 6/10/2015 11:56:37 AM **Sent As:** ECOM108@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 6/10/2015 FOR U.S. APPLICATION SERIAL NO.86551030

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov/, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

NOTE TO THE FILE

SERIAL NUMBER:	86551030	
DATE:	06/10/2015	
NAME:	criepel	
NOTE:		
Searched: Google Lexis/Nexis OneLook Wikipedia Acronym Finder Other:		Discussed ID with: Senior Atty Managing Atty Protest evidence reviewed
Checked: Geographic signif Surname Translation ID with ID/CLASS		Discussed Geo. Sig. with: Senior Atty Managing Atty
Checked list of approve Discussed file with Attorney/Applicant via phone x email	:	Left message with Attorney/Applicant
Requested Law Lib for:	rary search	Issued Examiner's Amendment and entered changes in TRADEUPS
PRINT Description of the Translation state Negative translat	e mark ment	Added design code in TRADEUPS Re-imaged standard character drawing
Consent of living Changed TRADEUPS	individual	Contacted TM MADRID ID/CLASS about misclassified definite ID
X OTHER:		
(1) Discussed specimen iss(2) Original search failed t		d search on 6/10
From: Moriarty, Jack [mailtons of the control of th	, 2015 8:31 AM	nt.com] 86551030, Docket No. 5704-10
Dear Examiner		

The Examiner's amendment following is authorized. Thanks for your request. Jack

Jack V. Moriarty

Patent Attorney

Chase Tower | 111 Monument Circle, Suite 3700 | Indianapolis, IN 46204 Main: 317.634.3456 | Fax: 317.637.7561 | Email: jmoriarty@uspatent.com www.uspatent.com

This message is intended solely for the above addressee. If the reader of this message is not the addressee or the employee intended or agent responsible for delivering the message to the recipient, you are hereby notified that this transmission may contain privileged or confidential information and dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by phone and destroy the original.

From: Burroughs, Mark On Behalf Of DocketDept Sent: Wednesday, June 10, 2015 8:27 AM

To: Moriarty, Jack **Cc:** Allgood, Patty

Subject: FW: U.S. APPLICATION SERIAL NO. 86551030, Docket No. 5704-10

From: Riepel, Christina [mailto:Christina.Riepel@USPTO.GOV]

Sent: Tuesday, June 09, 2015 6:04 PM

To: DocketDept

Subject: U.S. APPLICATION SERIAL NO. 86551030, Docket No. 5704-10

Dear Mr. Moriarty:

I have examined the above referenced application. If appears the name "KEN" in the mark identifies the applicant, but no consent statement was included with the application. Because applicant personally signed the application, I do not need any additional any addition signed verification from the applicant; however, because he signed as "Kenneth" and not as "ken", I will need authorization to enter a consent statement.

Below is the proposed examiner's amendment:

CONSENT STATEMENT

The following statement is added to the record:

"The name "KEN" shown in the mark identifies "KENNETH L. NUNN", a living individual whose consent to register is of record."

Please let me know if the foregoing examiner's amendment is authorized. If you should have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Kind regards,

Christina M. Riepel Trademark Examining Attorney United States Patent & Trademark Office Law Office 108 (571) 272-6358 christina.riepel@uspto.gov

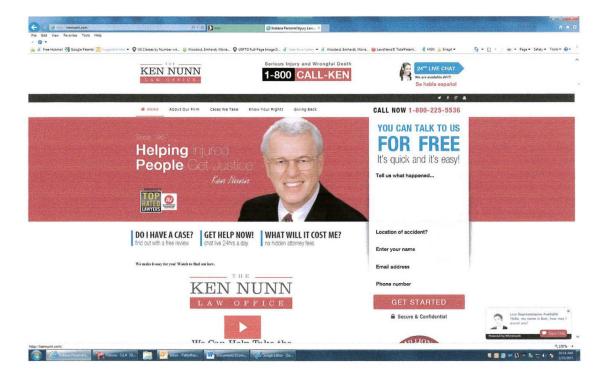
***	User	:crienel	***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	1	0	1	1	0:01	86551030[SN]
02	38273	N/A	0	0	0:01	*{"ckqx"}al*[bi,ti] and live[ld]
03	66531	N/A	0	0	0:02	*{"ckqx"}{"eyi"}n*[bi,ti] and live[ld]
04	33417	N/A	0	0	0:02	${*}{"kq"}{"eyi"}n*[bi,ti]$ and live[ld]
05	480	N/A	0	0	0:01	2 and 4
06	76	0	76	73	0:01	*{"ckqx"}all*[bi,ti] and live[ld] and 4
07	211	0	50	50	0:01	(5 not 6) and "045"[cc]
08	6421	N/A	0	0	0:01	*{"kq"}en*[bi,ti] and live[ld]
09	77	0	77	77	0:01	2 and 8
10	4355	N/A	0	0	0:01	*{"ckqx"}all*[bi,ti] and live[ld]
11	101	0	101	91	0:02	(10 8) and *8??*[bi,ti]
12	8	0	8	6	0:02	ken[fm] and live[ld]
13	2	0	2	2	0:01	ken[bi,ti] and live[ld] and 10

Session started 6/10/2015 11:37:39 AM
Session finished 6/10/2015 11:53:17 AM
Total search duration 0 minutes 17 seconds
Session duration 15 minutes 38 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86551030

1-800 CALL-KEN



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86551030 Filing Date: 03/03/2015

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>1-800 CALL-KEN</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	1-800 CALL-KEN
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Kenneth L. Nunn
*STREET	104 South Franklin Road
*CITY	Bloomington
*STATE (Required for U.S. applicants)	Indiana
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	47404-5295
PHONE	812-332-9451
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	045
*IDENTIFICATION	Legal services
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2010

FIRST USE IN COMMERCE DATE	At least as early as 03/00/2010
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE00-206532382-20150302141221347181 Webpage_5704-10.pdf
CONVERTED PDF FILE(S) (1 page)	\\\\TICRS\EXPORT16\IMAGEOUT16\865\510\86551030\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	web page showing the mark thereon
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	The applicant claims ownership of U.S. Registration Number(s) 3946570.
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	John V. Moriarty
ATTORNEY DOCKET NUMBER	5704-10
FIRM NAME	Woodard Emhardt Moriarty McNett & Henry LLP
STREET	111 Monument Circle, Suite 3700
СІТУ	Indianapolis
STATE	Indiana
COUNTRY	United States
ZIP/POSTAL CODE	46204-5137
PHONE	317-634-3456
FAX	317-637-7561
EMAIL ADDRESS	docketDept@uspatent.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	John V. Moriarty; John C. McNett; Thomas Q. Henry; James M. Durlacher; Charles R. Reeves; Vincent O. Wagner; Steve Zlatos; Spiro Bereveskos; Daniel J. Lueders; Kenneth A. Gandy; Timothy N. Thomas; Charles J. Meyer; Lisa A. Hiday; Christopher A. Brown; Charles P. Schmal; Quentin G. Cantrell; Marta L. Paul; Elizabeth A. Shuster; James R. Blaufuss; Jeremy Gustrowsky; Matthew Gardlik; Joshua Astin; Blake Hartz
CORRESPONDENCE INFORMATION	
*NAME	John V. Moriarty
FIRM NAME	Woodard Emhardt Moriarty McNett & Henry LLP
*STREET	111 Monument Circle, Suite 3700
*CITY	Indianapolis
*STATE (Required for U.S. applicants)	Indiana
*COUNTRY	United States

*ZIP/POSTAL CODE	46204-5137
PHONE	317-634-3456
FAX	317-637-7561
*EMAIL ADDRESS	docketDept@uspatent.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/Kenneth L. Nunn/
* SIGNATORY'S NAME	Kenneth L. Nunn
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	812-332-9451
* DATE SIGNED	03/02/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86551030 Filing Date: 03/03/2015

To the Commissioner for Trademarks:

MARK: 1-800 CALL-KEN (Standard Characters, see mark)
The literal element of the mark consists of 1-800 CALL-KEN.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Kenneth L. Nunn, a citizen of United States, having an address of 104 South Franklin Road
Bloomington, Indiana 47404-5295
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/00/2010, and first used in commerce at least as early as 03/00/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) web page showing the mark thereon.

Original PDF file:

<u>SPE00-206532382-20150302141221347181_.</u> <u>Webpage_5704-10.pdf</u> **Converted PDF file(s)** (1 page) Specimen File1

Claim of Active Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 3946570.

The applicant's current Attorney Information:

John V. Moriarty and John V. Moriarty; John C. McNett; Thomas Q. Henry; James M. Durlacher; Charles R. Reeves; Vincent O. Wagner; Steve Zlatos; Spiro Bereveskos; Daniel J. Lueders; Kenneth A. Gandy; Timothy N. Thomas; Charles J. Meyer; Lisa A. Hiday; Christopher A. Brown; Charles P. Schmal; Quentin G. Cantrell; Marta L. Paul; Elizabeth A. Shuster; James R. Blaufuss; Jeremy Gustrowsky; Matthew Gardlik; Joshua Astin; Blake Hartz of Woodard Emhardt Moriarty McNett & Henry LLP

111 Monument Circle, Suite 3700 Indianapolis, Indiana 46204-5137 United States

The attorney docket/reference number is 5704-10.

The applicant's current Correspondence Information:

John V. Moriarty
Woodard Emhardt Moriarty McNett & Henry LLP
111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137 317-634-3456(phone) 317-637-7561(fax)

docketDept@uspatent.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Kenneth L. Nunn/ Date Signed: 03/02/2015

Signatory's Name: Kenneth L. Nunn

Signatory's Position: Owner

RAM Sale Number: 86551030 RAM Accounting Date: 03/03/2015

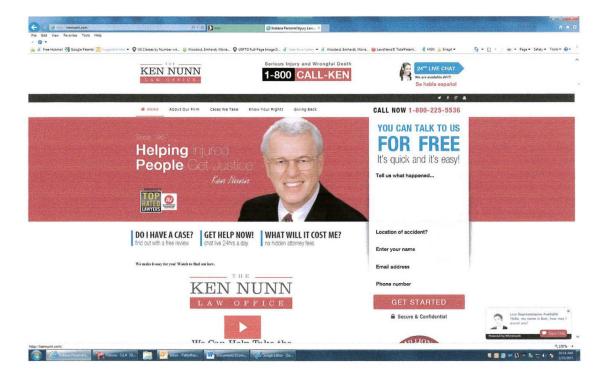
Serial Number: 86551030

Internet Transmission Date: Tue Mar 03 08:28:17 EST 2015 TEAS Stamp: USPTO/FTK-XXX.XXX.XXX.X-20150303082817302

575-86551030-53021887dadd750748aa1c6ac84 b517858d6c5d2d874980b7d4cbae78633ac21a-C

C-10724-20150302141221347181

1-800 CALL-KEN



Generated on: This page was generated by TSDR on 2016-11-30 10:58:44 EST

Mark: IN PAIN? CALL KAINE.

In Pain? Call Kaine.

US Serial Number: 85901296 Application Filing Apr. 11, 2013

Date:

US Registration 4554394 Registration Date: Jun. 24, 2014

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus: Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 24, 2014 Publication Date: Apr. 08, 2014

Mark Information

Mark Literal IN PAIN? CALL KAINE.

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Name Portrait The name(s), portrait(s), and/or signature(s) shown in the mark identifies Evan Kaine, whose consent(s) to register is made of record.

Consent:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

> First Use: Mar. 07, 2013 Use in Commerce: Mar. 07, 2013

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Kaine, Evan L. Owner Address: Suite 110

Exhibit H Larry Pitt & Assoc., P.C. v. Lundy Law, LLP **Opposition No. 91/210158**

Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan Ganz

Attorney Primary JONATHAN.GANZ@GANZLAWFIRM.COM Email Attorney Email Yes Authorized:

Correspondent

Correspondent JONATHAN GANZ

Name/Address: THE GANZ LAW FIRM, P.C.

999 PEACHTREE ST NE STE 1120 ATLANTA, GEORGIA 30309-4471

UNITED STATES

Correspondent e- JONATHAN.GANZ@GANZLAWFIRM.COM

mail:

Correspondent e- Yes mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 24, 2014	REGISTERED-PRINCIPAL REGISTER	
Apr. 08, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 08, 2014	PUBLISHED FOR OPPOSITION	
Mar. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 04, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Mar. 03, 2014	ASSIGNED TO LIE	70629
Feb. 13, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 01, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 31, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 31, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2013	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2013	NON-FINAL ACTION WRITTEN	85319
Jul. 26, 2013	ASSIGNED TO EXAMINER	85319
Apr. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 15, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Jun. 24, 2014

United States of America United States Patent and Trademark Office

In Pain? Call Kaine.

Reg. No. 4,554,394 KAINE, EVAN L. (UNITED STATES INDIVIDUAL)

SUITE 110

Registered June 24, 2014 1200 ASHWOOD PARKWAY

ATLANTA, GA 30338 Int. Cl.: 45

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK FIRST USE 3-7-2013; IN COMMERCE 3-7-2013.

PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES

EVAN KAINE, WHOSE CONSENT(S) TO REGISTER IS MADE OF RECORD.

SER. NO. 85-901,296, FILED 4-11-2013.

KRISTIN CARLSON, EXAMINING ATTORNEY



Michelle K. Zee

Deputy Director of the United States

Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV Sent: Tuesday, April 8, 2014 00:28 AM

To: JONATHAN.GANZ@GANZLAWFIRM.COM

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 85901296: IN PAIN? CALL KAINE.

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 85-901,296 Mark: IN PAIN? CALL KAINE. International Class(es): 045 Owner: Kaine, Evan L. Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Apr 08, 2014.

To View the Mark in the Next Generation TMOG (eOG):

Click on the following link or paste the URL into an internet browser: http://tmog.uspto.gov/#date=2014-04-08&serial=85901296

To View the Mark in the Legacy format TMOG:

- 1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20140408_OG.pdf#page=00001339 .
- 2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/search.action?sn=85901296. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Mar 19, 2014

NOTICE OF PUBLICATION

- Serial No.: 85-901,296
- International Class(es):
- Publication Date: Apr 8, 2014

- Mark: IN PAIN? CALL KAINE. (STANDARD CHARACTER MARK)
- Applicant: Kaine, Evan L.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filled within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954

Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

JONATHAN.GANZ@GANZLAWFIRM.COM

From: TMOfficialNotices@USPTO.GOV Wednesday, March 19, 2014 03:22 AM Sent: JONATHAN.GANZ@GANZLAWFIRM.COM

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 85901296: IN PAIN? CALL KAINE. Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 85901296) is scheduled to publish in the *Official Gazette* on Apr 8, 2014. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=85901296. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=85901296. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=85901296. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=85901296.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85901296	FILING DATE	04/11/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CARLSON, KRISTIN ELIZA	L.O. ASSIGNED	105

PUB INFORMATION

TODINFORMATION						
RUN DATE	03/05/2014					
PUB DATE	04/08/2014					
STATUS	681-PUBLICATION/ISSUE REVIEW COM	IPLETE				
STATUS DATE	03/04/2014					
LITERAL MARK ELEMENT	IN PAIN? CALL KAINE.					
DATE ABANDONED	N/A	N/A DATE CANCELLED N/A				
SECTION 2F	NO SECTION 2F IN PART NO					
SECTION 8	NO SECTION 8 IN PART NO					
SECTION 15	NO REPUB 12C N/A					
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED	BASIS	CURREN	IT BASIS	AMENDE	ED BASIS
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	IN PAIN? CALL KAINE.
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kaine, Evan L.
ADDRESS	Suite 110 1200 Ashwood Parkway Atlanta, GA 30338
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America
GOODS AND	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Legal services

					GOODS AN	D SERVICES			
INTERNATIONAL CLASS 045									
DESCRIPTION TEXT						Legal services			
				GOOD	S AND SERVIC	CES CLASSIFICA	ATION		
INTERNATIONAL 045 FIRST USE DATE 03/07/2013					03/07/2013	FIRST USE IN COMMERCE DATE	03/07/2013	CLASS STATUS	6-ACTIVE
			N	MISCELL	ANEOUS INFO	RMATION/STA	FEMENTS		
CHANGE IN REGIS	TRATION					NO			
NAME/PORTRAIT D	DESC/CONS	ENT				The name(s), portrai Kaine, whose conse		re(s) shown in the mark nade of record.	identifies Evan
					DDOGECUTI	ON HISTORY			
DATE		ENT	CD	ENT TYP		ON HISTORY			ENT NUM
03/04/2014		PRE	_	0		UBLICATION REVIE	W COMPLETED		012
03/03/2014		ALI		A	ASSIGNED TO				011
02/13/2014		CNS		0		OR PUB - PRINCIPAL	REGISTER		010
02/01/2014		TEM			TEAS/EMAIL C	ORRESPONDENCE E	ENTERED		009
01/31/2014		CRF	-A	1	CORRESPOND	DENCE RECEIVED IN	LAW OFFICE		008
01/31/2014		TRC	DA	ı	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		007
08/01/2013		GNF	RN	0	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED		006
08/01/2013		GNF	RT	F	NON-FINAL AC	TION E-MAILED			005
08/01/2013		CNF	RT	R	NON-FINAL AC	TION WRITTEN			004
07/26/2013		DOC	СК	D	ASSIGNED TO	EXAMINER			003
04/17/2013		NWC	os	I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM			
04/15/2013		NWA	AP	I	NEW APPLICA	NEW APPLICATION ENTERED IN TRAM			
			,	CURREN	T CORRESPON	NDENCE INFOR	MATION		·
ATTORNEY						Jonathan Ganz			
CORRESPONDENCE ADDRESS				JONATHAN GANZ THE GANZ LAW FIF 999 PEACHTREE S					

CURRENT CORRESPONDENCE INFORMATION					
ATTORNEY	Jonathan Ganz				
CORRESPONDENCE ADDRESS	JONATHAN GANZ THE GANZ LAW FIRM, P.C. 999 PEACHTREE ST NE STE 1120 ATLANTA, GA 30309-4471				
DOMESTIC REPRESENTATIVE	NONE				

In Pain? Call Kaine.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval)							
			OVER	RVIEW			
SERIAL NUMBER 85901296			FILING DATE			4/11/2013	
REG NUMBER			0000000	REG DATE			N/A
REGISTER			PRINCIPAL	MARK TYPE		SEF	RVICE MARK
INTL REG #			N/A	INTL REG DATE			N/A
TM ATTORNEY		CARL	SON, KRISTIN ELIZA	L.O. ASSIGNED			105
			PUB INFO	RMATION			
RUN DATE		02/14/2014					
PUB DATE		N/A					
STATUS		680-APPRO	VED FOR PUBLICATON				
STATUS DATE		02/13/2014					
LITERAL MARK ELEMENT		IN PAIN? CA	ALL KAINE.				
DATE ABANDONED			N/A	DATE CANCELLED			N/A
SECTION 2F			NO	SECTION 2F IN PART		NO NO	
SECTION 8			NO	SECTION 8 IN PART		NO	
SECTION 15			NO	REPUB 12C		N/A	
RENEWAL FILED			NO	RENEWAL DATE		N/A	
DATE AMEND REG			N/A				
			FILING	BASIS			
FILED	BASIS			NT BASIS		AMENDED	BASIS
1 (a)	YE	:S	1 (a)	YES	1 (a)		NO
1 (b)	N))	1 (b)	NO	1 (b)		NO
44D	N)	44D	NO	44D		NO
44E	N)	44E	NO	44E		NO
66A	N)	66A	NO			
NO BASIS	N)	NO BASIS	NO			
			MARK	L DATA			
STANDARD CHARACTER	MARK			YES			
LITERAL MARK ELEMENT				IN PAIN? CALL KAINE.			
MARK DRAWING CODE			4-STANDARD CHARACTER	R MARK			
COLOR DRAWING FLAG			NO				
			CURRENT OWNE	R INFORMATION			
PARTY TYPE				10-ORIGINAL APPLICANT			
NAME				Kaine, Evan L.			
ADDRESS				Suite 110 1200 Ashwood Parkway Atlanta, GA 30338			

01-INDIVIDUAL

ENTITY

CITIZENSHIP	United States of America
GOODS AN	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Legal services

				GOODS ANI	D SERVICES			
INTERNATIONAL CLASS 045								
DESCRIPTION TEXT					Legal services			
GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	ATIONAL 045 FIRST USE DATE 03/0		03/07/2013	FIRST USE IN COMMERCE DATE	03/07/2013	CLASS STATUS	6-ACTIVE	
			MISCELLA	ANEOUS INFO	RMATION/STAT	TEMENTS		
CHANGE IN REGIS	TRATION				NO			
NAME/PORTRAIT DESC/CONSENT The name(s), portrait(s), and/or signature(s) shown in the mark identifies whose consent(s) to register is made of record.						identifies Kaine,		
				PROSECUTION	ON HISTORY			
DATE		ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
02/13/2014		CNSA	0	APPROVED FC	R PUB - PRINCIPAL	REGISTER		010
02/01/2014		TEME	I	TEAS/EMAIL C	ORRESPONDENCE E	ENTERED		009
01/31/2014		CRFA	RFA I CORRESPONDENCE RECEIVED IN LAW O			LAW OFFICE		008
01/31/2014		TROA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		007
08/01/2013		GNRN	0	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED		006
08/01/2013		GNRT	F	NON-FINAL AC	TION E-MAILED			005
08/01/2013		CNRT	R	NON-FINAL AC	TION WRITTEN			004
07/26/2013		DOCK	D	ASSIGNED TO	ASSIGNED TO EXAMINER			
04/17/2013		NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				002
04/15/2013		NWAP	I	NEW APPLICATION ENTERED IN TRAM				001
			CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY					Jonathan Ganz			
CORRESPONDENCE ADDRESS				JONATHAN GANZ THE GANZ LAW FIF 999 PEACHTREE S ATLANTA GA 3030	T NE STE 1120			

CURRENT CORRESPONDENCE INFORMATION					
ATTORNEY	Jonathan Ganz				
CORRESPONDENCE ADDRESS	JONATHAN GANZ THE GANZ LAW FIRM, P.C. 999 PEACHTREE ST NE STE 1120 ATLANTA, GA 30309-4471				
DOMESTIC REPRESENTATIVE	NONE				

In Pain? Call Kaine.

NOTE TO THE FILE

SERIAL NUMBER: 85901296

DATE: 02/13/2014

NAME: kcarlson1

NOTE:

X Discussed substantive issues with Senior Attorney

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

α	VER	V /	171	NA/
•	1 1 2 1 3		11.5	* *

SERIAL NUMBER	85901296	FILING DATE	04/11/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CARLSON, KRISTIN ELIZA	L.O. ASSIGNED	105

PUB INFORMATION

TODINFORMATION							
RUN DATE	02/04/2014	02/04/2014					
PUB DATE	N/A						
STATUS	661-RESPONSE AFTER NON-FINAL-AC	TION-ENTERED					
STATUS DATE	02/01/2014						
LITERAL MARK ELEMENT	IN PAIN? CALL KAINE.						
DATE ABANDONED	N/A	DATE CANCELLED	N/A				
SECTION 2F	NO	SECTION 2F IN PART	NO				
SECTION 8	NO	SECTION 8 IN PART	NO				
SECTION 15	NO	REPUB 12C	N/A				
RENEWAL FILED	NO	NO RENEWAL DATE N/A					
DATE AMEND REG	N/A						

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	IN PAIN? CALL KAINE.
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kaine, Evan L.
ADDRESS	Suite 110 1200 Ashwood Parkway Atlanta, GA 30338
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Legal services				

					GOODS AN	D SERVICES			
INTERNATIONAL CLASS 045									
DESCRIPTION TEXT						Legal services			
				GOOI	OS AND SERVIC	CES CLASSIFICA	ATION		
INTERNATIONAL CLASS	045		FIRST U	SE DATE	03/07/2013	FIRST USE IN COMMERCE DATE	03/07/2013	CLASS STATUS	6-ACTIVE
			N	IISCELL	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION					NO			
NAME/PORTRAIT [DESC/CONSE	ENT					it(s), and/or signature register is made of re	(s) shown in the mark ecord.	identifies Kaine,
					PROSECUTI	ON HISTORY			
DATE		ENT	CD	ENT TYP	E DESCRIPTION				ENT NUM
02/01/2014		TEN	ИΕ	I	TEAS/EMAIL C	ORRESPONDENCE I	ENTERED		009
01/31/2014		CRF	FA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE 008			008	
01/31/2014		TRO	DA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		007
08/01/2013		GNF	RN	0	NOTIFICATION	OF NON-FINAL ACT	ION E-MAILED		006
08/01/2013		GNF	RT	F	NON-FINAL AC	CTION E-MAILED			005
08/01/2013		CNF	RT	R	NON-FINAL AC	CTION WRITTEN			004
07/26/2013		DOC	СК	D	ASSIGNED TO	EXAMINER			003
04/17/2013		NW	os	1	NEW APPLICA	TION OFFICE SUPPL	IED DATA ENTEREI	O IN TRAM	002
04/15/2013		NWA	AP	I	NEW APPLICA	TION ENTERED IN T	RAM		001
			,	CURREN	NT CORRESPON	NDENCE INFOR	MATION		
ATTORNEY						Jonathan Ganz			
CORRESPONDENC	CE ADDRESS	3				JONATHAN GANZ THE GANZ LAW FIF 999 PEACHTREE S ATLANTA, GA 3030	T NE STE 1120		

NONE

DOMESTIC REPRESENTATIVE

In Pain? Call Kaine.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered			
SERIAL NUMBER	85901296			
LAW OFFICE ASSIGNED	LAW OFFICE 105			
MARK SECTION				
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85901296			
LITERAL ELEMENT	IN PAIN? CALL KAINE.			
STANDARD CHARACTERS	YES			
USPTO-GENERATED IMAGE	YES			
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.			
EVIDENCE SECTION				
EVIDENCE FILE NAME(S)				
ORIGINAL PDF FILE	evi_1072121108-211153482 . In Pain Call Kaine USPTO Response Letter1-31-14pdf			
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\012\85901296\xml5\ROA0002.JPG			
	\\TICRS\EXPORT16\IMAGEOUT16\859\012\85901296\xml5\ROA0003.JPG			
ADDITIONAL STATEMENTS SECTION	ON			
NAME(S), PORTRAITS(S), SIGNATURE(S) OF INDIVIDUAL(S)				
CONSENT FILE NAME(S)				
ORIGINAL PDF FILE	consent-1072121108-211153482 In_Pain_Call_Kaine_USPTO_Response_Letter1-31-14pdf			
CONVERTED PDF FILE(S) (2 pages)	\\\TICRS\EXPORT16\IMAGEOUT16\859\\012\85901296\xml5\ROA0004.JPG			
	\\\TICRS\EXPORT16\\IMAGEOUT16\\859\\012\\85901296\\xml5\\ROA0005.JPG			
SIGNATURE SECTION				
RESPONSE SIGNATURE	/s Jonathan Ganz/			
SIGNATORY'S NAME	Jonathan Ganz			
SIGNATORY'S POSITION	Attorney of record, Georgia bar member			
SIGNATORY'S PHONE NUMBER	404-683-3300			
DATE SIGNED	01/31/2014			
AUTHORIZED SIGNATORY	YES			
FILING INFORMATION SECTION				
SUBMIT DATE	Fri Jan 31 22:42:01 EST 2014			
	USPTO/ROA-XXX.XXXX.XXXX-2 0140131224201391919-85901 296-5004e9867fca5391b5af2			

cdbb5897649d96936827eb1dd 13b9088358f4560ce27-N/A-N /A-20140131211153482043

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85901296** IN PAIN? CALL KAINE.(Standard Characters, see http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85901296) has been amended as follows:

EVIDENCE

Original PDF file:

evi_1072121108-211153482_._In_Pain_Call_Kaine_USPTO_Response_Letter__1-31-14_.pdf

Converted PDF file(s) (2 pages)

Evidence-1 Evidence-2

ADDITIONAL STATEMENTS

Name(s), Portrait(s), Signature(s) of individual(s)

The name(s), portrait(s), and/or signature(s) shown in the mark identifies Kaine, whose consent(s) to register is made of record.

Original PDF file:

consent-1072121108-211153482 . In Pain Call Kaine USPTO Response Letter 1-31-14 .pdf

Converted PDF file(s) (2 pages)

Consent File1
Consent File2

SIGNATURE(S)

Response Signature

Signature: /s Jonathan Ganz/ Date: 01/31/2014

Signatory's Name: Jonathan Ganz

Signatory's Position: Attorney of record, Georgia bar member

Signatory's Phone Number: 404-683-3300

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85901296

Internet Transmission Date: Fri Jan 31 22:42:01 EST 2014

TEAS Stamp: USPTO/ROA-XXX.XXX.XXXX-2014013122420139

1919-85901296-5004e9867fca5391b5af2cdbb5 897649d96936827eb1dd13b9088358f4560ce27-

N/A-N/A-20140131211153482043

THE GANZ LAW FIRM, P.C.

999 Peachtree St. NE, Suite 1120 Atlanta, GA 30309 404.683.3300 (voice) 404.856.3250 (fax)

January 22, 2014

Confidential (via USPTO Filing System)

Kristin Carlson Trademark Examining Attorney U.S. Patent and Trademark Office Law Office 105

Re: Applicant Evan Kaine's Response to Office Action Letter in connection with U.S. Application Serial No. 85901296 for 'In Pain? Call Kaine.' (the "Mark").

Ms. Carlson:

As you are aware, we represent Evan Kaine ("Kaine") in filing for the Mark with the U.S. Patent and Trademark Office ("USPTO"). We have reviewed your previous office action and request that you reconsider your previous position that there is a Likelihood of Confusion between the Mark and previously registered mark of Accident? In Pain? Call Shane" (the "Other Mark"). We believe that the Mark and the Other Mark are different in many ways and are not likely to be confused with one another.

In particular, the Other Mark asks a series of questions before telling you to call a person known by his first name (Shane), whereas the Mark has one question and suggests that you call a person known by his last name (Kaine). The mere fact that Shane and Kaine rhyme is the only similarity between the two words. But when the Mark and the Other Mark are both said aloud, it becomes clear that "accident (question mark pause) in pain (question mark pause) call Shane" is not similar or likely to be confused with "in pain (question mark pause) call Kaine".

Merely having common wording, i.e. "in pain", is not enough to link the Mark and the Other Mark. If the Other Mark was merely "In pain? Call Shane?", we would agree that it is similar to the Mark. However, that is not the case. "Accident" is an integral part of the Other Mark. One cannot be granted a likelihood of confusion carrot restricting other potential parties registering marks if the merely parts of the previously-registered mark are similar to the applied for mark. If that were the case, then parties who register and hold marks for lengthy phrases could restrict others from using mere parts of that phrase.

Finally, as requested, we make note that the name Kaine identifies a living individual whose consent is of record, as found below with Evan Kaine's written consent at the end of this response letter.

We thank you for reviewing and revising your previous office action and granting USPTO Registration status to the Mark. If you have any questions relating to this matter, please contact me at jonathan.ganz@ganzlawfirm.com or 404.683.3300.

Yours truly,

/s Jonathan Ganz/

I consent to the use and registration of my name Kaine as service mark with the USPTO. /s Evan Kaine/

THE GANZ LAW FIRM, P.C.

999 Peachtree St. NE, Suite 1120 Atlanta, GA 30309 404.683.3300 (voice) 404.856.3250 (fax)

January 22, 2014

Confidential (via USPTO Filing System)

Kristin Carlson Trademark Examining Attorney U.S. Patent and Trademark Office Law Office 105

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Yours truly,

/s Jonathan Ganz/

I consent to the use and registration of my name Kaine as service mark with the USPTO. /s Evan Kaine/

NOTE TO THE FILE

SERIAL NUMBER: 85901296

DATE: 01/24/2014

NAME: kcarlson1

NOTE: Discussed file with applicant's attorney via phone re: Section 2(d) refusal, response and appeal options, general prosecution procedure.

To: Kaine, Evan L. (JONATHAN.GANZ@GANZLAWFIRM.COM)

Subject: U.S. TRADEMARK APPLICATION NO. 85901296 - IN PAIN? CALL KAINE. - N/A

Sent: 8/1/2013 1:13:42 PM

Sent As: ECOM105@USPTO.GOV

Attachments: <u>Attachment - 1</u>

Attachment - 2

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

U.S. APPLICATION SERIAL NO. 85901296

MARK: IN PAIN? CALL KAINE.

85901296

CORRESPONDENT ADDRESS:

JONATHAN GANZ THE GANZ LAW FIRM, P.C. 999 PEACHTREE ST NE STE 1120 ATLANTA, GA 30309-4471

APPLICANT: Kaine, Evan L.

CLICK HERE TO RESPOND TO THIS LETTER: http://www.uspto.gov/trademarks/teas/response_forms.jsp

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

JONATHAN.GANZ@GANZLAWFIRM.COM

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 8/1/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS:

- SECTION 2(d) REFUSAL LIKELIHOOD OF CONFUSION
- NAME OF AN INDIVIDUAL

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION:

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. **3763007**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq*. See the attached registration.

Applicant has applied to register the mark IN PAIN? CALL KAINE. for "legal services."

Registrant owns Reg. No. 3763007 for the mark ACCIDENT? IN PAIN? CALL SHANE! for "legal services."

General Principles in Determining Likelihood of Confusion

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d).

The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567

In this case, the following factors are the most relevant: similarity of the marks, similarity of the services, and similarity of trade channels of the services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). Second, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Comparison of the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

In this case, the applied-for mark is similar to the cited registered mark in appearance, sound, meaning or connotation and commercial impression because the wording IN PAIN? CALL KAINE. in the applied-for mark is nearly identical to the wording IN PAIN? CALL SHANE! in the cited mark. Slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); *see In re Viterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012).

Although the applied-for mark does not include the term ACCIDENT? in its mark, the mere deletion of wording from a registered mark may not be sufficient to overcome a likelihood of confusion. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257 (Fed. Cir. 2010); *In re Optica Int'l*, 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(b)(ii)-(iii). The applied-for mark in this case does not create a distinct commercial impression because it contains common wording to that the cited mark, and there is no wording in the applied-for mark that distinguishes it or sets it apart from the cited registered mark.

Therefore, the applied-for mark creates a highly similar commercial impression to the cited mark.

In addition, where the goods and/or services of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (citing *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992)); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); TMEP §1207.01(b). As discussed below, the services in this case are identical.

Comparison of the Services

In a likelihood of confusion analysis, the comparison of the parties' goods and/or services is based on the goods and/or services as they are identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); *see Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267-68, 62 USPQ2d 1001, 1004-05 (Fed. Cir. 2002); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1638-39 (TTAB 2009); TMEP §1207.01(a)(iii).

In the present case, applicant's services are "legal services" and registrant's services are also "legal services." Thus, the services are identical, and it is presumed that they move in all normal channels of trade and are available to all potential customers. *See Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re La Peregrina Ltd.*, 86 USPQ2d 1645, 1646 (TTAB 2008); TMEP §1207.01(a)(iii).

Accordingly, as the services are identical, they are considered related for purposes of the likelihood of confusion analysis.

Therefore, the applied-for mark is refused registration under Trademark Act Section 2(d). Although the applied-for mark has been refused registration, applicant may respond by submitting evidence and arguments in support of registration.

NAME OF AN INDIVIDUAL:

The wording "KAINE" in the applied-for mark appears to identify the name of an individual; however, the application does not include this named party's written consent to register the name as a trademark or service mark. Written consent is required for registration of a mark containing a name, including a pseudonym, stage name or nickname, if the name identifies a particular living individual. Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §§813, 1206.04(a). Therefore, applicant must clarify whether this name identifies a particular living individual and, if so, provide a written consent from this individual, as explained further below. 37 C.F.R. §2.61(b); TMEP §§813, 1206.04(a).

If the name in the mark does identify a particular living individual, then applicant must submit the following:

- (1) A statement that: "The name KAINE identifies a living individual whose consent is of record." Further, if the name in the mark represents that of a pseudonym, stage name, or nickname, applicant must include a statement that: "The name KAINE identifies the pseudonym/stage name/nickname of _______[specify actual name], a living individual whose consent is of record";
- (2) A written consent, personally signed by the individual whose name appears in the mark, authorizing applicant to register the name, pseudonym, stage name or nickname as a trademark and/or service mark with the USPTO (e.g., "I consent to the use and registration of my name KAINE as a service mark with the USPTO").

TMEP §§813, 813.01(a), 1206.04(a); see 37 C.F.R. §2.61(b).

However, if the name in the mark does not identify a particular living individual, then applicant must submit the following statement:

The name KAINE does not identify a living individual.

TMEP §§813.01(b), 1206.05; see 37 C.F.R. §2.61(b).

<u>and</u>

Failure to respond to this inquiry is a sufficient basis for refusing registration. See In re Cheezwhse.com, Inc., 85 USPQ2d 1917, 1919 (TTAB 2008); In re DTI P'ship LLP, 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814.

TEAS PLUS APPLICANTS MUST RESPOND ELECTRONICALLY OR SUBMIT FEE:

Applicant is directed to respond online using the "Response to Examining Attorney Office Action Form" available at http://www.uspto.gov/trademarks/teas/response_forms.jsp. Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04.

If applicant does not respond to this Office Action within six months of the issue date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §\$2.65(a), 2.68(a), 2.209(a); TMEP §\$405.04, 718.01, 718.02.

/Kristin Carlson/ Trademark Examining Attorney U.S. Patent and Trademark Office Law Office 105 Tel: 571-272-2240 kristin.carlson@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the

response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

Print: Jul 26, 2013 77799398

DESIGN MARK

Serial Number

77799398

Status

REGISTERED

Word Mark

ACCIDENT? IN PAIN? CALL SHANE!

Standard Character Mark

Yes

Registration Number

3763007

Date Registered

2010/03/23

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Shane E. Fischer, P.A. CORPORATION FLORIDA 1746 E. Silver Star Road #216 Ocoee FLORIDA 34761

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Legal services. First Use: 2007/06/30. First Use In Commerce: 2007/06/30.

Filing Date

2009/08/07

Examining Attorney

GAAFAR, MICHAEL

Attorney of Record

Amber L. Neilson

ACCIDENT? IN PAIN? CALL SHANE!

To: Kaine, Evan L. (JONATHAN.GANZ@GANZLAWFIRM.COM)

Subject: U.S. TRADEMARK APPLICATION NO. 85901296 - IN PAIN? CALL KAINE. - N/A

Sent: 8/1/2013 1:13:43 PM

Sent As: ECOM105@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 8/1/2013 FOR U.S. APPLICATION SERIAL NO. 85901296

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 8/1/2013 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation warnings.jsp.

***	Heer	kcarlson1	***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	1	0	1	1	0:01	85901296[SN]
02	525985	N/A	0	0	0:02	*{"iy"}n*[BI,TI] AND LIVE[LD]
03	36037	N/A	0	0	0:02	*{"kcqx"}a{v0:1}n*[BI,TI] AND LIVE[LD]
04	2676	N/A	0	0	0:01	*pa{"iy"}n*[BI,TI] AND LIVE[LD]
05	36037	N/A	0	0	0:02	*{"kcqx"}al*[BI,TI] AND LIVE[LD]
06	3	0	3	3	0:01	2 and 3 and 4 and 5
07	1145	N/A	3	3	0:01	3 and 5
08	15	0	15	15	0:01	*ka{"iy"}ne*[BI,TI] AND LIVE[LD]
09	62	0	62	59	0:01	*ka{"iy"}n*[BI,TI] AND LIVE[LD]
10	255	N/A	0	0	0:02	*{"kcqx"}a{"iy"}n*[BI,TI] AND LIVE[LD]
11	3927	N/A	0	0	0:01	*call*[BI,TI] AND LIVE[LD]
12	1	0	1	1	0:01	10 and 11
13	120482	N/A	0	0	0:02	in[BI,TI] AND LIVE[LD]
14	234	N/A	51	50	0:01	13 and 4
15	13	0	13	13	0:02	"in pain"[BI,TI] AND LIVE[LD]
16	9	0	9	8	0:01	4 and 11
17	2	0	2	2	0:01	"Kaine, Evan"[on]

Session started 7/26/2013 5:45:35 PM Session finished 7/26/2013 6:07:58 PM Total search duration 0 minutes 23 seconds Session duration 22 minutes 23 seconds Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85901296

In Pain? Call Kaine.



1200 ASHWOOD PARKWAY • SUITE 110 • ATLANTA, GEORGIA • 30338

PHONE: (404) 214-2001 • FAX: (404) 214-1774

1-888-KAINE-LAW • www.elawpractice.com

VIA ELECTRONIC MAIL ONLY: jonathan.ganz@ganzlawfirm.com

March 7, 2013

Jonathan E. Ganz The Ganz Law Firm, P.C. 999 Peachtree Street Suite 1120 Atlanta, GA 30309

RE: Legal Services Retainer – Trademark

Dear Mr. Ganz:

As discussed, we have retained your office to register our trademark as listed below:

In Pain? Call Kaine.

I would like this trademark registered to me personally instead of my corporate entity.

Please charge my American Express credit card for the services we discussed as follows:

Costs: \$275.00 filing fee

\$625.00 legal services retainer fee (estimated 2.5 hours at \$250.00/hour)

\$27.00 American Express credit card fee

Total to be charged: \$927.00

The credit card to be billed is:

American Express: 371551558583004 Exp. 12/15 CID: 9309

The card is billed in my name to: 1200 Ashwood Parkway, Suite 110 Atlanta, GA 30338

I look forward to your confirmation of filing and periodic updates.

Truly yours,

Evan L. Kaine Attorney at Law

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85901296 Filing Date: 04/11/2013

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	In Pain? Call Kaine.
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	In Pain? Call Kaine.
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	N
*OWNER OF MARK	Kaine, Evan L.
INTERNAL ADDRESS	Suite 110
*STREET	1200 Ashwood Parkway
*CITY	Atlanta
*STATE (Required for U.S. applicants)	Georgia
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	30338
PHONE	(404) 214-2001
FAX	(404) 214-1774
EMAIL ADDRESS	ekaine@elawpractice.com
WEBSITE ADDRESS	www.elawpractice.com
LEGAL ENTITY INFORMAT	TION
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES	AND BASIS INFORMATION

*INTERNATIONAL CLASS	045
*IDENTIFICATION	Legal services
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/07/2013
FIRST USE IN COMMERCE DATE	At least as early as 03/07/2013
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-6919810182-120825268Retainer_Letter_to_Atty_Ganz_re_Trademark3-7-13pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\859\012\85901296\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Scanned Retainer Letter.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Jonathan Ganz
FIRM NAME	The Ganz Law Firm, P.C.
INTERNAL ADDRESS	Suite 1120
STREET	999 Peachtree St. NE
CITY	Atlanta
STATE	Georgia
COUNTRY	United States
ZIP/POSTAL CODE	30309
PHONE	4046833300
FAX	404-856-3250
EMAIL ADDRESS	JONATHAN.GANZ@GANZLAWFIRM.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Jonathan Ganz
FIRM NAME	The Ganz Law Firm, P.C.
INTERNAL ADDRESS	Suite 1120
*STREET	999 Peachtree St.

*CITY	Atlanta
*STATE (Required for U.S. applicants)	Georgia
*COUNTRY	United States
*ZIP/POSTAL CODE	30309
PHONE	4046833300
FAX	404-856-3250
*EMAIL ADDRESS	JONATHAN.GANZ@GANZLAWFIRM.COM
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jonathan Ganz/
* SIGNATORY'S NAME	Jonathan Ganz
* SIGNATORY'S POSITION	Attorney of Record, Georgia Bar member
SIGNATORY'S PHONE NUMBER	404-683-3300
* DATE SIGNED	04/11/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85901296 Filing Date: 04/11/2013

To the Commissioner for Trademarks:

MARK: In Pain? Call Kaine. (Standard Characters, see <u>mark</u>)
The literal element of the mark consists of In Pain? Call Kaine..
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Evan L. Kaine, a citizen of United States, having an address of Suite 110, 1200 Ashwood Parkway Atlanta, Georgia 30338
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/07/2013, and first used in commerce at least as early as 03/07/2013, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned Retainer Letter..

Original PDF file:

SPE0-6919810182-120825268 . Retainer Letter to Atty Ganz re Trademark 3-7-13 .pdf Converted PDF file(s) (1 page)
Specimen File1

For informational purposes only, applicant's website address is: www.elawpractice.com The applicant's current Attorney Information:

Jonathan Ganz of The Ganz Law Firm, P.C. Suite 1120 999 Peachtree St. NE Atlanta, Georgia 30309 United States

The applicant's current Correspondence Information:

Jonathan Ganz The Ganz Law Firm, P.C. Suite 1120 999 Peachtree St. Atlanta, Georgia 30309 4046833300(phone) 404-856-3250(fax)

JONATHAN.GANZ@GANZLAWFIRM.COM (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

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. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that 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: /Jonathan Ganz/ Date Signed: 04/11/2013

Signatory's Name: Jonathan Ganz

Signatory's Position: Attorney of Record, Georgia Bar member

RAM Sale Number: 85901296 RAM Accounting Date: 04/11/2013

Serial Number: 85901296

Internet Transmission Date: Thu Apr 11 12:16:42 EDT 2013

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-2013041112164293

 $6146-85901296-500f47936c7433b0f13dbd9313\\ a12df469cc16252fa8cb41b36d765ad919554-CC$

-9382 - 20130411120825268931

In Pain? Call Kaine.



1200 ASHWOOD PARKWAY • SUITE 110 • ATLANTA, GEORGIA • 30338 PHONE: (404) 214-2001 • FAX: (404) 214-1774

1-888-KAINE-LAW • www.elawpractice.com

VIA ELECTRONIC MAIL ONLY: jonathan.ganz@ganzlawfirm.com

March 7, 2013

Jonathan E. Ganz The Ganz Law Firm, P.C. 999 Peachtree Street Suite 1120 Atlanta, GA 30309

RE: Legal Services Retainer – Trademark

Dear Mr. Ganz:

As discussed, we have retained your office to register our trademark as listed below:

In Pain? Call Kaine.

I would like this trademark registered to me personally instead of my corporate entity.

Please charge my American Express credit card for the services we discussed as follows:

Costs: \$275.00 filing fee

\$625.00 legal services retainer fee (estimated 2.5 hours at \$250.00/hour)

\$27.00 American Express credit card fee

Total to be charged: \$927.00

The credit card to be billed is:

American Express: 371551558583004 Exp. 12/15 CID: 9309

The card is billed in my name to: 1200 Ashwood Parkway, Suite 110 Atlanta, GA 30338

I look forward to your confirmation of filing and periodic updates.

Truly yours,

Evan L. Kaine Attorney at Law Generated on: This page was generated by TSDR on 2016-11-30 10:59:21 EST

Mark: CALL 4 HELP!

CALL 4 HELP!

US Serial Number: 85968277 Application Filing Jun. 24, 2013

Date:

US Registration 4445418 Registration Date: Dec. 03, 2013

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus: Plus:

Register: Supplemental Mark Type: Service Mark

Amended to No Date Amended to Oct. 08, 2013

Principal Register: Current Register:

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 03, 2013

Mark Information

Mark Literal CALL 4 HELP!

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

Use in Commerce: Feb. 04, 2013 First Use: Feb. 04, 2013

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Filed ITU: No Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Dudley DeBosier, A Professional Law Corporation

Owner Address: 1075 Government Street

Baton Rouge, LOUISIANA 70802

UNITED STATES

Exhibit I Larry Pitt & Assoc., P.C. v. **Lundy Law, LLP Opposition No. 91/210158**

Legal Entity Type: CORPORATION

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paul W. Kruse Docket Number: 04616-JBL038

Attorney Primary trademarks@jamesbewleylaw.com Email Address: Attorney Email Yes Authorized:

Correspondent

Correspondent PAUL W. KRUSE

Name/Address: JAMES BEWLEY LAW, PLLC

300 10TH AVE S

NASHVILLE, TENNESSEE 37203-4125

UNITED STATES

Phone: 615-477-2167

Correspondent e- trademarks@jamesbewleylaw.com

mail:

Correspondent e- Yes mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 03, 2013	REGISTERED-SUPPLEMENTAL REGISTER	
Oct. 29, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Oct. 28, 2013	ASSIGNED TO LIE	66213
Oct. 10, 2013	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Oct. 09, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 08, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 08, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2013	NON-FINAL ACTION WRITTEN	73708
Oct. 02, 2013	ASSIGNED TO EXAMINER	73708
Jul. 09, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 06, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 27, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

 Current Location:
 PUBLICATION AND ISSUE SECTION
 Date in Location:
 Dec. 03, 2013

United States of America United States Patent and Trademark Office

CALL 4 HELP!

Reg. No. 4,445,418 DUDLEY DEBOSIER, A PROFESSIONAL LAW CORPORATION (LOUISIANA

CORPORATION)

Registered Dec. 3, 2013 1075 GOVERNMENT STREET BATON ROUGE, LA 70802

Int. Cl.: 45

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK FIRST USE 2-4-2013; IN COMMERCE 2-4-2013.

SUPPLEMENTAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-968,277, FILED P.R. 6-24-2013; AM. S.R. 10-8-2013.

RONALD MCMORROW, EXAMINING ATTORNEY



Commissioner for Trademarks of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85968277	FILING DATE	06/24/2013
REG NUMBER	0000000	REG DATE	12/03/2013
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MCMORROW, RONALD G	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	10/30/2013	10/30/2013			
PUB DATE	N/A	N/A			
STATUS	681-PUBLICATION/ISSUE REVIE	681-PUBLICATION/ISSUE REVIEW COMPLETE			
STATUS DATE	10/29/2013	10/29/2013			
LITERAL MARK ELEMENT	CALL 4 HELP!	CALL 4 HELP!			
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO	SECTION 8 IN PART	NO		
SECTION 15	NO	REPUB 12C	N/A		
RENEWAL FILED	NO	RENEWAL DATE	N/A		
DATE AMEND REG	10/08/2013				

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CALL 4 HELP!
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Dudley DeBosier, A Professional Law Corporation
ADDRESS	1075 Government Street Baton Rouge, LA 70802
ENTITY	03-CORPORATION

CITIZENSHIP	Louisiana			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL C	1 400								
INTERNATIONAL CLASS				045					
DESCRIPTION TEXT				Legal services					
			GOOD	S AND SERVIC	CES CLASSIFICA	ATION			
INTERNATIONAL CLASS	FIRST USE DATE 02/04/2013 FIRST USE IN 02/04/2013 CLASS STATUS 6-ACT				CTIVE				
			MISCELLA	ANEOUS INFO	RMATION/STA	FEMENTS			
CHANGE IN REGIS	TRATION				NO				
PSEUDO MARK					CALL FOUR HELP!	; CALL FOR HELP!			
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CURRENT CORRESPONDENCE INFORMATION			
ATTORNEY	Paul W. Kruse		
CORRESPONDENCE ADDRESS	PAUL W. KRUSE JAMES BEWLEY LAW, PLLC 300 10TH AVE S NASHVILLE, TN 37203-4125		
DOMESTIC REPRESENTATIVE	NONE		

CALL 4 HELP!

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval)

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SERIAL NUMBER	85968277	FILING DATE	06/24/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MCMORROW, RONALD G	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	10/11/2013	10/11/2013				
PUB DATE	N/A					
STATUS	680-APPROVED FOR PUBLICATON	680-APPROVED FOR PUBLICATON				
STATUS DATE	10/10/2013	10/10/2013				
LITERAL MARK ELEMENT	CALL 4 HELP!					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	10/08/2013					

FILING BASIS

FILED BASIS CURREN		IT BASIS	AMENDED BASIS		
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CALL 4 HELP!
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Dudley DeBosier, A Professional Law Corporation
ADDRESS	1075 Government Street Baton Rouge, LA 70802
ENTITY	03-CORPORATION

CITIZENSHIP	Louisiana	
GOODS AND SERVICES		
INTERNATIONAL CLASS	045	
DESCRIPTION TEXT	Legal services	

DESCRIPTION TEXT			Legal services					
			GOOD	S AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL CLASS	045	FIRST U	SE DATE	02/04/2013	FIRST USE IN COMMERCE DATE	02/04/2013	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGIS	TRATION				NO			
PSEUDO MARK					CALL FOUR HELP!	; CALL FOR HELP!		
				PROSECUTION	ON HISTORY			
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10/10/2013	CI	ATA	0	O APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER 011				
10/09/2013	TE	EME	I	I TEAS/EMAIL CORRESPONDENCE ENTERED 010				
	CF	RFA	ı	I CORRESPONDENCE RECEIVED IN LAW OFFICE 009				
10/08/2013				1	ENCE RECEIVED IN	LAW OI FIOL		00
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CURRENT CORRESPONDENCE INFORMATION		
ATTORNEY	Paul W. Kruse	
CORRESPONDENCE ADDRESS	PAUL W. KRUSE JAMES BEWLEY LAW, PLLC 300 10TH AVE S NASHVILLE, TN 37203-4125	
DOMESTIC REPRESENTATIVE	NONE	

CALL 4 HELP!

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

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SERIAL NUMBER	85968277	FILING DATE	06/24/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MCMORROW, RONALD G	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	10/10/2013	10/10/2013		
PUB DATE	N/A	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-A	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	10/09/2013	10/09/2013		
LITERAL MARK ELEMENT	CALL 4 HELP!	CALL 4 HELP!		
DATE ABANDONED	N/A	DATE CANCELLED	N/A	
SECTION 2F	NO	SECTION 2F IN PART	NO	
SECTION 8	NO	SECTION 8 IN PART	NO	
SECTION 15	NO	REPUB 12C	N/A	
RENEWAL FILED	NO	RENEWAL DATE	N/A	
DATE AMEND REG	10/08/2013			

FILING BASIS

FILED BASIS CURREN		IT BASIS	AMENDED BASIS		
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CALL 4 HELP!
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Dudley DeBosier, A Professional Law Corporation
ADDRESS	1075 Government Street Baton Rouge, LA 70802
ENTITY	03-CORPORATION

CITIZENSHIP	Louisiana			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Legal services			

INTERNATIONAL C	CLASS					045				
DESCRIPTION TEXT					Legal services					
				GOOD	S AND SERVIO	CES CLASSIFICA	ATION			
INTERNATIONAL CLASS	045	5 FIRST I		SE DATE	02/04/2013	FIRST USE IN COMMERCE DATE	OMMERCE		6-ACTIVE	
			N	IISCELL.	ANEOUS INFO	RMATION/STA	FEMENTS			
CHANGE IN REGISTRATION						NO				
PSEUDO MARK					CALL FOUR HELP!;	CALL FOUR HELP!; CALL FOR HELP!				
					PROSECUTI	ON HISTORY				
DATE EN		ENT	CD	ENT TYPE	DESCRIPTION	DESCRIPTION				ENT NUM
0/09/2013 TEME I TEAS/EMAIL CORRESPONDENCE ENTERED						010				
10/08/2013		CRF	-A	I	CORRESPONI	CORRESPONDENCE RECEIVED IN LAW OFFICE				009
10/08/2013		TRC	DA	I	TEAS RESPO	TEAS RESPONSE TO OFFICE ACTION RECEIVED				800
10/04/2013		GNF	RN	0	NOTIFICATION	NOTIFICATION OF NON-FINAL ACTION E-MAILED 00				007
10/04/2013		GNF	RT	F	NON-FINAL AG	NON-FINAL ACTION E-MAILED 006				006
10/04/2013		CNF	RT	R	NON-FINAL AG	NON-FINAL ACTION WRITTEN 005				005
10/02/2013		DOC	CK	D	ASSIGNED TO	ASSIGNED TO EXAMINER 004				004
07/09/2013		MPN	ИΚ	E	NOTICE OF P	NOTICE OF PSEUDO MARK E-MAILED 003				
07/06/2013		NWO	os	ı	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM 002				
06/27/2013 NWAP I NEW APPLICA			TION ENTERED IN TRAM 001				001			
			(CURREN	T CORRESPO	NDENCE INFOR	MATION			
ATTORNEY						Paul W. Kruse				
CORRESPONDEN	CE ADDRESS	3				PAUL W. KRUSE JAMES BEWLEY LA 300 10TH AVE S NASHVILLE, TN 372				

NONE

DOMESTIC REPRESENTATIVE

CALL 4 HELP!

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85968277
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85968277
LITERAL ELEMENT	CALL 4 HELP!
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Paul W. Kruse/
SIGNATORY'S NAME	Paul W. Kruse
SIGNATORY'S POSITION	Attorney of record, TN bar mamber
SIGNATORY'S PHONE NUMBER	615-238-6304
DATE SIGNED	10/08/2013
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Oct 08 16:01:25 EDT 2013
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XXX-2 0131008160125652656-85968 277-500237a9684cca41c4979 13b20ca8d8f9c208c4453b6da bcc14dd199961348dd-N/A-N/ A-20131008160007384281

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85968277) has been amended as follows:

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S) Response Signature

Signature: /Paul W. Kruse/ Date: 10/08/2013

Signatory's Name: Paul W. Kruse

Signatory's Position: Attorney of record, TN bar mamber

Signatory's Phone Number: 615-238-6304

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85968277

Internet Transmission Date: Tue Oct 08 16:01:25 EDT 2013

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XXX-2013100816012565

 $2656-85968277-500237a9684cca41c497913b20\\ca8d8f9c208c4453b6dabcc14dd199961348dd-N$

/A-N/A-20131008160007384281

To: Dudley DeBosier, A Professional Law Corp ETC. (trademarks@jamesbewleylaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85968277 - CALL 4 HELP! - 04616-JBL038

Sent: 10/4/2013 3:27:17 PM

Sent As: ECOM105@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3

Attachment - 4

Attachment - 5

Attachment - 6
Attachment - 7

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Attachment - 9
Attachment - 10

Attachment - 11

Attachment - 1

Attachment - 12

Attachment - 13

Attachment - 14

Attachment - 15

Attachment - 16

Attachment - 17

Attachment - 18

Attachment - 19

Attachment - 20

Attachment - 21

Attachment - 22

Attachment - 23

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85968277

MARK: CALL 4 HELP!

85968277

CORRESPONDENT ADDRESS:

PAUL W. KRUSE

CLICK HERE TO RESPOND TO THIS LETTER:

JAMES BEWLEY LAW, PLLC http://www.uspto.gov/trademarks/teas/response_forms.jsp

300 10TH AVE S

NASHVILLE, TN 37203-4125

APPLICANT: Dudley DeBosier, A Professional Law Corp ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

04616-JBL038

CORRESPONDENT E-MAIL ADDRESS:

trademarks@jamesbewleylaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 10/4/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search Results

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

Descriptive Refusal

Registration is refused because the applied-for mark merely describes a feature of the applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd., 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing Estate of P.D. Beckwith, Inc. v. Comm'r of Patents, 252 U.S. 538, 543 (1920)).

In this case, the applicant is using the proposed mark, CALL 4 HELP!, in connection with "Legal services." The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

In this case, when the proposed mark is considered in relation to the services, it very clearly indicates that consumers may CALL FOR HELP with legal problems.

A novel spelling or an intentional misspelling that is the phonetic equivalent of a descriptive term is also descriptive if purchasers would perceive

the different spelling as the equivalent of the descriptive term. See In re ING Direct Bancorp, 100 USPQ2d 1681, 1690 (TTAB 2011) (holding PERSON2PERSON PAYMENT generic for direct electronic funds transfers including electronic payment services between individuals); TMEP §1209.03(j). In this case, the use of the numeral 4 in place of the word FOR does not alter the descriptive significance of the mark as a whole.

As evidence in support of the refusal, the examining attorney has attached definitions of the terms CALL and HELP from www.collinsdictionary.com and copies of several webpages advertising legal services and inviting potential customers to call for help with legal problems. Material obtained from the Internet is generally accepted as competent evidence. *See In re Fitch IBCA Inc.*, 64 USPQ2d 1058, 1060-61 (TTAB 2002) (accepting Internet evidence to show descriptiveness); TBMP §1208.03; TMEP §710.01(b).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Supplemental Register

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under Trademark Act Section 2(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

See 15 U.S.C. §§1052(d), 1091, 1094; TMEP §815.

Response

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

Examining Attorney

Law Office 105

571-272-9306

ronald.mcmorrow@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

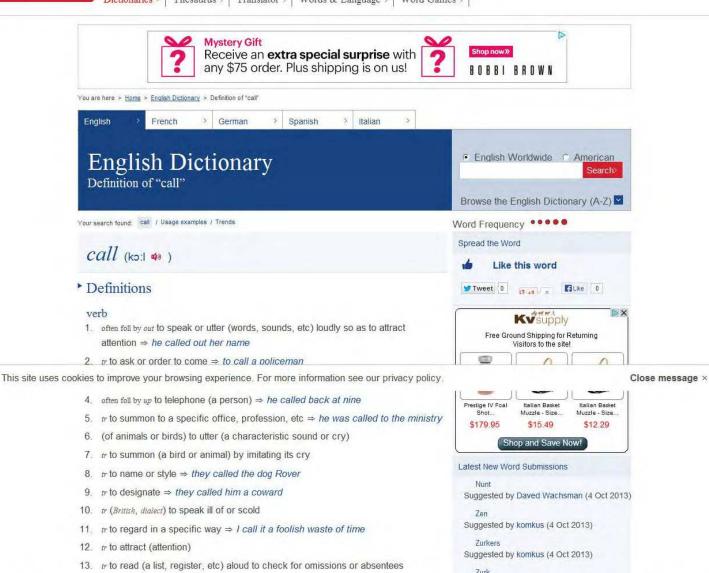
TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

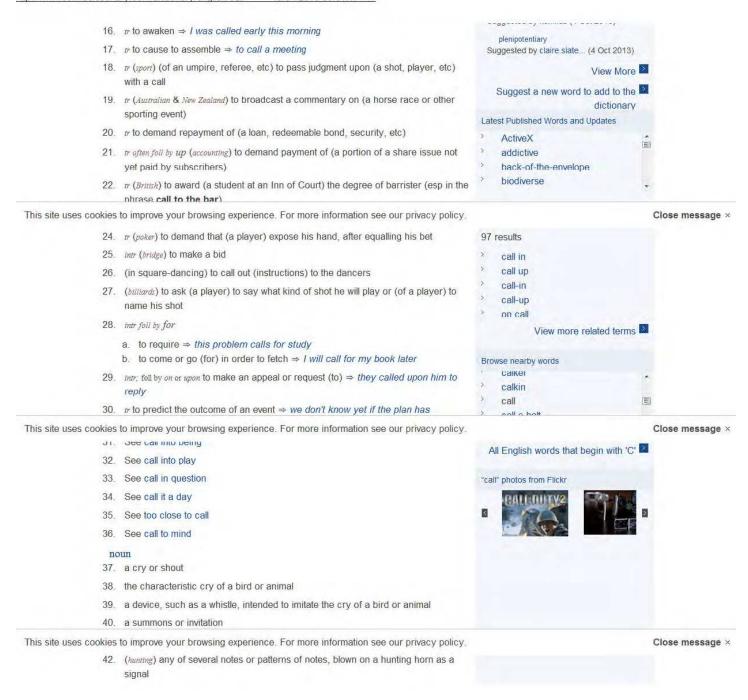
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Suggested by komkus (4 Oct 2013)





43. (hunting) a. an imitation of the characteristic cry of a wild animal or bird to lure it to the b. an instrument for producing such an imitation 44. a short visit ⇒ the doctor made six calls this morning 45. an inner urge to some task or profession; vocation 46. allure or fascination, esp of a place ⇒ the call of the forest 47. (British) the summons to the bar of a student member of an Inn of Court 48. need, demand, or occasion ⇒ there is no call to shout, we don't get much call This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × 50. (theatre) a notice to actors informing them of times of rehearsals 51. (in square dancing) an instruction to execute new figures 52. a conversation or a request for a connection by telephone 53. (business) a. a demand for repayment of a loan b. (as modifier) ⇒ call money 54. (finance) a. a demand for redeemable bonds or shares to be presented for repayment b. a demand for an instalment payment on the issue price of bonds or shares 55. (billiards) a demand to an opponent to say what kind of shot he will play EG / 1) a damand for a hand ar hands to be supposed This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × 58. a decision or judgment ⇒ it's your call 59. (sport) a decision of an umpire or referee regarding a shot, pitch, etc 60. (Australian) a broadcast commentary on a horse race or other sporting event 61. Also called: call option (stock exchange) an option to buy a stated amount of securities at a specified price during a specified period Compare put (sense 20) 62. See roll call 63. See call for margin 64. See call of nature 65. See on call 66. See within call

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call down, call forth, call in, call off, call out, call up

LTT7 10 11

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▶ Word Origin Old English ceallian; related to Old Norse kalla, Old High German kallon, Old Slavonic alasŭ voice Synonyms View thesaurus entry = name, entitle, dub, designate, term, style, label, describe as, christen, denominate = consider, think, judge, estimate, describe as, refer to as, regard as = cry, announce, shout, scream, proclaim, yell, cry out, whoop, - phone contact telephone ring (up) give (someone) a bell. Skype video call. This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × = hail, address, summon, contact, halloo = summon, gather, invite, rally, assemble, muster, convene, convoke, collect, = visit, come, go to, drop in, stop by, pop in = waken, arouse, awaken, rouse = telephone call, bell, phone call, buzz, tinkle, ring, video call, Skype = request, order, demand, appeal, notice, command, announcement, invitation, plea, summons, supplication = demand, need, market, requirement, necessity = need, cause, reason, grounds, occasion, excuse, justification, claim = attraction, draw, pull, appeal, lure, attractiveness, allure, magnetism = cry, shout, scream, yell, whoop, This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × Translations for 'call' British English: call 🐠 When you make a telephone call, you Show more telephone someone. I made a phone call to talk to my friend.ko : I NOUN Arabic: مُكَالَمَة 🐠 Brazilian Portuguese: chamada Chinese: 呼叫 🐠 Croatian: poziv Czech: teletonat 🕬 Danish: opkald 🕬 Dutch: telefoongesprek 🕬 European Spanish: llamada 🕬 Finnish: huuto 🕬 French: appel 40 téléphone German: Ruf 🕬 Greek: κλήση 🐠 Jananoco: 呼作吉 🖦 Italian: chiamata Mil This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × Polisn: rozmowa 🖤 нопиguese: cnamada 🖏 Romanian: apel apeluri Russian: звонок по телефону Spanish: llamada 49 Swedish: samtal 49

Example Sentences Including 'call' A recorded message, in Irish, informed me that it was not possible to take my call on a Sunday. IRISH TIMES (2002) BY TELEPHONE Please call 0870 800 1155 ** To view more books for sale online CLICK HERE COUNTRY LIFE (2004) But most of us are terminally embarrassed by our flat patch in the middle of the This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × He again appealed to the nurses to call off their work-to-rule. IRISH TIMES (2002) Here in Sanctuary, more than any other place, to name a god was to call him. Jennifer Fallon TREASON KEEP (2001) I was sitting at home in the garden talking to some friends when the phone call came. Rob Mundle FATAL STORM (2001) Jamie said: 'Well, whatever happens tomorrow I think we can call the campaign a Hugo Wilcken THE EXECUTION (2002) The Southern Savoy called in Regent Street, who called us - I'm on weekend call. Jon Cleary YESTERDAY'S SHADOW (2002) You see there is a certain Jerry Springer touch to our Boab, as his affectionate listeners get to call him This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × Sponsored Links ▶ Comments Log in to comment on this word. Browse Dictionary The Collins English Dictionary The Collins American English Dictionary The Collins English-French Dictionary The Calline Fnalish German Dictioners This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × The Collins Italian-English Dictionary The Collins English Thesaurus The Collins American Thesaurus Latest New Word Suggestions

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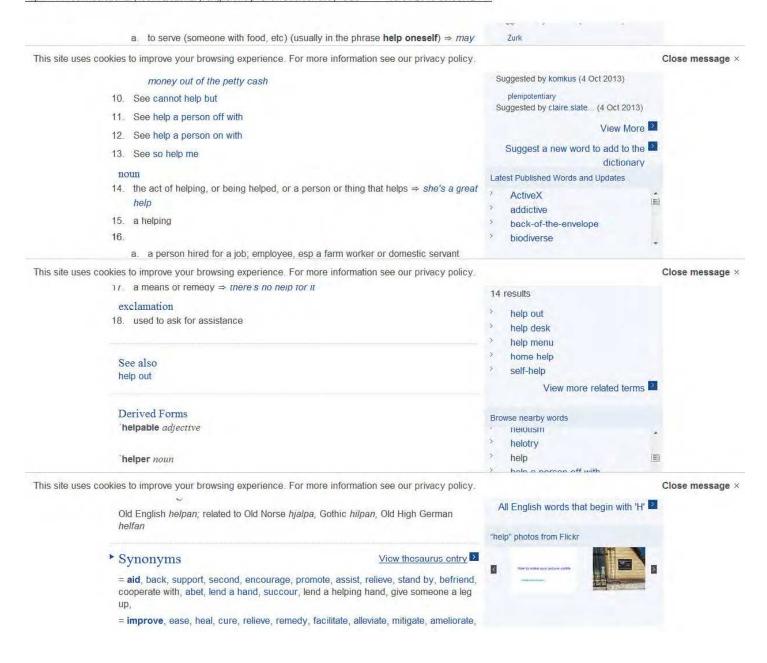
ictionaries > Thesaurus > Translator > Words & Language > Word Games >

Create an account > Sign in



- 6. tr; preceded by can, could, etc; usually used with a negative
 - a. to avoid or refrain from ⇒ we can't help wondering who he is
 - b. usually foll by it to prevent or be responsible for \Rightarrow 1 can't help it if it rains
- 7. to alleviate (an illness, etc)
- 8. tr to serve (a customer) ⇒ can I help you, madam?
- 9. tr foll by to





- mprovo, base, mear, care, remove, remouy, racinate, anoviate, magate, amenorate, = assist, aid, support, give a leg up = resist, refrain from, avoid, control, prevent, withstand, eschew, keep from, abstain from, forbear = assistance, aid, support, service, advice, promotion, guidance, cooperation, This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × - remeay, cure, rener, corrective, paint, paive, paeceur, restorative = assistant, hand, worker, employee, helper Quotations including 'help' . "Often we can help each other most by leaving each other alone; at other times we need the hand-grasp and the word of cheer" [Elbert Hubbard • "Help yourself, and heaven will help you" [Jean de la Fontaine . "God helps them that help themselves" · "Many hands make light work" Translations for 'help' This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × danger in order to attract someone's attention so that they can come and rescue you help INTERJECTION Arabic: النُّجُدَة 🐠 Brazilian Portuguese: socorro! Chinese: 救命! 🐠 Croatian: upomoć! Czech: pomoc! 40 Danish: hjælp 🕪 Dutch: help! European Spanish: ¡socorro! Finnish: apua! French: à l'aide ! 🐠 German: Hilfe! 40 Greek: βοήθεια! 🐠 Japanese: 助けて! 🐠 Italian: aiuto! Korean: 도와쥐요! 🐠 Norwegian: hjelp! Polish: pomocy! Portuguese: socorro! This site uses cookies to improve your browsing experience. For more information see our privacy policy. Close message × Thai: ช่วยด้วย 🕬 Turkish: imdat! Example Sentences Including 'help' But he had come when Lorandranek had called him and had responded just as promptly when his daughter had asked his help.



Discrimination	Please check ONLY if you own a small business and your legal issue is related to a business you own.
Disputes with Neighbors	How soon do you G. 24 hrs. C. Immediately C. No. Durb
Divorce	need help? 24 fils 1 Inthedately 1 No Rusti
DUI	Are you 18 or over with a bank Yes No
Employment Law	account and/or a credit card?
Environment	*Briefly explain your situation.
Estate Planning	*
Eviction Law	
Family Law	
athers Rights	CALLED 1
Foreclosure	Submit
Fraud Assistance	Legal Specialists
Homeowners Rights	We put you in immediate contact with an attorney specializing in your legal problem. Your attorney will have seen your
Identity Theft	problem hundreds or thousands of times, and will know immediately how to advise you. To you, your problem may seem complicated and overwhelming; to your attorney, it's a familiar situation with known solutions.
Insurance Claim	Legal Resources Legal Resources
Immigration	The attorneys in our network have, through their years of legal practice, developed and collected hundreds of letters, contracts, and negotiating tactics, specific to the state you live in. This enables your attorney to use tried and true methods
IRS/Taxes	to achieve your desired outcome, without having to reinvent the wheel.
andlord Law	Personalized Legal Approach
Landlord Tenant Leases	For any general area of law, your attorney will have dozens of document and tactics to choose from. Our lawyers are experienced and highly rated American Bar Association attorneys. Because our lawyers care about your case, and are so familiar with the options, they can immediately handpick the best legal approach for you.
	Specific Legal Expertise
Legal Advice Legal Judgements	For each legal problem you inquire about, your attorney will be carefully selected from among the experts in that particular legal field. These experienced and caring professionals are people who love to work in this fast-response mode with people from all wasks of life who need a solid, fast solution — no matter how small.
egal Services	Nationwide Legal Services
oan modification/foreclosure	Our legal help network includes attorneys from all areas of the county that are waiting to help you. Legal assistance is available in all major U.S. cities.
itigation	Thank you for using LegalHelpLawyers.com for all you legal issues. We look forward getting you the proper attorney to assist
emon Law	you.



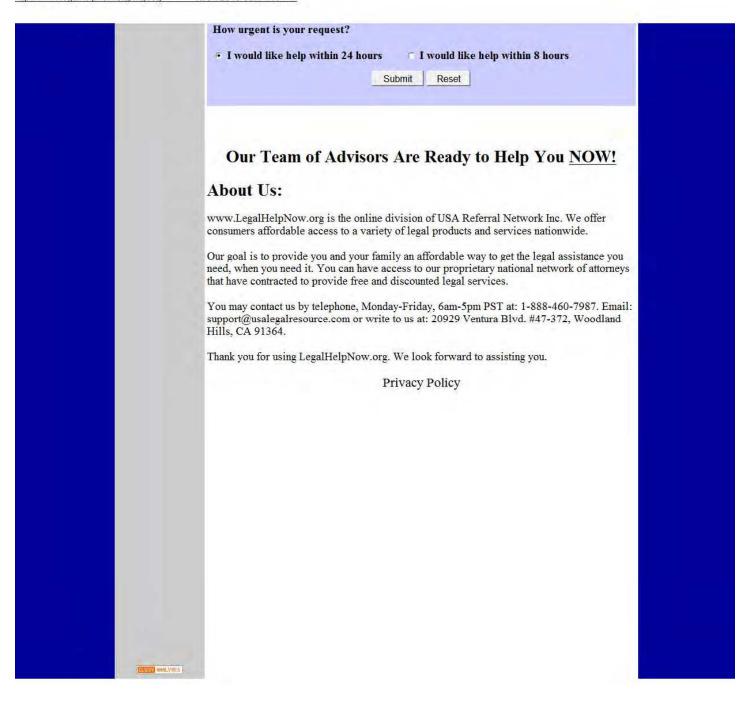
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Law You Can Afford Do You Need A Lawyer Now? Home Or Do You Have A Legal Question? **Auto Accident** Call Us Now! Bankruptcy **Business Law** 1-800-952-1822 **Child Custody Child Support** Or Fill Out The Form Below Civil Law Consumer If you have a Legal matter and would like to speak with a local lawyer in your Protection area, simply fill out the form below. Our service is completely confidential and Discrimination there is No obligation. Present your case and receive the help you need NOW! Divorce DUI **Legal Help Request Form Employment Law** First Name: Last Name: **Family Law Daytime Phone: Evening Phone:** Foreclosure Anytime -**Best Time to Call: Identity Theft** Your E-Mail: **Immigration Law** Your Location: Select location.. • **Insurance Claim** Select legal matter... ▼ Legal Matter: Real Estate Please enter a brief description of your legal matter Tax Law Tenant Landlord Traffic Law

Are you 18 Years of age or older?

C No

~ Yes





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Volunteer Lawyers Network matches low-income clients with volunteer attorneys for free civil legal services. Services range from advice to full representation. While our main service area is Hennepin County, we also offer select services on a metro-wide or statewide basis. Please call us at 612-752-6677 for further information.



VLN lawyers provide a legal services in a most types of civil issues, such as housing, bankruptcy, family, debt collection, etc. Issues that we do not do include criminal matters, personal injury, worker's compensation, legal or medical malpractice, or any other feegenerating issue.)

To find out if we can help you, please call our client intake line at 612-752-6677

(If you are deaf, you may call TTY at 1-800-627-3529)

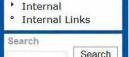
Client/Intake Line Hours

Monday, Tuesday, Wednesday, Friday

10:00 a.m. - 1:00 p.m.

An intake worker will ask you questions to determine if VLN can help you. Please note: our intake staff are not lawyers and are not able to provide you with legal advice.

- See VLN's Quick List of Selected Hennepin County Legal Services Providers
- Frequently Asked Questions (About VLN Services)
- . More Information about VI N Services



- More Information about VLN Services
- · Information about the Law
- · Link to Fourth Judicial District Self Help Center
- · Link to Information about Representing Yourself in Federal Court

Frequently Asked Questions

What types of legal issues do you help with?

What type of services do you provide?

What kind of legal issues do you not help with?

How can I tell if I will be eligible for your services?

I have a quick question. Can a lawyer answer my question right away?

How much can I make and still qualify for your services?

If I qualify for your services, how long until I meet with a volunteer attorney?

I need help sooner then that. Is there any other place I may call?

If I am not eligible for your services, are there other places I may apply?

You asked me to make copies of my documents. Do you know where I can go for that?

I cannot afford to make copies. What else can I do?

I don't have stamps. May drop off my copies at VLN?

For more information about VLN services

For more information about the law

What types of legal issues do you help with?

Our volunteer lawyers assist in the areas of housing, real estate, family law, civil law, debtor's rights, bankruptcy, and other issues common to people in poverty.

Back to Top

What type of services do you provide?

Our volunteer lawyers provide a wide range of services, ranging from in-person legal advice, telephone advice, brief services (such as a letter, phone call, or court document), and full representation. Which level of service we can provide may depend upon your income, as we are a poverty law service.

Back to Top

What kind of legal issues do you not help with?

We do not do any criminal law, personal injury law, workers compensation, government

benefits or appeals cases. If you have a personal injury question, a lawyer may represent you at no cost through Lawyer Referral and Information Service (612-752-6666). If you have a question on government benefits, you may try Legal Aid at 612-334-5970.

Back to Top

How can I tell if I will be eligible for your services?

Call our Client Intake Line at 612-752-6677. Our intake staff will ask you a number of questions to find out if you meet the criteria established by our Board of Directors. The questions they will ask you will fall into three categories: 1) income and assets; 2) your legal issues; and 3) county of residence and county of case. *Please note: our intake staff are not attorneys.*

Back to Top

I have a quick question. Can a lawyer answer my question right away?

We do not have lawyers in the office. You may want to try looking at www.lawhelpmn.org for answers to many basic legal questions.

Back to Top

How much can I make and still qualify for your services?

That depends on the type of service and your household situation. Our intake staff will ask you specific questions to let you know.

Back to Top

If I qualify for your services, how long until I meet with a volunteer attorney?

That depends on your specific issue. Here are some general guidelines. All of these time frames depend upon your providing us with any pre-existing legal document or other paperwork that we ask for:

- <u>Bankruptcy</u> within about four weeks of your being accepted for services, a bankruptcy attorney will call
 you to determine whether we may provide a bankruptcy for you. If the attorney decides that you are not
 eligible for bankruptcy through us, he or she will provide free legal advice. In some cases, we may
 provide another service to help you deal with your creditors. If the attorney decides that you <u>are</u> eligible
 for bankruptcy through us, it usually takes about a month to find an attorney to assist you. If you would
 like more information about our bankruptcy services, please click <u>here</u>.
- <u>Divorce</u> if you are the respondent in a divorce action, it usually takes about a month to find an attorney to help you. If you are the petitioner, it usually takes a little longer.
- Housing if you are involved in an eviction action (also called unlawful detainer), we will refer you to our own sites legal advice clinic at the housing court (17th floor of the Hennepin County Government

Center).

- <u>Civil lawsuits</u> if you are the respondent in a lawsuit to collect a debt, you can usually meet with a volunteer attorney within several weeks. If it is emergency, you can sometimes see an attorney with in a week. In other types of civil lawsuits, it may take a little longer before you see a volunteer attorney. (We often recommend the walk-in free legal advice clinic at the Hennepin County Government Center. (Information and a map))
- Garnishment actions if your wages or bank account are being garnished, and you need to file an
 exemption claim, you can usually see an attorney or supervised law student within one to two weeks.
- Real estate if you need legal advice on a real estate question, you can usually see an attorney within
 two weeks. We also have a specific service for those trying to prevent their homes from being
 foreclosed.

Back to Top

I need help sooner then that, is there any other place I may call?

If you need to speak with an attorney immediately, you may try one of our free walk-in legal advice clinics. We have clinics that help with civil issues, family law issues, housing issues, and real estate issues (Information and a map). You may also call Lawyer Referral and Information Service at 612-752-6666. They can set you up for a free 30 minute consult with an attorney. (There is a \$30 administrative fee to set up the appointment.) You may also call Legal Aid at 612-334-5970 to see if they can assist you.

Back to Top

If I am not eligible for your services, are there other places I may apply?

VLN provides services to those in poverty who can't afford to hire a lawyer. If you do not fit the criteria established by our board, our staff will make every effort to find a resource that may help you.

One place you may call is the <u>Lawyer Referral and Information Service</u> of the Hennepin County Bar Association. This service provides referrals to lawyers who practice in the area of law that is the caller's concern. A lawyer will provide a half-hour consultation without charge to you (although you will need to pay a \$30 administrative charge by the Referral Service). The LRIS lawyers have promised to take a client's ability to pay into consideration in setting fees for additional services.

Back to Top

You asked me to make copies of my documents. Do you know where I can go for that? You may make copies at Kinko's, Office Depot or libraries near you. VLN staff may not make copies.

Back to Top

I cannot afford to make copies. What else can I do?

We will start to assist on your case when we receive copies of your documents. If you need time to save up your money to make the copies, let your case placement coordinator know so he or she knows that you will need a little time before starting your case.

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I don't have stamps. May drop off my copies at VLN?

If you wish to drop off your copies rather than mail them, you may do so.

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For more information about VLN Services:

- · A detailed list of VLN's services.
- Our client brochure
- A map of all of our legal advice clinics.
- The expectations we have of our clients and our attorneys
- · Our client grievance policy.
- · A brief video on VLN

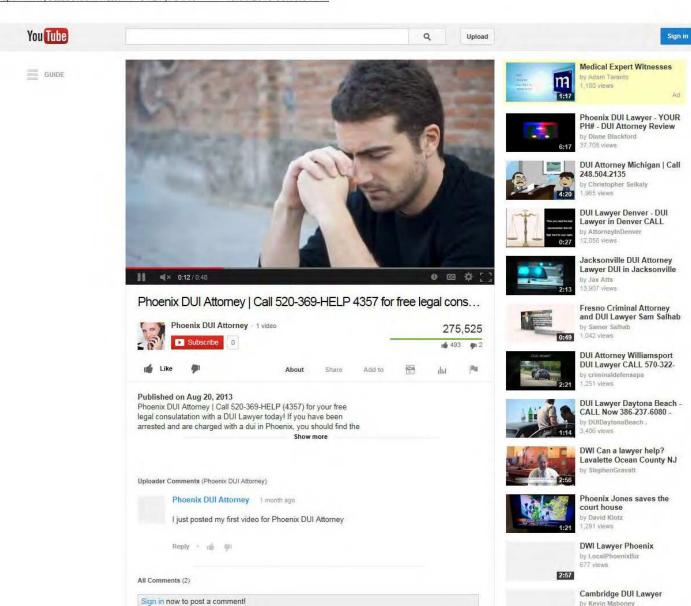
Back to Top

For more information about the law (takes you to the www.lawhelp.org website):

- Bankruptcy
- Bankruptcy (takes you to federal court website informational video)
- Criminal Expungement
- · Garnishment and Debt Collection
- Family Law
- Housing Law
- Other

Site Design By Chard.Net

Diane Blackford 1 month add

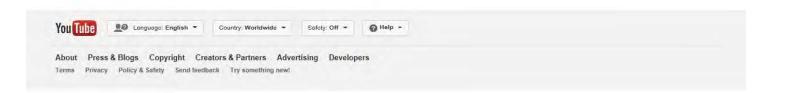


2:31

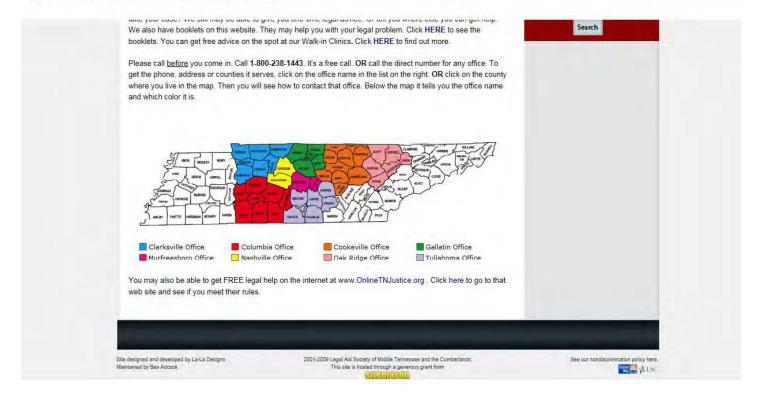
Phoenix DUII/DWI I awver I



Phoenix DUI/DWI Lawyer | Arizona Defense Attorney 3:37 1 view Las Vegas DUI Attorney | DUI I awyer in I as Vegas by losangeleslawyersnow 0:29 18,603 views Los Angeles DUI Attorney -Instant Help 866 986-2092 by losangeleslawyeranow 4:00 93,629 views Phoenix DUI Attorneys and Lawyers | DUI Defense by FunnyAndUseful
3:48 1 view Virginia Beach DUI Attorney (757) 337-4900 by jason Rivers 1:05 75 views DWI Attorney Phoenix by LocalPh 223 views 2:57 Phoenix DUI Attorney Top Phoenix DUI Attorney by PhoenbiDUIAttorneyAz 1:04 431 views Phoenix DUI Lawyer by Amy Everpean 1 view 0:33 Phoenix DUI Lawyer by Amy Everpean 1 view 0:31 I oad more suggestions







To: Dudley DeBosier, A Professional Law Corp ETC. (trademarks@jamesbewleylaw.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85968277 - CALL 4 HELP! - 04616-JBL038

Sent: 10/4/2013 3:27:18 PM

Sent As: ECOM105@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED

ON 10/4/2013 FOR U.S. APPLICATION SERIAL NO. 85968277

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 10/4/2013 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

*** User:rmcmorrow ***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	12408	N/A	0	0	0:01	*call*[bi,ti]
02	280296	N/A	0	0	0:01	*4* or *for*[bi,ti]
03	7513	N/A	0	0	0:01	*help*[bi,ti]
04	327	0	327	309	0:01	1 and (2 or 3) not dead[ld]
05	327	N/A	0	0	0:02	4 not dead[ld]
06	273	0	273	266	0:02	2 and 3 not dead[ld]
07	83978	N/A	0	0	0:02	"045"[ic] or "200"[ic] or "a"[ic] or "b"[ic]
08	227	0	227	225	0:01	7 and 3 not dead[ld]

Session started 10/2/2013 10:33:35 AM
Session finished 10/2/2013 10:50:33 AM
Total search duration 0 minutes 11 seconds
Session duration 16 minutes 58 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85968277

From: TMDesignCodeComments
Sent: Tuesday, July 9, 2013 00:16 AM
To: trademarks@jamesbewleylaw.com

Subject: Notice of Pseudo Mark for Serial Number: 85968277

Docket/Reference Number: 04616-JBL038

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=85968277. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

CALL FOUR HELP!; CALL FOR HELP!

CALL 4 HELP!



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85968277 Filing Date: 06/24/2013

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered			
TEAS Plus	YES			
MARK INFORMATION				
*MARK	CALL 4 HELP!			
*STANDARD CHARACTERS	YES			
USPTO-GENERATED IMAGE	YES			
LITERAL ELEMENT	CALL 4 HELP!			
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.			
REGISTER	Principal			
APPLICANT INFORMATION				
*OWNER OF MARK	Dudley DeBosier, A Professional Law Corporation			
*STREET	1075 Government Street			
*CITY	Baton Rouge			
*STATE (Required for U.S. applicants)	Louisiana			
*COUNTRY	United States			
*ZIP/POSTAL CODE (Required for U.S. applicants only)	70802			
LEGAL ENTITY INFORMATION				
*TYPE	CORPORATION			
* STATE/COUNTRY OF INCORPORATION	Louisiana			
GOODS AND/OR SERVICES AND BASIS	INFORMATION			
*INTERNATIONAL CLASS	045			
*IDENTIFICATION	Legal services			
*FILING BASIS	SECTION 1(a)			
FIRST USE ANYWHERE DATE	At least as early as 02/04/2013			
FIRST USE IN COMMERCE DATE	At least as early as 02/04/2013			
SPECIMEN FILE NAME(S)				

ORIGINAL PDF FILE	<u>SPE0-6815670130-163513380Specimen_of_Use00933155PDF</u>				
CONVERTED PDF FILE(S) (1 page)	\\\TICRS\EXPORT16\IMAGEOUT16\859\682\85968277\xml1\FTK0003.JPG				
SPECIMEN DESCRIPTION	online advertising for the services bearing the mark				
ADDITIONAL STATEMENTS INFORMATION					
*TRANSLATION (if applicable)					
*TRANSLITERATION (if applicable)					
*CLAIMED PRIOR REGISTRATION (if applicable)					
*CONSENT (NAME/LIKENESS) (if applicable)					
*CONCURRENT USE CLAIM (if applicable)					
ATTORNEY INFORMATION					
NAME	Paul W. Kruse				
ATTORNEY DOCKET NUMBER	04616-JBL038				
FIRM NAME	James Bewley Law, PLLC				
STREET	300 10th Avenue South				
CITY	Nashville				
STATE	Tennessee				
COUNTRY	United States				
ZIP/POSTAL CODE	37203				
PHONE	615-477-2167				
EMAIL ADDRESS	trademarks@jamesbewleylaw.com				
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes				
CORRESPONDENCE INFORMATION					
*NAME	Paul W. Kruse				
FIRM NAME	James Bewley Law, PLLC				
*STREET	300 10th Avenue South				
*CITY	Nashville				
*STATE (Required for U.S. applicants)	Tennessee				
*COUNTRY	United States				
*ZIP/POSTAL CODE	37203				
PHONE	615-477-2167				
*EMAIL ADDRESS	trademarks@jamesbewleylaw.com				
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes				
FEE INFORMATION					
NUMBER OF CLASSES	1				

FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Paul W. Kruse/
* SIGNATORY'S NAME	Paul W. Kruse
* SIGNATORY'S POSITION	Attorney of record, TN bar member
SIGNATORY'S PHONE NUMBER	615-477-2167
* DATE SIGNED	06/24/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85968277 Filing Date: 06/24/2013

To the Commissioner for Trademarks:

MARK: CALL 4 HELP! (Standard Characters, see mark)
The literal element of the mark consists of CALL 4 HELP!.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Dudley DeBosier, A Professional Law Corporation, a corporation of Louisiana, having an address of 1075 Government Street

Baton Rouge, Louisiana 70802

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal services

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 02/04/2013, and first used in commerce at least as early as 02/04/2013, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) online advertising for the services bearing the mark.

Original PDF file:

SPE0-6815670130-163513380_. Specimen_of_Use__00933155_.PDF Converted PDF file(s) (1 page)
Specimen File1

The applicant's current Attorney Information:

Paul W. Kruse of James Bewley Law, PLLC 300 10th Avenue South Nashville, Tennessee 37203 United States

The attorney docket/reference number is 04616-JBL038.

The applicant's current Correspondence Information:

Paul W. Kruse
James Bewley Law, PLLC
300 10th Avenue South
Nashville, Tennessee 37203
615-477-2167(phone)
trademarks@jamesbewleylaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

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. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that 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: /Paul W. Kruse/ Date Signed: 06/24/2013

Signatory's Name: Paul W. Kruse

Signatory's Position: Attorney of record, TN bar member

RAM Sale Number: 85968277 RAM Accounting Date: 06/25/2013

Serial Number: 85968277

Internet Transmission Date: Mon Jun 24 16:40:55 EDT 2013

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-2013062416405540

6960-85968277-500a7e746d97133253d848912d 218298e8b74eccd6ec36aedece609db31ebb-CC-

6229-20130624163513380684

CALL 4 HELP!



Generated on: This page was generated by TSDR on 2016-11-30 11:00:19 EST

Mark: IT'S TIME TO CALL DEREK HALL

US Serial Number: 86753937 Application Filing Sep. 11, 2015

Date:

US Registration 4945677 Registration Date: Apr. 26, 2016

Number:

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 26, 2016

Publication Date: Feb. 09, 2016

Mark Information

Mark Literal IT'S TIME TO CALL DEREK HALL

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Name Portrait The name(s), portrait(s), and/or signature(s) shown in the mark identifies "Derek Hall", whose consent(s) to register is made of record.

Consent:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal services; Professional license protection services, namely, the defense of professional licenses or professional certifications by means of an independent network of legal professionals; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in the field of Veteran Benefits law, family law, real estate law, personal injury law, and

criminal law

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 30, 2014 Use in Commerce: Mar. 30, 2014

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No

Exhibit J Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158
 Filed ITU:
 No
 Currently ITU:
 No
 Amended ITU:
 No

 Filed 44D:
 No
 Currently 44D:
 No
 Amended 44D:
 No

 Filed 44E:
 No
 Currently 44E:
 No
 Amended 44E:
 No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Hall, Derek L.
Owner Address: 1764 Lelia Drive

Jackson, MISSISSIPPI UNITED STATES 39216

Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jessica Tam

Docket Number: 430804

Attorney Primary trademarks@legalforce.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JESSICA TAM **Name/Address:** Raj Abhyanker P C

451 N Shoreline Blvd

Mountain View, CALIFORNIA UNITED STATES 94043-4605

Correspondent e- trademarks@legalforce.com Correspondent e- Yes mail: Correspondent e- Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 26, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 09, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 09, 2016	PUBLISHED FOR OPPOSITION	
Jan. 20, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 29, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 28, 2015	ASSIGNED TO EXAMINER	83174
Sep. 17, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Sep. 16, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 15, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Apr. 26, 2016

June 16, 2016

To Whom It May Concern:

Pursuant to 37 CFR §2.19, I, John Salcido, request to be withdrawn as attorney of record for all live pending trademark applications where I am identified as the primary attorney of record and/or listed as an other appointed attorney.

As of May 2, 2016, I am an employee of the U.S. Patent and Trademark Office as a Trademark Examining Attorney. As such, my withdrawal is necessary under 37 C.F.R. §§11.111 and 11.116, which in combination prohibit representations before the U.S. Patent and Trademark Office that would result in a conflict of interest.

The representation by my former co-counsel, namely the associate attorneys of record, for each of these applications is ongoing and is not to be changed.

Sincerely,

John Salcido

United States of America United States Patent and Trademark Office

IT'S TIME TO CALL DEREK HALL

Reg. No. 4,945,677

HALL, DEREK L. (UNITED STATES INDIVIDUAL)

Registered Apr. 26, 2016 JACKSON, MS 39216

Int. Cl.: 45

III (. CI.. 13

SERVICE MARK

PRINCIPAL REGISTER

FOR: LEGAL SERVICES; PROFESSIONAL LICENSE PROTECTION SERVICES, NAMELY, THE DEFENSE OF PROFESSIONAL LICENSES OR PROFESSIONAL CERTIFICATIONS BY MEANS OF AN INDEPENDENT NETWORK OF LEGAL PROFESSIONALS; LEGAL SERVICES, NAMELY, PROVIDING CUSTOMIZED DOCUMENTATION, INFORMATION, COUNSELING, ADVICE AND CONSULTATION SERVICES IN THE FIELD OF VETERAN BENEFITS LAW, FAMILY LAW, REAL ESTATE LAW, PERSONAL INJURY LAW, AND CRIMINAL LAW, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-30-2014; IN COMMERCE 3-30-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES "DEREK HALL", WHOSE CONSENT(S) TO REGISTER IS MADE OF RECORD.

SER. NO. 86-753,937, FILED 9-11-2015.

TAMARA FRAZIER, EXAMINING ATTORNEY



Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, February 9, 2016 00:39 AM

To: trademarks@legalforce.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86753937: IT'S TIME TO CALL DEREK HALL: Docket/Reference No.

430804

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86753937 Mark: IT'S TIME TO CALL DEREK HALL

International Class(es): 045

Owner: Hall, Derek L.

Docket/Reference Number: 430804

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Feb 09, 2016.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2016-02-09&serialNumber=86753937

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86753937&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86753937&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Jan 20, 2016

NOTICE OF PUBLICATION

 Serial No.: 86-753,937 2. Mark: IT'S TIME TO CALL DEREK HALL (STANDARD CHARACTER MARK)

- International Class(es):
- 4. Publication Date: Feb 9, 2016

Applicant: Hall, Derek L.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954

Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

trademarks@legalforce.com

From: TMOfficialNotices@USPTO.GOV Wednesday, January 20, 2016 03:42 AM Sent:

To: trademarks@legalforce.com

Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86753937: IT'S TIME TO CALL DEREK HALL: Docket/Reference No. 430804 Subject:

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86753937) is scheduled to publish in the *Official Gazette* on Feb 9, 2016 . To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86753937. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86753937. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86753937. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86753937. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86753937.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
- You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86753937 FILING DATE 09/11/2015 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY FRAZIER, TAMARA G L.O. ASSIGNED 116 **PUB INFORMATION RUN DATE** 12/30/2015 **PUB DATE** N/A STATUS 680-APPROVED FOR PUBLICATON STATUS DATE 12/29/2015 LITERAL MARK ELEMENT IT'S TIME TO CALL DEREK HALL DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT IT'S TIME TO CALL DEREK HALL MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Hall, Derek L.

1764 Lelia Drive Jackson, MS 39216 01-INDIVIDUAL

ADDRESS

ENTITY

ES
es; Professional license protection services, namely, the defense of licenses or professional certifications by means of an independent egal professionals; Legal services, namely, providing customized ion, information, counseling, advice and consultation services in the field senefits law, family law, real estate law, personal injury law, and criminal
ati

DESCRIPTIO	N TEXT			Legal services; Professional license protection services, namely, the defense of professional licenses or professional certifications by means of an independent network of legal professionals; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in the field of Veteran Benefits law, family law, real estate law, personal injury law, and criminal law			
		GOO	DDS AND SERVI	CES CLASSIFIC	ATION		
INTERNATIONAL CLASS	045	FIRST USE DATE	03/30/2014	FIRST USE IN COMMERCE DATE	03/30/2014	CLASS STATUS	6-ACTIVE
		MISCEI	LLANEOUS INFO	ORMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION			NO			
NAME/PORTRAIT [DESC/CONSENT				The name(s), portrait(s), and/or signature(s) shown in the mark identifies Derek Hall whose consent(s) to register is made of record.		
PSEUDO MARK				IT IS TIME TO CAL	IT IS TIME TO CALL DEREK HALL		
				TION HISTORY			ENT NUM
DATE	EN'	L CD ENT L	YPE DESCRIPTIO	N			
12/29/2015	CI	ISA O	APPROVED I				005
12/28/2015	DC	DCK D	ASSIGNED T	-			004
09/17/2015	MF	PMK E					003
09/16/2015	NV	VOS I	NEW APPLIC	ATION OFFICE SUPPLIED DATA ENTERED IN TRAM			002
09/15/2015	NV	VAP I	NEW APPLIC	ATION ENTERED IN TRAM 001			
		CURRI	ENT CORRESPO	NDENCE INFOR	RMATION		
ATTORNEY				Jessica Tam			
CORRESPONDENC	CE ADDRESS			JESSICA TAM Raj Abhyanker P C 451 N Shoreline Blvd Mountain View, CA 94043-4605			
DOMESTIC DEDDE	SENTATIVE			NONE			

IT'S TIME TO CALL DEREK HALL

***	User:Tfrazier	***
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#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	4638325	N/A	0	0	0:02	dead[ld]
02	1	0	1	1	0:02	"time to call derek"[bi,ti]
03	1	0	1	1	0:02	"derek hall"[bi,ti]
04	18889	N/A	0	0	0:02	*t{"iy"}m*[bi,ti] not (1 2)
05	39137	N/A	0	0	0:01	*{"ckqx"}al*[bi,ti] not (1 2)
06	4625	N/A	0	0	0:02	*d{"eiy"}r{"eiy"}{"ckqx"}*[bi,ti] not (1 2)
07	10888	N/A	0	0	0:03	h{"aou":2}l*[bi,ti] not (1 2)
08	400	N/A	0	0	0:01	4 and (5 6 7)
09	217	0	217	209	0:01	8 and "045"[cc]
10	217	N/A	0	0	0:01	5 and (6 7) not 9
11	132	0	132	126	0:02	10 and "045"[cc]
12	16	0	16	14	0:01	6 and 7 not (9 11)

Session started 12/29/2015 4:49:50 PM Session finished 12/29/2015 4:56:00 PM Total search duration 0 minutes 20 seconds Session duration 6 minutes 10 seconds Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86753937

From: TMDesignCodeComments

Sent: Thursday, September 17, 2015 00:25 AM

To: trademarks@legalforce.com

Subject: Official USPTO Notice of Pseudo Mark: U.S. Trademark SN: 86753937: IT'S TIME TO CALL DEREK HALL: Docket/Reference No.

430804

Docket/Reference Number: 430804

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86753937. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

IT IS TIME TO CALL DEREK HALL

IT'S TIME TO CALL DEREK HALL



Trademark/Service Mark Application, Principal Register

Serial Number: 86753937 Filing Date: 09/11/2015

The table below presents the data as entered.

Input Field	Entered			
SERIAL NUMBER	86753937			
MARK INFORMATION				
*MARK	IT'S TIME TO CALL DEREK HALL			
STANDARD CHARACTERS	YES			
USPTO-GENERATED IMAGE	YES			
LITERAL ELEMENT	IT'S TIME TO CALL DEREK HALL			
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.			
REGISTER	Principal			
APPLICANT INFORMATION				
*OWNER OF MARK	Hall, Derek L.			
*STREET	1764 Lelia Drive			
*CITY	Jackson			
*STATE (Required for U.S. applicants)	Mississippi			
*COUNTRY	United States			
*ZIP/POSTAL CODE (Required for U.S. applicants)	39216			
LEGAL ENTITY INFORMATION				
ТҮРЕ	individual			
COUNTRY OF CITIZENSHIP	United States			
GOODS AND/OR SERVICES AND BASIS I	NFORMATION			
INTERNATIONAL CLASS	045			
*IDENTIFICATION	Legal services; Professional license protection services, namely, the defense of professional licenses or professional certifications by means of an independent network of legal professionals; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in the field of Veteran Benefits law, family law, real estate law, personal injury law, and criminal law.			
FILING BASIS	SECTION 1(a)			
FIRST USE ANYWHERE DATE	At least as early as 03/30/2014			
FIRST USE IN COMMERCE DATE	At least as early as 03/30/2014			
SPECIMEN FILE NAME(S)	\\\TICRS\EXPORT16\IMAGEOUT 16\867\539\86753937\xml1\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\			

SPECIMEN DESCRIPTION	The specimen consists of screen shot of the website showing the mark as used in commerce.
ADDITIONAL STATEMENTS SECTION	
NAME(S), PORTRAITS(S), SIGNATURE(S) OF INDIVIDUAL(S)	The name(s), portrait(s), and/or signature(s) shown in the mark identifies Derek Hall, whose consent(s) to register is made of record.
CONSENT FILE NAME(S)	
ORIGINAL PDF FILE	consent-2725165162-060012252Consent_form.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\867\539\86753937\xml1\RFA0004.JPG
ATTORNEY INFORMATION	
NAME	Jessica Tam
ATTORNEY DOCKET NUMBER	430804
FIRM NAME	Raj Abhyanker, P.C.
STREET	451 N Shoreline Blvd
CITY	Mountain View
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94043
PHONE	650 965-8731
FAX	650 989-2131
EMAIL ADDRESS	trademarks@legalforce.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	John Salcido, Christopher Civil, Shauna Maloney, Nelly Samadi, Goldy Saroay
CORRESPONDENCE INFORMATION	
NAME	Jessica Tam
FIRM NAME	Raj Abhyanker, P.C.
STREET	451 N Shoreline Blvd
CITY	Mountain View
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94043
PHONE	650 965-8731
FAX	650 989-2131
*EMAIL ADDRESS	trademarks@legalforce.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1

FEE PER CLASS	275		
*TOTAL FEE DUE	275		
*TOTAL FEE PAID	275		
SIGNATURE INFORMATION			
SIGNATURE	/Jessica Tam/		
SIGNATORY'S NAME	Jessica Tam		
SIGNATORY'S POSITION	Attorney of record, CA bar member		
SIGNATORY'S PHONE NUMBER	650-390-6429		
DATE SIGNED	09/10/2015		

Trademark/Service Mark Application, Principal Register

Serial Number: 86753937 Filing Date: 09/11/2015

To the Commissioner for Trademarks:

MARK: IT'S TIME TO CALL DEREK HALL (Standard Characters, see mark)
The literal element of the mark consists of IT'S TIME TO CALL DEREK HALL.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Derek L. Hall, a citizen of United States, having an address of 1764 Lelia Drive
Jackson, Mississippi 39216
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: Legal services; Professional license protection services, namely, the defense of professional licenses or professional certifications by means of an independent network of legal professionals; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in the field of Veteran Benefits law, family law, real estate law, personal injury law, and criminal law.

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/30/2014, and first used in commerce at least as early as 03/30/2014, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) The specimen consists of screen shot of the website showing the mark as used in commerce..

Specimen File1

Name(s), Portrait(s), Signature(s) of individual(s)

The name(s), portrait(s), and/or signature(s) shown in the mark identifies Derek Hall, whose consent(s) to register is made of record.

Original PDF file:

consent-2725165162-060012252_._Consent_form.pdf

Converted PDF file(s) (1 page)

Consent File1

The applicant's current Attorney Information:

Jessica Tam and John Salcido, Christopher Civil, Shauna Maloney, Nelly Samadi, Goldy Saroay of Raj Abhyanker, P.C. 451 N Shoreline Blvd

Mountain View, California 94043

Widulitalli View, Califoli

United States

The attorney docket/reference number is 430804.

The applicant's current Correspondence Information:

Jessica Tam

Raj Abhyanker, P.C.

451 N Shoreline Blvd

Mountain View, California 94043

650 965-8731(phone)

650 989-2131(fax)

trademarks@legalforce.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Jessica Tam/ Date: 09/10/2015

Signatory's Name: Jessica Tam

Signatory's Position: Attorney of record, CA bar member

RAM Sale Number: 86753937 RAM Accounting Date: 09/11/2015

Serial Number: 86753937

Internet Transmission Date: Fri Sep 11 11:21:12 EDT 2015

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XXX-2015091111211285

7265-86753937-5402f25e210ae6efac818182f9 82d796a253130451470ed6c1460aadaf57c44166

7-CC-9091-20150910060012252271

IT'S TIME TO CALL DEREK HALL





"DEREK HALL" is the name of Derek L. Hall, a living individual whose consent is of record.
I, Derek L. Hall, consent to the use and registration of my name as part of the trademark "IT'S TIME TO CALL DEREK HALL" with the USPTO to be owned by Derek L. Hall, an individual with citizenship in the United States
Signed:
Printed: Devek L. Hall
G 3-15

Generated on: This page was generated by TSDR on 2016-11-30 11:01:08 EST

Mark: DON'T DROP THE BALL. MAKE THE RIGHT CALL!

Don't drop the ball. Make the right call!

US Serial Number: 86787438 Application Filing Oct. 14, 2015

Date:

US Registration 4968736 Registration Date: May 31, 2016

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus: Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 31, 2016 Publication Date: Mar. 15, 2016

Mark Information

Mark Literal DON'T DROP THE BALL. MAKE THE RIGHT CALL!

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Attorney services, namely, representation of clients in personal injury matters

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

> First Use: Mar. 01, 2005 Use in Commerce: Mar. 01, 2005

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes Amended Use: No Amended ITU: No Filed ITU: No Currently ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No

Filed 66A: No Currently 66A: No Currently No Basis: No Filed No Basis: No

Current Owner(s) Information

Owner Name: Carlson, Blau & Clemens, S.C.

Owner Address: Suite 300

3732 W. Wisconsin Ave. Milwaukee, WISCONSIN 53208

UNITED STATES

Exhibit K Larry Pitt & Assoc., P.C. v. Lundy Law, LLP **Opposition No. 91/210158**

Legal Entity Type: CORPORATION
State or Country WISCONSIN Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David M. Blau

Attorney Primary Email Address:

Docket Number: 1019163

Attorney Primary Attorney Email Yes
Authorized:

Correspondent

Correspondent DAVID M. BLAU

Name/Address: Carlson Blau & Clemens S C

3732 W Wisconsin Ave Ste 300 Milwaukee, WISCONSIN 53208-3166 UNITED STATES

ONITEDSTATES

Phone: 414-342-1000 Fax: 414-342-5060

Correspondent e- davidblau18@gmail.com kpinzerewcbc@yahoo.c Correspondent e- Yes

mail: om mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 31, 2016	REGISTERED-PRINCIPAL REGISTER	
Mar. 15, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 15, 2016	PUBLISHED FOR OPPOSITION	
Feb. 24, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 03, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2016	ASSIGNED TO EXAMINER	77299
Oct. 20, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Oct. 17, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 17, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: May 31, 2016

United States of America United States Patent and Trademark Office

Don't drop the ball. Make the right call!

Reg. No. 4,968,736

CARLSON, BLAU & CLEMENS, S.C. (WISCONSIN CORPORATION)

SUITE 300

Registered May 31, 2016 3732 w. wisconsin ave.

MILWAUKEE, WI 53208

Int. Cl.: 45

FOR: ATTORNEY SERVICES, NAMELY, REPRESENTATION OF CLIENTS IN PERSONAL

INJURY MATTERS, IN CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 3-1-2005; IN COMMERCE 3-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-787,438, FILED 10-14-2015.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY



Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, March 15, 2016 00:47 AM

To: davidblau18@gmail.com
Cc: kpinzerewcbc@yahoo.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86787438: DON'T DROP THE BALL. MAKE THE RIGHT CALL etc.:

Docket/Reference No. 1019163

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86787438

Mark: DON'T DROP THE BALL. MAKE THE RIGHT CALL etc.

International Class(es): 045 Owner: Carlson, Blau & Clemens, S.C. Docket/Reference Number: 1019163

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Mar 15, 2016.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2016-03-15&serialNumber=86787438

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86787438&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86787438&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Feb 24, 2016

NOTICE OF PUBLICATION

 Serial No.: 86-787,438

 Mark: DON'T DROP THE BALL. MAKE THE RIGHT CALL Etc. (STANDARD CHARACTER MARK)

International Class(es):

5. Applicant: Carlson, Blau & Clemens, S.C.

4. Publication Date: Mar 15, 2016

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954

Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

davidblau18@gmail.com kpinzerewcbc@yahoo.com From: TMOfficialNotices@USPTO.GOV Wednesday, February 24, 2016 03:55 AM Sent:

To: davidblau18@gmail.com kpinzerewcbc@yahoo.com Cc:

Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86787438: DON'T DROP THE BALL. MAKE THE RIGHT CALL etc.:

Docket/Reference No. 1019163

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86787438) is scheduled to publish in the *Official Gazette* on Mar 15, 2016. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86787438. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86787438. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86787438. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86787438. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86787438.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.

 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

			Trademark Snap Shot (Table presents the data	t Publication Stylesheet on Publication Approval)	į		
			OVER	RVIEW			
SERIAL NUMBER			86787438	FILING DATE		10/14/2015	
REG NUMBER			0000000	REG DATE		N/A	
REGISTER			PRINCIPAL	MARK TYPE		SERVICE MARK	
INTL REG #			N/A	INTL REG DATE		N/A	
TM ATTORNEY		BUONG	GIORNO, CHRISTOPHE	L.O. ASSIGNED		102	
			PUR INFO	RMATION			
RUN DATE		02/04/2016	TODINTO	RMATION			
PUB DATE		N/A					
STATUS			VED FOR PUBLICATON				
STATUS DATE		02/03/2016	TEST OTTI OBLIGATOR				
LITERAL MARK ELEMENT			P THE BALL. MAKE THE RIC	GHT CALL!			
DATE ABANDONED			N/A	DATE CANCELLED		N/A	
SECTION 2F			NO	SECTION 2F IN PART		NO	
SECTION 8		NO		SECTION 8 IN PART		NO	
SECTION 15			NO	REPUB 12C		N/A	
RENEWAL FILED			NO	RENEWAL DATE		N/A	
DATE AMEND REG		N/A					
E. 50	DA OLO			G BASIS		AMENDED DAGIO	
FILED		.0		NT BASIS	4 (-)	AMENDED BASIS	
1 (a)	YE		1 (a)	YES	1 (a)	NO	
1 (b)	NO NO	-	1 (b)	NO	1 (b)	NO	
44D	NO NO		44D	NO NO	44D	NO	
44E	NO NO		44E	NO NO	44E	NO	
66A	NO NO		66A	NO NO			
NO BASIS	No	J	NO BASIS	NO			
			MARK	X DATA			
STANDARD CHARACTER	MARK			YES			
LITERAL MARK ELEMENT				DON'T DROP THE BALL. MAKE THE RIGHT CALL!			
MARK DRAWING CODE				4-STANDARD CHARACTE	R MARK		
COLOR DRAWING FLAG				NO			
			CURRENT OWNE	CR INFORMATION			
PARTY TYPE				10-ORIGINAL APPLICANT			
NAME				Carlson, Blau & Clemens, S.C.			

Suite 300 3732 W. Wisconsin Ave. Milwaukee, WI 53208

03-CORPORATION

ADDRESS

ENTITY

CITIZENSHIP	Wisconsin
GOODS AN	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Attorney services, namely, representation of clients in personal injury matters

				GGGESTIN	BERTIEES			
INTERNATIONAL CLASS					045			
DESCRIPTION TEXT					Attorney services, namely, representation of clients in personal injury matters			
			GOOI	S AND SERVIC	EES CLASSIFIC	ATION		
INTERNATIONAL CLASS	045	FIRST	USE DATE	03/01/2005	FIRST USE IN COMMERCE DATE	03/01/2005	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGIS	TRATION				NO			
PSEUDO MARK					DO NOT DROP TH	E BALL MAKE THE R	IGHT CALL	
DATE	[ENT CD	ENT TYP		ON HISTORY			ENT NUM
02/03/2016		CNSA	0	APPROVED FO	R PUB - PRINCIPAL	REGISTER		005
02/03/2016		DOCK	D	ASSIGNED TO	EXAMINER			004
10/20/2015		MPMK	E	NOTICE OF PS	EUDO MARK E-MAIL	_ED		003
10/17/2015		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	LIED DATA ENTERE) IN TRAM	002
10/17/2015		NWAP	I	NEW APPLICA	TION ENTERED IN T	RAM		001
CURRENT CORRESPONDENCE INFORMATION								
ATTORNEY					David M. Blau			
				DAVID M. BLAU Carlson Blau & Cler 3732 W Wisconsin A Milwaukee, WI 5320	Ave Ste 300			
DOMESTIC REPRESENTATIVE NONE								

Don't drop the ball. Make the right call!

***	Userich	uongiorn	***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	4810	N/A	0	0	0:01	*drop*[bi,ti]
02	20403	N/A	0	0	0:02	*ball*[bi,ti] or *bawl*[bi,ti]
03	19216	N/A	0	0	0:01	*make*[bi,ti]
04	14028	N/A	0	0	0:01	*{"ckq"}all*[bi,ti] or *{"ckq"}awl*[bi,ti]
05	81	N/A	0	0	0:01	1 and (2 or 3 or 4)
06	23	1	22	21	0:01	5 and live
07	169	N/A	0	0	0:01	2 and (3 or 4)
08	69	5	64	61	0:01	7 and live
09	189	N/A	0	0	0:01	3 and 4
10	49	3	46	42	0:01	9 and live
11	23311	N/A	0	0	0:01	*r{"iy"}ght*[bi,ti]
12	93	N/A	0	0	0:01	4 and 11
13	39	2	37	33	0:01	12 and live

Session started 2/3/2016 11:37:15 AM
Session finished 2/3/2016 12:11:36 PM
Total search duration 0 minutes 14 seconds
Session duration 34 minutes 21 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86787438

From: TMDesignCodeComments

Sent: Tuesday, October 20, 2015 00:22 AM

To: davidblau18@gmail.com
Cc: kpinzerewcbc@yahoo.com

Subject: Official USPTO Notice of Pseudo Mark: U.S. Trademark SN: 86787438: DON'T DROP THE BALL. MAKE THE RIGHT CALL etc.:

Docket/Reference No. 1019163

Docket/Reference Number: 1019163

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

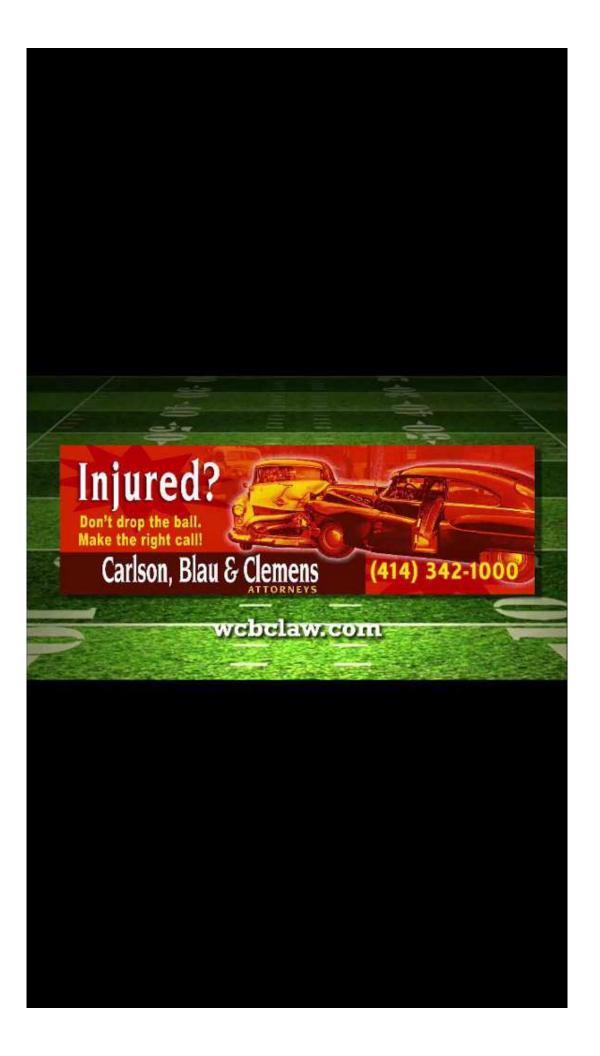
To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86787438. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

DO NOT DROP THE BALL MAKE THE RIGHT CALL

Don't drop the ball. Make the right call!



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86787438 Filing Date: 10/14/2015

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Don't drop the ball. Make the right call!
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Don't drop the ball. Make the right call!
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Carlson, Blau & Clemens, S.C.
INTERNAL ADDRESS	Suite 300
*STREET	3732 W. Wisconsin Ave.
*CITY	Milwaukee
*STATE (Required for U.S. applicants)	Wisconsin
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	53208
PHONE	414-342-1000
FAX	414-342-5060
EMAIL ADDRESS	davidblau18@gmail.com
WEBSITE ADDRESS	www.wcbclaw.com
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Wisconsin
GOODS AND/OR SERVICES AND BASIS INFO	RMATION

*INTERNATIONAL CLASS	045
*IDENTIFICATION	Attorney services, namely, representation of clients in personal injury matters
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2005
SPECIMEN FILE NAME(S)	\\\TICRS\EXPORT16\IMAGEOUT 16\867\874\86787438\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Screen shot of advertising commercial
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	David M. Blau
ATTORNEY DOCKET NUMBER	1019163
FIRM NAME	Carlson, Blau & Clemens, S.C.
INTERNAL ADDRESS	Suite 300
STREET	3732 W. Wisconsin Ave.
CITY	Milwaukee
STATE	Wisconsin
COUNTRY	United States
ZIP/POSTAL CODE	53208
PHONE	414-342-1000
FAX	414-342-5060
EMAIL ADDRESS	davidblau18@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	David M. Blau
FIRM NAME	Carlson, Blau & Clemens, S.C.
INTERNAL ADDRESS	Suite 300
*STREET	3732 W. Wisconsin Ave.
*CITY	Milwaukee
*STATE (Required for U.S. applicants)	Wisconsin

*COUNTRY	United States			
*ZIP/POSTAL CODE	53208			
PHONE	414-342-1000			
FAX	414-342-5060			
*EMAIL ADDRESS	davidblau18@gmail.com;kpinzerewcbc@yahoo.com			
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes			
FEE INFORMATION				
APPLICATION FILING OPTION	TEAS Plus			
NUMBER OF CLASSES	1			
FEE PER CLASS	225			
*TOTAL FEE PAID	225			
SIGNATURE INFORMATION				
* SIGNATURE	/David M. Blau/			
* SIGNATORY'S NAME	David M. Blau			
* SIGNATORY'S POSITION	Attorney			
SIGNATORY'S PHONE NUMBER	414-342-1000			
* DATE SIGNED	10/14/2015			

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86787438 Filing Date: 10/14/2015

To the Commissioner for Trademarks:

MARK: Don't drop the ball. Make the right call! (Standard Characters, see <u>mark</u>)
The literal element of the mark consists of Don't drop the ball. Make the right call!.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Carlson, Blau & Clemens, S.C., a corporation of Wisconsin, having an address of Suite 300, 3732 W. Wisconsin Ave.
Milwaukee, Wisconsin 53208
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Attorney services, namely, representation of clients in personal injury matters

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 03/01/2005, and first used in commerce at least as early as 03/01/2005, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screen shot of advertising commercial.

Specimen File1

For informational purposes only, applicant's website address is: www.wcbclaw.com

The applicant's current Attorney Information:

David M. Blau of Carlson, Blau & Clemens, S.C.

Suite 300

3732 W. Wisconsin Ave.

Milwaukee, Wisconsin 53208

United States

The attorney docket/reference number is 1019163.

The applicant's current Correspondence Information:

David M. Blau

Carlson, Blau & Clemens, S.C.

Suite 300

3732 W. Wisconsin Ave.

Milwaukee, Wisconsin 53208

414-342-1000(phone)

414-342-5060(fax)

davidblau18@gmail.com;kpinzerewcbc@yahoo.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /David M. Blau/ Date Signed: 10/14/2015

Signatory's Name: David M. Blau Signatory's Position: Attorney

RAM Sale Number: 86787438 RAM Accounting Date: 10/14/2015

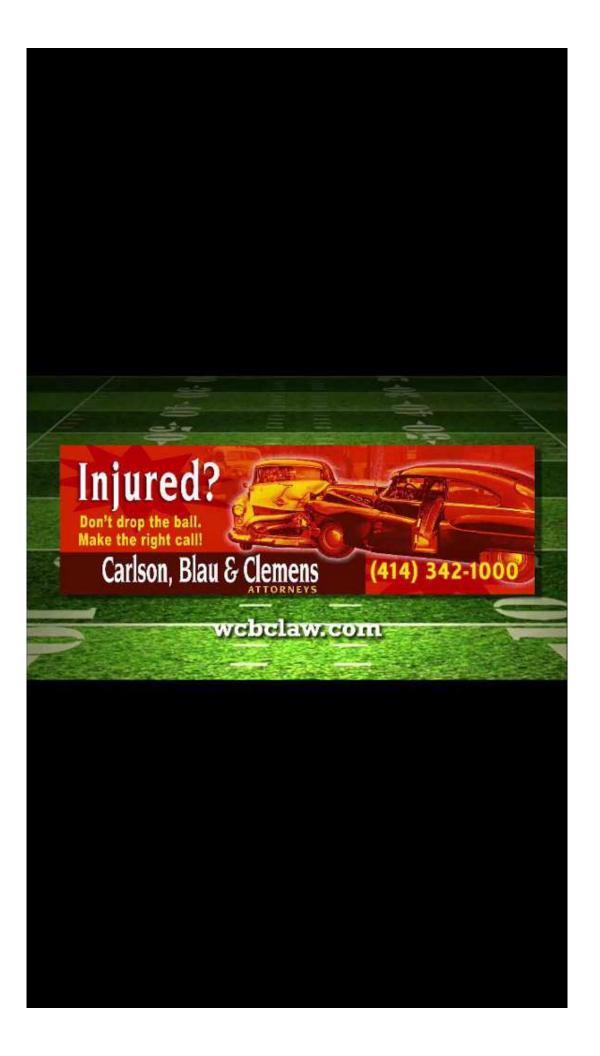
Serial Number: 86787438

Internet Transmission Date: Wed Oct 14 11:47:51 EDT 2015 TEAS Stamp: USPTO/FTK-XX.XXX.XX.XX.20151014114751445

781-86787438-5405654b9c33bbdc41327359a46 d741a54e0c2eb5bc1be06ae660d17a3822f4-CC-

10685 - 20151014112916838964

Don't drop the ball. Make the right call!



Generated on: This page was generated by TSDR on 2016-11-30 11:01:47 EST

Mark: IT'S AN EASY NUMBER TO REMEMBER

IT'S AN EASY NUMBER TO REMEMBER

US Serial Number: 86192891 Application Filing Feb. 13, 2014

Date:

Plus:

US Registration 4605163 Registration Date: Sep. 16, 2014

Number:
Filed as TEAS Yes Currently TEAS Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

Plus:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 16, 2014

Publication Date: Jul. 01, 2014

Mark Information

Mark Literal IT'S AN EASY NUMBER TO REMEMBER

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Legal consultation services; Legal services

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2013 Use in Commerce: Feb. 01, 2013

Basis Information (Case Level)

Filed Use: YesCurrently Use: YesAmended Use: NoFiled ITU: NoCurrently ITU: NoAmended ITU: NoFiled 44D: NoCurrently 44D: NoAmended 44D: NoFiled 44E: NoCurrently 44E: NoAmended 44E: No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Exhibit L Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158 Owner Name: Family Education Foundation, L.L.C.

Owner Address: 304 Plant Avenue

Tampa, FLORIDA UNITED STATES 33606

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country FLORIDA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Daniel R. Frijouf Docket Number: PWLL.14001

Attorney Primary frijouf@frijouf.com
Email Address: Authorized: Yes
Authorized:

Correspondent

Correspondent DANIEL R. FRIJOUF Name/Address: FRIJOUF, RUST & PYLE, P.A.

201 E DAVIS BLVD

TAMPA, FLORIDA UNITED STATES 33606-3728

Correspondent e- frijouf@frijouf.com dan@frijouf.com Correspondent e- Yes mail: Correspondent e- Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 16, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 01, 2014	PUBLISHED FOR OPPOSITION	
Jun. 11, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 27, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 20, 2014	ASSIGNED TO EXAMINER	81854
Feb. 27, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 26, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 17, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Sep. 16, 2014

United States of America United States Patent and Trademark Office

IT'S AN EASY NUMBER TO REMEMBER

Reg. No. 4,605,163 FAMILY EDUCATION FOUNDATION, L.L.C. (FLORIDA LIMITED LIABILITY COMPANY)

Registered Sep. 16, 2014 TAMPA, FL 33606

Int. Cl.: 45 FOR: LEGAL CONSULTATION SERVICES; LEGAL SERVICES, IN CLASS 45 (U.S. CLS.

100 AND 101).

SERVICE MARK FIRST USE 2-1-2013; IN COMMERCE 2-1-2013.

PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

 ${\tt TICULAR\,FONT,\,STYLE,\,SIZE,\,OR\,COLOR.}$

SER. NO. 86-192,891, FILED 2-13-2014.

DOMINIC FATHY, EXAMINING ATTORNEY



Michelle K. Zee Deputy Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV Sent: Tuesday, July 1, 2014 00:33 AM

To: frijouf@frijouf.com
Cc: dan@frijouf.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86192891: IT'S AN EASY NUMBER TO REMEMBER: Docket/Reference No.

PWLL.14001

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86-192,891

Mark: IT'S AN EASY NUMBER TO REMEMBER

International Class(es): 045

Owner: Family Education Foundation, L.L.C. Docket/Reference Number: PWLL.14001

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jul 01, 2014.

To View the Mark in the Next Generation TMOG (eOG):

Click on the following link or paste the URL into an internet browser: http://tmog.uspto.gov/#date=2014-07-01&serial=86192891

To View the Mark in the Legacy format TMOG:

- 1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20140701_OG.pdf#page=00001173.
- 2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_fags.jsp.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/search.action?sn=86192891. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Jun 11, 2014

NOTICE OF PUBLICATION

 Serial No.: 86-192,891 2. Mark: IT'S AN EASY NUMBER TO REMEMBER (STANDARD CHARACTER MARK)

- International Class(es):
 - Publication Date: 5. Applicant:
 Jul 1, 2014 5. Applicant:
 Family Education Foundation, L.L.C.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954

Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

frijouf@frijouf.com dan@frijouf.com From: TMOfficialNotices@USPTO.GOV Wednesday, June 11, 2014 07:44 AM Sent:

To: frijouf@frijouf.com dan@frijouf.com Cc:

Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86192891: IT'S AN EASY NUMBER TO REMEMBER: Docket/Reference

No. PWLL.14001

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86192891) is scheduled to publish in the *Official Gazette* on Jul 1, 2014 . To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86192891. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86192891. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86192891. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov/search.action?sn=86192891.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.

 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 86192891 FILING DATE 02/13/2014 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY FATHY, DOMINIC L.O. ASSIGNED 104 **PUB INFORMATION RUN DATE** 05/28/2014 PUB DATE N/A **STATUS** 680-APPROVED FOR PUBLICATON STATUS DATE 05/27/2014 LITERAL MARK ELEMENT IT'S AN EASY NUMBER TO REMEMBER DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO **SECTION 8** NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) YES 1 (a) YES 1 (a) NO NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT IT'S AN EASY NUMBER TO REMEMBER MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT

Family Education Foundation, L.L.C.

304 Plant Avenue Tampa, FL 33606 16-LTD LIAB CO

NAME

ADDRESS

ENTITY

CITIZENSHIP	Florida						
GOODS AND SERVICES							
INTERNATIONAL CLASS	045						
DESCRIPTION TEXT	Legal consultation services; Legal services						
DESCRIPTION TEXT	Legal consultation services; Legal services						

INTERNATIONAL CLASS					045			
DESCRIPTION TEXT					Legal consultation services; Legal services			
			GOOL	OS AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL CLASS	045 FIRST USE DATE		02/01/2013	FIRST USE IN COMMERCE DATE 02/01/2013 CLASS STATUS		6-ACTIVE		
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGISTRATION NO								
PSEUDO MARK					IT IS AN EASY NUM	IBER TO REMEMBER	3	
PROSECUTION HISTORY								
DATE ENT CD ENT TYPE DESCRIPTION							ENT NUM	
05/27/2014		CNSA O APPROVED FO			DR PUB - PRINCIPAL REGISTER			005
05/20/2014		OCK	D	ASSIGNED TO				004
02/27/2014	М	PMK	E	NOTICE OF PS	EUDO MARK E-MAIL	ED		003
02/26/2014	N'	WOS	I	NEW APPLICAT	ATION OFFICE SUPPLIED DATA ENTERED IN TRAM			002
02/17/2014	N'	WAP	I	NEW APPLICAT	TION ENTERED IN TI	RAM		001
			CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY					Daniel R. Frijouf			
CORRESPONDENCE ADDRESS				DANIEL R. FRIJOUI FRIJOUF, RUST & F 201 E DAVIS BLVD TAMPA, FL 33606-3	PYLE, P.A.			
DOMESTIC REPRE	SENTATIVE				NONE			

IT'S AN EASY NUMBER TO REMEMBER

*** User:dfathy ***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	21982	N/A	2	2	0:03	$(*ea{"szc"}{{"iey"}}* or *eez* or *ees* or ez*)[bi,ti] \ not \ dead[ld] \ or \ (e \ same \ (z \ or \ ze \ or \ se \ or \ ce))[bi,ti] \ not \ dead[ld]]$
02	1619	N/A	4	4	0:02	$*n{v}mb{v0:1}r*[bi,ti]$ not dead[ld]
03	446	N/A	3	3	0:02	$r\{v\}m\{v\}m\{v0:1\}r^*[bi,ti]$ not dead[ld]
04	1	0	1	1	0:01	1 and 2 and 3
05	26	0	26	24	0:01	1 and (2 3)
06	1	0	1	1	0:01	2 and 3

Session started 5/27/2014 12:39:31 PM Session finished 5/27/2014 1:00:00 PM Total search duration 0 minutes 10 seconds Session duration 20 minutes 29 seconds Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86192891

From: TMDesignCodeComments

Sent: Thursday, February 27, 2014 00:16 AM

To: frijouf@frijouf.com
Cc: frijouf.com

Subject: Official USPTO Notice of Pseudo Mark: U.S. Trademark SN: 86192891: IT'S AN EASY NUMBER TO REMEMBER:

Docket/Reference No. PWLL.14001

Docket/Reference Number: PWLL.14001

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86192891. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

IT IS AN EASY NUMBER TO REMEMBER

IT'S AN EASY NUMBER TO REMEMBER



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86192891 Filing Date: 02/13/2014

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered	
TEAS Plus	YES	
MARK INFORMATION		
*MARK	IT'S AN EASY NUMBER TO REMEMBER	
*STANDARD CHARACTERS	YES	
USPTO-GENERATED IMAGE	YES	
LITERAL ELEMENT	IT'S AN EASY NUMBER TO REMEMBER	
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.	
REGISTER	Principal	
APPLICANT INFORMATION		
*OWNER OF MARK	Family Education Foundation, L.L.C.	
*STREET	304 Plant Avenue	
*CITY	Tampa	
*STATE (Required for U.S. applicants)	Florida	
*COUNTRY	United States	
*ZIP/POSTAL CODE (Required for U.S. applicants only)	33606	
LEGAL ENTITY INFORMATION		
*TYPE	LIMITED LIABILITY COMPANY	
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Florida	
GOODS AND/OR SERVICES AND BASIS I	NFORMATION	
*INTERNATIONAL CLASS	045	
*IDENTIFICATION	Legal consultation services; Legal services	
*FILING BASIS	SECTION 1(a)	
FIRST USE ANYWHERE DATE	At least as early as 02/01/2013	
FIRST USE IN COMMERCE DATE	At least as early as 02/01/2013	

SPECIMEN FILE NAME(S)				
ORIGINAL PDF FILE	SPE0-7277201140-142638745Specimen.pdf			
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\861\928\86192891\xml1\FTK0003.JPG			
SPECIMEN DESCRIPTION a webpage showing applicant's mark used in conjunction with the set forth in the Application				
ADDITIONAL STATEMENTS INFORMAT	TON			
*TRANSLATION (if applicable)				
*TRANSLITERATION (if applicable)				
*CLAIMED PRIOR REGISTRATION (if applicable)				
*CONSENT (NAME/LIKENESS) (if applicable)				
*CONCURRENT USE CLAIM (if applicable)				
ATTORNEY INFORMATION				
NAME	Daniel R. Frijouf			
ATTORNEY DOCKET NUMBER	PWLL.14001			
FIRM NAME	Frijouf, Rust & Pyle, P.A.			
STREET	201 East Davis Blvd			
CITY	Tampa			
STATE	Florida			
COUNTRY	United States			
ZIP/POSTAL CODE	33606			
PHONE	8132545100			
FAX	8132545400			
EMAIL ADDRESS	frijouf@frijouf.com			
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes			
OTHER APPOINTED ATTORNEY	Robert F. Frijouf; David A. Frijouf			
CORRESPONDENCE INFORMATION				
*NAME	Daniel R. Frijouf			
FIRM NAME	Frijouf, Rust & Pyle, P.A.			
*STREET	201 East Davis Blvd			
*CITY	Tampa			
*STATE (Required for U.S. applicants)	Florida			
*COUNTRY	United States			
*ZIP/POSTAL CODE	33606			
PHONE	8132545100			
FAX	8132545400			

*EMAIL ADDRESS	frijouf@frijouf.com;dan@frijouf.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
ORIGINAL PDF FILE	hw_7277201140-142638745PWLL.14001_Ex_App_Dec.pdf
CONVERTED PDF FILE(S) (1 page)	\\\TICRS\EXPORT16\IMAGEOUT16\861\928\86192891\xml1\FTK0004.JPG
* SIGNATORY'S NAME	Matthew D. Powell
* SIGNATORY'S POSITION	Manager

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86192891 Filing Date: 02/13/2014

To the Commissioner for Trademarks:

MARK: IT'S AN EASY NUMBER TO REMEMBER (Standard Characters, see <u>mark</u>)
The literal element of the mark consists of IT'S AN EASY NUMBER TO REMEMBER.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Family Education Foundation, L.L.C., a limited liability company legally organized under the laws of Florida, having an address of

304 Plant Avenue Tampa, Florida 33606 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Legal consultation services; Legal services

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 02/01/2013, and first used in commerce at least as early as 02/01/2013, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) a webpage showing applicant's mark used in conjunction with the services set forth in the Application.

Original PDF file:

SPE0-7277201140-142638745_. Specimen.pdf
Converted PDF file(s) (1 page)
Specimen File1

The applicant's current Attorney Information:

Daniel R. Frijouf and Robert F. Frijouf; David A. Frijouf of Frijouf, Rust & Pyle, P.A. 201 East Davis Blvd Tampa, Florida 33606

United States

The attorney docket/reference number is PWLL.14001.

The applicant's current Correspondence Information:

Daniel R. Frijouf

Frijouf, Rust & Pyle, P.A.

201 East Davis Blvd

Tampa, Florida 33606

8132545100(phone)

8132545400(fax)

frijouf@frijouf.com;dan@frijouf.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

Original PDF file:

hw_7277201140-142638745_._PWLL.14001_Ex_App_Dec.pdf

Converted PDF file(s) (1 page)

Signature File1

Signatory's Name: Matthew D. Powell

Signatory's Position: Manager

RAM Sale Number: 86192891 RAM Accounting Date: 02/14/2014

Serial Number: 86192891

Internet Transmission Date: Thu Feb 13 14:34:17 EST 2014

TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2014021314341747

2184-86192891-5002bd411a63be4ea1f76310b8 b59b26774e9ad034bd79a95cf8e6b8c89baf2-CC

-505-20140213142638745954

IT'S AN EASY NUMBER TO REMEMBER



IN THE UNITED STATES TRADEMARK OFFICE

Mark:

IT'S AN EASY NUMBER TO REMEMBER

Goods:

045: legal services; legal consultation services.

First Intrastate Use:

at least as early as 02/01/2013 at least as early as 02/01/2013

First Interstate Use: Applicant:

Family Education Foundation, L.L.C.

State of Incorporation:

Florida

Address:

304 Plant Avenue Tampa, Florida 33606

APPLICATION DECLARATION

The above-identified Applicant is using the above identified mark in commerce on or in connection with the above identified goods/services and requests that said mark be registered in the United States Trademark Office on the Principal Register established by the Act of July 5, 1946. The mark was first used on the goods/services specified above by the applicant on the above identified dates and is now in use in such commerce with one (1) specimen of the mark per class as actually used being attached hereto.

I, Matthew D. Powell, hereby appoint Daniel R. Frijouf, Robert F. Frijouf and David A. Frijouf of Frijouf, Rust & Pyle P.A. of 201 East Davis Blvd. Tampa, Florida 33606, attorneys admitted to the Bar of the State of Florida, to prosecute this application for registration with full power of substitution and revocation by Applicant, to transact all business in the United States Trademark Office connected therewith, and to receive the Certificate of Registration issued by the United States Trademark Office.

I, 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 statements and the like may jeopardize the validity of the application or any resulting registration, declare that I am properly authorized to execute this application declaration on behalf of the applicant; I believe the applicant to be the owner of the trademark/service mark sought to be registered; that the facts set forth in the application are true and correct; to the best of my knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Family Education Foundation, L.L.C.

1-ebruary 11,2014

Matthew D. Powell, Manager

Generated on: This page was generated by TSDR on 2016-11-30 11:02:34 EST

Mark: REMEMBER THE 8S.

Remember the 8s.

US Serial Number: 86314314 Application Filing Jun. 19, 2014

Date:

US Registration 5046037 Registration Date: Sep. 20, 2016

Number:

Filed as TEAS Yes **Currently TEAS** Yes Plus: Plus:

Register: Principal Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 20, 2016

Publication Date: Dec. 15, 2015 Notice of Feb. 09, 2016

Allowance Date:

Mark Information

Mark Literal REMEMBER THE 8S.

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE Basis: 1(a)

> Use in Commerce: Jul. 21, 2016 First Use: Jul. 21, 2016

Basis Information (Case Level)

Filed Use: No Currently Use: Yes Amended Use: No Filed ITU: Yes Currently ITU: No Amended ITU: No Filed 44D: No Currently 44D: No Amended 44D: No Filed 44E: No Currently 44E: No Amended 44E: No Filed 66A: No

Currently 66A: No Currently No Basis: No Filed No Basis: No

Current Owner(s) Information

Owner Name: Peterson, David M

DBA, AKA, DBA Peterson & Associates, P.C.

Exhibit M Larry Pitt & Assoc., P.C. v. **Lundy Law, LLP Opposition No. 91/210158**

Formerly:

Composed of: David M. Peterson, USA

Owner Address: 801 W 47th Street

Suite 107

Kansas City, MISSOURI 641121253

UNITED STATES

Legal Entity Type: professional corporation

State or Country UNITED STATES

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JungJin Lee

Attorney Primary jj@llapc.com Attorney Email Yes Email Address: Authorized:

Correspondent

Correspondent JUNGJIN LEE

Name/Address: TRADEMARK LAWYER LAW FIRM

455 E EISENHOWER

STE 360

ANN ARBOR, MICHIGAN 48108

UNITED STATES

Phone: 8165314440 Fax: 816-531-0660

Correspondent e- jbm@petersonlawfirm.com dmp@petersonlawfirm

Correspondent e- Yes mail: .com jj@llapc.com mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2016	REGISTERED-PRINCIPAL REGISTER	
Aug. 19, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 18, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 17, 2016	STATEMENT OF USE PROCESSING COMPLETE	69302
Jul. 21, 2016	USE AMENDMENT FILED	69302
Aug. 12, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 21, 2016	TEAS STATEMENT OF USE RECEIVED	
Feb. 09, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 15, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 15, 2015	PUBLISHED FOR OPPOSITION	
Nov. 25, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 10, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Nov. 02, 2015	EXPARTE APPEAL TERMINATED	314314
Nov. 02, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 29, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Oct. 29, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Oct. 22, 2015	ASSIGNED TO LIE	69712
Oct. 02, 2015	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 02, 2015	EX PARTE APPEAL-INSTITUTED	314314
Oct. 02, 2015	JURISDICTION RESTORED TO EXAMINING ATTORNEY	314314
Oct. 02, 2015	EXPARTE APPEAL RECEIVED AT TTAB	
Apr. 07, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 07, 2015	FINAL REFUSAL E-MAILED	
Apr. 07, 2015	FINAL REFUSAL WRITTEN	62126
Mar. 18, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 16, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 16, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 12, 2015	ATTORNEY REVOKED AND/OR APPOINTED	

Feb. 12, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 17, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 17, 2014	NON-FINAL ACTION E-MAILED	6325
Sep. 17, 2014	NON-FINAL ACTION WRITTEN	62126
Sep. 11, 2014	ASSIGNED TO EXAMINER	62126
Jun. 28, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 27, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 23, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Aug. 18, 2016

Proceedings

Summary

Number of 1 Proceedings:

Type of Proceeding: Exparte Appeal

Proceeding 86314314 Filing Date: Oct 02, 2015

Number:

Status: Terminated Status Date: Nov 02, 2015

Interlocutory Attorney:

REMEMBER THE 8S.

Plaintiff(s)

Name: Peterson, David M

Correspondent JUNGJIN LEE, ERIN C BRAY, HEATHER M DENT

Address: TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR MI , 48108 UNITED STATES

Correspondent e- DOCKET@TRADEMARKLAWYERFIRM.COM, ERINB@TRADEMARKLAWYERFIRM.COM, JJ@TRADEMARKLAWYERFIRM.COM

mail: , HEATHER@TRADEMARKLAWYERFIRM.COM

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Registered

86314314

5046037

Prosecution History						
Entry Number	History Text	Date	Due Date			
1	APPEAL TO BOARD	Oct 02, 2015				
2	Appeal Acknowledged; Case Remanded	Oct 02, 2015				
3	INSTITUTED	Oct 02, 2015				
4	REQ FOR RECON	Oct 02, 2015				
5	TERMINATED	Nov 02, 2015				

United States of America United States Patent and Trademark Office

Remember the 8s.

Reg. No. 5,046,037

Peterson, David M (UNITED STATES professional corporation), DBA Peterson & Associates, P.C. ,

Registered Sep. 20, 2016

801 W 47th Street

Int. Cl.: 45

Suite 107

Service Mark

Kansas City, MO 641121253

Principal Register

CLASS 45: Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law

FIRST USE 7-21-2016; IN COMMERCE 7-21-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-314,314, FILED 06-19-2014 HENRY S ZAK, EXAMINING ATTORNEY



Michelle K. Len

Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

Page: 2 of 2 / RN # 5046037

From: TMOfficialNotices@USPTO.GOV
Sent: Friday, August 19, 2016 00:12 AM
To: jbm@petersonlawfirm.com

Cc: dmp@petersonlawfirm.com; jj@llapc.com

Subject: Official USPTO Notice of Acceptance of SOU: U.S. Trademark SN 86314314: REMEMBER THE 8S.

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

U.S. Serial Number: 86314314
Mark: REMEMBER THE 8S.
Owner: Peterson, David M
Docket/Reference Number:

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86314314&caseType=SERIAL NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to

http://tsdr.uspto.gov/#caseNumber=86314314&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and required fees, please consult the USPTO website at http://www.uspto.gov/trademarks/ or contact the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval)							
			OVER	RVIEW			
SERIAL NUMBER			86314314	FILING DATE		06/19/2014	
REG NUMBER			0000000	REG DATE		N/A	
REGISTER			PRINCIPAL	MARK TYPE		SERVICE MARK	
INTL REG #			N/A	INTL REG DATE		N/A	
TM ATTORNEY			ZAK, HENRY S	L.O. ASSIGNED		119	
			PUB INFO	RMATION			
RUN DATE		08/19/2016					
PUB DATE		12/15/2015					
STATUS		819-SU - RE	EGISTRATION REVIEW COM	IPLETE			
STATUS DATE		08/18/2016					
LITERAL MARK ELEMENT		REMEMBER	R THE 8S.				
DATE ABANDONED			N/A	DATE CANCELLED		N/A	
SECTION 2F			NO	SECTION 2F IN PART		NO NO	
SECTION 8			NO	SECTION 8 IN PART		NO	
SECTION 15			NO REPUB 12C			N/A	
RENEWAL FILED			NO	RENEWAL DATE		N/A	
DATE AMEND REG			N/A				
			FILING	G BASIS		'	
FILED	BASIS			NT BASIS		AMENDED BASIS	
1 (a)	N	0	1 (a)	YES	1 (a)	NO	
1 (b)	YE		1 (b)	NO	1 (b)	NO	
14D	N	0	44D	NO	44D	NO	
14E	N	0	44E	NO	44E	NO	
66A	N	0	66A	NO			
NO BASIS	N	0	NO BASIS	NO			
,			MARK	X DATA	<u>'</u>	'	
STANDARD CHARACTER	MARK			YES			
ITERAL MARK ELEMENT				REMEMBER THE 8S.			
MARK DRAWING CODE				4-STANDARD CHARACTER	R MARK		
COLOR DRAWING FLAG				NO			
			CURRENT OWNE	ER INFORMATION			
PARTY TYPE				20-OWNER AT PUBLICATION			
NAME				Peterson, David M			
ADDRESS				801 W 47th Street Suite 107 Kansas City, MO 64112125	3		

99-professional corporation

ENTITY

CITIZENSHIP	United States of America			
DBA/AKA	DBA Peterson & Associates, P.C.			
COMPOSED OF	David M. Peterson, USA			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law			

GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS O45 FIRST USE DATE O7/21/2016 FIRST USE IN COMMERCE DATE DATE O7/21/2016 CLASS S							6-ACTIVE	
	MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGIS	TRATION			NO				
PSEUDO MARK				REMEMBER THE E	IGHTS.			

PROSECUTION HISTORY					
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM	
08/19/2016	SUNA	E	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	035	
08/18/2016	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	034	
08/17/2016	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	033	
07/21/2016	IUAF	S	USE AMENDMENT FILED	032	
08/12/2016	AITU	А	CASE ASSIGNED TO INTENT TO USE PARALEGAL	031	
07/21/2016	EISU	I	TEAS STATEMENT OF USE RECEIVED	030	
02/09/2016	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	029	
12/15/2015	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	028	
12/15/2015	PUBO	А	PUBLISHED FOR OPPOSITION	027	
11/25/2015	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	026	
11/10/2015	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	025	
11/02/2015	EXPT	Т	EXPARTE APPEAL TERMINATED	024	
11/02/2015	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	023	
10/29/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	022	
10/29/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	021	
10/22/2015	ALIE	А	ASSIGNED TO LIE	020	
10/02/2015	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	019	
10/02/2015	EXPI	Т	EX PARTE APPEAL-INSTITUTED	018	
10/02/2015	JURT	Т	JURISDICTION RESTORED TO EXAMINING ATTORNEY	017	
10/02/2015	EXAF	Т	EXPARTE APPEAL RECEIVED AT TTAB	016	
04/07/2015	GNFN	0	NOTIFICATION OF FINAL REFUSAL EMAILED	015	
04/07/2015	GNFR	0	FINAL REFUSAL E-MAILED	014	
04/07/2015	CNFR	R	FINAL REFUSAL WRITTEN	013	
03/18/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012	

03/16/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
03/16/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/12/2015	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/12/2015	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	800
09/17/2014	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/17/2014	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/17/2014	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/11/2014	DOCK	D	ASSIGNED TO EXAMINER	004
06/28/2014	MPMK	E	NOTICE OF PSEUDO MARK E-MAILED	003
06/27/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/23/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY	JungJin Lee			
CORRESPONDENCE ADDRESS	JUNGJIN LEE TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108			
DOMESTIC REPRESENTATIVE	NONE			

PRIOR OWNER INFORMATION					
PARTY TYPE	10-ORIGINAL APPLICANT				
NAME	Peterson, David M				
ADDRESS	801 W 47th Street Suite 107 Kansas City, MO 641121253				
ENTITY	99-professional corporation				
CITIZENSHIP	United States of America				

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Trademark Snap Shot ITU Unit Action (Table presents the data on ITU Unit Action)							
			OVER	RVIEW			
SERIAL NUMBER			86314314	FILING DATE			06/19/2014
REG NUMBER			0000000	REG DATE			N/A
REGISTER			PRINCIPAL	MARK TYPE		SE	ERVICE MARK
INTL REG #			N/A	INTL REG DATE			N/A
TM ATTORNEY			ZAK, HENRY S	L.O. ASSIGNED			119
			PUB INFO	RMATION			
RUN DATE		08/18/2016					
PUB DATE		12/15/2015					
STATUS		748-STATE	MENT OF USE - TO EXAMIN	ER			
STATUS DATE		08/17/2016					
LITERAL MARK ELEMENT		REMEMBER	THE 8S.				
DATE ABANDONED			N/A	DATE CANCELLED			N/A
SECTION 2F			NO	SECTION 2F IN PART		NO	
SECTION 8			NO	SECTION 8 IN PART		NO	
SECTION 15			NO	REPUB 12C		N/A	
RENEWAL FILED			NO	RENEWAL DATE			N/A
DATE AMEND REG			N/A				
			FILING	G BASIS			
FILED	BASIS		CURREN	NT BASIS		AMENDE	D BASIS
1 (a)	N)	1 (a)	NO	1 (a)		NO
1 (b)	YE	S	1 (b)	YES	1 (b)		NO
44D	N	0	44D	NO	44D		NO
44E	N	0	44E	NO	44E		NO
66A	N	0	66A	NO			
NO BASIS	N	0	NO BASIS	NO			
			MARK	C DATA			
STANDARD CHARACTER	MARK			YES			
LITERAL MARK ELEMENT				REMEMBER THE 8S.			
MARK DRAWING CODE				4-STANDARD CHARACTER MARK			
COLOR DRAWING FLAG				NO			
			CURRENT OWNE	R INFORMATION			
PARTY TYPE				20-OWNER AT PUBLICATION			
NAME				Peterson, David M			
ADDRESS			801 W 47th Street Suite 107 Kansas City, MO 641121253				

Kansas City, MO 641121253

99-professional corporation

ENTITY

CITIZENSHIP	United States of America			
DBA/AKA	DBA Peterson & Associates, P.C.			
COMPOSED OF	David M. Peterson, USA			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law			

GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS	045	FIRST USE DATE	07/21/2016	FIRST USE IN COMMERCE DATE	07/21/2016	CLASS STATUS	6-ACTIVE	
	MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGIST	TRATION			NO				
PSEUDO MARK				REMEMBER THE E	IGHTS.			

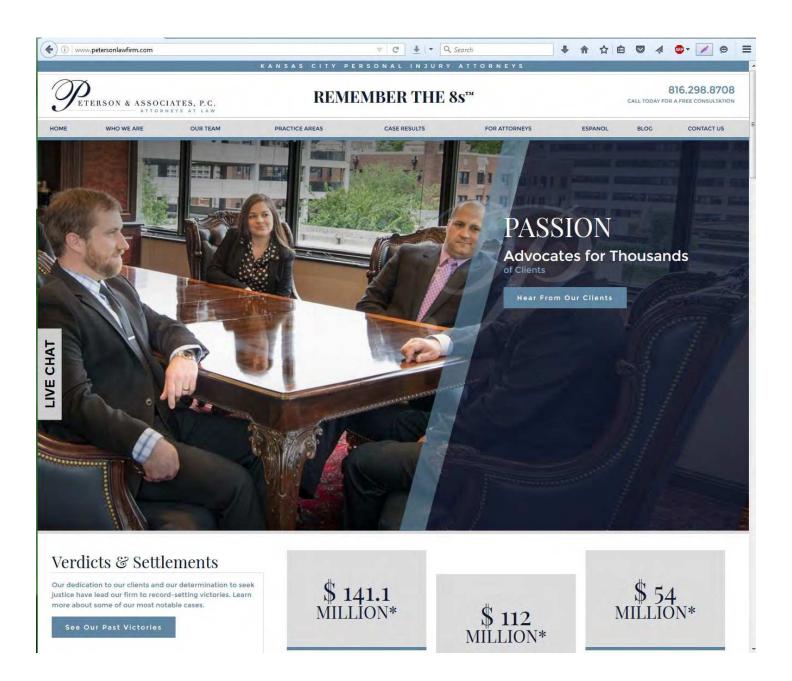
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DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
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07/21/2016	IUAF	S	USE AMENDMENT FILED	032
08/12/2016	AITU	А	CASE ASSIGNED TO INTENT TO USE PARALEGAL	031
07/21/2016	EISU	I	TEAS STATEMENT OF USE RECEIVED	030
02/09/2016	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	029
12/15/2015	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	028
12/15/2015	PUBO	А	PUBLISHED FOR OPPOSITION	027
11/25/2015	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	026
11/10/2015	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	025
11/02/2015	EXPT	Т	EXPARTE APPEAL TERMINATED	024
11/02/2015	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	023
10/29/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	022
10/29/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	021
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10/02/2015	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	019
10/02/2015	EXPI	Т	EX PARTE APPEAL-INSTITUTED	018
10/02/2015	JURT	Т	JURISDICTION RESTORED TO EXAMINING ATTORNEY	017
10/02/2015	EXAF	Т	EXPARTE APPEAL RECEIVED AT TTAB	016
04/07/2015	GNFN	0	NOTIFICATION OF FINAL REFUSAL EMAILED	015
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03/18/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
03/16/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
03/16/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010

02/12/2015	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/12/2015	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
09/17/2014	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/17/2014	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/17/2014	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/11/2014	DOCK	D	ASSIGNED TO EXAMINER	004
06/28/2014	MPMK	E	NOTICE OF PSEUDO MARK E-MAILED	003
06/27/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/23/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY	JungJin Lee			
CORRESPONDENCE ADDRESS	JUNGJIN LEE TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108			
DOMESTIC REPRESENTATIVE	NONE			

PRIOR OWNER INFORMATION					
PARTY TYPE	10-ORIGINAL APPLICANT				
NAME	Peterson, David M				
ADDRESS	801 W 47th Street Suite 107 Kansas City, MO 641121253				
ENTITY	99-professional corporation				
CITIZENSHIP	United States of America				

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816.298.8708

HOME WHO WE ARE OUR TEAM PRACTICE AREAS CASE RESULTS FOR ATTORNEYS ESPANOL BLOC CONTACT US

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LIVE CHAT

\$ 141.1 MILLION*

\$ 112 MILLION* \$ 54 MILLION*

Kansas City Personal Injury Attorney

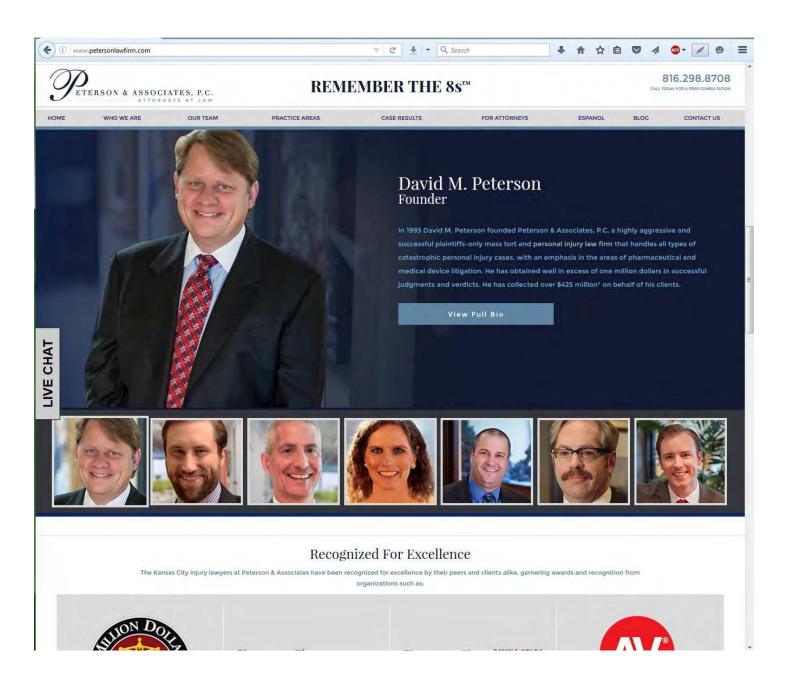
Peterson & Associates, P.C.™ is a Kansas City, Missouri-based personal injury law firm that pursues cases such as serious injury, mass torts, product liability, Social Security Disability, auto cidents, and nursing home abuse for victims. Over the years, we have successfully recovered more than

\$425 million in verdicts and settlements* for our clients.

If you or a loved one has been wronged by the negligence, liability, or wrongdoing of another, get in touch with our Kansas City injury law firm today.

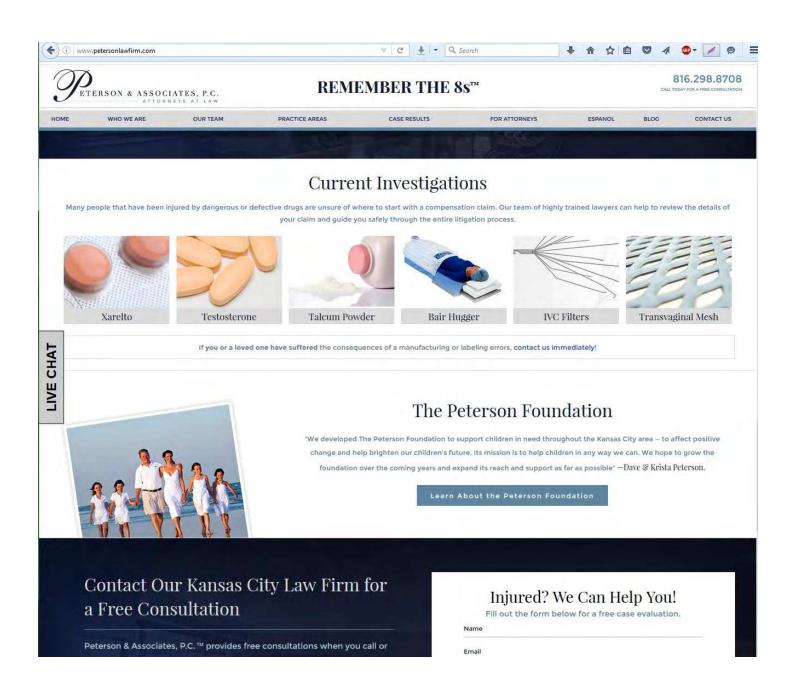


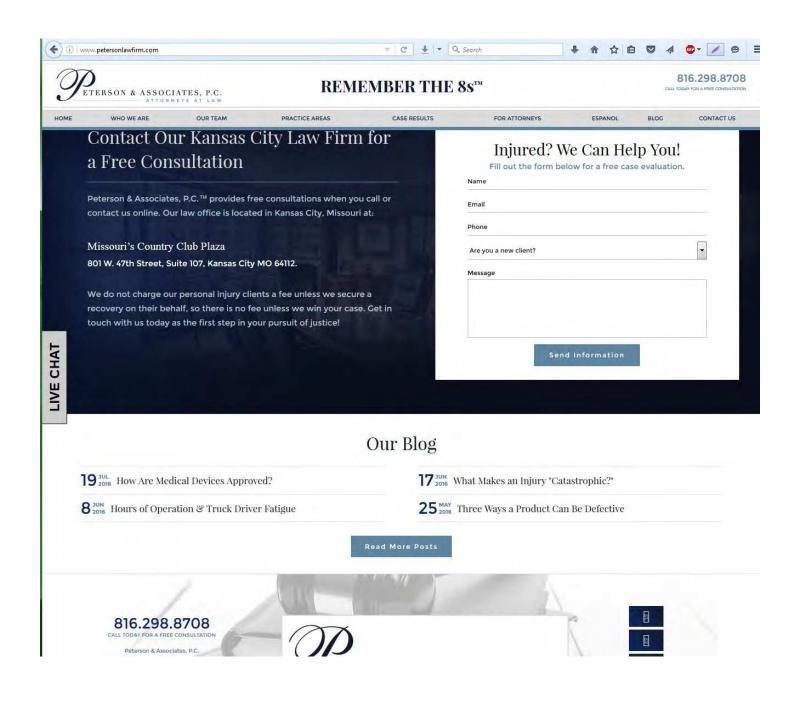












Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86314314
LAW OFFICE ASSIGNED	LAW OFFICE 119
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86314314/large
LITERAL ELEMENT	REMEMBER THE 8S.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Peterson, David M
INTERNAL ADDRESS	801 W 47th Street
STREET	Suite 107
CITY	Kansas City
STATE	Missouri
ZIP/POSTAL CODE	64112-1253
COUNTRY	United States
PHONE	8165314440
FAX	816-531-0660
EMAIL	jbm@petersonlawfirm.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
CURRENT IDENTIFICATION	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	07/21/2016
FIRST USE IN COMMERCE DATE	07/21/2016

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\863\143\86314314\xml18 \\SOU0002.JPG
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SPECIMEN DESCRIPTION	image of website screen captures
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/David Peterson/
SIGNATORY'S NAME	David M. Peterson
SIGNATORY'S POSITION	President
DATE SIGNED	07/21/2016
SIGNATORY'S PHONE NUMBER	8165314440
FILING INFORMATION	
SUBMIT DATE	Thu Jul 21 10:35:52 EDT 2016
TEAS STAMP	USPTO/SOU-XX.XX.XX.XX-201 60721103552099894-8631431 4-5505773d339d29cff4dadab 7a25336b6fd32471cd2d89ee5 941cd184e6869363-CC-10385 -20160721095701033504

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1553 (Rev 09/2005)

OMB No. 0651-0054 (Exp 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: REMEMBER THE 8S.(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86314314/large)

SERIAL NUMBER: 86314314

The applicant, Peterson, David M, having an address of

801 W 47th Street

Suite 107

Kansas City, Missouri 64112-1253

United States

8165314440

816-531-0660

jbm@petersonlawfirm.com (not authorized)

is submitting the following allegation of use information:

For International Class 045:

Current identification: Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/21/2016, and first used in commerce at least as early as 07/21/2016, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) image of website screen captures.

Specimen File1

Specimen File2

Specimen File3

Specimen File4

Specimen File5

Specimen File6

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no

other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that 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: /David Peterson/ Date Signed: 07/21/2016

Signatory's Name: David M. Peterson Signatory's Position: President Signatory's Phone: 8165314440

RAM Sale Number: 86314314 RAM Accounting Date: 07/21/2016

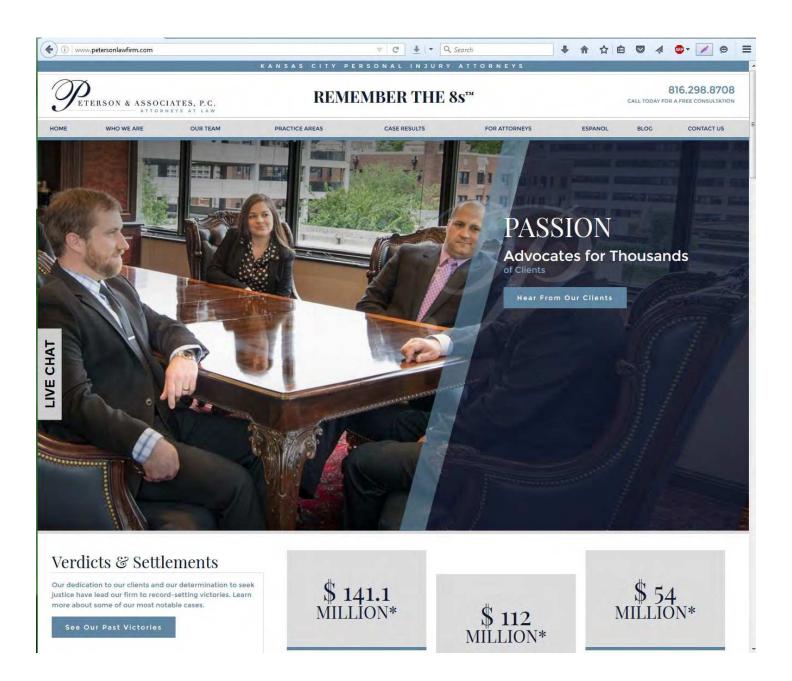
Serial Number: 86314314

Internet Transmission Date: Thu Jul 21 10:35:52 EDT 2016

TEAS Stamp: USPTO/SOU-XX.XX.XX.XX-201607211035520998

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 $10385\hbox{-}20160721095701033504$





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HOME WHO WE ARE OUR TEAM PRACTICE AREAS CASE RESULTS FOR ATTORNEYS ESPANOL BLOC CONTACT US

Verdicts & Settlements

Our dedication to our clients and our determination to seek justice have lead our firm to record-setting victories. Learn more about some of our most notable cases.

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\$ 141.1 MILLION*

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Kansas City Personal Injury Attorney

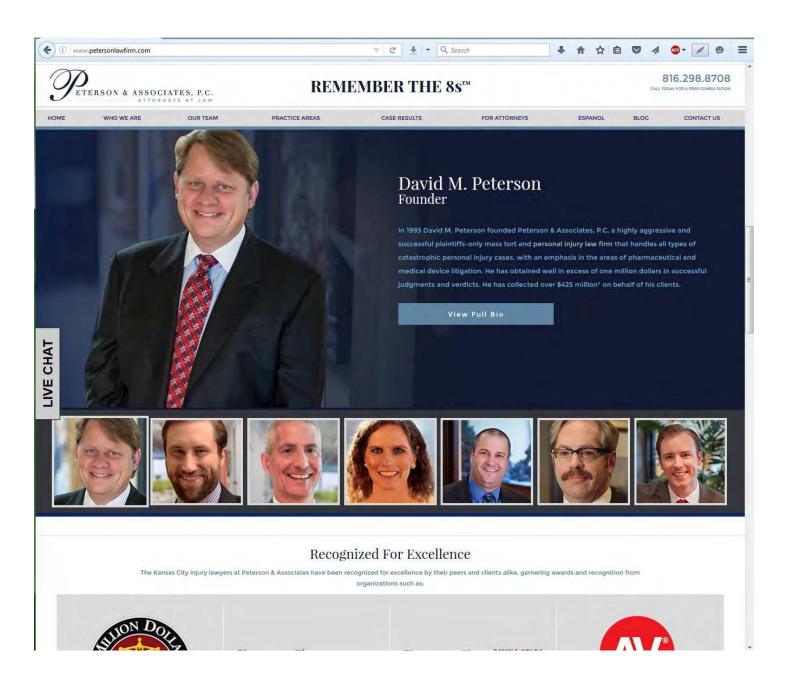
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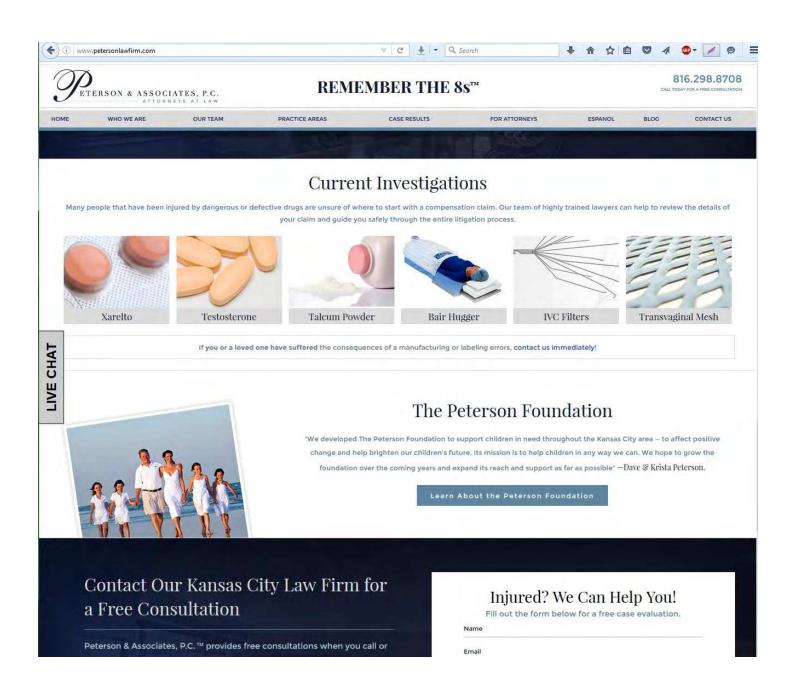


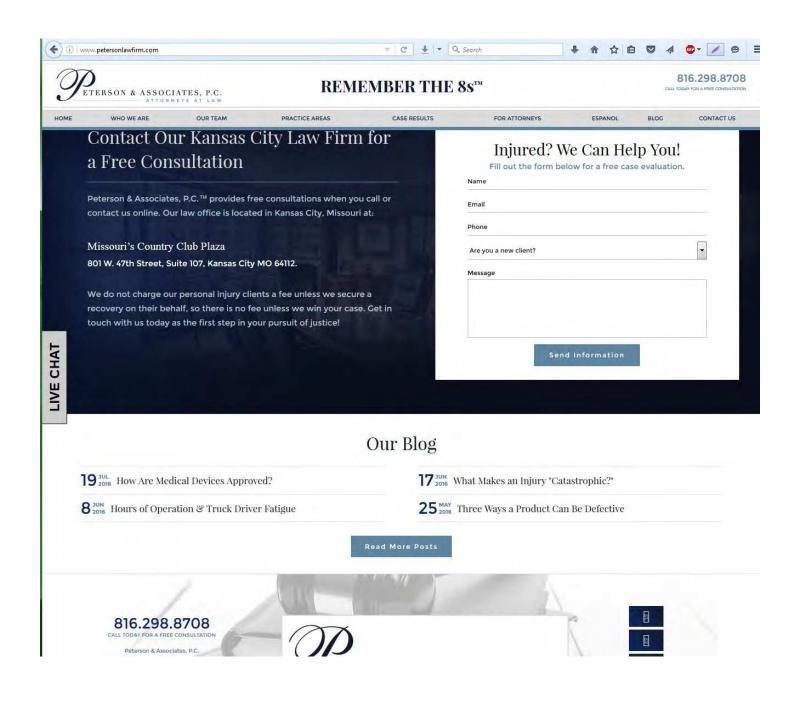












FEE RECORD SHEET

Serial Number: 86314314

RAM Sale Number: 86314314 Total Fees: \$100

RAM Accounting Date: 20160721

Transaction	Fee <u>Code</u>	Transaction <u>Date</u>	Fee per <u>Class</u>	Number of Classes	Total <u>Fee</u>
Statement of Use (SOU)	7003	20160721	\$100	1	\$100

Transaction Date: 20160721

From: TMOfficialNotices@USPTO.GOV Tuesday, February 9, 2016 00:03 AM Sent:

jbm@petersonlawfirm.com To:

dmp@petersonlawfirm.com; jj@llapc.com Cc:

Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86314314: REMEMBER THE 8S.

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Feb 9, 2016

Serial Number: 86314314 Mark: REMEMBER THE 8S. Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); OR
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do NOT reply to this e-mail, as e-mailed filings will NOT be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at http://www.uspto.gov/teas/index.html (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at http://www.uspto.gov/teas/index.html. Do NOT reply to this e-mail, as e-mailed filings will NOT be processed.

Serial Number: 86314314

REMEMBER THE 8S. Mark:

Docket/Reference Number:

Peterson, David M Owner:

801 W 47th Street

Suite 107

Kansas City, MISSOURI 641121253

Correspondence Address: JUNGJIN LEE

TRADEMARK LAWYER LAW FIRM

455 E EISENHOWER

STE 360

ANN ARBOR, MI 48108

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security 045 disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to http://tarr.uspto.gov. Please check the status of any application at least every three (3) months after the

application filing date.	-

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86314314. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, December 15, 2015 00:25 AM

To: jbm@petersonlawfirm.com

Cc: dmp@petersonlawfirm.com; jj@llapc.com

Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86314314: REMEMBER THE 8S.

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86314314 Mark: REMEMBER THE 8S. International Class(es): 045 Owner: Peterson, David M Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Dec 15, 2015.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: https://tmog.uspto.gov/#issueDate=2015-12-15&serialNumber=86314314

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at http://teasroa.uspto.gov/ppa/. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86314314&caseType=SERIAL NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86314314&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 www.uspto.gov

Nov 25, 2015

NOTICE OF PUBLICATION

 Serial No.: 86-314,314 2. Mark:
REMEMBER THE 8S.
(STANDARD CHARACTER MARK)

International Class(es):

Publication Date: Dec 15, 2015

5. Applicant: Peterson, David M

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents U.S. Government Printing Office PO Box 371954 Pittsburgh, PA 15250-7954 Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jbm@petersonlawfirm.com dmp@petersonlawfirm.com jj@llapc.com From: TMOfficialNotices@USPTO.GOV

Wednesday, November 25, 2015 03:29 AM Sent:

To: jbm@petersonlawfirm.com

Cc: dmp@petersonlawfirm.com; jj@llapc.com

Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86314314: REMEMBER THE 8S.

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86314314) is scheduled to publish in the Official Gazette on Dec 15, 2015. To preview the Notice of Publication, go to http://tdr.uspto.gov/search.action?sn=86314314. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

- The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
 You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the Official Gazette in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	86314314	FILING DATE	06/19/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ZAK, HENRY S	L.O. ASSIGNED	119

PUB INFORMATION

1 UD INFORMATION						
RUN DATE	11/11/2015					
PUB DATE	12/15/2015					
STATUS	681-PUBLICATION/ISSUE REVIEW COM	IPLETE				
STATUS DATE	11/10/2015					
LITERAL MARK ELEMENT	REMEMBER THE 8S.					
	,					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	NO SECTION 2F IN PART NO				
SECTION 8	NO SECTION 8 IN PART NO					
SECTION 15	NO REPUB 12C N/A					
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED	FILED BASIS CURRE		IT BASIS	AMENDE	ED BASIS
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REMEMBER THE 8S.
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Peterson, David M
ADDRESS	801 W 47th Street Suite 107 Kansas City, MO 641121253
ENTITY	99-professional corporation

CITIZENSHIP	United States of America				
DBA/AKA	DBA Peterson & Associates, P.C.				
COMPOSED OF	David M. Peterson, USA				
GOODS AND SERVICES					
INTERNATIONAL CLASS	045				
DESCRIPTION TEXT	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law				

GOODS AND SERVICES CLASSIFICATION								
INTERNATIONAL CLASS FIRST USE DATE NONE FIRST USE IN COMMERCE DATE NONE CLASS STATUS 6-ACTIVE								
MISCELLANEOUS INFORMATION/STATEMENTS								
CHANGE IN REGISTRATION NO								
PSEUDO MARK REMEMBER THE EIGHTS.								

			PROSECUTION HISTORY	
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/10/2015	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	025
11/02/2015	EXPT	Т	EXPARTE APPEAL TERMINATED	024
11/02/2015	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	023
10/29/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	022
10/29/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	021
10/22/2015	ALIE	А	ASSIGNED TO LIE	020
10/02/2015	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	019
10/02/2015	EXPI	Т	EX PARTE APPEAL-INSTITUTED	018
10/02/2015	JURT	Т	JURISDICTION RESTORED TO EXAMINING ATTORNEY	017
10/02/2015	EXAF	Т	EXPARTE APPEAL RECEIVED AT TTAB	016
04/07/2015	GNFN	0	NOTIFICATION OF FINAL REFUSAL EMAILED	015
04/07/2015	GNFR	0	FINAL REFUSAL E-MAILED	014
04/07/2015	CNFR	R	FINAL REFUSAL WRITTEN	013
03/18/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
03/16/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
03/16/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/12/2015	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/12/2015	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
09/17/2014	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/17/2014	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/17/2014	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/11/2014	DOCK	D	ASSIGNED TO EXAMINER	004
06/28/2014	MPMK	E	NOTICE OF PSEUDO MARK E-MAILED	003
06/27/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002

06/23/2014	NWAP	I	I NEW APPLICATION ENTERED IN TRAM			
CURRENT CORRESPONDENCE INFORMATION						
ATTORNEY				JungJin Lee		
CORRESPONDENCE ADDRESS				JUNGJIN LEE TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108		
DOMESTIC REPRESENTATIVE				NONE		

Remember the 8s.

			Trademark Snap Shot (Table presents the data	Publication Stylesheet on Publication Approval)			
			OVER	EVIEW			
SERIAL NUMBER			86314314	FILING DATE			06/19/2014
REG NUMBER			0000000	REG DATE			N/A
REGISTER			PRINCIPAL	MARK TYPE		SE	RVICE MARK
INTL REG #			N/A	INTL REG DATE			N/A
TM ATTORNEY			ZAK, HENRY S	L.O. ASSIGNED			119
			PUB INFO	RMATION			
RUN DATE		11/03/2015					
PUB DATE		N/A					
STATUS		680-APPRO	VED FOR PUBLICATON				
STATUS DATE		11/02/2015					
LITERAL MARK ELEMENT		REMEMBEF	R THE 8S.				
DATE ABANDONED			N/A	DATE CANCELLED			N/A
SECTION 2F			NO	SECTION 2F IN PART		NO	
SECTION 8			NO	SECTION 8 IN PART		NO	
SECTION 15			NO	REPUB 12C		N/A	
RENEWAL FILED			NO	RENEWAL DATE			N/A
DATE AMEND REG			N/A				
			FILING	G BASIS			
FILED	BASIS		CURREN	NT BASIS		AMENDED	BASIS
1 (a)	N	0	1 (a)	NO	1 (a)		NO
1 (b)	YE	S	1 (b)	YES	1 (b)		NO
44D	N	0	44D	NO	44D		NO
44E	N	0	44E	NO	44E		NO
66A	N	0	66A	NO			
NO BASIS	N	0	NO BASIS	NO			
			MARK	DATA			
STANDARD CHARACTER	MARK			YES			
LITERAL MARK ELEMENT				REMEMBER THE 8S.			
MARK DRAWING CODE			4-STANDARD CHARACTER MARK				
COLOR DRAWING FLAG				NO			
			CURRENT OWNE	R INFORMATION			
PARTY TYPE				10-ORIGINAL APPLICANT			
NAME				Peterson, David M			
ADDRESS			801 W 47th Street Suite 107 Kansas City, MO 641121253				

Kansas City, MO 641121253

99-professional corporation

ENTITY

CITIZENSHIP	United States of America
DBA/AKA	DBA Peterson & Associates, P.C.
COMPOSED OF	David M. Peterson, USA
GOODS ANI	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law

		GOOI	OS AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL CLASS	045	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
		MISCELL	ANEOUS INFO	RMATION/STAT	ГЕМЕПТЅ		
CHANGE IN REGIST	TRATION			NO			
PSEUDO MARK				REMEMBER THE E	IGHTS.		

			PROSECUTION HISTORY	
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/02/2015	EXPT	Т	EXPARTE APPEAL TERMINATED	024
11/02/2015	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	023
10/29/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	022
10/29/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	021
10/22/2015	ALIE	А	ASSIGNED TO LIE	020
10/02/2015	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	019
10/02/2015	EXPI	Т	EX PARTE APPEAL-INSTITUTED	018
10/02/2015	JURT	Т	JURISDICTION RESTORED TO EXAMINING ATTORNEY	017
10/02/2015	EXAF	Т	EXPARTE APPEAL RECEIVED AT TTAB	016
04/07/2015	GNFN	0	NOTIFICATION OF FINAL REFUSAL EMAILED	015
04/07/2015	GNFR	0	FINAL REFUSAL E-MAILED	014
04/07/2015	CNFR	R	FINAL REFUSAL WRITTEN	013
03/18/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
03/16/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
03/16/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/12/2015	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/12/2015	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	008
09/17/2014	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/17/2014	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/17/2014	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/11/2014	DOCK	D	ASSIGNED TO EXAMINER	004
06/28/2014	MPMK	E	NOTICE OF PSEUDO MARK E-MAILED	003
06/27/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/23/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPON	NDENCE INFORMATION
ATTORNEY	JungJin Lee
CORRESPONDENCE ADDRESS	JUNGJIN LEE TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108
DOMESTIC REPRESENTATIVE	NONE

Remember the 8s.

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

	OVER	VIEW	
SERIAL NUMBER	86314314	FILING DATE	06/19/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ZAK, HENRY S	L.O. ASSIGNED	119

PUB INFORMATION

RUN DATE	11/02/2015		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	11/02/2015		
LITERAL MARK ELEMENT	REMEMBER THE 8S.		
DATE ABANDONED	N/A	DATE CANCELLED	N/A

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED	BASIS	CURREN	IT BASIS	AMENDE	ED BASIS
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REMEMBER THE 8S.
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Peterson, David M
ADDRESS	801 W 47th Street Suite 107 Kansas City, MO 641121253
ENTITY	99-professional corporation

eterson & Associates, P.C. M. Peterson, USA
M. Peterson, USA
VICES
ey services; Legal consultation services; Legal consulting services in the field is torts, personal injury, consumer protection and social security disability law.; on services; Providing customized legal information, counseling, and advice, gation services in the field of mass torts, personal injury, consumer protection cial security disability law
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GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	045	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION			NO				
PSEUDO MARK			REMEMBER THE EIGHTS.				

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/02/2015	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	023
10/29/2015	TEME	ı	TEAS/EMAIL CORRESPONDENCE ENTERED	022
10/29/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	021
10/22/2015	ALIE	Α	ASSIGNED TO LIE	020
10/02/2015	ERFR	I	TEAS REQUEST FOR RECONSIDERATION RECEIVED	019
10/02/2015	EXPI	Т	EX PARTE APPEAL-INSTITUTED	018
10/02/2015	JURT	Т	JURISDICTION RESTORED TO EXAMINING ATTORNEY	017
10/02/2015	EXAF	Т	EXPARTE APPEAL RECEIVED AT TTAB	016
04/07/2015	GNFN	0	NOTIFICATION OF FINAL REFUSAL EMAILED	015
04/07/2015	GNFR	0	FINAL REFUSAL E-MAILED	014
04/07/2015	CNFR	R	FINAL REFUSAL WRITTEN	013
03/18/2015	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	012
03/16/2015	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	011
03/16/2015	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	010
02/12/2015	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	009
02/12/2015	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	800
09/17/2014	GNRN	0	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
09/17/2014	GNRT	F	NON-FINAL ACTION E-MAILED	006
09/17/2014	CNRT	R	NON-FINAL ACTION WRITTEN	005
09/11/2014	DOCK	D	ASSIGNED TO EXAMINER	004
06/28/2014	МРМК	E	NOTICE OF PSEUDO MARK E-MAILED	003
06/27/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
06/23/2014	NWAP	ı	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION			
ATTORNEY	JungJin Lee		
CORRESPONDENCE ADDRESS	JUNGJIN LEE TRADEMARK LAWYER LAW FIRM 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108		
DOMESTIC REPRESENTATIVE	NONE		

Remember the 8s.

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered			
SERIAL NUMBER	86314314			
LAW OFFICE ASSIGNED	LAW OFFICE 119			
MARK SECTIO	N .			
MARK	http://tmng-al.uspto.gov/resting2/api/img/86314314/large			
LITERAL ELEMENT	REMEMBER THE 8S.			
STANDARD CHARACTERS	YES			
USPTO- GENERATED IMAGE	YES			
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.			
EVIDENCE SEC	TION			
EVIDENCE FII	JE NAME(S)			
ORIGINAL PDF FILE	evi_9787226227-2015100212360585952110072015_Remember_the_8s_FROA.pdf			
CONVERTED PDF FILE(S) (8 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0002.JPG			
	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0003.JPG			
	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0004.JPG			
	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0005.JPG			
	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0006.JPG			
	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0007.JPG			
	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0008.JPG			
	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0009.JPG			
ORIGINAL PDF FILE	evi_9787226227-20151002123605859521 EXHIBIT_A_Contact_Us_Anytime Rainwater_Holt_Sexton.pdf			
CONVERTED PDF FILE(S) (5 pages)	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0010.JPG			
	\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0011.JPG			
	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml10\RFR0012.JPG			
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DESCRIPTION OF EVIDENCE FILE	response & exhibits			
SIGNATURE SE	CCTION			
RESPONSE SIGNATURE	/jjl/			
SIGNATORY'S NAME	JungJin Lee			
SIGNATORY'S POSITION	Attorney of Record, MI Bar Member			
SIGNATORY'S PHONE NUMBER	800-529-2218			
DATE SIGNED	10/02/2015			
AUTHORIZED SIGNATORY	YES			

CONCURRENT APPEAL NOTICE FILED	YES		
FILING INFORMATION SECTION			
SUBMIT DATE	Fri Oct 02 12:48:33 EDT 2015		
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XXX-2 0151002124833443010-86314 314-540b6c5ba530ae14531c3 aff951054ab1ee4e766cf7907 137b82b81c1fc9d4e63-N/A-N /A-20151002123605859521		

PTO Form 1960 (Rev 9/2007) OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. 86314314 REMEMBER THE 8S.(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86314314/large) has been amended as follows:

EVIDENCE

Evidence in the nature of response & exhibits has been attached.

Original PDF file:

evi_9787226227-20151002123605859521_._10072015_Remember_the_8s_FROA.pdf

Converted PDF file(s) (8 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Original PDF file:

evi_9787226227-20151002123605859521_. EXHIBIT_A_Contact_Us_Anytime__Rainwater_Holt__Sexton.pdf

Converted PDF file(s) (5 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Original PDF file:

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Converted PDF file(s) (4 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Original PDF file:

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Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

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Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

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Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

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Converted PDF file(s) (1 page)

Evidence-1

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Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /jjl/ Date: 10/02/2015 Signatory's Name: JungJin Lee

Signatory's Position: Attorney of Record, MI Bar Member

Signatory's Phone Number: 800-529-2218

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86314314

Internet Transmission Date: Fri Oct 02 12:48:33 EDT 2015

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XXX-2015100212483344

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N/A-N/A-20151002123605859521

Statement of the Case

The question presented in this case is whether "REMEMBER THE 8S," a standard character mark, Serial No. 86314314, should be refused registration because of a likelihood of confusion with the marks in U.S. Registration Nos. 4480663 and 4312953, namely, "DON'T WAIT, TEXT 8!", AND "DON'T WAIT, CALL 8!", both standard character marks, under Trademark Act Section 2(d), 15 U.S.C. Sec. 1052(d), relevant case law, and relevant precedents.

Statement of the Facts

Applicant filed its application on June 19, 2014, citing an intent to use the mark "REMEMBER THE 8S" for "Attorney services; Legal consultation services, Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law" in international class 038.

On September 17, 2014, the Examining Attorney issued a refusal claiming there was a likelihood of confusion with the marks in U.S. Registration Nos. 4312953 and 4480663 under Trademark Act Section 2(d).

On March 16, 2015, Applicant submitting arguments in support of registration of Applicant's mark, notwithstanding the cited registrations. In response to the Examining Attorney's final action refusing Applicant's registration, Applicant submits the following for consideration, in addition to the arguments previously made on its behalf.

<u>Issue</u>

Is the mark "REMEMBER THE 8S" likely to cause confusion with U.S. Registration Nos. 4312953 and 4480663, namely, "DON'T WAIT, TEXT 8!", AND DON'T WAIT, CALL 8!", under Trademark Act Section 2(d), relevant case law, and relevant precedents?

The Marks in Question

REGISTRATION

The marks cited against Applicant for the likelihood of confusion are U.S. Registration Nos. 4312953 and 4480663, both of which are currently owned by Cellino & Barnes, P.C., a New York Corporation:

DON'T WAIT, CALL 8!

Word Mark DON'T WAIT, CALL 8!

Goods and IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Services Legal services, namely, providing customized documentation, information, counseling,

> advice and consultation services in all areas of personal injury law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury law. FIRST USE: 20120803. FIRST USE IN COMMERCE: 20120803

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK Code

Serial Number 85700478 **Filing Date** August 10, 2012

Current Basis Original Filing 1A

Basis

Published for Opposition

January 15, 2013

Registration Number

4312953

Registration

April 2, 2013 Date

Owner (REGISTRANT) Cellino & Barnes, P.C. CORPORATION NEW YORK 350 Main Street, 25th

Floor Buffalo NEW YORK 14202

Attorney of Vincent G. LoTempio Record Type of Mark SERVICE MARK Register **PRINCIPAL**

Live/Dead LIVE Indicator

Don't Wait, Text 8!

Word Mark DON'T WAIT, TEXT 8!

Goods and Services

IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury law. FIRST USE: 20121101. FIRST USE IN COMMERCE: 20121101

Standard Characters Claimed

Code

Mark Drawing

(4) STANDARD CHARACTER MARK

Serial Number 85969085 **Filing Date** June 25, 2013

Current Basis 1A **Original Filing** 1A Basis

Published for Opposition

November 26, 2013

Registration Number

4480663

Registration

February 11, 2014

Date Owner

(REGISTRANT) Cellino & Barnes, P.C. CORPORATION NEW YORK 350 Main Street,

25th Floor Buffalo NEW YORK 14202

Attorney of Record

Vincent G. LoTempio

Prior Registrations

4312953

Type of Mark Register

SERVICE MARK

Live/Dead

PRINCIPAL

Indicator

LIVE

APPLICANTS MARK

Applicant's mark, Serial No. 86314314, is a standard character mark:

Remember the 8s.

Word Mark

REMEMBER THE 8S.

Goods and Services

IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection

and social security disability law

Standard Characters Claimed

Mark Drawing

Code

(4) STANDARD CHARACTER MARK

Serial Number 86314314 Filing Date June 19, 2014

Current Basis Original Filing Basis

Owner (APPLICANT) Peterson, David M DBA Peterson & Associates, P.C. David M. Peterson, USA

professional corporation UNITED STATES Suite 107 801 W 47th Street Kansas City

MISSOURI 641121253

Attorney of

JungJin Lee

Record SERVICE MARK Type of Mark Register **PRINCIPAL**

Argument

In response to the Office Action issued on April 7, 2015, Peterson & Associates, P.C., (Hereinafter "Applicant"), respectfully requests reconsideration of its application (Serial No. 86314314) in view of the remarks that follow.

I. There Is No Likelihood of Confusion Between Applicant's and Registrant's Marks.

The Examining Attorney concluded that confusion as to source is likely because the Applicant's and the Registrant's services "are identical or highly related in nature" in that "both parties offer attorney and legal services."

Additionally, the Examining Attorney found that the marks convey "a similar or identical message...with respect to legal services the numeral 8 is the key to obtaining quality legal representation."

Contrary to these findings, there is no likelihood of confusion between Applicant's and Registrant's marks. The sound, appearance, and commercial impression of the marks are notably different.

A. The Commercial Impression of the Marks are Unique to Each Mark.

Applicant's proposed use of the mark "Remember the 8s" is not likely to cause confusion with the marks cited by the Examining Attorney. In the instant case, Applicant submits that the standard to apply is not whether confusion is possible or whether confusion could occur, but rather whether confusion is likely to occur. Applicant's and Registrant's marks notably differ from one another, and despite their common use of the number "8", are not likely to be confused as to source.

In Tricia Guild Associates Ltd. v. Crystal Clear Industries, Inc, 38 U.S.P.Q.2d 1313, 1315 (1994). In Tricia Guild, the Board rejected a naked comparison of word marks. The opposer in Tricia Guild used the mark "DESIGNER'S GUILD" applied to goods for interior design such as upholstery, textile wall coverings, and wall paper. The Applicant sought registration of the mark "THE DESIGN GUILD" applied to wholesale distributorship services for interior design goods such as decorative lighting and gifts. The method of analysis applied by the examining attorney in the present case would have prevented registration of the mark "THE DESIGN GUILD". However, the Board looked beyond a simple comparison and found that the marks "DESIGNER'S GUILD" and "THE DESIGN GUILD", applied to their respective goods, would not cause a likelihood of confusion, even though the marks shared "similarities which are too obvious to discuss." Id. at 1315.

Similarly, in *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 718 F.2d 1201 (1st Cir. 1983), one party used another party's corporate name, "ASTRA", as a trademark. The spelling and sound were *identical*. However, the court noted that "similarity is determined on the basis of the *total effect* of the designation, rather than a comparison of the individual features."

Here, the marks convey unique commercial impressions. The Examining Attorney focused on the number eight as a critical component likely to cause confusion. Instead, the focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp.*, 203 U.S.P.Q. 537; *Sealed Air Corp.*, 190 U.S.P.Q. 106; T.M.E.P. § 1207.01(b).

Registrant's marks use the numeral "8", in combination with "Don't Wait, Call...!" and "Don't Wait, Text...!" When viewed in their entirety, these marks makes clear that the number "8" is directly related to a telephone number by which the source of the related services can be reached. Thus, the mark can be said to give the commercial impression that Registrant's services are merely a phone call away, and can be reached in a hurry. This impression is similar to the common advertising tactics used by law firms to give potential consumers a sense of urgency and hurried inclination to call immediately. [See, Exhibits A - G (showing use of similar phrases to entice consumers)].

On the other hand, Applicant's mark is the phrase "Remember the 8s." Unlike Registrant's mark, this phrase does not create any sense of urgency, or impression to call a specific phone number. Instead, the mark makes a pneumonic device for which the relevant consumer must exercise additional thought to determine the intent of the phrase—for example, "what is significant about the 8s?" and "why do I need to remember them." It is not a phrase which explains immediately that dialing a phone number using the number 8 will put a consumer in contact with services. Instead, it merely suggests that the number eight is significant to Applicant's services.

Instead of comparing Applicant's mark to that of Registrant's to determine a likelihood of confusion, the Examining Attorney relied on Applicant's prior applications to support his argument that Registrant's mark is connected to a telephone number to promote legal services. Consideration of these prior filed applications, none of which are active or in use by Applicant, in connection with the pending application is improper. As discussed above, Applicant's "Remember the 8s" mark does not convey the same or similar commercial impression as Registrant's marks. Relying on a purported commercial impression offered by Applicant's prior filed, and later abandoned applications, at best, inadvertently creates a commercial impression of Applicant's mark which does not actually exist; at worst, it prevents Applicant, or any similarly placed applicant, from ever seeking registration of any mark related to its legal services which utilizes the number 8. This distorted connection between the impression of those abandoned, dead marks is inaccurate, and therefore improperly injected into this pending matter.

B. Applicant's and Registrant's Services are Not Marketed in a Manner Likely to Cause Confusion.

When the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. See, e.g., Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); Shen Mfg. Co. v. Ritz Hotel Ltd., d393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); In re Thor Tech, Inc., 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers); Local Trademarks, Inc. v. Handy Boys Inc., 16 USPQ2d 1156, 1158 (TTAB 1990) (finding liquid drain opener and advertising services in the plumbing field to be such different goods and services that confusion as to their source is unlikely even if they are offered under the same marks); Quartz Radiation Corp. v. Comm/Scope Co., 1 USPQ2d 1668, 1669 (TTAB 1986) (holding QR for coaxial cable and QR for various apparatus used in connection with photocopying, drafting, and blueprint machines not likely to cause confusion because of the differences between the parties' respective goods in terms of their nature and purpose, how they are promoted, and who they are purchased by).

The *DuPont* factor "channels of trade" consists of considerations of how, and to whom, the respective goods or services of the parties are sold, which requires an examination of the conditions under which the consumers make their purchasing decisions and the sophistication of the purchasers. *E.I. DuPont_supra*, fn 3, factor (4). This factor is significant in that it examines what *actually* happens in the marketplace. Admittedly, the Examining Attorney has not had the opportunity to review the market realities in the instant matter, and therefore relying on this factor to find a likelihood of confusion is in error, and is notably outweighed by the other more relevant factors, as discuss *infra*.

The consumers, actual and potential, who utilize the type of services marketed by Registrant and Applicant, are sophisticated individuals, and they are not making an "impulse" purchase of goods off the shelf of a retail establishment. Both Applicant and Registrant market their services over the World Wide Web, and in their local geographic areas of practice, through which they clearly identify the source of the relevant goods and services, as well as the specific types of goods and services provided. This precludes a possibility, much less a likelihood, of confusion.

Even if Applicant's and Registrant's services are perceived as belonging in the same broad category, grouping at this broad level is insufficient to support a likelihood of confusion. "[U]se in the same broad field is not sufficient to demonstrate that a genuine issue exists concerning the likelihood of confusion." *Electronic Design and Sales, supra* at 716 (citing *Astra Pharmaceutical, supra*). Broad groupings and sweeping generalizations fail to give proper

recognition to marketplace realities. Examination of the marks as applied to products and services, and as actually presented to actual or potential purchasers is required. Because the marks will be and are presented to the consumers through different and distinct venues, which clearly identify the source of the services, there simply is not a likelihood that the source of Applicant's and Registrant's services will be confused.

According to the *DuPont* factors, *supra* at note 3, "total effect" includes the underlying goods and services, the consumers, and the manner in which the marks and the services are presented to the consumers as well as the similarity of the marks. In this vein, the Examining Attorney should show that he is *convinced* that confusion is *likely*, and not that confusion is merely a theoretical possibility. *In re E.I du Pont de Nemours & Co.*, 476 F.2d 1357, 1360-62 (C.C.P.A. 1973). The likelihood of confusion is not measured by what is possible, but by evidence that convinces the examiner that confusion is likely. *Id.* (emphasis added). The C.C.P.A. emphasized the need for evidence and for an analysis of the marketplace realities when it stated:

... the question of confusion is not related to the *nature* of the mark, but to its *effect* "when applied to the goods of the applicant." The only *relevant* application is made in the marketplace. *The words "when applied" do not refer to a mental exercise, but to all of the known circumstances surrounding the use of the mark.* The ultimate question of a likelihood of consumer confusion has been termed a question of fact (internal citation omitted). If labeled a mixed question or one of law, it is necessarily drawn from the probative facts in evidence. *Id.* (as cited by TMEP § 1207.01).

In the present case, the marketplace realities surrounding Applicant's and Registrant's services refute the Examining Attorney's conclusion. The relevant standard to be applied is not a *possibility* of confusion, based on an opinion as to what "may" happen, but rather, a *likelihood* of confusion based on evidence.

Notwithstanding the Examining Attorney's asserted inability to determine or limit channels of trade not set forth in the parties' applications, consideration of the relevant marketplace can be appropriate for consideration of the impact of the Marks on the relevant consumer, as noted above.

In this case, Applicant, Peterson & Associates, P.C. offers comprehensive legal solutions to personal injury victims within the states of Missouri and Kansas. Applicant's services are directed at individuals in these states who are seeking assistance in recovering compensation based on their personal injury claim. On the other hand, Registrant is a personal injury firm providing legal services in California and New York states. Registrant's relevant consumers are individuals seeking legal assistance with their personal injury claim in New York and California. Presumably, Registrant relies on billboards, radio stations, and television in the local areas to promote its services. [See, Registrant's specimens for each mark].

In these circumstances, the relevant consumers for each party's services are not likely to encounter these marks in such a manner which is likely to cause confusion.

II. Conclusion

In light of the differences in the marks, including weakness of the Registrant's marks, the differences in the appearance of the marks, when viewed in their entireties, differences in how the marks sound when pronounced, differences in, and sophistication of, the purchasers to whom the services are directed, and the differences in the channels of trade through which the goods are offered, Applicant believes it has satisfactorily shown that there is no likelihood of confusion between the Registrant's marks, "Don't Wait, Call 8!" and "Don't Wait, Text 8!" and Applicant's mark, "Remember the 8s", and respectfully requests the refusal to be withdrawn and the application to move on to publication.

EXHIBIT A

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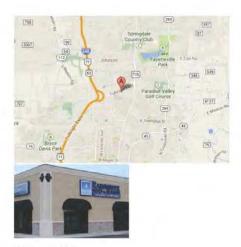




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Sam and Gunner combine their experience and knowledge of the Atlanta criminal defense system to actively fight for clients. Also, Gunner Pak is a former Assistant District Attorney, which means he understands the inner workings of the court system and people involved in it. We use this knowledge and experience to fight for the best potential outcome for your case. Learn more about the attorneys at Pak and McRae Law, LLC.

GUNNERPAK

SAM MCRAE

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At Pak and McRae Law, LLC, we'll explain your options but maintain honesty. While we cannot promise an outcome, we can promise to do everything we can to decrease the negative impact you are experiencing right now. We know how confusing the Georgia court system is, but we have the experience and knowledge to walk you through it so you know what is happening step by step.

At Pak and McRae Law, LLC, we sincerely love practicing the law because it means we get to help people in Atlanta, each and every day. Contact our criminal defense office and find out how we can help you. Our office is conveniently located in Decatur, Georgia. We defend people throughout the greater Atlanta area.

Pak and McRae Law, LLC, won't let you be taken advantage of.

When you're facing criminal allegations in the Atlanta area, you need the right information to figure out your next step. You need to trust the answers you're being given to the very crucial questions you're asking. As skilled criminal defense lawyers, we will serve you with integrity and accountability. You shouldn't be taken advantage of, especially by your legal representation. Our criminal defense attorneys stand firm against untain practices. We strive to protect our clients through and through. Our passion for providing honest, valuable criminal defense services is evident from your first call to the final courtroom decision. We are determined to protect your future and the futures of the people you care about, because we care about you. Our drive for criminal defense is ultimately fueled by our unbridled care for the people of Atlanta-we won't let you down.

Communicative, Determined Criminal Defense Lawvers

By hiring Pak and McRae Law, LLC, you get peace of mind knowing you have intelligent, experienced and personal guidance throughout your entire case. Gunner Pak and Sam McRae lead the firm; both Gunner and Sam, along with the rest of the team, are wholeheartedly dedicated to helping people fight their criminal charges. From point A to point B, we're personally involved with your case, taking the implications seriously.

With the amount of complex laws and legal terms surrounding your case, it can become overwhelming when you've been charged with a crime. Don't worry; you don't have to go through this process alone, We'll walk you through it, each and every step of the way. The criminal defense attorneys at Pak and McRae Law, LLC, will be your guides, maintaining an open line of communication. Don't be afraid to ask us your questions. Our job is to provide you the answers.

Defending Atlanta, Georgia with Passion and Integrity

Our criminal defense lawyers are extremely knowledgeable with all types of criminal offenses. We are dedicated to this area of law. Our commitment to criminal defense provides us with the accurate knowledge and keen skill to fight for people who are facing many types of criminal allegations. Some of the cases we handle as defense attorneys in Atlanta include but are not limited to the following:

ASSAULT AND BATTERY	DRUG CHARGES	MISDEMEANORS
THEFT	BATTERY	VIOLENT CRIMES
TRAFFIC VIOLATIONS	SEXUAL ASSAULT	DOMESTIC VIOLENCE
IMMIGRATION ISSUES	TRAFFICKING CHARGES	

For anyone there are so many questions involved after being charged with any of these crimes. What are the consequences? Will be fired from my job? How will this criminal charge affect my family? We offer a free consultation so we can start these conversations. We'll speak with you and get a better understanding of what has happened. Call us and we'll take it from there. Regardless of whether you've been charged with a felony, misdemeanor, or simple a traffic violation, contact us for a free consultation so that we can help you better understand what you are up against and what rights you have that need to be protected.

Don't just sit back and let these things happen. Take action immediately.

After being arrested, whether it is was for drug possession, a DUI, traffic violation, domestic violence, or another criminal charge, it is important that you talk to someone, and quickly. The longer you walt, the more you put your job, your driver's license, and your finances at risk.

At Pak and McRae, LLC, we can provide you with superior defense to potentially remove these burdens and help you move forward in your life. We have the experience, knowledge and dedication necessary to provide exceptional legal representation for our, clients, and we do so each and every day. Don't hesitate—call our Atlanta criminal defense attorneys today.



SCHOLARSHIP



ATHENA'S WAREHOUSE



ORANGE DUFFEL BAG INITIATIVE

GIVING BACK

At Pak and McRae Law, LLC, we are dedicated to the people of Decatur, Georgia and the greater Atlanta area—in more ways than one.

We truly care about building relationships within our community through volunteering and maintaining involvement with local associations. Sam McRae is the former Chairperson for Young Lawyers Division for the DeKalb Bar Association. Gunner is a member of the Georgia Pacific American Bar Association. We also host happy hours for other local lawyers.

LEARN MORE

START WITH A
CONSULTATION
Contact an attorney today

ON		
oday.		

Phone

Email*

Brief Description

REQUEST A CONSULTATION

TESTIMONIALS

What a great attorney! I was referred to Sam by a friend last-minute, and he still took my case, was responsive from the get-go to my most basic questions and everything on from there, and was just the consummate professional. My traffic issue was relatively minor, but going to court for the first time was nerve wracking. Sam made the experience understandable and got my case dismissed within an hour of walking into the courthouse. I would call him again for any other fender bender and would highly recommend him to any of my friends and family with full confidence. Thank you so much for your timely and awesome help, Sam!"

Tata Client of Sam McRae

FAQ

Who is a criminal defense lawyer?

How exactly does attorney client privilege work?

What is the difference between a misdemeanor and a felony in Georgia?

How do I erase my criminal record in Georgia?

Will my license get suspended if I've been charged with a drug offense?

LEARN MORE

MORE TESTIMONIALS















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Wrongful Death Truck Crash Victory



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Name: "
Email "
Phone Number: "
Case Description

DON'T WAIT, CALL CANTOR AND BURGER, YOUR ST. LOUIS ACCIDENT LAWYERS

POSTED ON DEC 06, 2010 BY ADMIN (HTTP://CANTORBURGER.COM/AUTHOR/ADMIN/)

(http://www.cantorburger.com/)

If you're torn about whether to talk to a personal injury lawyer

Talk to Cantor and Burger Before It's Too Late(http://www.cantorburger.com/) about your accident

(http://www.cantorburger.com/practice-areas-2/autotruckmotorcycle-

accidents) or injury (http://www.cantorburger.com), it's always better to err on the side of doing so. Here's why: there's absolutely no cost to talk to a St. Louis accident attorney (http://www.cantorburger.com) at Cantor and Burger (http://www.cantorburger.com)—Mark Cantor (http://www.cantorburger.com/about/mark-aeron-cantor), Gary Burger (http://www.cantorburger.com/about/gary-k-burger-jr), or their associate attorney Jade Wandell, are always available on the phone or in person to help you evaluate your claim (http://www.cantorburger.com/). We often have clients who have hesitated to speak to an attorney (http://www.cantorburger.com) about their injury and in doing so, have hurt their chances for recovery. This could be for any number of reasons. Sometimes they wait too long and their claims are barred by the statute of limitations. In worker's compensation (http://www.cantorburger.com/gractice-areas-2/workers-compensation) claims, clients may fall to report their injury.

(http://www.cantorburger.com/practice-areas-2/workers-compensation) claims, clients may fail to report their injury (http://www.cantorburger.com/practice-areas-2/workers-compensation) in time to their employers or to do so in writing-both crucial elements needed to maintain a claim. In medical malpractice

(http://www.cantorburger.com/practice-areas-2/medical-malpractice) claims, clients might not get the follow up care they need to establish the causation of their original claim or save important evidence to document their

All of these situations are completely preventable through a free consultation (http://cantorburger.com/mobile/freeconsultation/) with Cantor and Burger (http://www.cantorburger.com). Even if you think you do not need a St. Louis lawyer (http://www.cantorburger.com) for your accident (http://www.cantorburger.com) or personal injury (http://www.cantorburger.com), the meeting is free and you stand to lose nothing.

But you gain over 35 years of personal injury experience (http://www.cantorburger.com), Call to make an appointment for your free consultation (http://www.cantorburger.com/about) today.

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POSTED IN: Recent Personal Injury Cases (http://cantorburger.com/category/recent-personal-injury-cases/) St. Louis Personal Injury Attorneys (http://cantorburger.com/category/st-louis-personal-injury-attorneys/) TAGS: Free Consultation (http://cantorburger.com/tag/free-consultation/) Gary Burger (http://cantorburger.com/tag/gary-burger/) Insurance Companies (http://cantorburger.com/tag/insurance-companies) Mark Cantor (http://cantorburger.com/tag/mark-cantor/) Medical Malpractice Lawyers (http://cantorburger.com/tag/missouri-accident-lawyers/) Missouri Accident Lawyers (http://cantorburger.com/tag/st-louis-personal-injury-lawyers/) St. Louis Personal Injury Lawyers (http://cantorburger.com/tag/st-louis-personal-injury-lawyers/) Worker's Compensation (http://cantorburger.com/tag/workers-compensation/)

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What Our Clients Say

**** 5/5

"Wouldn't want anyone else to work my case for me than these

--- Bre D.

View More Testimonials (http://cantorturges.com/testimo

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(HTTP://WWW.MORRISBART.COM/)

CHARLES/)

CHARLES/CAR-ACCIDENT-

LAWYER/)

TRUCK ACCIDENT

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CHARLES/TRUCK-ACCIDENT-

Hen

LAWYER/I

LAKE CHARLES AUTO ACCIDENT LAWYER

Get Help in One Call, That's All



Make sure to remain calm at the scene of an accident. When you panic it can cause others to panic, and it can even mean that you or the police miss valuable information regarding your auto crash. It is hard to know exactly what to do after an accident, but a trained Lake Charles lawyer can help guide you in the steps that you should take immediately following an auto crash.

Before you do anything at an auto crash scene there are a few steps you should take according to the advice of our

- Dial 911! No matter how big or small you feel your wreck is, you should have the police come out and do a report. This report is valuable when determining fault.
- Make sure to get all contact information including their name, phone number, email address, insurance carrier
 and policy number, license information, and license plate number.
- 3). Never admit fault, under any circumstances. Please understand, we are not asking you to lie! However, any number of things can contribute to a crash, and a feeling of guilt at the scene of an accident does not mean you are
- 4) Check for any sign of intoxication.
- 5) Contact a Lake Charles lawyer at Morris Bart, Attorneys at Law at 337-377-0514.

REQUEST A FREE CASE EVALUATION

Full Name*

Phone*

Email*

Auto Accident

Message*

Morris Bart (http://www.morrisbart.com/lake-charles/car/accident-lawyer/)
1 Lakecharles, LA 70629
Phone 337-327-0514

What A Car Accident Lawyer Can Do

Your Lake Charles car crash lawyer will do everything in his or her power to make your life easier after your wreck. We will handle the mounds of paperwork and aggressive insurance companies, because your injuries are enough to deal with:

Choosing An Auto Crash Lawyer in Lake Charles

Some people think that it is unnecessary to hire a lawyer for a car wreck case, but we want to encourage you to reconsider. Calling a local Louisiana car crash specialist for a consultation is free, and we can even send an investigator out to look at your car and discuss the paperwork, usually the same day. When you try to handle your car wreck claim unrepresented, you could potentially get a lower settlement than you deserve. A Lake Charles lawyer at the law office of Morris Bart want to make sure that does not happen. If you have been hurt in a car wreck, don't wait! Contact your local car crash lawyer today.

Here are a few questions you should ask your potential lawyer;



Iniciar chat en español

- What information do you need from me or the other party involved.
- Is there anything I should be aware of before we begin?
- · How much could my case potential cost?
- . What do I do if the other party is blaming me for the accident?
- What if the insurance company is refusing to pay?
- · Are there any arguments that could be used against me?
- Have you handled many cases similar to mine?
- . Do you think you and your law firm can handle taking on my case?

Don't wait! Call Morris Bart today if you have been injured in an automobile accident. In the state of Louisiana, there is a statute of limitations on filing personal injury claims from the time of the wreck which limits the amount of time you have to file.

Can A Lake Charles Car Accident Lawyer Help You?



Car wrecks are a headache, and no matter how prepared you may be, the odds of being involved in an accident are completely unpredictable. So if you find yourself injured in a car accident, the best thing you can do is hire an attorney. When you call Morris Bart's Lake Charles office, you will be assigned an attorney who is ready to take on the insurance company to get you the best

settlement possible for your car repairs, medical bills, pain and suffering, and lost wages. Hire an experienced Lake Charles car wreck lawyer to work for you.



REQUEST A FREE CASE EVALUATION

Fill out the form below to receive a free and confidential initial consultation

uli Name*	Phone*	Email*	Auto Accident
lessage."			SEND REQUEST

Go Social Contact Us Subscribe Morris Bart, LLC Enter your e-mail below to subscribe to our free (https://twitter.com/MorrisBartLLC) 1 Lakeshore Dr Lake Charles, LA 70629 newsletter. (https://www.facebook.com/mprrishartile) Phone: (337) 377-0514 (tel:3373770514) We promise not to bother you often! (https://www.pinterest.com/morrisbart/) (http://www.linkedin.com/title/attorney/at-Enter small OK. (https://plus.g Hi. You may just be (http://feeds.f browsing, but we are available to answer © 2015 Morris Privacy Policy (your questions. Attorneys (http://www.morrisbart.com/personal-injury-attorneys/) Results (http://www Can We Help You? Personal Injury (http://www.morrisbart.com/lake-charles/) Car Accident (http://www.n YES NO Truck Accident (http://www.morrisbart.com/lake-charles/truck-accident-lawyer/)

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ACCIDENT-LAWYER/)

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TRUCK ACCIDENT

ABOUTUS

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MONROE CAR ACCIDENT LAWYER

A Monroe Car Accident Lawyer Helps Your Wreck



You never plan to be in an accident, but unfortunately car wrecks are an all too common part of life. If you find yourself injured in a car wreck, contact a Monroe car wreck specialist to represent you today. We promise to do everything in our power to get you properly compensated for medical bills, lost wages, car repairs, and pain and suffering. There are a lot of complications that come

along with a personal injury claim, so let us take care of the hassles like paperwork and insurance companies. We have offices all over the great state of Louisiana and of course right here in Monroe.

Choosing A Car Accident Lawyer

You may think it is rash to hire a lawyer for a car wreck claim, but we urge you to reconsider. There are a lot of benefits that come along with hiring a lawyer, and the consultation is absolutely free. If you call the law office of Morris Bart, one of our expert team members is ready to talk day or night. And most of the time, we can send out an investigator to come to you that same day.

Don't be afraid to ask a potential attorney straight forward questions about your case, such as:

- What things or information should I get together to best support my claim?
- What things should I be aware of when entering a personal injury claim?
- . What could this cost me?
- What if the other driver says I am at fault?
- What if the insurance company says they aren't responsible for paying?
 What arguments could be used against me during my case?
- How much experience do you have in dealing with cases similar to mine?
- . Do you think you and/or your firm can handle my claim?

Morris Bart (http://www.morrisbart.com/monroe/car-accident-lawyer/) 1900 N 15th St Monroe, LA 71201 Phone: (318) 884-0904

If you've been but in an accident, don't hesitate to call our office right now to speak to an attorney. You only have a limited amout of time from the day of your wreck to file a claim, and the sooner the better when it comes to proving injury. Contact a Monroe lawyer today and let us evaluate your case.

What A Car Accident Attorney Can Do in Monroe, LA

Any lawyer you are assigned from our office will do everything he or she can to make your life less stressful after an accident. We know this time is difficult for you, trying to recover from injuries and anxiety. One of our trained Monroe lawyers is capable of fighting hard to get you the settlement you deserve.

Full Name*	
Phone*	
Email*	
Auto Accident	
Message*	
SEND RE	QUEST

Your Auto Wreck Attorney is Right Here



If you are in a car accident, don't panic. Make sure to remain calm so that you can give the police complete and accurate information. Everything you say and do in the few days after your wreck is important, and either the insurance company or the other party could twist your words if you aren't careful. Call in a local Louisiana car wreck lawyer today to protect you.

We know that it can be hard to keep a clear head during an accident, so here are a few things you should always do:

- 1) Dial 911. Even if you don't think you are hurt that bad, or that the damage is too severe, you still want the police to come to the scene, investigate, and file a report. This can protect you later.
- Get all contact information possible such as the other driver's name, their telephone number, insurance earrier
 and policy number, email address, license number, and tag number:
- Don't admit fault for the wreck to anyone. The police are there to determine fault, not you, and you never know what could have caused your accident.
- 4) Look for any sign of intoxication in the driver or any of his passengers.
- 5) Call the law office of attorney Morris Bart today at 318-884-0904. One call, that's all.



If you've been injured in a car wreck, don't wait! Call the law office of attorney Morris Bart today. One call, that's all.

REQUEST A FREE CASE EVALUATION Fill out the form below to receive a free and confidential initial consultation

Full Name* Phone* Email* Auto Accident

Message*

SEND REQUEST

Go Social Contact Us Subscribe Morris Bart, LLC (https://fwitter.com/MorrisBartLLC) Enter your e-mail below to subscribe to our free 1900 N. 18th St newsletter. (https://www.facebook.com/morrisbartile) Monroe, LA 71201 Phone: (318) 884-0904 (tel:3188840904) We promise not to bother you often! (https://www.pinterest.com/morrisbart/) Entrepmali OK morris+bart+lic/) (https://plus.google.com/100411487746670769177/about) (http://feeds.feedburner.com/MorrisBartAndAssociates) © 2015 Morris Bart, LLC Privacy Policy (/privacy-policy/) | Site Map (/sitemap/) Attorneys (http://www.morrisbart.com/personal-injury-attorneys/) Results (http://www.morrisbart.com/results/) Personal Injury (http://www.morrisbart.com/morroe/) Car Accident (http://www.morrisbart.com/monroe/car-accident-lawyer/), Truck Accident (http://www.morrisbart.com/monroe/truck-accident-lawyer/) About Us (http://www.morrisbart.com/about-us/) Locations (http://www.morrisbart.com/locations/)

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THOMAS S. OLMSTEAD

LAW OFFICE

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Some of Our Practice Areas

Like most law firms, Thomas S. Olmstead Law Office in Poulsbo, WA handles many different areas of the law. Attorney Thomas Olmstead handles cases involving excessive force, police brutality, unlawful shooting, unconstitutional search and seizure, illegal strip search, police cover-up and false arrest. Every person has the constitutional right not to be subjected to unreasonable or excessive force by law enforcement officers. However, a police officer has the right to use force that is objectively reasonable to make an arrest or that is necessary for self-defense. When officers exceed their authority to use force, Attorney Thomas Olmstead can help you get the Justice you deserve. Give Thomas S. Olmstead Law Office in Poulsbo, WA a call today for a free consultation.

Below is a list of what we focus on, but are not limited to. Don't see a service or practice listed below? Give us a call! We are happy to help!

Attorney Services

Personal Injury Lawyer

An injury to you physically, mentally or emotionally, causing the need for medical assistance. Sometimes these instances include traffic accidents, workplace injury, assault claims, product liability, medical negligence and more. Call us immediately if you are in need of a personal injury lawyer and think you have the right to compensation or justice.

Criminal Defense Lawyer

Thomas S. Olinstead Law Office has experience handling a variety of criminal matters, both misdemeanors such as shoplifting and minor drug crimes, and felonies such as forgety and more serious drug-related offenses. We can help you navigate through local Poulsbo court rules and procedures to achieve a fair outcome.

DUI and Traffic Violations Lawyer

We handle DUI as well as misdemeanor driving violations such as reckless driving, and minor traffic citations such as speeding. Driving under the influence is one of the most complex areas of criminal law in the state of Washington. Thomas S. Olmstead Law Office can plan how to handle the situation from start to finish. Don't wait, call today!

Misdemeanors Lawyer

Misdemeanors are criminal charges that are less than felonies and more than infractions (which are not crimes). They are punishable by incarceration in the County Jail for up to 364 days and a \$5,000.00 fine. Some misdemeanors can also impact your right to bear arms and your privilege to operate an automobile. If you have been arrested for a misdemeanor don't wait until your arraignment, call Thomas S. Olmstead Law Office today for a free consultation.

Wrongful Death Lawyer

Has someone close to you died due to the fault of someone else? You may have a claim. Some of these claims range from car accidents, medical malpractice or product liability. We will research your standing to bring an action and advise you of your right to seek damages. These cases can be fraught with emotion; we care and understand. Call Thomas S. Olmstead Law Office in Poulsbo, WA a free consultation.

Family Lawye

This type of law refers to all family matters. These matters can range from adoption, custody, divorce and marriage to child support, domestic violence, nanny matters and more.

Bankruptcy Lawyer

If you need help paying your bills or are a little behind, don't fret! Thomas S. Olmstead Law Office is here for you. With FREE bankruptzy consultations, we will help get you going in a positive, debt-free direction.

Estate Planning Lawyer

... And More

Don't see a service or practice area listed above? Give us a call or stop by
to see if we can get the resolution of your legal issue moving in a positive
direction.

EXHIBIT G



To: Peterson, David M (jbm@petersonlawfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86314314 - REMEMBER THE 8S. - N/A

Sent: 4/7/2015 12:02:29 PM

Sent As: ECOM119@USPTO.GOV

Attachments: Attachment - 1

Attachment - 2

Attachment - 3
Attachment - 4

Attachment - 5

Attachment - 6

Attachment - 7

Attachment - 8

Attachment - 9

Attachment 10

Attachment - 10

Attachment - 11

Attachment - 12

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Attachment - 26

Attachment - 27

Attachment - 28

Attachment - 29

Attachment - 30

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

U.S. APPLICATION SERIAL NO. 86314314

MARK: REMEMBER THE 8S.

CORRESPONDENT ADDRESS:

PETERSON, DAVID M PETERSON, DAVID M 801 W 47TH ST STE 107

KANSAS CITY MO 64112-1253

APPLICANT: Peterson, David M

86314314

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

VIEW YOUR APPLICATION FILE

CORRESPONDENT'S REFERENCE/DOCKET NO:

 NI/Δ

CORRESPONDENT E-MAIL ADDRESS:

jbm@petersonlawfirm.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/7/2015

THIS IS A FINAL ACTION.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone without incurring this additional fee.

This responds to the letter received March 16,2015. After careful consideration of the arguments for allowance, the following action is taken:

For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No(s). 4,312,953 and 4,480,663. See 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. Syndicat Des Proprietaires Viticulteurs De Chateauneuf-Du-Pape v. Pasquier DesVignes, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing Federated Foods, Inc. v. Fort Howard Paper Co., 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); In re Iolo Techs., LLC, 95 USPQ2d 1498, 1499 (TTAB 2010); see TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. In re Viterra Inc., 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. See Coach Servs., Inc. v. Triumph Learning LLC, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); Herbko Int'l, Inc. v. Kappa Books, Inc., 308 F.3d 1156, 1165, 64 USPO2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

The applicant seeks to register the mark REMEMBER THE 8s for attorney and legal services, particularly in the field of personal injury and litigation, as well as other legal fields. The cited marks are owned by the same party: DON'T WAIT, TEXT 8! And DON'T WAIT, CALL 8!, also for attorney and legal services, particularly in the area of personal injury law, and other legal fields.

RELATED NATURE OF SERVICES:

Both parties offer attorney and legal services. In fact, according to the applicant's statements in its response, both appear to primarily practice in the same legal field—tort or personal law, and litigation involved with this area of the law.

Therefore, the services are identical or highly related in nature.

The presumption under Trademark Act Section 7(b), 15 U.S.C. §1057(b), is that the registrant is the owner of the mark and that use of the mark extends to all services identified in the registration. The presumption also implies that the registrant operates in all normal channels of trade and reaches all classes of purchasers of the identified services. *In re Melville Corp.*, 18 USPQ2d 1386, 1389 (TTAB 1991); *McDonald's Corp. v. McKinley*, 13 USPQ2d 1895, 1899 (TTAB 1989); *RE/MAX of Am., Inc. v. Realty Mart, Inc.*, 207 USPQ 960, 964-65 (TTAB 1980); *see* TMEP §1207.01(a)(iii).

The applicant argues that:

- 1). The services are offered in different geographic regions and,
- 2). The consumers of legal services are sophisticated and discerning in nature.

Applicant argues that its activities are geographically separate from those of registrant; however, applicant seeks a geographically unrestricted registration. The owner of a registration without specified limitations enjoys a presumption of exclusive right to nationwide use of the registered mark under Trademark Act Section 7(b), 15 U.S.C. §1057(b), regardless of its actual extent of use. *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1568, 218 USPQ 390, 393 (Fed. Cir. 1983). Therefore, the geographical extent of applicant's and registrant's activities is not relevant to a likelihood of confusion determination.

In the legal field, it is common for law firms to offer their services on a multistate basis, in more than one legal jurisdiction. It is noted that the registrant offers legal personal injury services in California and New York. Enclosed are other websites of legal firms who practice in multistate jurisdictions, and advertise this fact to the public and relevant consumers. (see enclosed legal firm websites promoting multistate licensing of their attorneys and areas of practice).

Moreover, many legal firms, specializing in a variety of legal fields, advertise on the internet, which is available to all jurisdictions in the United States.

Therefore, the fact that both parties may have physically limited geographic locales does not necessarily limit their ability to practice law in multistate jurisdictions, beyond their physical locations.

The fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); see, e.g., Stone Lion Capital Partners, LP v. Lion Capital LLP, 746 F.3d. 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); Top Tobacco LP v. N. Atl. Operating Co., 101 USPQ2d 1163, 1170 (TTAB 2011).

When the relevant consumer includes both professionals and the general public, the standard of care for purchasing the goods is that of the least sophisticated potential purchaser. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d. 1317, 1325, 110 USPQ2d 1157, 1163 (Fed. Cir. 2014); *Alfacell Corp. v. Anticancer, Inc.*, 71 USPQ2d 1301, 1306 (TTAB 2004).

The enclosed internet websites of various law firms stress their ability to aid the average person, and the professional, in arcane or confusing areas of the law. Such websites identify their ability to aid the average consumer involved in personal injury situations, regardless of the level of sophistication of the consumer. Moreover, in legal areas, even sophisticated individuals require expert legal advice which they do not personally possess to avoid or prevail in various legal situations, especially those involving litigation.

For these reasons, the services are identical or highly related in nature, both dealing with legal services in the field of personal injury law, offered in multistate jurisdictions, and offered to all types of clients.

RELATED NATURE OF MARKS:

Applicant's mark is REMEMBER THE 8S; the cited marks are: DON'T WAIT, TEXT 8 and DON'T WAIT CALL 8.

Consumer confusion has been held likely for marks that do not physically sound or look alike but that convey the same idea, stimulate the same mental reaction, or may have the same overall meaning. *Proctor & Gamble Co. v. Conway*, 419 F.2d 1332, 1336, 164 USPQ 301, 304 (C.C.P.A. 1970) (holding MISTER STAIN likely to be confused with MR. CLEAN on competing cleaning products); *see In re M. Serman & Co.*, 223 USPQ 52, 53 (TTAB 1984) (holding CITY WOMAN for ladies' blouses likely to be confused with CITY GIRL for a variety of female clothing); *H. Sichel Sohne, GmbH v. John Gross & Co.*, 204 USPQ 257, 260-61 (TTAB 1979) (holding BLUE NUN for wines likely to be confused with BLUE CHAPEL for the same goods); *Ralston Purina Co. v. Old Ranchers Canning Co.*, 199 USPQ 125, 128 (TTAB 1978) (holding TUNA O' THE FARM for canned chicken likely to be confused with CHICKEN OF THE SEA for canned tuna); *Downtowner Corp. v. Uptowner Inns, Inc.*, 178 USPQ 105, 109 (TTAB 1973) (holding UPTOWNER for motor inn and restaurant services likely to be confused with DOWNTOWNER for the same services); TMEP §1207.01(b).

In this instance, despite different wording, a similar or identical message is conveyed—with respect to legal services the numeral 8 is the key to obtaining quality legal representation. It is the core of the message conveyed by all three marks, despite being worded in a different manner—the numeral 8, as a telephone number or text contact number, provides legal services.

Moreover, emphasis on the numeral 8 as a means of obtaining legal services is frequently employed by the applicant in promoting its services. Enclosed are copies of related marks of the applicant, for identical legal services, all using different terminology, but all relying on the numeral 8 as the principal feature of the marks: TEXT THE 8s; RIGHTS DON'T WAIT, CALL THE 8s; WHY WAIT, CALL THE 8s; DON'T HESITATE...CALL THE 8s! (see enclosed companion marks filed by the applicant).

Given the variety of marks adopted by the applicant using the numeral 8 to promote its legal services, all using different terminology outside of the numeral 8, consumers would believe, mistakenly, that the registrant's marks, using the same emphasis on the numeral 8, for the same or highly related legal services, originate from the applicant, rather than another source.

For these reasons, the marks are highly related, conveying the same commercial impression, using the numeral 8 to access the identical legal services.

Applicant argues that the registrant's marks are merely informational advertising and "weak" in nature. However, both marks are registered on the Principal Register, without recourse to a Section 2(f) claim, or disclaimer of any matter in the mark. Therefore, each registration is entitled to all Section 7(b) presumptions, including the fact that it is a distinctive mark.

Firstly, the applicant has introduced no positive evidence of the alleged "weakness" of the mark in the record, but has merely made statements that the registered marks are similar to highly informational phrases, without any further proof. Such a conclusory labelling of the registrant's marks as "weak" is irrelevant in determining likelihood of confusion *Armstrong Cork Co. v. World Carpets Inc. et al*, 198 USPQ 526 (N.O. Georgia 1977).

Moreover, such a factual assertion cannot be accepted in an exparte proceeding, since it would nullify the Section 7(b) presumptions to which the registrant's mark are entitled on its face, but must be considered in an interparted proceeding, where the registrant has the opportunity to reput this allegation against its marks. See: *In re C.F. Hathaway Co.*, 190 USPQ 343 (TTAB 1976) and *In re Uniroyal Inc.*, 197 USPQ 29 (TTAB 1977).

Even accepting the applicant's allegation, such a statement does not obviate likelihood of confusion under Section 2(d).

The Court of Appeals for the Federal Circuit and the Trademark Trial and Appeal Board have recognized that marks deemed "weak" or merely descriptive are still entitled to protection against the registration by a subsequent user of a similar mark for closely related goods and/or services. *In re Colonial Stores, Inc.*, 216 USPQ 793, 795 (TTAB 1982); TMEP §1207.01(b)(ix); see King Candy Co. v. Eunice King's Kitchen, Inc., 496 F.2d 1400, 1401, 182 USPQ 108, 109 (C.C.P.A. 1974). This protection extends to marks registered on the Supplemental Register. TMEP §1207.01(b)(ix); see, e.g., In re Clorox Co., 578 F.2d 305, 307-08, 198 USPQ 337, 340 (C.C.P.A. 1978); In re Hunke & Jochheim, 185 USPQ 188 (TTAB 1975).

Finally, the applicant argues that the pluralization of the numeral 8 in the registrant's mark creates a distinct commercial impression different from that of the applicant's. An applied-for mark that is the singular or plural form of a registered mark is essentially identical in sound, appearance, meaning, and commercial impression, and thus the marks are confusingly similar. *Weider Publ'ns*, *LLC v. D & D Beauty Care Co.*, 109 USPQ2d 1347, 1355 (TTAB 2014) (finding the singular and plural forms of SHAPE to be essentially the same mark) (citing *Wilson v. Delaunay*, 245 F.2d 877, 878, 114 USPQ 339, 341 (C.C.P.A. 1957) (finding no material difference between the singular and plural forms of ZOMBIE such that the marks were considered the same mark); *In re Pix of Am., Inc.*, 225 USPQ 691, 692 (TTAB 1985) (noting that the pluralization of NEWPORT is "almost totally insignificant" in terms of likelihood of confusion among purchasers); *In re Sarjanian*, 136 USPQ 307, 308 (TTAB 1962) (finding no material difference between the singular and plural forms of RED DEVIL)).

For these reasons, likelihood of confusion would arise among registered marks conveying a similar commercial impression, created by use of the identical numeral, for highly related legal services under the provisions of Section 2 (d) of the Trademark Act. Registration is refused on that basis.

Responding to a Final Refusal:

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; see 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/Henry S. Zak/ Henry S. Zak Examining Attorney Law Office 119 (571)272-9354 henry.zak@uspto.gov

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All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

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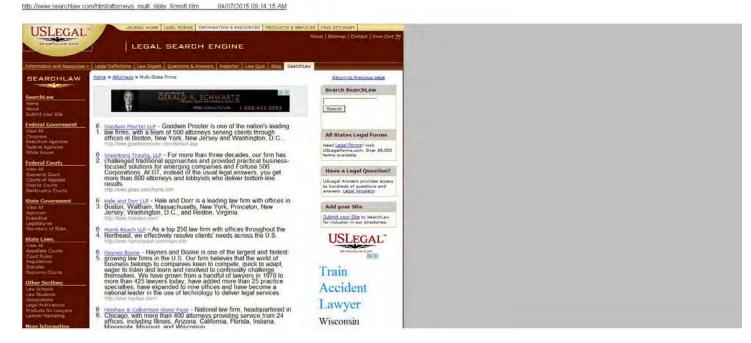






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CAHU

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Mandracchia & McWhirk, LLC is a multi-state law firm that focuses individual attention on each client and case. Our personal injury and criminal defense lawyers in Montgomery County proudly offer ethical, aggressive and knowledgeable representation.

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Mandracchia & McWhirk, LLC 2024 Cressman Road P O Box 1229 Skippack, PA 19474-1229



MANDRACCHIA & McWHIRK, u.e.

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Welcome to Shapiro, Appleton & Duffan. We are personal injury lawyers serving Virginia Beach, Norfolk, Chesapeake, Hampton, Portsmouth, Newport News, Suffolk, Williamsburg, and throughout Virginia (VA).

Ethical, Trustworthy Representation

You're probably visiting us because you, or someone close to you, suffered a serious injury or wrongful death. Searching for an ethical, trustworthy law firm makes sense and we're here to help. But keep in mind, we don't accept every case. Our personal injury law firm accepts clients who are seeking ethical, trustworthy



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To help you in your search, we offer in-depth guides and reports on how to handle a car accident injury claim, medical malpractice claim, the wrongful death of a loved one, and so forth. Download these free guides and reports here.

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We are known throughout Virginia, North Carolina and the Eastern U.S. as a Tier 1 "Best Law





Firm" (according to U.S. News & USNG 2016
World Report, for medical malpractice and railroad worker injury law in the Norfolk-Virginia Beach region, since '10). We also possess an A+ rating from the Better Business Bureau.

Proud to Serve All of the Hampton Roads Region of Virginia

The firm's primary office is in Virginia Beach at the intersection of Diamond Springs Road and Northampton Boulevard. We also have satellite offices in the following cities in Hampton Roads: Norfolk, Suffolk, Portsmouth, and Hampton. We've also handled cases in Williamsburg, Richmond, and throughout Virginia. Furthermore, all of our attorneys possess multi-state licensure, so we can handle cases in North Carolina, West Virginia. Furthermore, an our attorneys possess multi-state licensure, so we can handle cases in North Carolina, West Virginia, and throughout the eastern United States.

Types of Personal Injury Case Our Attorneys Handle

Our Virginia Beach-Norfolk based lawyers specialize in both personal injury and medical malpractice. Cases we handle including car accidents, truck accidents, FELA/railroad accidents, traumatic brain injuries and wrongful death. Our

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primary practice areas include:

- Amputation injuries
- · Medical malpractice injuries
- · Boating accident injuries
- Motorcycle accidents
- · Car accidents
- · Paralysis injuries
- · Commercial truck wrecks
- · Premises injuries (slip/trip/fall)
- Dangerous drugs
- · Railroad accident injuries
- · Electric shock injuries
- · Railroad cancers
- · Faulty products
- · Traumatic brain injuries
- · Intubation injury
- · Workers' compensation
- · Mesothelioma & Asbestos
- · Wrongful death claims

Frequently Asked Questions Answered

- FAQ info from our Virginia Beach car accident attorneys: what type of financial damages can I try to recover?
- FAQ answers from our trucking accident lawyers and car accident lawyers: Should I give the insurance company a recorded statement?
- FAQ answers from our team of Norfolk personal injury lawyers: How can I get paid my lost wages and other expenses?



Testimonials

Ron is very grateful for the representation provided by Randy Appleton

I was represented by Kevin Duffan and he did a fantastic job. What I liked most was the communication between Kevin and I. Whenever I.c. Balled the office, he was there to answer, or he called me right back.

I would high recommend Rick for someone with the misfortune of gatting hurt in an accident, he is straight forward, honest, hardworking, easy to talk to, and quick to respond.

I would highly recommend family and friends to Emily or Jim.

Chavon suffered a sorious injury in a car accident and was represented by an injury lawyer with our firm. Chavon was treated like a friend, not just a client, and John was able to get more compensation than she expected.

View

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\$1,000,000 Sessement for Fredericksburg Virginia Motorcycle Accident Victim

Chesapeake Car Wreck Goes to Trial, Firm Gets Favorable Result for Client







- · FAQ info from our wrongful death attorneys: Are the laws applying to wrongful death different from personal injury?
- · FAQ answers from our Virginia medical malpractice lawyers: Who will pay my medical bills and other medical-related expenses?

In addition to providing answers to FAQs posed by injured folks, our team of Virginia Beach personal injury attorneys is dedicated to preventing future injuries and advocating for improved health and safety. The HS in "HSinjurylaw" stands for Health & Safety. We publish weekly articles on the Legal Examiner (a publication dedicated to advancing public safety issues) on a pro bono basis. In addition, we're involved with the End Distracted Driving campaign and collaborate with many charitable organizations, some dedicated to helping injured people.

Professional accolades and accomplishments

- · Recognized as Virginia "Super Lawyers" in Law & Politics Magazine (since '06)
- · Recognized as a Tier 1 "Best Law Firm" and "Best Lawyers" in U.S. News & World Report (since '10)
- · "AV" Preeminent Rating from Martindale-Hubbell
- · "Superb" rating on Avvo, a prominent lawyer rating service
- · Our track record of large, multi-million dollar verdicts and settlements, including a record-setting \$60 million (w/ interest) jury verdict and a \$21 million structured settlement.

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FAQ

- ? How much money will I have to pay a personal injury attorney as a retainer?

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News







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We also cover all areas of the Eastern Shore, including Accomack, Bloxom, Cape Charles, Eastville, Exmore, Greenbackville, Machipongo, Mappsville, Melfa, Nassawadox, Onley, Tangier, Temperanceville, Wachapreague, Wallops Island and so forth.

All of our attorneys are licensed to practice in multiple

All of our attorneys possess multi-state licensure. This means each attorneys possess industate incensure. Into means each attorney can practice law in two or more states. We handle personal injury, medical malpractice and wrongful death cases in Virginia (VA), West Virginia (WV), North Carolina (NC), South Carolina (SC), Kentucky (KY), and Washington, D.C.





LIVE CHAT



Print: Apr 7, 2015

86294648

DESIGN MARK

Serial Number

86294648

Status

NON-FINAL ACTION - MAILED

Word Mark

DON'T WAIT ... CALL THE 891

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Peterson, David M DBA Peterson & Associates, P.C. professional corporation MISSOURI Suite 107 801 W 47th Street Kansas City MISSOURI 641121253

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury, mass tort, social security disability and consumer protection law.; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury, mass tort, social security disability and consumer protection law.

Filing Date

2014/05/29

Examining Attorney

NGUYEN, NICOLE A

Don't wait...Call the 8s!

Print: Apr 7, 2015

86295152

DESIGN MARK

Serial Number

86295152

Status

NON-FINAL ACTION - MAILED

Word Mark

DON'T HESITATE ... CALL THE 891

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Peterson, David M DBA Peterson & Associates, P.C. professional corporation UNITED STATES Suite 107 801 W 47th Street Kansas City MISSOURI 641121253

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury, mass tort, social security disability and consumer protection law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury, mass tort, social security disability and consumer protection law.

Filing Date

2014/05/29

Examining Attorney

NGUYEN, NICOLE A

Don't hesitate...Call the 8s!

Print: Apr 7, 2015

86295397

DESIGN MARK

Serial Number

86295397

Status

NON-FINAL ACTION - MAILED

Word Mark

WHY WAIT, CALL THE 89.

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Peterson, David M DBA Peterson & Associates, P.C. professional corporation UNITED STATES Suite 107 801 W 47th Street Kansas City MISSOURI 641121253

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury, mass tort, social security disability and consumer protection law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury, mass tort, social security disability and consumer protection law.

Filing Date

2014/05/29

Examining Attorney

NGUYEN, NICOLE A

Why wait, call the 8s.

Print: Apr 7, 2015

86295411

DESIGN MARK

Serial Number

86295411

Status

NON-FINAL ACTION - MAILED

Word Mark

RIGHTS DON'T WAIT, CALL THE 8S.

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Peterson, David M DBA Peterson & Associates, P.C. professional corporation UNITED STATES Suite 107 801 W 47th Street Kansas City MISSOURI 641121253

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury, mass tort, social security disability and consumer protection law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury, mass tort, social security disability and consumer protection law.

Filing Date

2014/05/29

Examining Attorney

NGUYEN, NICOLE A

Rights don't wait, call the 8s.

Print: Apr 7, 2015

86295796

DESIGN MARK

Serial Number

86295796

Status

NON-FINAL ACTION - MAILED

Word Mark

TEXT THE 89.

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

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Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury, mass tort, social security disability and consumer protection law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury, mass tort, social security disability and consumer protection law.

Filing Date

2014/05/30

Examining Attorney

ZAK, HENRY S.

Text the 8s.

To: Peterson, David M (jbm@petersonlawfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86314314 - REMEMBER THE 8S. - N/A

Sent: 4/7/2015 12:02:30 PM

Sent As: ECOM119@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 4/7/2015 FOR U.S. APPLICATION SERIAL NO. 86314314

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 4/7/2015 (or sooner if specified in the Office action). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation warnings.jsp.

*** User:hzak ***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
	6					("86294648" [sn] or "86295036"[sn] or "86295152"[sn] or "86295397"[sn] or "86295411"[sn] or "86295796"[sn])

Session started 4/7/2015 9:45:21 AM
Session finished 4/7/2015 9:46:27 AM
Total search duration 0 minutes 1 seconds
Session duration 1 minutes 6 seconds
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Sent to TICRS as Serial Number: 86314314

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW							
SERIAL NUMBER	86314314	FILING DATE	06/19/2014				
REG NUMBER	0000000	REG DATE	N/A				
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK				
INTL REG #	N/A	INTL REG DATE	N/A				
TM ATTORNEY	ZAK, HENRY S	L.O. ASSIGNED	119				

PUB INFORMATION

TOTALOR						
RUN DATE 03/19/2015						
PUB DATE	B DATE N/A					
STATUS 661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED						
STATUS DATE	03/18/2015					
LITERAL MARK ELEMENT	REMEMBER THE 8S.					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED	BASIS	CURREN	IT BASIS	AMENDED BASIS		
1 (a)	NO	1 (a)	NO	1 (a)	NO	
1 (b)	YES	1 (b)	YES	1 (b)	NO	
44D	NO	44D	NO	44D	NO	
44E	NO	44E	NO	44E	NO	
66A	NO	66A	NO			
NO BASIS	NO	NO BASIS	NO			

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REMEMBER THE 8S.
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Peterson, David M
ADDRESS	Suite 107 801 W 47th Street Kansas City, MO 641121253
ENTITY	99-professional corporation

CITIZENSHIP					United States of America				
DBA/AKA					DBA Peterson & Associates, P.C.				
COMPOSED OF					David M. Peterson, I	USA			
				GOODS AN	D SERVICES				
INTERNATIONAL C	LASS				045				
DESCRIPTIO	N TEXT				Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law				
			GOOL	S AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL CLASS	045	FIRST	JSE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE	
		1	MISCELL	ANEOUS INFO	RMATION/STA	FEMENTS			
CHANGE IN REGIS	TRATION				NO				
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				PROSECUTI	ON HISTORY				
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03/16/2015	TF	ROA	I	TEAS RESPON	ISE TO OFFICE ACTI	ON RECEIVED		010	
02/12/2015	15 ARAA I ATTORNEY REVOKED AND/OR APPOINTED						009		
02/12/2015	RE	EAP	ı	TEAS REVOKE	TEAS REVOKE/APPOINT ATTORNEY RECEIVED 008				
09/17/2014 GNRN O NOTIFICATION OF NON-FINAL ACTION E-MAILED 007						007			
09/17/2014 GNRT F NON-FINAL ACTION E-MAILED 006							006		
09/17/2014 CNRT R NON-FINAL ACTION WRITTEN							005		
09/11/2014	DOCK D ASSIGNED TO EXAMINER 004						004		
06/28/2014	MF	PMK	E	NOTICE OF PSEUDO MARK E-MAILED 003					
06/27/2014	NV	vos	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM 002					
06/23/2014	NV	VAP	I	NEW APPLICA	TION ENTERED IN TI	RAM		001	
			CURREN	T CORRESPON	DENCE INFOR	MATION			
ATTORNEY					JungJin Lee				
					PETERSON, DAVID M PETERSON, DAVID M 801 W 47TH ST STE 107 KANSAS CITY MO 64112-1253				

NONE

DOMESTIC REPRESENTATIVE

Remember the 8s.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86314314
LAW OFFICE ASSIGNED	LAW OFFICE 119
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86314314/large
LITERAL ELEMENT	REMEMBER THE 8S.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_24236141155-20150314200527597215 Remember_the_8s_ROA_03172015_Final_3-12-2015.pdf
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	\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml6\ROA0003.JPG
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ORIGINAL PDF FILE	evi_24236141155-20150314200527597215_,_EXHIBIT_2.pdf
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ORIGINAL PDF FILE	evi_24236141155-20150314200527597215EXHIBIT_4.pdf				
CONVERTED PDF FILE(S) (1 page)	\\\\TICRS\EXPORT16\IMAGEOUT16\863\143\86314314\xml6\ROA0021.JPG				
DESCRIPTION OF EVIDENCE FILE	response & exhibits				
SIGNATURE SECTION					
RESPONSE SIGNATURE	/jj1/				
SIGNATORY'S NAME	JungJin Lee				
SIGNATORY'S POSITION	Attorney of Record, MI Bar Member				
SIGNATORY'S PHONE NUMBER	800-529-2218				
DATE SIGNED	03/16/2015				
AUTHORIZED SIGNATORY	YES				
FILING INFORMATION SECTION	ON				
SUBMIT DATE	Mon Mar 16 17:47:55 EDT 2015				
TEAS STAMP	USPTO/ROA-XX.XXX.XXXXXXX2 20150316174755661578-8631 4314-530b13f62efe8dc1a220 bec448a6dd9bf5d7d6727aac9 f333a74fe2b5d2da4979-N/A- N/A-20150314200527597215				

PTO Form 1957 (Rev 9/2005) OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 86314314 REMEMBER THE 8S.(Standard Characters, see http://tsdr.uspto.gov/img/86314314/large) has been amended as follows:

EVIDENCE

Evidence in the nature of response & exhibits has been attached.

Original PDF file:

evi_24236141155-20150314200527597215_._Remember_the_8s_ROA_03172015_Final_3-12-2015.pdf

Converted PDF file(s) (13 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7 Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Original PDF file:

evi_24236141155-20150314200527597215_._EXHIBIT_1.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

evi_24236141155-20150314200527597215_._EXHIBIT_2.pdf

Converted PDF file(s) (4 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Original PDF file:

evi_24236141155-20150314200527597215_._EXHIBIT_3.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

evi_24236141155-20150314200527597215_. EXHIBIT_4.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Response Signature

Signature: /jjl/ Date: 03/16/2015 Signatory's Name: JungJin Lee

Signatory's Position: Attorney of Record, MI Bar Member

Signatory's Phone Number: 800-529-2218

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86314314

Internet Transmission Date: Mon Mar 16 17:47:55 EDT 2015

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XXX-201503161747556

61578-86314314-530b13f62efe8dc1a220bec44 8a6dd9bf5d7d6727aac9f333a74fe2b5d2da4979

-N/A-N/A-20150314200527597215

Statement of the Case

The question presented in this case is whether "REMEMBER THE 8S," a standard character mark, Serial No. 86314314, should be refused registration because of a likelihood of confusion with the marks in U.S. Registration Nos. 4480663 and 4312953, namely, "DON'T WAIT, TEXT 8!", AND "DON'T WAIT, CALL 8!", both standard character marks, under Trademark Act Section 2(d), 15 U.S.C. Sec. 1052(d), relevant case law, and relevant precedents.

Statement of the Facts

Applicant filed its application on June 19, 2014, citing an intent to use the mark "REMEMBER THE 8S" for "Attorney services; Legal consultation services, Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law" in international class 038.

On September 17, 2014, the Examining Attorney issued a refusal claiming there was a likelihood of confusion with the marks in U.S. Registration Nos. 4312953 and 4480663 under Trademark Act Section 2(d).

Issue

Is the mark "REMEMBER THE 8S" likely to cause confusion with U.S. Registration Nos. 4312953 and 4480663, namely, "DON'T WAIT, TEXT 8!", AND DON'T WAIT, CALL 8!", under Trademark Act Section 2(d), relevant case law, and relevant precedents?

Applicable Law

I. Likelihood of Confusion

In determining likelihood of confusion, each of the determinative factors and all relevant facts must be analyzed. See, e.g., Interstate Brands Corp. v. Celestial Seasonings, Inc., 576 F.2d 926, 198 U.S.P.Q. 151, 152 (C.C.P.A. 1978) ("Each case must be decided on its own facts and the differences are often subtle ones."). The court in E.I. du Pont found that among the important factors to be considered in the likelihood of confusion analysis are: (a) the similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (b) the similarity of dissimilarity of established, likely-to-continue trade channels; and (c) the conditions under which and buyers to whom sales are made, i.e., impulse v. careful, sophisticated purchasing. In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973).

A. Weakness of Mark from use of Suggestive or Highly Suggestive Terms and recognized third-party use

Unlike a situation involving an arbitrary or fanciful mark, the addition of other matter to a laudatory or suggestive word may be enough to distinguish it from another mark. *In re Hunke & Jocheim*, 185 U.S.P.Q. 188, 189 (T.T.A.B. 1975).

It seems both logical and obvious to us that where a party chooses a trademark which is inherently weak, he will not enjoy the wide latitude of protection afforded the owners of strong trademarks. Where a party uses a weak mark, his competitors may come closer to his mark than would be the case with a strong mark without violating his rights. The essence of all we have said is that in the former case there is not the possibility of confusion that exists in the latter case.

Sure-Fit Products Company v. Saltzson Drapery Company, 254 F.2d 158, 117 U.S.P.Q. 295, 297 (CCPA 1958).

"It is settled that, unlike in the case of arbitrary or unique designations, suggestive or highly suggestive terms, because of their obvious connotation and possible frequent employment in a particular trade as a part of trade designations, ---have been considered to fall within the category of 'weak' marks, and the scope of protection afforded these marks have been so limited as to permit the use and/or registration of the same mark for different goods or of a composite mark comprising this term plus other matter, whether such matter be equally suggestive or even descriptive, for the same or similar goods." *Standard Brands Incorporated v. Peters*, 191 U.S.P.Q. 168, 172 (T.T.A.B. 1976); *see also Glamorene Products Corp. v. Earl Grissmer Co., Inc.*, 203 U.S.P.Q. 1090, 1097 (T.T.A.B. 1978) ("Both marks [RINSENVAC and SPRAY 'N VAC] are highly suggestive of their products and this only enhances the association of each mark with its own goods"); and *In re Hartz Hotel Services, Inc.*, 102 U.S.P.Q.2d 1150 (T.T.A.B. 2012).

A weak mark can be one that is merely informational and constitutes a common term or slogan that is widely used in the marketplace; it does not function as a trademark or service mark to indicate the source of the mark owner's goods and/or services or to identify and distinguish them from others. Trademark Act Sections 1, 2, 3, and 45, 15 U.S.C. §§1051-1053, 1127; see In re Boston Beer Co., 198 F.3d 1370, 1372-74, 53 USPQ2d 1056, 1058-59 (Fed. Cir. 1999) (holding THE BEST BEER IN AMERICA unregistrable for beer and ale because the mark would be perceived as a common, laudatory advertising phrase and not a trademark); In re Aerospace Optics, Inc., 78 USPQ2d 1861, 1864 (TTAB 2006) (holding SPECTRUM unregistrable for illuminated pushbutton switches because the mark would be perceived as information about the multiple color feature of the goods and not a trademark); In re Melville Corp., 228 USPQ 970, 971 (TTAB 1986) (holding BRAND NAMES FOR LESS unregistrable for retail clothing store services because the mark would be perceived as a common promotional phrase and not a service mark); TMEP §1202.04.

In the instant case, Registrant's marks are similarly weak. "We also note that, although applicant's and the cited registrant's mark are very similar, they are also highly suggestive. Thus,

the cited registration is not entitled to a broad scope of protection." *In re The W.W. Henry Co.*, *L.P.*, 82 U.S.P.Q. 2d 1213 (TTAB 2007) (purchasers are simply unlikely to assume that all surface repair preparations offered under these highly suggestive marks emanate from the same source).

Determining whether a term or slogan functions as a trademark or service mark depends on how it would be perceived by the relevant public. *In re Eagle Crest, Inc.*, 96 USPQ2d 1227, 1229 (TTAB 2010); *In re Aerospace Optics, Inc.*, 78 USPQ2d at 1862; TMEP §1202.04. Slogans or terms that are common laudatory phrases or statements that are ordinarily used in the marketplace, business, or in a particular trade or industry are not registrable. *In re Eagle Crest, Inc.*, 96 USPQ2d at 1229 (citing *In re Boston Beer Co.*, 198 F.3d at 1370, 53 USPQ2d at 1056). The more commonly a phrase is used in the marketplace by various businesses, or in a particular trade or industry, the less likely the public will use it to identify only one source and the less likely the phrase will be recognized by purchasers as a trademark or service mark. *See In re Hulting*, 107 USPQ2d 1175, 1177 (TTAB 2013) (quoting *In re Eagle Crest, Inc.*, 96 USPQ2d at 1229); TMEP §1202.04.

B. Appearance of the Marks

The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. Rather, the issue is whether the marks create the same overall impression. *Visual Information Institute, Inc. v. Vicon Industries Inc.*, 209 U.S.P.Q. 179 (T.T.A.B. 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 U.S.P.Q. 537 (T.T.A.B. 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 U.S.P.Q. 106 (TTAB 1975); Trademark Manual of Examining Procedure (T.M.E.P.), § 1207.01(b).

In comparing Applicant's and Registrant's marks, the marks must be compared in their entireties. A mark should not be dissected or split up into its component parts and each part then compared with corresponding parts of the conflicting mark to determine the likelihood of confusion. It is the impression that the mark as a whole creates on the average reasonably prudent buyer and not the parts thereof that is important. See e.g., Massey Junior College Inc. v. Fashion Institute of Technology, 492 F.2d 1399, 1402, 181 U.S.P.Q. 272, 273 (C.C.P.A. 1974) ("It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion"); Dreyfus Fund Inc. v. Royal Bank of Canada, 525 F. Supp. 1108, 213 U.S.P.Q. 872 (S.D.N.Y. 1981) (quoting treatise); In re National Data Corp., 753 F. 2d 1056, 224 U.S.P.Q. 749, 751 (Fed. Cir. 1985) ("[L]ikelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark.") General Mills, Inc. v. Kellogg Co., 824 F. 2d 622, 3 U.S.P.Q. 2d 1442, 1445 (8th Cir. 1987) ("[I]n analyzing the similarities of sight, sound and meaning between two marks, a court must look to the overall impression created by the marks and not merely compare individual features."); Duluth New-Tribune v. Mesabi Publ. Co., 84 F. 3d 1093, 38 U.S.P.Q. 2d 1937 (8th Cir. 1996) ("Rather than consider the similarities between the component parts of the marks, we must evaluate the impression that each mark in its entirety is likely to have on a purchaser exercising the attention usually given by purchasers of such products.")

C. Sound of the Marks

Additions and deletions to marks may be sufficient to avoid a likelihood of confusion if: (1) the marks in their entireties convey significantly different commercial impressions; or (2) the matter common to the marks is not likely to be perceived by purchasers as a distinguishing source because it is merely descriptive or diluted. See, e.g., Citigroup Inc. v. Capital City Bank Group, Inc., 637 F. 3d 1344, 1356, 98 U.S.P.O.2d 1253, 1261 (Fed. Cir. 2011) (affirming TTAB's holding that the contemporaneous use of applicant's CAPITAL CITY BANK marks for banking and financial services, and opposer's CITIBANK marks for banking and financial services, is not likely cause confusion, based, in part, on findings that the phrase "City Bank" is frequently used in the banking industry and that "CAPITAL" is the dominant element of applicant's marks, which gives the marks a geographic connotation as well as a look and sound distinct from opposer's marks); Shen Mfg. Co. v. Ritz Hotel Ltd., 393 F.3d 1238, 1245, 73 U.S.P.Q.2d 1350, 1356-57 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of THE RITZ KIDS for clothing items (including gloves) and RITZ for various kitchen textiles (including barbeque mitts) is likely to cause confusion, because, inter alia, THE RITZ KIDS creates a different commercial impression); Safer, Inc. v. OMS Invs., Inc., 94 U.S.P.Q. 2d 1031, 1044-45 (TTAB 2010) (holding DEER-B-GON for animal repellant used to repel deer, other ruminant animals, and rabbits, and DEER AWAY and DEER AWAY PROFESSIONAL for repellant for repelling deer, other big game, and rabbits, not likely to cause confusion, noting that "DEER" is descriptive as applied to the relevant goods and thus has no source-indicating significance); Bass Pro Trademarks, L.L.C. v. Sportsman's Warehouse, Inc., 89 U.S.P.Q. 2d 1844, 1857-58 (TTAB 2008) (finding that, although cancellation petitioner's and respondent's marks were similar by virtue of the shared descriptive wording "SPORTSMAN'S WAREHOUSE," this similarity was outweighed by differences in terms of sound, appearance, connotation, and commercial impression created by other matter and stylization in the respective marks); In re Farm Fresh Catfish Co., 231 U.S.P.Q. 495, 495-96 (TTAB 1986) (holding CATFISH BOBBERS (with "CATFISH" disclaimed) for fish, and BOBBER for restaurant services, not likely to cause confusion, because the word "BOBBER" has different connotation when used in connection with the respective goods and services); In re Shawnee Milling Co., 225 U.S.P.Q. 747, 749 (TTAB 1985) (holding GOLDEN CRUST for flour, and ADOLPH'S GOLD'N CRUST and design (with "GOLD'N CRUST" disclaimed) for coating and seasoning for food items, not likely to cause confusion, noting that, because "GOLDEN CRUST" and "GOLD'N CRUST" are highly suggestive as applied to the respective goods, the addition of "ADOLPH'S" is sufficient to distinguish the marks); In re S.D. Fabrics, Inc., 223 U.S.P.Q. 54, 55-56 (TTAB 1984) (holding DESIGNERS/FABRIC (stylized) for retail fabric store services, and DAN RIVER DESIGNER FABRICS and design for textile fabrics, not likely to cause confusion, noting that, because of the descriptive nature of "DESIGNERS/FABRIC" and "DESIGNER FABRICS," the addition of "DAN RIVER" is sufficient to avoid a likelihood of confusion).

D. Channels of Trade and Sophistication of the Consumers

We are not concerned with mere theoretical possibilities of confusion, deception, or mistake or with de minimis situations but with the practicalities of the commercial world, with which the trademark laws deal. Thus, even where the two parties conduct business in the same or related fields, or even with some of the same companies, the mere purchase of the goods and services of both parties by the same institution does not, by itself, establish similarity of trade channels or overlap of customers. *Astra Pharm. Prods., Inc. v. Beckman Instruments, Inc.*, 718 F.2d 1201, 1206 (1st Cir. 1983). The likelihood of confusion must be shown to exist not in a purchasing institution, but in "a customer or purchaser." Id., at 1206, 220 USPQ at 790. *See, Witco Chem. Co. v. Whitfield Chem. Co.*, 418 F.2d 1403, 1405, 164 USPQ 43, 44-45 (CCPA 1969), aff'g, 153 USPQ 412 (TTAB 1967).

Similarly, in *Dynamics Research Corp. v. Langenau Mfg. Co.*, the court affirmed the Board's conclusion that "because the marks are used on goods that are 'quite different' and sold to different, discriminating customers, there is no likelihood of confusion" even though both parties used the identical mark "DRC." 704 F.2d 1575, 1576; 217 USPQ 649 (Fed.Cir.1983) (emphasis added). Where the purchasers are the same, their sophistication is important and often dispositive because "[s]ophisticated consumers may be expected to exercise greater care." *Pignons S.A. de Mecanique de Precision v. Polaroid Corp.*, 657 F.2d 482, 489; 212 USPQ 246, 252 (1st Cir.1981). "[T]here is always less likelihood of confusion where goods are expensive and purchased after careful consideration." *Astra*, 718 F.2d at 1206, 220 USPQ at 790.

In evaluating the likelihood of confusion, the standard focuses on the ordinary or reasonably prudent consumer. See, Savin Corp. v. Savin Group, 391 F.3d 439, 461 (2d Cir. 2004) ([T]he pertinent question is whether 'numerous ordinary prudent purchasers would likely be misled or confused as to the source of the product in question because of the entrance in the marketplace of [Defendants'] mark.); Dreamwerks Prod. Group, Inc. v. SKG Studio, 142 F.3d 1127, 1129 (9th Cir. 1998) (The test for likelihood of confusion is whether a reasonably prudent consumer in the marketplace is likely to be confused as to the origin of the good or service bearing one of the marks.); see also MCCARTHY, supra (asserting and citing extensive cases for the proposition that everything hinges upon whether there is a likelihood of confusion in the mind of an appreciable number of reasonably prudent buyers).

Under this factor, the courts generally hold that if a consumer can be expected to exercise a high degree of care, she will be less likely to be confused by any connection between a senior and junior trademark. E.g., Sally Beauty Co., 304 F.3d at 975. A sophisticated consumer is expected to act not on impulse, but on the basis of a careful consideration of the reliability and dependability of the manufacturer and seller of the product. Astra at 1206. Therefore, a sophisticated consumer is one who is likely to spend more time, attention, or care in making a purchasing decision and who is thus deemed less likely to be confused as to the source or sponsorship of the trademarked products she buys. Barton Beebe, Search and Persuasion in Trademark Law, 103 MICH. L. REV. 2020 (2005) at 2035. Unsophisticated consumers, by contrast, are the ignorant, the unthinking, and the credulous, who, in making purchases, do not stop to analyze, but are governed by appearance and general impressions. Florence Mfg. Co. v.

J.C. Dowd & Co. 178 F. 73, 75 (2d Cir. 1910). The prototypical unsophisticated consumer is the man walking the supermarket aisle who "undergo[es] . . . an experience not unlike that of hypnosis," in which purchases are made impulsively and thoughtlessly. Pikle-Rite Co. v. Chi. Pickle Co., 171 F. Supp. 671, 676 (N.D. Ill. 1959).

Thus, any purported overlap of the channels of trade can be negated by demonstration of a sophisticated consumer base. Even where the trade channels overlap, "there is no inherent relatedness between the parties' respective goods and services, and the level of sophistication of the shared consumer base militates against a finding of likelihood of confusion." *Continental Plastic Containers v. Owens Brockway Plastic Prods., Inc.*, 141 F.3d 1073, 1080-81, 46 USPQ2d 1277, 1282 (Fed. Cir. 1998). "We are not concerned with mere theoretical possibilities of confusion, deception or mistake or with *de minimus* situations but with the practicalities of the commercial world, with which the trademark laws deal." *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 21 USPQ2d 1388, 1391 (Fed. Cir. 1992) quoting *Witco Chem. Co. V. Whitfield Chem. Co.*, 418 F.2d 1403, 1405, 164 USPQ 43, 44-45 (CCPA 1969), aff'g 153 USPQ 412 (TTAB 1967).

The Marks in Question

REGISTRATION

The marks cited against Applicant for the likelihood of confusion are U.S. Registration Nos. 4312953 and 4480663, both of which are currently owned by Cellino & Barnes, P.C., a New York Corporation:

DON'T WAIT, CALL 8!

Word Mark DON'T WAIT, CALL 8!

Goods and IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice

and consultation services in all areas of personal injury law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury law. FIRST USE: 20120803. FIRST USE IN COMMERCE: 20120803

Standard Characters Claimed

Mark Drawing
Code (4) STANDARD CHARACTER MARK

Serial Number 85700478 Filing Date August 10, 2012

Current Basis 1A Original Filing Basis 1A Published for Opposition

January 15, 2013

Registration Number

4312953

Registration Date

April 2, 2013

Owner

(REGISTRANT) Cellino & Barnes, P.C. CORPORATION NEW YORK 350 Main Street, 25th

Floor Buffalo NEW YORK 14202

Attorney of Record

Vincent G. LoTempio

Type of Mark Register SERVICE MARK PRINCIPAL

Live/Dead Indicator

LIVE

Don't Wait, Text 8!

Word Mark

DON'T WAIT, TEXT 8!

Goods and Services IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal services; Legal services, namely, providing customized documentation, information, counseling, advice and consultation services in all areas of personal injury law; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of personal injury law. FIRST USE: 20121101. FIRST USE IN COMMERCE: 20121101

Standard Characters Claimed

Mark Drawing

Code

(4) STANDARD CHARACTER MARK

 Serial Number
 85969085

 Filing Date
 June 25, 2013

Current Basis 1A Original Filing

Basis Published for

Opposition

November 26, 2013

Registration Number 4480663

Registration February 11, 2014

Owner (REGISTRANT) Cellino & Barnes, P.C. CORPORATION NEW YORK 350 Main Street, 25th

Floor Buffalo NEW YORK 14202

Attorney of Record

Vincent G. LoTempio

Prior

Registrations

4312953

Indicator

APPLICANTS MARK

Applicant's mark, Serial No. 86314314, is a standard character mark:

Remember the 8s.

Word Mark REMEMBER THE 8S.

Goods and IC 045. US 100 101. G & S: Attorney services; Legal consultation services; Legal consulting Services in the field of mass torts, personal injury, consumer protection and social security

disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection

and social security disability law

Standard Characters Claimed

Mark Drawing (4) STANDARD CHARACTER MARK

Serial Number 86314314 Filing Date June 19, 2014

Current Basis 1B Original Filing Basis 1B

Owner (APPLICANT) Peterson, David M DBA Peterson & Associates, P.C. David M. Peterson, USA

professional corporation UNITED STATES Suite 107 801 W 47th Street Kansas City

MISSOURI 641121253

Attorney of Record

JungJin Lee

Type of Mark SERVICE MARK
Register PRINCIPAL

Live/Dead Indicator

LIVE

Argument

In response to the Office Action issued on September 17, 2014, Peterson & Associates, P.C., (Hereinafter "Applicant"), respectfully requests reconsideration of its application (Serial No. 86314314) in view of the remarks that follow.

I. There Is No Likelihood of Confusion Between Applicant's and Registrant's Marks.

A. Weakness of the Registrant's Marks Negates Any Likelihood of Confusion

In the instant case, Registrant's marks are merely informational slogans which are inherently weak marks, as they do not function as a service mark to indicate the source of the mark owner's services, or to identify or distinguish them from others. Trademark Act Sections 1, 2, 3, and 45, 15 U.S.C. §§1051-1053, 1127; see In re Boston Beer Co., 198 F.3d 1370, 1372-74, 53 USPQ2d 1056, 1058-59 (Fed. Cir. 1999) (holding THE BEST BEER IN AMERICA unregistrable for beer and ale because the mark would be perceived as a common, laudatory advertising phrase and not a trademark); In re Aerospace Optics, Inc., 78 USPQ2d 1861, 1864 (TTAB 2006) (holding SPECTRUM unregistrable for illuminated pushbutton switches because the mark would be perceived as information about the multiple color feature of the goods and not a trademark); In re Melville Corp., 228 USPQ 970, 971 (TTAB 1986) (holding BRAND NAMES FOR LESS unregistrable for retail clothing store services because the mark would be perceived as a common promotional phrase and not a service mark); TMEP §1202.04.

Determining whether a term or slogan functions as a trademark or service mark depends on how it would be perceived by the relevant public. *In re Eagle Crest, Inc.*, 96 USPQ2d 1227, 1229 (TTAB 2010); *In re Aerospace Optics, Inc.*, 78 USPQ2d at 1862; TMEP §1202.04. Slogans or terms that are common laudatory phrases or statements that are ordinarily used in the marketplace, business, or in a particular trade or industry are not registrable. *In re Eagle Crest, Inc.*, 96 USPQ2d at 1229 (citing *In re Boston Beer Co.*, 198 F.3d at 1370, 53 USPQ2d at 1056). The more commonly a phrase is used in the marketplace by various businesses, or in a particular trade or industry, the less likely the public will use it to identify only one source and the less likely the phrase will be recognized by purchasers as a trademark or service mark. *See In re Hulting*, 107 USPQ2d 1175, 1177 (TTAB 2013) (quoting *In re Eagle Crest, Inc.*, 96 USPQ2d at 1229); TMEP §1202.04.

In the instant case, the dominant portion of the Registrant's marks are comprised of the commonly used laudatory advertising phrases, "Don't Wait" in combination with "Call" or "Text" followed by a contact number, which is classically used in advertising to entice purchasers to contact the speaker. The Registrant's marks, as used in commerce, are connected to Registrant's advertisements for its legal practice. [Exhibit 1]. Although the marks themselves do not clearly convey to purchasers the related services, they are, at best, descriptive of its attendant services, namely the contact number to be used to contact Registrant for legal services. More accurately, Registrant's marks fail to function as an independent indicator of source of Registrant's services, in that the marks are merely informational and dictate to the consumer a number to call to obtain the services being advertised. Specifically, the phrases "DON'T WAIT, TEXT 8!" and "DON'T WAIT, CALL 8!", and similar phrases (such as "dial...", "call us...", and "text...") followed by digits or full phone numbers, are common laudatory phrases used in advertising to merely instruct consumers to communicate with the Registrant via phone and provide consumers with information (i.e. the number to call). These types of slogans are frequently used to create a sense of urgency in advertising, often lumped into the category of "call to action" advertising with phrases such as "Don't miss it!"; "Don't walk. Run!"; "Time is running out!"; "Act now!"; "Why wait?!"; "When it's gone, it's gone!"; "Push, pull, drag it in! (so you can get \$5,000 for any trade)"; "Hurry in! _____ is right around the corner!"; and "Sale ends soon!" [Exhibits 2-3].

Thus, the registered marks do not serve as source identifying marks, but instead convey a limited commercial impression. In view of this description, Registrant's mark is a weak one entitled to only a very narrow scope of protection. *Ameritech Inc. v American Technologies Corp.*, 811 F.2d 960, 966; 1 U.S.P.Q. 2d 1861 (6th Cir. 1987) ("the stronger the trademark, the greater the protection afforded"). Because Registrant's mark is weak, relevant consumers are simply unlikely to assume that all slogans conveying contact information for goods or services, especially when couched in common advertisement phrasing, emanate from the same source of services. *In re The W.W. Henry Co., L.P.*, 82 U.S.P.Q. 2d 1213 (TTAB 2007) (purchasers are simply unlikely to assume that all surface repair preparations offered under these highly suggestive marks emanate from the same source).

Given the weakness of the cited marks, there is no likelihood that the contemporaneous use of Applicant's and Registrant's marks in commerce will cause confusion.

B. The Marks Notably Differ in Appearance and Commercial Impression

When considered in their entireties, as a whole, the marks differ in appearance and create distinctly different commercial impressions; Applicant's mark is comprised of the phrase "REMEMBER THE 8s" a standard mark, while the Registrant's marks are, "DON'T WAIT, CALL 8!" and "DON'T WAIT, TEXT 8!", both standard character marks, the entireties of which must be considered in determining the overall commercial impression the marks convey to the average purchaser. As stated above, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. Rather, the issue is whether the marks create the same overall impression. Visual Information Institute, 209 U.S.P.Q. 179. The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. Chemetron Corp., 203 U.S.P.Q. 537; Sealed Air Corp., 190 U.S.P.Q. 106; T.M.E.P. § 1207.01(b). Applicant's mark implores a consumer to connect the implication of the "8s" to its firm-when viewed in connection with the relevant goods, the mark does not immediately give the impression that the "8s" are connected to a telephone number, but instead, is merely suggestive of some significance of the number 8. Registrant's marks, on the other hand, use only the singular form of the numeral "8", in combination with "Don't Wait, Call!" or "Don't Wait, Text!", and are merely informational and constitute common laudatory terms or slogans used in advertising. Specifically, the phrases "DON'T WAIT, TEXT 8!" and "DON'T WAIT, CALL 8!", and similar phrases (such as "dial...", "call us...", and "text...") followed by digits or full phone numbers, merely instruct

consumers to communicate with the applicant via phone and provide information (the number to call). Thus, the registered marks do not serve as source identifying marks, but instead convey a limited commercial impression. The inclusion of the wording "Text" or "Call" as part of Registrant's marks gives a completely different impression than Applicant's use of the alternate wording "Remember", as well as Applicant's plural use of the term "8s". Even if placed side by side, or upon recollection by the average purchaser, the marks do not create the same overall impression.

C. Applicant's and Registrant's Mark are Distinctly Different in Sound

The sound of Applicant's mark differs significantly from Registrant's mark. While each mark contains the number "8", the sound of the remainder of the marks are different. Using the Phonetic Alphabet the phonological representation of the two marks is very distinct. [See, Exhibit 4]. The Applicant's mark "Remember the 8s" is represented as / rr'member õi erts /. The Registrant's mark "Don't Wait, Text 8" is represented as / dount wert, tekst ert/. Registrant's "Don't Wait, Call 8" mark is represented as / dount wert, kol ert /. The words of the marks sound differently to the ear and are not likely to be confused by the average consumer on this basis.

D. <u>Differences in purchasers to whom the services are directed and the channels of trade through which they are offered</u>

The channels of trade and the relevant consumers of Applicant and Registrant are distinct from one another and do not overlap in a manner likely to cause confusion as to the source of the relevant goods and services. In the instant case, the Examining Attorney found that "[t]he services appear to be identical or highly similar, both involving legal services of attorney and litigation services, and various counseling and advice in the field of personal injury law." [Office Action, p 2]. While this appears to be an accurate statement on its face, this determination fails to note significant differences in the manner and source of the services, and relevant consumers for each.

The Applicant, Peterson & Associates, P.C. offers comprehensive legal solutions to personal injury victims within the state of Missouri. Applicant's services are directed at individuals in the state of Missouri who are seeking assistance in recovering compensation based on their personal injury claim.

On the other hand, Registrant is a personal injury firm providing legal services in California and New York states. Registrant's relevant consumers are individuals seeking legal assistance with their personal injury claim in New York and California.

The Examining Attorney relies on the description of goods and services for each to determine that there is an overlap in the relevant consumer. However, to demonstrate that goods are related, it is not sufficient that a particular term may be found which may broadly describe the goods. See *General Electric Co. v. Graham Magnetics Inc.*, 197 USPQ 690 (TTAB 1977);

Harvey Hubbell Inc. v. Tokyo Seimitsu Co., Ltd., 188 USPQ 517 (TTAB 1975). When we examine the specific items in the identifications, they do not appear to be related in a manner that would be likely to cause confusion. See, In re Trackmobile, Inc., 15 USPQ2d 1152 (TTAB 1990) [when the Board is somewhat uncertain as to what the goods identified in the registration are, it is appropriate to consider extrinsic evidence to determine the nature of the registrant's particular goods]. In this case, it is proper to examine the geographic locations of each party, particularly where the relevant marks provide a connection to the parties' local telephone number and are regionally limited by their area code.

The courts generally hold that if a consumer can be expected to exercise a high degree of care, she will be less likely to be confused by any connection between a senior and junior trademark. E.g., Sally Beauty Co., 304 F.3d at 975. A sophisticated consumer is expected to act not on impulse, but on the basis of a careful consideration of the reliability and dependability of the manufacturer and seller of the product. Astra Pharm. Prods., Inc. v. Beckman Instruments, Inc., 718 F.2d 1201, 1206 (1st Cir. 1983). Therefore, a sophisticated consumer is one who is likely to spend more time, attention, or care in making a purchasing decision and who is thus deemed less likely to be confused as to the source or sponsorship of the trademarked products she buys. Barton Beebe, Search and Persuasion in Trademark Law, 103 MICH. L. REV. 2020 (2005) at Unsophisticated consumers, by contrast, are the ignorant, the unthinking, and the credulous, who, in making purchases, do not stop to analyze, but are governed by appearance and general impressions. Florence Mfg. Co. v. J.C. Dowd & Co. 178 F. 73, 75 (2d Cir. 1910). The prototypical unsophisticated consumer is the man walking the supermarket aisle who "undergo[es] . . . an experience not unlike that of hypnosis," in which purchases are made impulsively and thoughtlessly. Pikle-Rite Co. v. Chi. Pickle Co., 171 F. Supp. 671, 676 (N.D. Ill. 1959).

When a consumer is seeking legal services, it is proper for the consumer to seek out a firm or attorney who is able to provide legal services in the relevant geographic region (i.e. licensed to practice in a particular area). Furthermore, the consumer is not likely to make such a decision on a whim, but instead, will carefully consider the qualifications, practice areas, and rapport of legal counsel before investing a notable sum of money and trust to establish a legal relationship. This generally only occurs after significant time, attention and care are taken to determine whether a particular firm or attorney can meet the needs of the consumer.

Applicant's and Registrant's services are directed toward their relevant consumers within their respective areas of practice. Applicant's services are directed toward consumers seeking to recover compensation within the state of Missouri. Registrant's services are directed toward consumers seeking to recover compensation within the states of California or New York. Given the disparity in channels of trade and purchasers to whom the services are directed, and sophistication and care exercised by potential purchasers, there is no likelihood that, even if the marks met in commerce, there would be any likelihood of confusion among consumers as to the source of the Applicant's or Registrant's services.

II. Conclusion

In light of the differences in the marks, including weakness of the Registrant's marks, the differences in the appearance of the marks, when viewed in their entireties, differences in how the marks sound when pronounced, differences in, and sophistication of, the purchasers to whom the services are directed, and the differences in the channels of trade through which the goods are offered, Applicant believes it has satisfactorily shown that there is no likelihood of confusion between the registrant's marks, "Don't Wait, Call 8!" and "Don't Wait, Text 8!" and Applicant's mark, "Remember the 8s", and respectfully requests the refusal to be withdrawn and the application to move on to publication.

EXHIBIT 1



EXHIBIT 2



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- · WHY SM
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The Key to Creating Urgency without Being Aggressive

Posted by Scott McKelvev on September 30, 2014 in Content Writing | 0 Comments



One of the most common mistakes made by marketers and business owners is attempting to create urgency by being pushy. Aside from being annoying, this approach is ineffective.

Here are some of the more popular yet lame and borderline infantile phrases used in countless marketing and advertising campaigns to create a sense of urgency:

Don't wait!

Don't miss it!

Don't walk. Run!

Time is running out!

Act now!

Why wait?!

When it's gone, it's gone! Push, pull, drag it in! (so you can get \$5,000 for any trade)

Twitter 8 Facebook

Linkedin 35

Google+ 2

Hurry in!
_____ is right around the corner!
Sale ends soon!
What are you waiting for?!

Have you ever broken into a sprint just because some clown told you to in their marketing?

Me either.

Back in my radio days, advertisers and sales reps would tell me to include a strong call-to-action in their commercials. You know, because the more forceful you are in telling people what to do, the more likely they'll be to do it.

This approach misses the mark for two reasons.

First, according to a study from the Journal of Consumer Research, an overly aggressive pitch is often a turn off for potential customers.

Most of us prefer to use brands that we identify with. But marketing that goes overboard in trying to explicitly link a brand with a certain type of behavior or identity can easily backfire.

An example cited in the study was the slogan. "If you call yourself a sports fan, you gotta have DirecTV!"

The study found that people typically want to make their own choice without being pushed too hard. In other words, are you saying I'm not a sports fan because I don't have DirectTV?

While some customers may still purchase a product or service because they believe in its quality and value, many people are at least subconsciously put off by pushy messages and their implications.

And this type of marketing does nothing to create urgency.

Second, a call-to-action has very little to do with creating urgency.

Yes, you read that correctly. Let me explain.

I will never go to your website, visit your store, call you, sign up for your blog or download your e-book because you told me to do it right now.

On the other hand, if you give me a compelling enough reason to do any of those things, I won't need much of a push at all.

If your marketing shows how you can solve a problem, fill a need or make someone's life better, they'll track down your website, look for the registration form, or find directions to your store.

Thanks to this little thing called the Internet, you don't have to pound people over the head with contact information. It's easy to find

The key to creating urgency is providing your audience with a compelling reason to act.

Of course, every marketing piece or advertisement should have a call-to-action. But it's not the job of the call-to-action to get people to act immediately, so being aggressive is pointless.

The job of the call-to-action is to simply provide one final reminder about why somebody should act and then point them in the right direction.

The call-to-action only works if the rest of your marketing content did its job by conveying the value of what you do, building trust and credibility, and differentiating your product or company from competitors.

When you think about it, how many products and services really require immediate action if you want to benefit from using them?

Sure, the sooner you use them, the sooner you benefit. But in most cases, the product and its benefits aren't going anywhere. And if you don't have an immediate need, you probably have no reason to act immediately.

But by giving compelling reasons to act rather than being pushy, you increase the likelihood that someone will do business with you, either now or when they have the need for what you're selling.

Even if you're promoting a time-sensitive event or sale, using those awful cliches mentioned previously aren't helpful. Aside from being lame, they're vague.

If you have a limited-time offer, create urgency by giving people a very specific deadline.

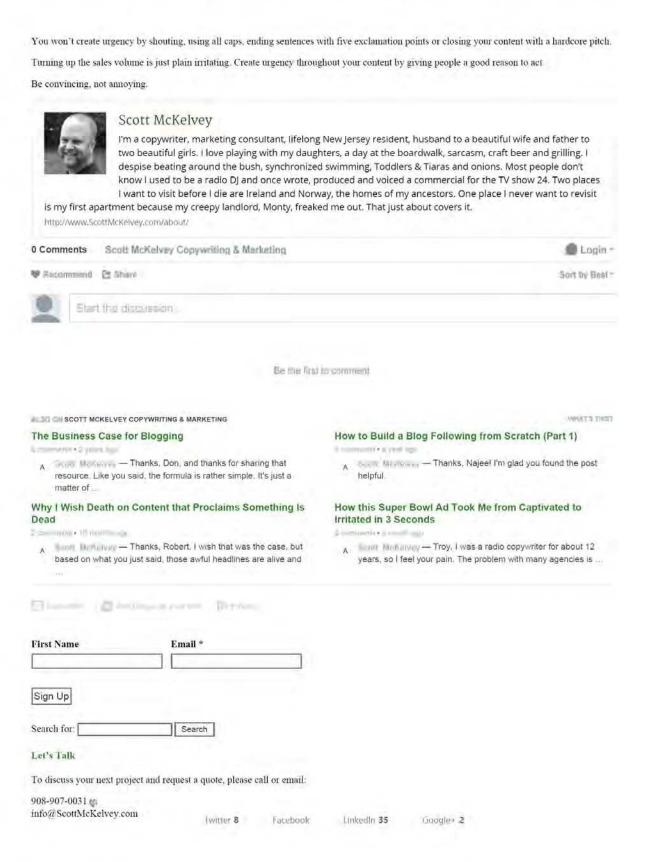
For example, instead of saying "sale ends soon," say "sale ends Monday at 5 pm."

This isn't being pushy. This just informs someone that if they wait until Monday at 5:01 pm to act, they'll be out of luck.

It would be great if someone handed you money the first time they were exposed to your content.

But you need to accept the fact that, in most cases, people will buy according to their own timetable, not yours.

Which is worse - waiting a month, six months or a year to get the sale, or completely blowing the sale because you were aggressive?



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Glossary of Advertising Terms

Account Executive The person within an ad agency who provides the main contact with the

customer.

Ad Copy The text that appears in an advertisement.

Benefit The reason someone buys a product or service. Product or service

features deliver the customer benefit, e.g., high-quality door hardware (the feature) provides home owners with greater security (the benefit).

Body Copy The supporting text that follows a headline or subhead. Body copy

provides the details or story that the headline introduces.

Bump Unless otherwise specified, newspapers can move, or bump, ads to

another space to make page-layout easier.

Call-outs Like a caption for a photograph, call-outs provide extra information about

important features or benefits. Call-outs are often linked to an image with

arrows or lines.

Call to Action Ad copy that tells the reader to do something, e.g., Don't wait, call for an

appointment today!

Camera-ready Art An assembled ad with all type, logos, illustrations in place and in a form

that the printer can reproduce. Today, most camera-ready art is provided

as digital data files.

Circulation The number of distributed copies of each issue of a newspaper or

magazine.

Contract Rate The rale which a newspaper charges its regular advertisers. This rate will

vary depending on the amount of advertising you purchase, frequent

advertisers get lower contract rates.

Co-op Ads Many manufacturers and suppliers will contribute to the cost of their cus-

tomers' ads if these ads also promote their product or service. Co-op advertising can lower costs and highlight the specific features you offer.

Copywriter Someone who specializes in writing advertising copy.

Display Advertising Any newspaper ad that incorporates graphics or images. This generally

excludes classified ads.

Free-standing Insert A separate pre-printed ad that is inserted into a newspaper.

Frequency How many times an ad is placed, or run, in a publication.

Graphic Designer Someone specialized in creating ads, brochures and other commercial

publications.

Identity You company's logo and tag line.

Illustration Anything in an ad that is not copy. Includes photos, drawings and

graphics

Insertion Order A written order, sent to a newspaper of magazine, that gives the date.

place, size and other information about an ad placement in a publication.

Lifestyle Ads Ads that portray or appeal to people with a certain pattern of living, activ-

ities, interests and attitudes, e.g., the young, urban professional lifestyle.

Phonetic alphabets reference

The IPA column contains the symbol in the International Phonetic Alphabet, as used in phonemic transcriptions in modern English dictionaries.

The ASCII column shows the corresponding symbol in the Antimoon ASCII Phonetic Alphabet, which can be used to type the pronunciation of words on a computer without the use of special fonts.

For a full description of the alphabets + audio recordings of the sounds, visit www.antimoon.com/ipa

vowels

voweis		
IPA	ASCII	examples
Λ	٨	cup, luck
a:	a:	arm, father
æ	(a)	cat, black
Э		away, cinema
e	e	met, bed
3ï _L	e:(r)	turn, learn
I	i	hit, sitting
i:	i:	see, heat
D	o	hot, rock
э:	o:	call, four
U	u	put, could
u:	u:	blue, food
aı	ai	f <u>i</u> ve, <u>eye</u>
au	au	now, out
ου/əυ	Ou	go, home
eər	e(r)	where, air
eı	ei	s <u>ay, eigh</u> t
191	i(r)	near, here
OI	oi	b <u>oy</u> , <u>joi</u> n
υər	u(r)	pure, tourist

consonants

IPA	ASCII	examples
b	ь	<u>b</u> ad, la <u>b</u>
d	d	<u>d</u> i <u>d</u> , la <u>d</u> y
f	f	<u>f</u> ind, i <u>f</u>
g	g	give, flag
h	h	how, hello
j	j	yes, yellow
k	k	cat, back
1	1	leg, little
m	m	man, lemon
n	n	<u>n</u> o, te <u>n</u>
ŋ	N	sing, finger
р	p	pet, map
r	r	red, try
s	s	<u>s</u> un, mi <u>ss</u>
S	S	she, crash
t	t	tea, getting
t∫	tS	check, church
θ	th	think, both
ð	TH	this, mother
v	\mathbf{v}	voice, five
W	W	wet, window
Z	Z	<u>z</u> oo, la <u>z</u> y
3	Z	pleasure, vision
d ₃	dΖ	just, large

special symbols

special sy	1110013	
IPA	ASCII	meaning
1	,	is placed before the stressed syllable in a word. For example, the noun contract
		is pronounced /'kpntrækt/, and the verb to contract is pronounced /kpn'trækt/.
r	(r)	/ka:r/ means /ka:r/ in American English and /ka:/ in British English.
;	i(:)	/i/ means /i/ or /ɪ/ or something in between.
1	1(.)	Examples: very /'veri/, ability /ə'biliti/, previous /'pri:viəs/.
		/ ⁹ l/ shows that the consonant /l/ is pronounced as a syllable. This means that
⁹ 1	.1	there is a short vowel (shorter than the /ə/ sound) before the consonant.
		Examples: little /'lɪt ^a l/, uncle /'ʌŋk ^a l/.
^ə n		⁹ n/ shows that the consonant /n/ is pronounced as a syllable.
n .n		Examples: written /'rɪt ^ə n/, listen /'lɪs ^ə n/.

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered	
SERIAL NUMBER	86314314	
LAW OFFICE ASSIGNED LAW OFFICE 119		
MARK SECTION		
MARK	REMEMBER THE 8S.	
NEW ATTORNEY ADDRESS		
STATEMENT TEXT	By submission of this request, the undersigned updates the attorney information of record.	
NAME	JungJin Lee	
FIRM NAME	Lee, Lee & Associates, P.C.	
STREET	PO Box 512	
CITY	Ann Arbor	
STATE	Michigan	
COUNTRY	United States	
POSTAL/ZIP CODE	48106-0512	
PHONE	8005292218	
FAX	8005292218	
EMAIL	jj@llapc.com	
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES	
NEW CORRESPONDENCE ADDRESS		
NAME	PETERSON, DAVID M	
FIRM NAME	PETERSON, DAVID M	
STREET	801 W 47TH ST STE 107	
CITY	KANSAS CITY	
STATE	Missouri	
COUNTRY	United States	
POSTAL/ZIP CODE	64112-1253	
PHONE	8165314440	
FAX	816-531-0660	
EMAIL	jbm@petersonlawfirm.com;dmp@petersonlawfirm.com; jj@llapc.com	
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES	

SIGNATURE SECTION		
SIGNATURE	/David M. Peterson/	
SIGNATORY NAME	David M. Peterson	
SIGNATORY DATE	02/12/2015	
SIGNATORY POSITION	President	
SIGNATORY PHONE NUMBER	816-531-4440	
FILING INFORMATION SECTION		
SUBMIT DATE	Thu Feb 12 15:26:38 EST 2015	
TEAS STAMP	USPTO/RAA-XX.XX.XX.XX-201 50212152638746563-8631431 4-53059a61912b804c286ad26 5f69ea6ca834ca2fafed86336 a21dd9c77959d76-N/A-N/A-2 0150211202521177178	

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks: MARK: REMEMBER THE 8S. SERIAL NUMBER: 86314314

Original Correspondence Address:

PETERSON, DAVID M
PETERSON, DAVID M
801 W 47TH ST STE 107
KANSAS CITY Missouri 64112-1253
US
8165314440
816-531-0660
jbm@petersonlawfirm.com;dmp@petersonlawfirm.com

By submission of this request, the undersigned updates the attorney information of record.

Newly Appointed Attorney:

JungJin Lee Lee, Lee & Associates, P.C. PO Box 512 Ann Arbor, Michigan 48106-0512 United States 8005292218 8005292218 jj@llapc.com

The following is to be used as the correspondence address:

PETERSON, DAVID M PETERSON, DAVID M 801 W 47TH ST STE 107 KANSAS CITY, Missouri 64112-1253 United States

8165314440 816-531-0660

jbm@petersonlawfirm.com;dmp@petersonlawfirm.com; jj@llapc.com

Signature: /David M. Peterson/ Date: 02/12/2015

Signatory's Name: David M. Peterson Signatory's Position: President

Signatory's Phone Number: 816-531-4440

Serial Number: 86314314

Internet Transmission Date: Thu Feb 12 15:26:38 EST 2015

TEAS Stamp: USPTO/RAA-XX.XX.XX.XX-201502121526387465

63-86314314-53059a61912b804c286ad265f69e a6ca834ca2fafed86336a21dd9c77959d76-N/A-

 $N/A\hbox{-}20150211202521177178$

To: Peterson, David M (jbm@petersonlawfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86314314 - REMEMBER THE 8S. - N/A

Sent: 9/17/2014 11:02:04 AM **Sent As:** ECOM119@USPTO.GOV

Attachments:

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

U.S. APPLICATION SERIAL NO. 86314314	
MARK: REMEMBER THE 8S.	*86314314*
CORRESPONDENT ADDRESS:	
PETERSON, DAVID M	CLICK HERE TO RESPOND TO THIS LETTER:
PETERSON, DAVID M	http://www.uspto.gov/trademarks/teas/response_forms.jsp
801 W 47TH ST STE 107	
KANSAS CITY, MO 64112-1253	VIEW YOUR APPLICATION FILE
APPLICANT: Peterson, David M	
CORRESPONDENT'S REFERENCE/DOCKET NO:	
N/A	
CORRESPONDENT E-MAIL ADDRESS:	
jbm@petersonlawfirm.com	

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/17/2014

TEAS PLUS APPLICANTS – TO MAINTAIN REDUCED FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus application form must (1) continue to submit certain documents online using TEAS, including responses to Office actions (see TMEP §819.02(b) for a complete list of these documents); (2) accept correspondence from the USPTO via e-mail throughout the examination process; and (3) maintain a valid e-mail address. *See* 37 C.F.R. §2.23(a)(1), (a)(2); TMEP §819, 819.02(a). TEAS Plus applicants who do not meet these three requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. However, in certain situations, authorizing an examiner's amendment by telephone will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Registration Refused—Likelihood of Confusion with Prior Registered marks under Section 2(d):

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 4,312,953; 4,480,663. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. See the enclosed registrations.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *Syndicat Des Proprietaires Viticulteurs De Chateauneuf-Du-Pape v. Pasquier DesVignes*, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs.*, *LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the

goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

The marks in the cited registrations are "DON'T'WAIT, TEXT 8!" and "DON'T WAIT, CALL 8", all for attorney services, litigation services and counseling, advice and consultation services in the area of personal injury law. The applicant seeks to register the mark REMEMBER THE 8S for attorney services, litigation services and providing counseling advice and litigation services in the field of personal injury law.

RELATED NATURE OF SERVICES:

The services appear to be identical or highly similar, both involving legal services of attorney and litigation services, and various counseling and advice in the field of personal injury law.

Where the goods and/or services of an applicant and registrant are "similar in kind and/or closely related," the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

RELATED NATURE OF MARKS:

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in their entireties that confusion as to the source of the goods and/or services offered under applicant's and registrant's marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *Edom Labs., Inc. v. Lichter*, 102 USPQ2d 1546, 1551 (TTAB 2012); TMEP §1207.01(b). The focus is on the recollection of the average purchaser, who normally retains a general rather than specific impression of trademarks. *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

Marks must be compared in their entireties and should not be dissected; however, a trademark examining attorney may weigh the individual components of a mark to determine its overall commercial impression. *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342, 71 USPQ2d 1944, 1946-47 (Fed. Cir. 2004); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985) ("[I]n articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark"); *In re Kysela Pere et Fils, Ltd.*, 98 USPQ2d 1261, 1267 (TTAB 2011).

In each mark, the numeral "eight" is the term which creates the major commercial impression, a number arbitrarily used in relation to the identified legal services. In all three terms, "REMEMBER THE 8S", "DON'T WAIT, TEXT 8!", "DON'T WAIT, CALL 8!" each mark suggests an action or function connected with the numeral 8—remembering the number or calling or texting the number for various legal services.

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

For these reasons, likelihood of confusion as to source of the identical services would arise, when each mark uses the identical numeral- 8- to create a similar commercial impression in all three phrases, implying some action in association with this number. Since the numeral appears to be arbitrarily applied to the services, consumers would assume some association or connection be tween the parties using similar marks to identify identical or highly similar legal services.

For these reasons, registration is refused under the provisions of Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Prior Filed Application May Bar Registration of Applicant's Mark:

The filing date of pending U.S. Application Serial No. 86-201,686 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of

applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Clarification of Legal Entity:

The name of an individual person appears in the section of the application intended for the trademark owner's name; however, the entity type is set forth as a corporation. Applicant must clarify this inconsistency. TMEP §803.02(a).

If applicant is an individual, applicant should request that the entity be amended to "individual" and must indicate his or her country of citizenship. *See* 37 C.F.R. §2.32(a)(3)(i); TMEP §803.04. Alternatively, if applicant is a corporation, applicant must provide the legal name of the corporation and U.S. state or foreign country of incorporation or organization. *See* 37 C.F.R. §2.32(a)(2), (a)(3)(ii); TMEP §803.02(c), 803.03(c).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. *See* 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. TMEP §§1201, 1201.02(b).

Based on a telephone conversation with the applicant, the entity is clarified to read as follows:

Peterson & Associates, P.C., a professional corporation organized under the laws of the State of Missouri.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

In addition, applicant filed a TEAS Plus application and therefore must respond online using the Trademark Electronic Application System (TEAS) at http://www.uspto.gov/trademarks/teas/response_forms.jsp to avoid incurring an additional fee. See 37 C.F.R. §2.23(a)(1), (b).

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. \$1062(b); 37 C.F.R. §\$2.65(a), 2.68(a), 2.209(a); TMEP §\$405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §\$2.6, 2.66(b)(1).

/Henry S. Zak/ Henry S. Zak Examining Attorney Law Office 117 (571)272-9354 henry.zak@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the

response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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.

To: Peterson, David M (jbm@petersonlawfirm.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86314314 - REMEMBER THE 8S. - N/A

Sent: 9/17/2014 11:02:05 AM **Sent As:** ECOM119@USPTO.GOV

Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 9/17/2014 FOR U.S. APPLICATION SERIAL NO. 86314314

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this link or going to http://tsdr.uspto.gov/, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from 9/17/2014, using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Henry S. Zak/ Henry S. Zak Examining Attorney Law Office 117 (571)272-9354 henry.zak@uspto.gov

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle

private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

*** User:hzak ***

eights"[bi,ti])
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Session started 9/17/2014 9:10:41 AM
Session finished 9/17/2014 9:21:40 AM
Total search duration 0 minutes 14 seconds
Session duration 10 minutes 59 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86314314

From: TMDesignCodeComments
Sent: Saturday, June 28, 2014 00:17 AM
To: jbm@petersonlawfirm.com
Cc: dmp@petersonlawfirm.com

Subject: Official USPTO Notice of Pseudo Mark: U.S. Trademark SN: 86314314: REMEMBER THE 8S.

Docket/Reference Number:

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=86314314. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

REMEMBER THE EIGHTS.

Remember the 8s.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86314314 Filing Date: 06/19/2014

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered	
TEAS Plus	YES	
MARK INFORMATION		
*MARK	Remember the 8s.	
*STANDARD CHARACTERS	YES	
USPTO-GENERATED IMAGE	YES	
LITERAL ELEMENT	Remember the 8s.	
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.	
REGISTER	Principal	
APPLICANT INFORMATION		
*OWNER OF MARK	Peterson, David M	
DBA/AKA/TA/FORMERLY	DBA Peterson & Associates, P.C.	
INTERNAL ADDRESS	Suite 107	
*STREET	801 W 47th Street	
*CITY	Kansas City	
*STATE (Required for U.S. applicants)	Missouri	
*COUNTRY	United States	
*ZIP/POSTAL CODE (Required for U.S. applicants only)	64112-1253	
PHONE	8165314440	
FAX	816-531-0660	
EMAIL ADDRESS	jbm@petersonlawfirm.com	
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
LEGAL ENTITY INFORMATION		
*TYPE	professional corporation	
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	United States	
NAME OF ALL GENERAL PARTNERS, ACTIVE MEMBERS,		

INDIVIDUAL, TRUSTEES, OR EXECUTORS, AND CITIZENSHIP/INCORPORATION	David M. Peterson, USA	
GOODS AND/OR SERVICES AND BASIS INFORMATION		
*INTERNATIONAL CLASS	045	
*IDENTIFICATION	Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law.	
*FILING BASIS	SECTION 1(b)	
ADDITIONAL STATEMENTS INFORMATION		
*TRANSLATION (if applicable)		
*TRANSLITERATION (if applicable)		
*CLAIMED PRIOR REGISTRATION (if applicable)		
*CONSENT (NAME/LIKENESS) (if applicable)		
*CONCURRENT USE CLAIM (if applicable)		
CORRESPONDENCE INFORMATION		
*NAME	Peterson, David M	
FIRM NAME	Peterson, David M	
INTERNAL ADDRESS	Suite 107	
*STREET	801 W 47th Street	
*CITY	Kansas City	
*STATE (Required for U.S. applicants)	Missouri	
*COUNTRY	United States	
*ZIP/POSTAL CODE	64112-1253	
PHONE	8165314440	
FAX	816-531-0660	
*EMAIL ADDRESS	jbm@petersonlawfirm.com;dmp@petersonlawfirm.com	
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
FEE INFORMATION		
NUMBER OF CLASSES	1	
FEE PER CLASS	275	
*TOTAL FEE PAID	275	
SIGNATURE INFORMATION		
* SIGNATURE	/David M. Peterson/	
* SIGNATORY'S NAME	David M. Peterson	

* SIGNATORY'S POSITION	President
SIGNATORY'S PHONE NUMBER	816-531-4440
* DATE SIGNED	06/19/2014

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86314314 Filing Date: 06/19/2014

To the Commissioner for Trademarks:

MARK: Remember the 8s. (Standard Characters, see mark)
The literal element of the mark consists of Remember the 8s..
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Peterson, David M, DBA Peterson & Associates, P.C., a professional corporation legally organized under the laws of United States, comprising of David M. Peterson, USA, having an address of

Suite 107, 801 W 47th Street Kansas City, Missouri 64112-1253 United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Attorney services; Legal consultation services; Legal consulting services in the field of mass torts, personal injury, consumer protection and social security disability law.; Litigation services; Providing customized legal information, counseling, and advice, and litigation services in the field of mass torts, personal injury, consumer protection and social security disability law.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

Peterson, David M
Peterson, David M
Suite 107
801 W 47th Street
Kansas City, Missouri 64112-1253
8165314440(phone)
816-531-0660(fax)
jbm@petersonlawfirm.com;dmp@petersonlawfirm.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and

the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /David M. Peterson/ Date Signed: 06/19/2014

Signatory's Name: David M. Peterson Signatory's Position: President

RAM Sale Number: 86314314 RAM Accounting Date: 06/19/2014

Serial Number: 86314314

Internet Transmission Date: Thu Jun 19 11:13:39 EDT 2014

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-201406191113395

53894-86314314-500302c15a131dd8be0759a3d a066598c84cdac1678b3a3dea0673f312681c6fa

e-CC-10377-20140619110638826991

Remember the 8s.

Generated on: This page was generated by TSDR on 2016-11-30 11:03:27 EST

Mark: REMEMBER: WILLS FOR FIRST RESPONDERS

REMEMBER: WILLS FOR FIRST RESPONDERS

US Serial Number: 85249673 Application Filing Feb. 23, 2011

Date:

US Registration 4132943 Registration Date: Apr. 24, 2012

Number:

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 24, 2012

Publication Date: Jun. 28, 2011 Notice of Aug. 23, 2011

Allowance Date:

Mark Information

Mark Literal REMEMBER: WILLS FOR FIRST RESPONDERS

Elements:

Standard Character Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type:

Disclaimer: "WILLS FOR FIRST RESPONDERS"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

International 045 - Primary Class U.S Class(es): 100, 101

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2011

First Use: Jan. 2011 Use in Commerce: Jan. 2011

Basis Information (Case Level)

Filed Use:NoCurrently Use:YesAmended Use:NoFiled ITU:YesCurrently ITU:NoAmended ITU:NoFiled 44D:NoNoAmended 44D:NoFiled 44E:NoCurrently 44E:NoAmended 44E:No

Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Cincinnati Paralegal Association

Owner Address: P.O. Box 1515

Cincinnati, OHIO 45201 UNITED STATES Exhibit N Larry Pitt & Assoc., P.C. v. Lundy Law, LLP Opposition No. 91/210158 State or Country OHIO Where Organized:

Legal Entity Type: non-profit corporation

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lori Krafte

Attorney Primary krafte@whepatent.com Attorney Email No Email Address: Authorized:

Correspondent

Correspondent LORI KRAFTE

Name/Address: WOOD HERRON & EVANS LLP

441 VINE ST STE 2700 CINCINNATI, OHIO 45202-2814

UNITED STATES

Phone: 513-241-2324 **Fax:** 513-241-6234

Correspondent e- krafte@whepatent.com mail: Correspondent e- Yes mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 17, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 16, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Mar. 16, 2012	ASSIGNED TO LIE	70138
Mar. 16, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 08, 2012	STATEMENT OF USE PROCESSING COMPLETE	66154
Feb. 09, 2012	USE AMENDMENT FILED	66154
Mar. 08, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Feb. 09, 2012	TEAS STATEMENT OF USE RECEIVED	
Aug. 23, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 28, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 28, 2011	PUBLISHED FOR OPPOSITION	
May 26, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
May 25, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 25, 2011	EXAMINER'S AMENDMENT ENTERED	68658
May 25, 2011	ASSIGNED TO LIE	68658
May 25, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 25, 2011	EXAMINERS AMENDMENT E-MAILED	6328
May 25, 2011	EXAMINERS AMENDMENT -WRITTEN	80804
May 25, 2011	ASSIGNED TO EXAMINER	80804
Feb. 28, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 26, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Mar. 16, 2012

United States of America Muitod States Antent and Arademark Office United States Patent and Trademark Office

REMEMBER: WILLS FOR FIRST RESPONDERS

Reg. No. 4,132,943

CINCINNATI PARALEGAL ASSOCIATION (OHIO NON-PROFIT CORPORATION)

P.O. BOX 1515

Registered Apr. 24, 2012 CINCINNATI, OH 45201

Int. Cl.: 45

FOR: PROVIDING FREE LEGAL SERVICES TO POLICE OFFICERS, FIREFIGHTERS, AND PERSONNEL TRAINED TO PROVIDE FIRST RESPONSE CARE IN EMERGENCIES, IN

CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 1-0-2011; IN COMMERCE 1-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WILLS FOR FIRST RESPON-

DERS", APART FROM THE MARK AS SHOWN.

SN 85-249,673, FILED 2-23-2011.

TEJBIR SINGH, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

From: TMOfficialNotices@USPTO.GOV
Sent: Saturday, March 17, 2012 00:12 AM

To: lkrafte@whepatent.com

Subject: Trademark Serial Number 85249673 : Official USPTO Notice of Acceptance of Statement of Use

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

Serial Number: 85249673

Mark: REMEMBER: WILLS FOR FIRST RESPONDERS(STANDARD CHARACTER MARK)

Owner: Cincinnati Paralegal Association

Docket/Reference Number:

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at http://www.uspto.gov/ or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to http://tarr.uspto.gov/.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=85249673. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 85249673 FILING DATE 02/23/2011 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY SINGH, TEJBIR L.O. ASSIGNED 106 **PUB INFORMATION RUN DATE** 03/17/2012 **PUB DATE** 06/28/2011 **STATUS** 819-SU - REGISTRATION REVIEW COMPLETE STATUS DATE 03/16/2012 LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) YES 1 (a) YES NO 1 (b) 1 (b) NO 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 20-OWNER AT PUBLICATION NAME Cincinnati Paralegal Association

P.O. Box 1515 Cincinnati, OH 45201

99-non-profit corporation

ADDRESS

ENTITY

CITIZENSHIP	Ohio			
GOODS AND SERVICES				
INTERNATIONAL CLASS	045			
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies			

DESCRIPTION TEXT					Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies				
			COOL	AC AND CEDVIC	SEC CLASSIEIC	ATION			
					CES CLASSIFICA				
INTERNATIONAL CLASS	045 FIRST USE DA		USE DATE	01/00/2011	FIRST USE IN COMMERCE DATE	01/00/2011	CLASS STATUS	6-AC	CTIVE
	,				·		·		
]	MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGISTRATION NO									
DISCLAIMER W/PREDETER TXT "WILLS FOR FIRST RESPONDERS"									
				PROSECUTION	ON HISTORY				
DATE	EN	T CD	ENT TYP	E DESCRIPTION	DESCRIPTION ENT NUM				
03/17/2012	SI	JNA	E	NOTICE OF AC	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED 021				
03/16/2012	RI	≣GV	0	LAW OFFICE R	LAW OFFICE REGISTRATION REVIEW COMPLETED 020				
03/16/2012	A	LIE	А	ASSIGNED TO	ASSIGNED TO LIE 019			019	
03/16/2012	CI	NPR	Р	ALLOWED PRII	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED 018			018	
03/08/2012	SI	JPC	ı	STATEMENT O	STATEMENT OF USE PROCESSING COMPLETE 017			017	
02/09/2012	IL	JAF	s	USE AMENDME	USE AMENDMENT FILED 016			016	
03/08/2012	A	ITU	А	CASE ASSIGNE	CASE ASSIGNED TO INTENT TO USE PARALEGAL 015			015	
02/09/2012	E	ISU	ı	TEAS STATEM	TEAS STATEMENT OF USE RECEIVED 014				
08/23/2011	NO	DAM	E	NOA E-MAILED	NOA E-MAILED - SOU REQUIRED FROM APPLICANT 013				
06/20/2011	NI	DLID	Е	OFFICIAL GAZI	OFFICIAL CAZETTE DUDUICATION CONFIDMATION E MAILED				

03/16/2012	REGV	0	LAW OFFICE REGISTRATION REVIEW COMPLETED	020
03/16/2012	ALIE	А	ASSIGNED TO LIE	019
03/16/2012	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	018
03/08/2012	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	017
02/09/2012	IUAF	S	USE AMENDMENT FILED	016
03/08/2012	AITU	А	CASE ASSIGNED TO INTENT TO USE PARALEGAL	015
02/09/2012	EISU	I	TEAS STATEMENT OF USE RECEIVED	014
08/23/2011	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	013
06/28/2011	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	012
06/28/2011	PUBO	А	PUBLISHED FOR OPPOSITION	011
05/26/2011	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	010
05/25/2011	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	009
05/25/2011	XAEC	I	EXAMINER'S AMENDMENT ENTERED	800
05/25/2011	ALIE	А	ASSIGNED TO LIE	007
05/25/2011	GNEN	О	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	006
05/25/2011	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/25/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
05/25/2011	DOCK	D	ASSIGNED TO EXAMINER	003
02/28/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/26/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION				
ATTORNEY	Lori Krafte			
CORRESPONDENCE ADDRESS	LORI KRAFTE WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814			
DOMESTIC REPRESENTATIVE	NONE			

PRIOR OWNER INFORMATION					
PARTY TYPE	10-ORIGINAL APPLICANT				
NAME	Cincinnati Paralegal Association				
ADDRESS	P.O. Box 1515 Cincinnati, OH 45201				
ENTITY	99-non-profit corporation				
CITIZENSHIP	Ohio				

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85249673	FILING DATE	02/23/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SINGH, TEJBIR	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/17/2012				
PUB DATE	06/28/2011				
STATUS	819-SU - REGISTRATION REVIEW COM	PLETE			
STATUS DATE	03/16/2012	03/16/2012			
LITERAL MARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS				
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO	SECTION 8 IN PART	NO		
SECTION 15	NO	REPUB 12C	N/A		
RENEWAL FILED	NO	RENEWAL DATE	N/A		
DATE AMEND REG	N/A				

FILING BASIS

FILED	FILED BASIS		IT BASIS	AMENDE	ED BASIS
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Cincinnati Paralegal Association
ADDRESS	P.O. Box 1515 Cincinnati, OH 45201
ENTITY	99-non-profit corporation

CITIZENSHIP	Ohio
GOODS AND	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

DESCRIPTION	N IEXI			Providing free legal services to police officers, firefighters, and personnel trained provide first response care in emergencies			nel trained to		
			COOL	AC AND CEDALC		ATION			
					CES CLASSIFICA				
INTERNATIONAL CLASS	045	FIRST	USE DATE	01/00/2011	FIRST USE IN COMMERCE DATE	01/00/2011	CLASS STATUS	6-AC	CTIVE
	,				,	,			
]	MISCELL	ANEOUS INFO	RMATION/STA	TEMENTS			
CHANGE IN REGIS	TRATION				NO				
DISCLAIMER W/PREDETER TXT "WILLS FOR FIRST RESPONDERS"									
				PROSECUTION	ON HISTORY				
DATE	EN	T CD	ENT TYP	IT TYPE DESCRIPTION ENT NU			ENT NUM		
03/17/2012	SI	JNA	E	E NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED 021			021		
03/16/2012	RI	EGV	0	D LAW OFFICE REGISTRATION REVIEW COMPLETED 020			020		
03/16/2012	А	LIE	А	ASSIGNED TO	ASSIGNED TO LIE 019			019	
03/16/2012	CI	NPR	Р	ALLOWED PRII	NCIPAL REGISTER -	SOU ACCEPTED			018
03/08/2012	SI	JPC	ı	STATEMENT O	F USE PROCESSING	G COMPLETE			017
02/09/2012	IL	JAF	s	USE AMENDME	USE AMENDMENT FILED 016			016	
03/08/2012	A	ITU	А	CASE ASSIGNE	CASE ASSIGNED TO INTENT TO USE PARALEGAL 0		015		
02/09/2012	E	ISU	ı	I TEAS STATEMENT OF USE RECEIVED 0		014			
08/23/2011	NO	DAM	E	E NOA E-MAILED - SOU REQUIRED FROM APPLICANT 013			013		
06/20/2011	NI	DLID	CELCIAL CAZETTE DUDI ICATION CONFIDMATION E MAILED			012			

03/16/2012	REGV	0	LAW OFFICE REGISTRATION REVIEW COMPLETED	020
03/16/2012	ALIE	А	ASSIGNED TO LIE	019
03/16/2012	CNPR	Р	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	018
03/08/2012	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	017
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08/23/2011	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	013
06/28/2011	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	012
06/28/2011	PUBO	А	PUBLISHED FOR OPPOSITION	011
05/26/2011	PREV	0	LAW OFFICE PUBLICATION REVIEW COMPLETED	010
05/25/2011	CNSA	Р	APPROVED FOR PUB - PRINCIPAL REGISTER	009
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05/25/2011	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/25/2011	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
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02/28/2011	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/26/2011	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

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ATTORNEY	Lori Krafte			
CORRESPONDENCE ADDRESS	LORI KRAFTE WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814			
DOMESTIC REPRESENTATIVE	NONE			

PRIOR OWNER INFORMATION					
PARTY TYPE	10-ORIGINAL APPLICANT				
NAME	Cincinnati Paralegal Association				
ADDRESS	P.O. Box 1515 Cincinnati, OH 45201				
ENTITY	99-non-profit corporation				
CITIZENSHIP	Ohio				

Trademark Snap Shot ITU Unit Action (Table presents the data on ITU Unit Action) **OVERVIEW** SERIAL NUMBER 85249673 FILING DATE 02/23/2011 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY SINGH, TEJBIR L.O. ASSIGNED 106 **PUB INFORMATION RUN DATE** 03/09/2012 PUB DATE 06/28/2011 **STATUS** 748-STATEMENT OF USE - TO EXAMINER STATUS DATE 03/08/2012 LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO 1 (a) NO 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 20-OWNER AT PUBLICATION NAME Cincinnati Paralegal Association

P.O. Box 1515 Cincinnati, OH 45201

99-non-profit corporation

ADDRESS

ENTITY

CITIZENSHIP	Ohio
GOODS AND	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

INTERNATIONAL CLASS			045						
					services to police office care in emergencie		personnel trained to		
				GOOI	OS AND SERVIC	CES CLASSIFICA	ATION		
INTERNATIONAL 045 FIRST USE DATE		JSE DATE	01/00/2011	FIRST USE IN COMMERCE DATE	01/00/2011	CLASS STATUS	6-ACTIVE		
			N	MISCELI	ANEOUS INFO	RMATION/STA	TEMENTS		
CHANGE IN REGIS	TRATION					NO			
DISCLAIMER W/PR	EDETER TXT					"WILLS FOR FIRST	RESPONDERS"		
					PROSECUTI	ON HISTORY			
DATE		FNT	CD	ENT TYP					ENT NUM
03/08/2012			IPC			F USE PROCESSING	G COMPLETE		017
02/09/2012			AF	s	USE AMENDM				016
03/08/2012			TU	Α		ED TO INTENT TO U	SE PARALEGAL		015
02/09/2012			SU	I	TEAS STATEM	TEAS STATEMENT OF USE RECEIVED			014
08/23/2011 NOAM			E	NOA E-MAILED	NOA E-MAILED - SOU REQUIRED FROM APPLICANT			013	
06/28/2011		NP	UB	E	OFFICIAL GAZ	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED			012
			PUBLISHED FO	PUBLISHED FOR OPPOSITION			011		
05/26/2011 PREV O LAW OFFICE R			UBLICATION REVIE	W COMPLETED		010			
05/25/2011 CNSA P APPROVED FOR PUB - PRINCIPAL REGISTER			REGISTER		009				
05/25/2011 XAEC I EXAMINER'S A			MENDMENT ENTER	ED		800			
05/25/2011 ALIE A ASSIGNED TO LIE				007					
05/25/2011 GNEN O NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED)	006					
05/25/2011 GNEA F EXAMINERS AMENDMENT E-MAILED				005					
05/25/2011 CNEA R EXAMINERS AMENDMENT - WRITTEN				004					
05/25/2011		DO	CK	D	ASSIGNED TO	EXAMINER			003
02/28/2011		NW	os /	I	NEW APPLICA	ATION OFFICE SUPPLIED DATA ENTERED IN TRAM		002	
02/26/2011		NW	/AP	I	NEW APPLICA	PLICATION ENTERED IN TRAM		001	
				CURREN	NT CORRESPON	DENCE INFOR	MATION		
ATTORNEY				Lori Krafte					
CORRESPONDENCE ADDRESS				LORI KRAFTE WOOD HERRON & 441 VINE ST STE 2 CINCINNATI, OH 45	700				
DOMESTIC REPRESENTATIVE NONE									
					PRIOR OWNER	INFORMATION	N		
PARTY TYPE						10-ORIGINAL APPL			
NAME	IAME				Cincinnati Paralegal Association				
V WILL						, g			

ADDRESS	P.O. Box 1515 Cincinnati, OH 45201
ENTITY	99-non-profit corporation
CITIZENSHIP	Ohio



The Pro Bono WFFR Sub-Committee will be holding a Wills for First Responders event for the Hamilton County Sheriff Department on Saturday, March 3, 2012.

The Pro Bono WFFR Sub-Committee will be looking for volunteers for this event. There are 3 types of volunteers: intake, drafting, and witness. Intake volunteers meet with the client and review the information on the intake form. They pass this information along to the drafters, who then draft the various documents. After the documents have been reviewed with the attorney and the client, they are taken to the witness station, where the documents are executed and notarized.

We are looking for volunteers in the following time slots:

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1:00 p.m. - 3:00 p.m.

11:00 a.m. - 1:00 p.m.

3:00 p.m. - 5:00 p.m.

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Please note for those who have never volunteered for this event before, you do not have to be an estate planning paralegal to volunteer. If you have any questions about the event or the volunteer positions, please feel free to contact the WFFR Sub-Committee.



SAVE THE DATE

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Saturday, March 3, 2012 - Hamilton County Sheriff Department

Saturday, July 14, 2012 - Covington, KY Policy Department*

Saturday, November 3, 2012 - Cincinnati Policy Department & UC Police Department*

These departments and dates are tentative at this time and will be updated as dates get closer.



Important Information

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December 3, 2011 – Hamilton County Sheriff Department

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Intake: Each intake volunteer meets with the clients to review their completed intake form, making changes and additions, as necessary.

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Pro Bono Services - Remember: Wills for First Responders

The exents at September 11, 1000 serve as a Mark reminder of the extraordinary mortiless firefighters, police and emergency mode at technicious make for their community every day. These "first required and evote their lives to serving their communities, and they are prepared to pay the ultimate price in the line of duty. The Pro Home Commutator of the Concinnati Pamlegal Association wanted to find a say to give back to these brave men and women, and the Commuter created as Remember. With 6s: First Responders program Remember. With for First Responders is a program whereth volunteer lawyers and paraloguis come together for day long events to provide wills, being with and health care proximate first responders and their spouses completely free of charge. Most importantly, we provide peace of mind to these before should the outlinkable occur.

To date the CPA his organized each than 10 events serving forfighters policemen and other emergency personnel in the Greater Cincinnati arm. For more information, please contact the Pro Bono Coordinator at pro-bonolecineinmatiporalogals org.

Cincionati Faralegal Association F.O. Box 1515 Cincionati, 0= 45201 513-744-1765 Eurosi 16 rtistory | Eyerda | Marches 250 | Asterdaniu | EAGs | Contest | Homis The Pro Bono Committee is proud to aconomice the next Remember: Wills for First Responders' event will take place on March 3, 2012. This event will serve the Hamilton County Sheriff Department.

Download Pra Bono Hours Reporting Form

See What We Do!

Please fiel fire to browse our Gallety to ree pictures of our events to dok.

Click bere for the Gallery

Read All About Ust

Word about our overt is spreading. Click below to read what others have to say about our program.

Kentucky Post

spare, they pear



Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85249673
LAW OFFICE ASSIGNED	LAW OFFICE 106
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85249673
LITERAL ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Cincinnati Paralegal Association
STREET	P.O. Box 1515
CITY	Cincinnati
STATE	Ohio
ZIP/POSTAL CODE	45201
COUNTRY	United States
EMAIL	lkrafte@whepatent.com
OWNER SECTION (proposed)	
NAME	Cincinnati Paralegal Association
STREET	P.O. Box 1515
CITY	Cincinnati
STATE	Ohio
ZIP/POSTAL CODE	45201
COUNTRY	United States
EMAIL	lkrafte@whe-law.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
CURRENT IDENTIFICATION	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies
GOODS OR SERVICES	KEEP ALL LISTED

FIRST USE ANYWHERE DATE	01/00/2011	
FIRST USE IN COMMERCE DATE	01/00/2011	
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\852\496\85249673\xml9\ SOU0002.JPG	
	\\TICRS\EXPORT11\IMAGEOUT 11\852\496\85249673\xml9\ SOU0003.JPG	
	\\TICRS\EXPORT11\IMAGEOUT 11\852\496\85249673\xml9\ SOU0004.JPG	
SPECIMEN DESCRIPTION	Scanned images of flyers bearing mark in connection with offering the services; scanned image of Applicant's website showing mark in connection with the services	
REQUEST TO DIVIDE	NO	
PAYMENT SECTION		
NUMBER OF CLASSES IN USE	1	
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100	
TOTAL AMOUNT	100	
SIGNATURE SECTION		
DECLARATION SIGNATURE	/Lori Krafte/	
SIGNATORY'S NAME	Lori Krafte	
SIGNATORY'S POSITION	Attorney of record, Ohio bar member	
DATE SIGNED	02/09/2012	
SIGNATORY'S PHONE NUMBER	513-241-2324	
FILING INFORMATION		
SUBMIT DATE	Thu Feb 09 09:59:23 EST 2012	
TEAS STAMP	USPTO/SOU-XXX.XXX.XXX.XX- 20120209095923914923-8524 9673-490251db6277fa76529c 3a672f8b2b5442-CC-8647-20 120209094613354740	

PTO Form 1553 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: REMEMBER: WILLS FOR FIRST RESPONDERS(Standard Characters, see

http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85249673)

SERIAL NUMBER: 85249673

The applicant, Cincinnati Paralegal Association, having an address of P.O. Box 1515
Cincinnati, Ohio 45201
United States
is submitting the following allegation of use information:

For International Class 045:

Current identification: Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/00/2011, and first used in commerce at least as early as 01/00/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Scanned images of flyers bearing mark in connection with offering the services; scanned image of Applicant's website showing mark in connection with the services.

Specimen File1 Specimen File2 Specimen File3

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

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. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that 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: /Lori Krafte/ Date Signed: 02/09/2012

Signatory's Name: Lori Krafte

Signatory's Position: Attorney of record, Ohio bar member

Signatory's Phone: 513-241-2324

RAM Sale Number: 8647

RAM Accounting Date: 02/09/2012

Serial Number: 85249673

Internet Transmission Date: Thu Feb 09 09:59:23 EST 2012

TEAS Stamp: USPTO/SOU-XXX.XXX.XXX.XXX-201202090959239

14923-85249673-490251db6277fa76529c3a672 f8b2b5442-CC-8647-20120209094613354740



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Read All About Ust

Word about our overt is spreading. Click below to read what others have to say about our program.

Kentucky Post

spare, they pear



FEE RECORD SHEET

Serial Number: 85249673

RAM Sale Number: 8647 Total Fees: \$100

RAM Accounting Date: 20120209

<u>Transaction</u>	Fee <u>Code</u>	Transaction <u>Date</u>	Fee per <u>Class</u>	Number of Classes	Total <u>Fee</u>
Statement of Use (SOU)	7003	20120209	\$100	1	\$100

Transaction Date: 20120209



From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, August 23, 2011 00:10 AM

To: lkrafte@whepatent.com

Subject: Trademark Serial Number 85249673: Official USPTO Notice of Allowance

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Aug 23, 2011

Serial Number: 85-249,673

Mark: REMEMBER: WILLS FOR FIRST RESPONDERS(STANDARD CHARACTER MARK)

Attorney Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at http://www.uspto.gov/teas/index.html (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo SOU EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at http://www.uspto.gov/teas/index.html. Do NOT reply to this e-mail, as e-mailed fillings will NOT be processed.

Serial Number: 85-249,673

Mark: REMEMBER: WILLS FOR FIRST RESPONDERS(STANDARD CHARACTER MARK)

Attorney Reference Number:

Owner: Cincinnati Paralegal Association

P.O. Box 1515

Cincinnati , OHIO 45201

Correspondence Address: LORI KRAFTE

WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to http://tarr.uspto.gov. Please check the status of any application at least every three (3) months after the application filing date.

 From:
 TMOfficialNotices@USPTO.GOV

 Sent:
 Tuesday, June 28, 2011 00:41 AM

To: lkrafte@whepatent.com

Subject: Official USPTO Notice of Publication: Serial Number 85249673

NOTICE OF PUBLICATION

Serial Number: 85-249,673

Mark: REMEMBER: WILLS FOR FIRST RESPONDERS(STANDARD CHARACTER MARK)

International Class(es): 045

Applicant: Cincinnati Paralegal Association

Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Jun 28, 2011. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

- 1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20110628_OG.pdf#page=1
- 2. Wait for the total OG to download completely (as indicated on bottom of OG page).
- 3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
- 4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-249,673, e.g.
- 5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete)

SERIAL NUMBER	85249673	FILING DATE	02/23/2011
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SINGH, TEJBIR	L.O. ASSIGNED	106

PUB INFORMATION

TODING					
RUN DATE	05/27/2011				
PUB DATE	06/28/2011				
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE				
STATUS DATE	05/26/2011				
LITERAL MARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS				
DATE ABANDONED	N/A	DATE CANCELLED	N/A		
SECTION 2F	NO	SECTION 2F IN PART	NO		
SECTION 8	NO	SECTION 8 IN PART	NO		
SECTION 15	NO	REPUB 12C	N/A		
RENEWAL FILED	NO	RENEWAL DATE	N/A		
DATE AMEND REG	N/A				

FILING BASIS

FILED	BASIS	CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Cincinnati Paralegal Association
ADDRESS	P.O. Box 1515 Cincinnati, OH 45201
ENTITY	99-non-profit corporation

CITIZENSHIP	Ohio
GOODS AND	D SERVICES
INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

				GOODS AND	DSERVICES				
INTERNATIONAL C	LASS			045					
DESCRIPTION TEXT					Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies				
			GOOD	OS AND SERVIC	ES CLASSIFICA	ATION			
INTERNATIONAL CLASS	AL 045 FIRST USE DATE NONE			NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-A	CTIVE
			MISCELL	ANEOUS INFO	RMATION/STA	FEMENTS			
CHANGE IN REGIS	TRATION				NO				
DISCLAIMER W/PR	EDETER TX	Т			"WILLS FOR FIRST	RESPONDERS"			
				PROSECUTIO	ON HISTORY				
DATE ENT CD ENT TYPE DESCRIPTION							ENT NUM		
05/26/2011		PREV	0	LAW OFFICE P	UBLICATION REVIE	W COMPLETED			010
05/25/2011		CNSA	Р	APPROVED FC	R PUB - PRINCIPAL	REGISTER			009
05/25/2011		XAEC	I	EXAMINER'S A	MENDMENT ENTER	ED			800
05/25/2011		ALIE	А	ASSIGNED TO	LIE				007
05/25/2011		GNEN	0	NOTIFICATION	OF EXAMINERS AN	ENDMENT E-MAILE	D		006
05/25/2011		GNEA	F	EXAMINERS AI	MENDMENT E-MAILE	D			005
05/25/2011		CNEA	R	EXAMINERS AI	MENDMENT -WRITT	EN			004
05/25/2011		DOCK	D	ASSIGNED TO	EXAMINER			ļ	003
02/28/2011		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	IED DATA ENTERED) IN TRAM		002
02/26/2011 NWAP I NEW APPLICA					TION ENTERED IN T	RAM			001
			CURREN	IT CORRESPON	IDENCE INFOR	MATION			
ATTORNEY					Lori Krafte				
CORRESPONDENCE ADDRESS					LORI KRAFTE WOOD HERRON & 441 VINE ST STE 2 CINCINNATI, OH 45	700			

CURRENT CORRESPONDENCE INFORMATION					
ATTORNEY	Lori Krafte				
CORRESPONDENCE ADDRESS	LORI KRAFTE WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814				
DOMESTIC REPRESENTATIVE	NONE				

Trademark Snap Shot Publication Stylesheet (Table presents the data on Publication Approval) **OVERVIEW** SERIAL NUMBER 85249673 FILING DATE 02/23/2011 0000000 **REG DATE REG NUMBER** N/A REGISTER **PRINCIPAL** MARK TYPE SERVICE MARK INTL REG # N/A INTL REG DATE N/A TM ATTORNEY SINGH, TEJBIR L.O. ASSIGNED 106 **PUB INFORMATION RUN DATE** 05/26/2011 **PUB DATE** N/A **STATUS** 680-APPROVED FOR PUBLICATON STATUS DATE 05/25/2011 LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS DATE ABANDONED DATE CANCELLED N/A N/A SECTION 2F IN PART SECTION 2F NO NO SECTION 8 NO SECTION 8 IN PART NO **SECTION 15** NO REPUB 12C N/A RENEWAL FILED NO RENEWAL DATE N/A DATE AMEND REG N/A FILING BASIS FILED BASIS **CURRENT BASIS** AMENDED BASIS NO NO 1 (a) 1 (a) NO 1 (a) YES YES NO 1 (b) 1 (b) 1 (b) 44D NO 44D NO 44D NO 44E NO 44E NO 44E NO 66A NO 66A NO NO BASIS NO BASIS NO NO MARK DATA STANDARD CHARACTER MARK YES LITERAL MARK ELEMENT REMEMBER: WILLS FOR FIRST RESPONDERS MARK DRAWING CODE 4-STANDARD CHARACTER MARK **COLOR DRAWING FLAG** NO **CURRENT OWNER INFORMATION** PARTY TYPE 10-ORIGINAL APPLICANT NAME Cincinnati Paralegal Association

P.O. Box 1515 Cincinnati, OH 45201

99-non-profit corporation

ADDRESS

ENTITY

CITIZENSHIP	Ohio					
GOODS AND SERVICES						
INTERNATIONAL CLASS	045					
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies					

INTERNATIONAL C	LASS				045			
DESCRIPTIO	N TEXT				Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies			
	,		GOOL	OS AND SERVIC	ES CLASSIFICA	ATION		
INTERNATIONAL 045 FIRST USE DATE NONE CLASS			FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE		
			MISCELL	ANEOUS INFO	RMATION/STAT	TEMENTS		
CHANGE IN REGIS	TRATION				NO			
DISCLAIMER W/PR	EDETER TX	Γ			"WILLS FOR FIRST	RESPONDERS"		
					,			
				PROSECUTION	ON HISTORY			
DATE		ENT CD	ENT TYP	E DESCRIPTION				ENT NUM
05/25/2011		CNSA	Р	APPROVED FO	OR PUB - PRINCIPAL REGISTER 009			009
05/25/2011		XAEC	I	EXAMINER'S A	MENDMENT ENTER	ED .		008
05/25/2011		ALIE	А	ASSIGNED TO	LIE			007
05/25/2011		GNEN	0	NOTIFICATION	OF EXAMINERS AM	ENDMENT E-MAILE)	006
05/25/2011 GNEA F EXAMINERS AMENDMENT E			MENDMENT E-MAILE	D		005		
05/25/2011		CNEA	R	EXAMINERS A	MENDMENT -WRITTE	EN		004
05/25/2011		DOCK	D	ASSIGNED TO	EXAMINER			003
02/28/2011		NWOS	I	NEW APPLICA	TION OFFICE SUPPL	IED DATA ENTERED	IN TRAM	002
02/26/2011		NWAP	I	NEW APPLICA	TION ENTERED IN T	RAM		001
			CURREN	T CORRESPON	DENCE INFOR	MATION		
ATTORNEY					Lori Krafte			
CORRESPONDENCE ADDRESS					LORI KRAFTE WOOD HERRON & 441 VINE ST STE 2: CINCINNATI, OH 45	700		
DOMESTIC REPRE	SENTATIVE				NONE			

Trademark Snap Shot Amendment & Mail Processing Stylesheet (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW						
SERIAL NUMBER	85249673	FILING DATE	02/23/2011			
REG NUMBER	0000000	REG DATE	N/A			
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK			
INTL REG #	N/A	INTL REG DATE	N/A			
TM ATTORNEY	SINGH, TEJBIR	L.O. ASSIGNED	106			

PUB INFORMATION

RUN DATE	05/26/2011					
PUB DATE	N/A					
STATUS	680-APPROVED FOR PUBLICATON					
STATUS DATE	05/25/2011					
LITERAL MARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS					
DATE ABANDONED	N/A	DATE CANCELLED	N/A			
SECTION 2F	NO	SECTION 2F IN PART	NO			
SECTION 8	NO	SECTION 8 IN PART	NO			
SECTION 15	NO	REPUB 12C	N/A			
RENEWAL FILED	NO	RENEWAL DATE	N/A			
DATE AMEND REG	N/A					

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD	CHARACTER MARK	YES
LITERAL MA	ARK ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS
MARK DRAV	WING CODE	4-STANDARD CHARACTER MARK
COLOR DRA	AWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Cincinnati Paralegal Association
ADDRESS	P.O. Box 1515 Cincinnati, OH 45201
ENTITY	99-non-profit corporation

CITIZENSHIP	Ohio					
GOODS AND SERVICES						
INTERNATIONAL CLASS	045					
DESCRIPTION TEXT	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies					

INTERNATIONAL C	LASS				045				
DESCRIPTIO	N TEXT				Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies				
	,		GOOL	OS AND SERVIC	ES CLASSIFICA	ATION			
NTERNATIONAL 045 FOLIASS		FIRS	T USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE	
			MISCELL	ANEOUS INFO	RMATION/STAT	TEMENTS			
CHANGE IN REGIS	TRATION				NO				
DISCLAIMER W/PR	EDETER TX	Γ			"WILLS FOR FIRST RESPONDERS"				
					,				
				PROSECUTION	ON HISTORY				
DATE ENT CD ENT TYPE DESCRIPTION				ENT NU					
05/25/2011		CNSA	Р	APPROVED FO	APPROVED FOR PUB - PRINCIPAL REGISTER				
05/25/2011		XAEC	I	EXAMINER'S A	EXAMINER'S AMENDMENT ENTERED				
05/25/2011		ALIE	А	ASSIGNED TO	ASSIGNED TO LIE				
05/25/2011		GNEN	0	NOTIFICATION	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED				
05/25/2011		GNEA	F	EXAMINERS A	EXAMINERS AMENDMENT E-MAILED				
05/25/2011		CNEA	R	EXAMINERS A	EXAMINERS AMENDMENT -WRITTEN				
05/25/2011		DOCK	D	ASSIGNED TO	ASSIGNED TO EXAMINER				
02/28/2011		NWOS	I	NEW APPLICA	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				
02/26/2011		NWAP	I	NEW APPLICA	NEW APPLICATION ENTERED IN TRAM			001	
			CURREN	T CORRESPON	DENCE INFOR	MATION			
ATTORNEY					Lori Krafte				
CORRESPONDENC	CE ADDRESS	5			LORI KRAFTE WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814				
DOMESTIC REPRE	SENTATIVE				NONE				

***	User:tsingh **	*				
#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	924	N/A	0	0	0:01	*remember*[BI,TI]
02	8208	N/A	0	0	0:01	*w{"iy"}ll*[BI,TI]
03	17247	N/A	0	0	0:02	$f{"iy"}r{"SZ"}T*[BI,TI]$
04	646	N/A	0	0	0:01	*re{"SZ"}pond*[BI,TI]
05	19106	N/A	0	0	0:02	$f{"iy"}r{"SZ"}T*[BI,TI]$ or $1st*[BI,TI]$
06	1	0	1	1	0:01	1 and 2 and 4 and 5
07	40	25	2	2	0:01	1 and (2 4 5)
08	1	0	1	1	0:01	2 and 4 and 5
09	42	30	2	2	0:02	2 and (4 5)
10	90	52	3	3	0:01	4 and 5
11	418	N/A	0	0	0:03	1 and 045[cc]

0:04

11 not dead[ld]

15

Session started 5/25/2011 10:48:55 AM
Session finished 5/25/2011 10:52:34 AM
Total search duration 0 minutes 20 seconds
Session duration 3 minutes 39 seconds
Defaut NEAR limit=1ADJ limit=1

0

18

12

165

Sent to TICRS as Serial Number: 85249673

To: Cincinnati Paralegal Association (lkrafte@whepatent.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85249673 - REMEMBER: WILLS FOR FIRST - N/A

Sent: 5/25/2011 3:36:20 PM

Sent As: ECOM106@USPTO.GOV

Attachments:

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

APPLICATION SERIAL NO. 85249673

MARK: REMEMBER: WILLS FOR FIRST

85249673

CORRESPONDENT ADDRESS:

LORI KRAFTE

WOOD HERRON & EVANS LLP 441 VINE ST STE 2700 CINCINNATI, OH 45202-2814

GENERAL TRADEMARK INFORMATION:

http://www.uspto.gov/main/trademarks.htm

APPLICANT: Cincinnati Paralegal Association

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

lkrafte@whepatent.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 5/25/2011

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by Lori Krafte on 5/25/11, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq*.

Disclaimer

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "WILLS FOR FIRST RESPONDERS" apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

/Tejbir Singh/ Trademark Attorney Law Office 106 (571) 272-5878 (571) 273-9106 (fax) Tejbir.Singh@USPTO.Gov **PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. 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/teas/eTEASpageE.htm.

To: Cincinnati Paralegal Association (lkrafte@whepatent.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85249673 - REMEMBER: WILLS FOR FIRST - N/A

Sent: 5/25/2011 3:36:24 PM

Sent As: ECOM106@USPTO.GOV

Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 5/25/2011 FOR SERIAL NO. 85249673

Please follow the instructions below:

TO READ OFFICE LETTER: Click on this link or go to http://portal.uspto.gov/external/portal/tow and enter the application serial number to access the Office letter

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

HELP: For *technical* assistance in accessing the Office correspondence, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office letter.

Trademark/Service Mark Application, Principal Register

Serial Number: 85249673 Filing Date: 02/23/2011

The table below presents the data as entered.

Input Field	Entered	
SERIAL NUMBER	85249673	
MARK INFORMATION		
*MARK	REMEMBER: WILLS FOR FIRST RESPONDERS	
STANDARD CHARACTERS	YES	
USPTO-GENERATED IMAGE	YES	
LITERAL ELEMENT	REMEMBER: WILLS FOR FIRST RESPONDERS	
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.	
REGISTER	Principal	
APPLICANT INFORMATION		
*OWNER OF MARK	Cincinnati Paralegal Association	
*STREET	P.O. Box 1515	
*CITY	Cincinnati	
*STATE (Required for U.S. applicants)	Ohio	
*COUNTRY	United States	
*ZIP/POSTAL CODE (Required for U.S. applicants only)	45201	
EMAIL ADDRESS	lkrafte@whepatent.com	
LEGAL ENTITY INFORMATION		
ТҮРЕ	non-profit corporation	
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Ohio	
GOODS AND/OR SERVICES AND BASIS INFORMATIO	N	
INTERNATIONAL CLASS	045	
*IDENTIFICATION	Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies	
FILING BASIS	SECTION 1(b)	
ATTORNEY INFORMATION		
NAME	Lori Krafte	
FIRM NAME	Wood Herron & Evans LLP	
INTERNAL ADDRESS	2700 Carew Tower	
STREET	441 Vine Street	

CITY	Cincinnati	
STATE	Ohio	
COUNTRY	United States	
ZIP/POSTAL CODE	45202	
PHONE	513-241-2324	
FAX	513-241-6234	
EMAIL ADDRESS	Ikrafte@whepatent.com	
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
OTHER APPOINTED ATTORNEY	Bruce Tittel, David S. Stallard, J. Robert Chambers, Gregory J. Lunn, Kurt L. Grossman, Clement H. Luken, Jr., Thomas J. Burger, Gregory F. Ahrens, Wayne L. Jacobs, Kurt A. Summe, Kevin G. Rooney, Keith R. Haupt, Theodore R. Remaklus, Thomas W. Humphrey, Scott A. Stinebruner, David H. Brinkman, Kristi L. Davidson, P. Andrew Blatt, Ph.D., David E. Jefferies, J. Dwight Poffenberger, Jr., William R. Allen, Ph.D., David J. Josephic, Donald F. Frei, Joseph R. Jordan, John Paul Davis, Brett A. Schatz, David W. Dorton, Sarah Otte Graber, Steven W. Benintendi, Ph.D., Randall S. Jackson, Jr., Charles R. Figer, Jr., Kevin E. Kuehn, Colin L. Wier, Timothy D. Ardizzone, Ph.D., Ramón A. Urteaga, Chastity D. S. Whitaker, Ph.D., James P. Carey, David A. Fitzgerald II, Paul J. Linden, Adam G. Pugh, Stephen E. Gillen, Karen Kreider Gaunt, Glenn D. Bellamy, James M. Kipling, Kenneth B. Germain, Michael G. Frey, Sean K. Owens	
CORRESPONDENCE INFORMATION		
NAME	Lori Krafte	
FIRM NAME	Wood Herron & Evans LLP	
INTERNAL ADDRESS	2700 Carew Tower	
STREET	441 Vine Street	
CITY	Cincinnati	
STATE	Ohio	
COUNTRY	United States	
ZIP/POSTAL CODE	45202	
PHONE	513-241-2324	
FAX	513-241-6234	
EMAIL ADDRESS	lkrafte@whepatent.com	
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
FEE INFORMATION		
NUMBER OF CLASSES	1	
FEE PER CLASS	325	
*TOTAL FEE DUE	325	
*TOTAL FEE PAID	325	
SIGNATURE INFORMATION		

SIGNATURE	/Lori Krafte/
SIGNATORY'S NAME	Lori Krafte
SIGNATORY'S POSITION	Attorney of record, Ohio bar member
DATE SIGNED	02/23/2011

Trademark/Service Mark Application, Principal Register

Serial Number: 85249673 Filing Date: 02/23/2011

To the Commissioner for Trademarks:

MARK: REMEMBER: WILLS FOR FIRST RESPONDERS (Standard Characters, see <u>mark</u>)
The literal element of the mark consists of REMEMBER: WILLS FOR FIRST RESPONDERS.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Cincinnati Paralegal Association, a non-profit corporation legally organized under the laws of Ohio, having an address of

P.O. Box 1515

Cincinnati, Ohio 45201

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: Providing free legal services to police officers, firefighters, and personnel trained to provide first response care in emergencies

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Lori Krafte and Bruce Tittel, David S. Stallard, J. Robert Chambers, Gregory J. Lunn, Kurt L. Grossman, Clement H. Luken, Jr., Thomas J. Burger, Gregory F. Ahrens, Wayne L. Jacobs, Kurt A. Summe, Kevin G. Rooney, Keith R. Haupt, Theodore R. Remaklus, Thomas W. Humphrey, Scott A. Stinebruner, David H. Brinkman, Kristi L. Davidson, P. Andrew Blatt, Ph.D., David E. Jefferies, J. Dwight Poffenberger, Jr., William R. Allen, Ph.D., David J. Josephic, Donald F. Frei, Joseph R. Jordan, John Paul Davis, Brett A. Schatz, David W. Dorton, Sarah Otte Graber, Steven W. Benintendi, Ph.D., Randall S. Jackson, Jr., Charles R. Figer, Jr., Kevin E. Kuehn, Colin L. Wier, Timothy D. Ardizzone, Ph.D., Ramón A. Urteaga, Chastity D. S. Whitaker, Ph.D., James P. Carey, David A. Fitzgerald II, Paul J. Linden, Adam G. Pugh, Stephen E. Gillen, Karen Kreider Gaunt, Glenn D. Bellamy, James M. Kipling, Kenneth B. Germain, Michael G. Frey, Sean K. Owens of Wood Herron & Evans LLP

2700 Carew Tower 441 Vine Street Cincinnati, Ohio 45202 United States

The applicant's current Correspondence Information:

Lori Krafte

Wood Herron & Evans LLP 2700 Carew Tower 441 Vine Street Cincinnati, Ohio 45202 513-241-2324(phone) 513-241-6234(fax)

lkrafte@whepatent.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

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. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be

the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that 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: /Lori Krafte/ Date Signed: 02/23/2011

Signatory's Name: Lori Krafte

Signatory's Position: Attorney of record, Ohio bar member

RAM Sale Number: 2796

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REMEMBER: WILLS FOR FIRST RESPONDERS



Ross H. Fishman

(/attorneys/60035il-ross-fishman-1139404.html)

Practice areas:

Communications and media

♦ Highland Park, IL■ Licensed for 30 years

Reviews:

★★★★★ (5)

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Smart and Strategic



Rossdsbyrfland/knowledgeable and strategic. Ross provides value in branding law firms whether big, medium or small. He's helped my firm and others stand out in a very competitive marketplace. I continue to

Exhibit O Larry Pitt & Assoc., P.C. v. Lunday Law, LLP Opposition No. 91/210158 recommend him.

Experienced and highly rated law firm marketing professional

Posted by Giles November 14, 2012

Ross Fishman is a vastly experienced and knowledgeable law firm marketing professional. With a law background and a lively, yet practical mind, Ross's 'joined up' marketing programs yield the return on investment that is often lacking among marketing consultants. Ross is also a very polished presenter who can hold the audience's attention for long periods of time - he recently spoke at our international conference and was the top rated speaker.

Extremely creative; thinks outside the box

Posted by Kathi Lutton November 14, 2012

Ross's work is extremely creative. In a world where we all live by rules, he has found a way to stay within the rules that matter while stretching the creative boundry in every other area. I would hire him in a heartbeat.

See all reviews > (/attorneys/60035-il-ross-fishman-1139404/reviews.html)

About me

Called "one of the country's leading experts on law firm marketing" by Lawyers Weekly USA, Ross is...

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v=cUaKjyudOJk)



(https://www.youtube.com/watch? v=P7hIMSioDEc)

About Ross Fishman > (/attorneys/60035-il-ross-fishman-1139404/aboutme.html)

Practice areas

Licensed for 30 years

Communications and media: 100% 24 years (http://www.avvo.com/communications-medialawyer.html)

Payment

Payment types:

Cash, Check, Credit card

Attorney endorsements

1 total > (/attorneys/60035-il-ross-fishman-1139404/endorsements.html)

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(/attorneys/53202wi-j-gass-1521329.html)

First things first: Legal marketing is spelled Ross Fishman. There is no one who understands lawyer marketing better than Ross. He is a master communicator. Whether you need help with your website, your social media presence, advertising of any kind Ross is the person you should be talking to.

J Gass (/attorneys/53202-wi-j-gass-1521329.html) Litigation Attorney on May 4, 2014 **Relationship:** Worked together on matter

Contact info



Fishman Marketing, Inc.

1356 St Johns Ave

Highland Park, IL, 60035-3427

Office (847) 432-3546 (tel:8474323546)



Resume

License

State	IL
Status	Active And Authorized To Practice Law
Acquired	1985
Updated	08/10/2016
We have not found any instances of professional misconduct for this	
lawyer.	

Avvo contributions

Legal answers 0

Legal guides 0

Awards

Best Identity Campaign	Hall of Fan
Grantor: Legal Marketing Association, SE Chapter	Grantor: Leg
Date granted: 2015	Date granted: 201

Work experience

Company name: Fishman Marketing, Inc.

Duration: 1998 - Present

Client Service and Marketing
Company name: Ungaretti & Harri
Duration: 1995 - 1998

Associations

Legal Marketing Association (LMA)	Litigation Cou
Position name: Nominating Committee, National Board	Position name: DiV
Duration: 2015 - Present	Duration: 201
A Property of the Control of the Con	

Legal cases

	Larry Pitt & Assoc. vs. Lundy Law, LLP		Habush vs. Ca	ann
	Outcome: Pending	Outcome:	Defense verdic	t b
ŧ				•

See all legal cases > (/attorneys/60035-il-ross-fishman-1139404/legal_cases)

Publications

Legal Marketing Association conference	Beyo
Title: The Top 20 Website Cliche's to Avoid	Title: C
(https://www.youtube.com/watch?v=DCayZGd9vqM)	(t
Date: 2013	Date: 2

Education

Emory University School of Law	University of Illinois, Urbana-C
Major: N/A	Major: Speech Communication
Degree: JD - Juris Doctor	Degree: BA - Bachelor of Arts
Graduated: 1985	Graduated: 1982

Speaking engagements

Meritas Financial Services Group Meeting, Puerto Rico Legu

Title: Strategy, Ethics, and Social Media

Title: P

(http://www.lawfirmspeakers.com/speaking-puerto-rico-

Date: 2

Date: 2015

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