

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87575045
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/87575045/large
LITERAL ELEMENT	X
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_50196173189-20181221152259566693_2018.12.21_ROA_X_Green_Roads_87575045_.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\750\87575045\xml8\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\750\87575045\xml8\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	Remarks
SIGNATURE SECTION	
RESPONSE SIGNATURE	/GRN/
SIGNATORY'S NAME	Grace R. Neibaron
SIGNATORY'S POSITION	Attorney of Record, CA bar Member
SIGNATORY'S PHONE NUMBER	7078436645
DATE SIGNED	12/21/2018
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Dec 21 15:25:10 EST 2018
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XXX- 20181221152510474436-8757 5045-620f75283e4e657459d3 c59b7d3f317dce93519758a8b b1d1e6e4e8a24443724f9-N/A -N/A-20181221152259566693

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To the Commissioner for Trademarks:

Application serial no. **87575045** X (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87575045/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Remarks has been attached.

Original PDF file:

[evi_50196173189-20181221152259566693_2018.12.21_ROA_X_Green_Roads_87575045_.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /GRN/ Date: 12/21/2018

Signatory's Name: Grace R. Neibaron

Signatory's Position: Attorney of Record, CA bar Member

Signatory's Phone Number: 7078436645

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 87575045

Internet Transmission Date: Fri Dec 21 15:25:10 EST 2018

TEAS Stamp: USPTO/RFR-XX.XXX.XXX.XXX-201812211525104

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UNITED STATES PATENT AND TRADEMARK OFFICE



Application Serial No.: 87575045

Applicant: Green Roads of Florida LLC

Issue Date: June 21, 2018

Examiner: Robert J. Struck

Request for Reconsideration

SECTIONS 1 AND 45 REFUSAL – NOT IN LAWFUL USE IN COMMERCE

Applicant requests the examiner reconsider Sections 1 And 45 Refusal – Not In Lawful Use In Commerce. Since the Office Action issued, the Farm Bill which became law on December 22, 2018 clarified the issue regarding the legality of hemp. The current Farm bill, preempts the CSA and clarifies that *hemp extract from any part of the plant legal* under congresses definition of “Industrial Hemp”.

The bill provides:

“SEC. 297A. DEFINITIONS. “In this subtitle: “(1) HEMP.—The term ‘hemp’ means the plant *Cannabis sativa* L. and **any part of that plant**, including the seeds thereof and **all derivatives, extracts**, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

SEC. 10114. INTERSTATE COMMERCE. (a) RULE OF CONSTRUCTION.—

Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products. (b) TRANSPORTATION OF HEMP AND HEMP PRODUCTS.—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.

Based on the 2018 Farm Bill, Applicant requests the Examiner allow the application.