

ESTTA Tracking number: **ESTTA985593**

Filing date: **07/05/2019**

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

Proceeding	91248454
Party	Defendant Shenzhen Bell Creative Science and Education Co., Ltd.tion Co., Ltd.
Correspondence Address	GULNAZ T DONAHUE BAYES PLLC 1765 GREENSBORO STATION PLACE, SUITE 900 MCLEAN, VA 22102 UNITED STATES gulnaz.donahue@bayes.law, anna.oconnor@bayes.law, wayne.zou@bayes.law 703-785-6116
Submission	Other Motions/Papers
Filer's Name	Gulnaz T. Donahue
Filer's email	gulnaz.donahue@bayes.law
Signature	/Gulnaz T. Donahue/
Date	07/05/2019
Attachments	Reply Brief in Support of Motion to Dismiss.pdf(353687 bytes )



Opposition does not provide Applicant with fair notice of its claims as required by the rules of practice.

Applicant believes that its Motion sufficiently states the grounds as to why the Opposition fails to state a claim upon which relief can be granted. Nonetheless, Applicant briefly addresses Opposer's various allegations and incorrect statements raised in its response.

First, Opposer incorrectly states that “[o]n *January 29, 2019*, Applicant filed the ‘831 Application seeking to register BELLROBOT for a variety of *services* in International Class 28.” See Dkt. No. 6 at 2. (Emphasis added.) Applicant filed its BELLROBOT Application on *July 14, 2017* (prior to the filing dates of Opposer's intent to use applications) and covers *goods only (not services)* in International Class 28.

Second, Opposer, for the first time, introduces “constructive use theory” in its response while it has not pleaded so in the Opposition. See Dkt. No. 6 at 3. Opposer further states that it “could assert a date of first use of its BELL Marks decades before Applicant's filing date (or even decades before Opposer's filing date thereby establishing priority over the Applicant.” *Id.* Opposer is wrong that it can base and maintain its Opposition on “intent to use” applications that were filed *after Applicant's filing date*. It is clear, to properly assert priority, an opposer must allege facts showing proprietary rights in its pleaded mark that are prior to applicant's rights in the challenged mark. See *Herbko International Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1378 (Fed. Cir. 2002). Therefore, Opposer's statements that it could perfect the filing bases of its applications is a legally and procedurally flawed interpretation of the black letter law. Simply put, Opposer is inviting the Board to speculate the Opposition that fails to meet the pleading requirements. Indeed, the Board made it clear that any judgment entered in favor of an opposer relying on such constructive use is *contingent upon the ultimate issuance of a registration*. See

*Compagnie Gervais Danone v. Precision Formulations LLC*, 89 USPQ2d 1251 (TTAB 2009); *Spirits International, B.V. v. S.S. Taris Zeytin Ve Zeytinyagi Tarim Satis Kooperatifleri Birliđi*, 99 U.S.P.Q. 2d. 1445 (TTAB 2011).

Third, Applicant has not required Opposer to provide evidence supporting its claims as stated by Opposer. *See* Dkt. No. 6 at 2, 4 and 7. Indeed, the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) is clear: “[t]o survive a motion to dismiss, a complaint must “state a claim to relief that is plausible on its face.” TBMP §503.02 Opposer has failed to meet this minimum pleading requirement.

All that is required from Opposer is a “short and plain statement” for the basis of Opposer’s claims. Instead, Opposer misconstrues and misreads its own Opposition by stating that “Bell asserted its goods marketed and sold under the BELL Marks are similar to the goods recited in Applicant’s BELLROBOT trademark application.” *See* Dkt. No. 6 at 3. “Bell also asserted the BELL marks and BELLROBOT marks<sup>2</sup> are confusingly similar.” *Id.* This is simply not true. Nowhere in the Notice of Opposition does Opposer make such averments. Opposer states “Applicant’s Mark so resembles Opposer’s previously applied for and used BELL Marks as to be likely, when applied to the goods or services set forth in Applicant’s application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.” *See* Dkt. No. 1 at 8, ¶7. Opposer refers to this exact language and states that “Bell has also sufficiently alleged that registration of BELLROBOT will cause a likelihood of confusion with the BELL Marks.” *See* Dkt. No. 6 at 6. It is clear, such averments of Opposer are nothing more than “threadbare recitals of elements of a cause of action.” [T]he claimant must allege well-pleaded

---

<sup>2</sup> The Opposition No. 91248454 pertains to “one mark” only i.e., BELLROBOT.

factual matter and more than “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” TBMP §503.02 (emphasis added).

Further, Opposer, incorrectly states that Applicant requested Opposer to show “how Bell’s use is related to Applicant’s use” and cites Dkt. No. 4 at 7-8. *See* Dkt. No. 6 at 8 (emphasis added). Opposer also states “Applicant’s renewed motion to dismiss<sup>3</sup> based on these grounds....” *Id.* Applicant requests the Board to refer to Dkt. No. 4 at 7-8<sup>4</sup>, where Applicant has stated that Opposer did not list its marks, goods, and services. However, nowhere did Applicant ask Opposer to show “how” its use is related to Applicant’s use and provide evidence thereof. Moreover, Applicant did not renew its motion to dismiss.

Fourth, Opposer invites the Board to infer certain facts and allegations from the Opposition by introducing factual background about Opposer’s history and an irrelevant consent agreement

---

<sup>3</sup> Applicant has not renewed its Motion. Opposer continues to copy and paste its previously filed responses on March 20, 2019 in the Opposition Nos.: 91245441 and 91245621 filed in Opposition No.: 91245440 (parent case) to Opposition Nos.: 91246719 and 91246721 filed on April 1, 2019. Applicant has corrected Opposer about many typos including Applicant’s entity type and many wrong references to the TBMP sections. However, Opposer has ignored Applicant’s Reply Briefs and other papers filed with the Board and continues to make the same mistakes and typos which it carried over to ten (10) Notices of Oppositions to this date.

<sup>4</sup>Opposition No. 991248454 - Dkt. No. 4 at 7-8 reads as “while Opposer made a reference to its alleged common law marks, Opposer did not sufficiently plead those marks to give a fair notice to Applicant as required by the rules of practice.....(1) Opposer did not state which BELL marks have been adopted by Opposer; (2) Opposer did not state which BELL marks have been used by Opposer; (3) Opposer did not list which goods have been used by Opposer; (4) Opposer did not state which goods are related to Applicant’s goods; and, (5) Opposer did not state the use date of its various alleged BELL and BELL formative marks. Further, Opposer makes vague and ambiguous statements such as, “*Opposer typically files... and then eventually assigns*” in an attempt to invoke the notion of “use by related companies.” In particular, Opposer states that “*various TII owned marks are then licensed back to and used by Opposer. [T]he BELL marks, at any given time, owned and/or used by either BHTI and/or TII.*” (Opposition ¶2.) Here again, (1) Opposer did not state which marks are owned by Opposer; (2) Opposer did not state which marks are used by Opposer; (3) Opposer did not state which marks have been licensed to Opposer; (4) Opposer did not cite its marks; (5) Opposer did not list its goods; (6) Opposer did not state which goods are likely to cause confusion with Applicant’s goods; (7) Opposer did not plead the use date of its alleged common law marks; (9) Opposer did not describe the basis for its common law rights; and, (10) Opposer did not state any grounds for its dilution or fame claims.”

in an attempt to invoke the notion of a related company and unity of control. Dkt. No. 6 at 2 and at 5, footnote 2. Specifically, Opposer states “the USPTO has already held that the two entities at issue are indeed related entities by accepting the attached Consent to Registration and Use Agreement.” This is a patently flawed interpretation of the Trademark Manual of Examining Procedure (“TMEP”).

Pursuant to TMEP §1207.01(d)(viii), “[t]he term “consent agreement” generally refers to an agreement between parties in which one party (e.g., a prior registrant) consents to the registration of a mark by the other party (e.g., an applicant for registration of the same mark or a similar mark), or in which each party consents to the registration of an identical or similar mark by the other party. An applicant may submit a consent agreement in an attempt to overcome a refusal of registration under §2(d) of the Act, or in anticipation of a refusal to register” (emphasis added). Nowhere does it say that consent agreements show the unity of control or relatedness of companies. In fact, submission of consent agreements is one of the ways to overcome the likelihood of confusion refusal under section 2(d) of the Trademark Act issued by the U.S. Patent and Trademark Office (“PTO”). In other words, a consent agreement can be obtained from any prior registrant, whose registration is being cited against any applicant’s.

Indeed, Opposer in response to four Office Actions issued against its intent-to-use applications (U.S. Trademark Application Serial Nos.: 87/805,298; 87/805,337; 87/806,932 and 87/814,105) has attempted to invoke the notion of unity of control by describing the nature of the relationship between Textron Innovations, Inc. and Opposer as stated in its Notice of Opposition. Dkt. No. 1 at ¶2. The PTO, by denying registration of all of Opposer’s intent-to-use applications, among other refusal grounds, has stated “*Applicant’s claim of unity of control is insufficient. Applicant’s statement makes clear that the two entities [Textron Innovations Inc. and Bell*

*Helicopter Textron Inc.] are separate entities, as evidenced by their described contractual relationship. Thus, the applicant has established the entities' contractual relationship, but not unity of control."* (A printout of the Suspension Notices issued by the PTO is attached hereto as **Exhibit A.**)

Because Opposer could not establish and prove "unity of control" between Textron Innovations Inc. and Bell Helicopter Textron Inc., Opposer had to, once again, file similar Consent to Registration and Use Agreement as shown in EXHIBIT "2" attached to Opposer's response to Applicant's Motion to Dismiss Notice of Opposition and Memorandum of Law. *See* Dkt. No. 6 Exhibit 2. The Examining Attorney by accepting Opposer's consent agreements has stated "[b]ased upon applicant's provided consent agreements the citations against the marks owned by Textron Innovations Inc. have been obviated." (A printout of the Suspension Letters issued by the PTO is attached hereto as **Exhibit B.**)

Fifth, Opposer attempts to introduce hypothetical pleading of likelihood of confusion by citing TBMP § 309.03(c)(2)(A)<sup>5</sup> yet fails to understand or appreciate this section of the TBMP as it does not apply to Opposer's intent to use applications. It is clear that Opposer's counsel is desperately attempting to save her face by mingling its common law rights and intent to use applications in hopes that the Board will infer and speculate on the Opposition. Opposer also states that "Applicant's suggestion that Bell must have registered rights to bring the opposition is not true." *See* Dkt. No. 6 at 6. This is an incorrect statement. Applicant has stated that Opposer cannot prevent the issuance of a registration to Applicant on the ground of its intent to use applications that are filed after Applicant's Mark until its own applications are registered. *See Spirits*

---

<sup>5</sup> *See* Dkt. No. 6 at 6. Opposer's intent to use applications is not a matter of proof. "In Board proceedings, there are certain facts not subject to proof – such as the filing date, filing basis..." TBMP §503.02.

*International, B.V. v. S.S. Taris Zeytin Ve Zeytinyagi Tarim Satis Kooperatifleri Birliđi*, 99 U.S.P.Q. 2d. 1445 (TTAB 2011). *See* Dkt. No. 4 at 7.

Sixth, Opposer in an attempt to show standing, has accused Applicant of false statements. In particular, Opposer states that “Applicant falsely asserts “Opposer cannot prevent the issuance of a registration . . . until its own applications are registered.”” *See* Dkt. No. 6 at 8. However, Opposer deliberately omits the wording “*to Applicant on this ground*”<sup>6</sup> by replacing it with ellipses and makes a self-serving statement by misconstruing the law and the facts of this case<sup>7</sup>. This is improper. To support its statement, Applicant has cited the holding of *Spirits International, B.V. v. S.S. Taris Zeytin Ve Zeytinyagi Tarim Satis Kooperatifleri Birliđi*, 99 U.S.P.Q. 2d. 1445 (TTAB 2011) (opposer may rely on its earlier- filed intent-to-use application filing date as a constructive use date for purposes of priority; any judgment is contingent upon registration of opposer’s application) (emphasis added.) *See* Dkt. No. 4 at 4-5.

Further, Opposer, states “that standing may be shown where “[p]laintiff has been refused registration of its mark because of defendant’s registration, or has been advised that it will be refused registration when defendant’s application matures into a registration, or has a reasonable belief that registration of its application will be refused because of defendant’s registration” and cites TBMP §309.09(b)<sup>8</sup> *See* Dkt. No. 6 at 8. While this language appears in TBMP §309.03(b), it does not apply to this case. Specifically, Opposer instituted this proceeding on May 29, 2019, at which point Opposer’s intent to use applications have been fully examined by the PTO. While the

---

<sup>6</sup> For clarity, “this ground” refers to intent to use basis. *See* Dkt. 4 at 7.

<sup>7</sup> Such tactics of Opposer’s counsel are evident throughout the papers she filed with the Board. For example, Opposer’s counsel continuous to emphasize Applicant’s nationality [China] in **bold lettering** in an attempt to put political pressure on the Board, and inviting the Board to discriminate Applicant based on its nationality. *See* Dkt. No. 6 at 3-4.

<sup>8</sup> TBMP §309 under the heading “Form and Content of Oppositions and Petitions to Cancel” ends with section 309.04; section 309.09(b) does not exist.

PTO has cited many other registered BELL marks against Opposer's marks, it did not cite Applicant's mark. Therefore, this section of the TBMP is grossly misunderstood and misplaced by Opposer's counsel.

Finally, Opposer contends that Applicant's Motion is an untimely delay tactic. *See* Dkt. No. 6 at 7-8. The evidence of record shows that Applicant filed its Answers and Affirmative Defenses to Opposition Nos.: 9245440; 91245619; 91246720 and 91246722. Applicant is not interested in delaying this or any related other matter. To the contrary, Applicant moved to dismiss this Opposition that utterly fails to meet the minimum pleading requirements.

For the foregoing reasons and in view of the Motion of record, Applicant respectfully requests the Board to grant Applicant's Motion to Dismiss this Opposition with prejudice.

Dated: July 5, 2019

Respectfully submitted,

**BAYES, PLLC**

/Gulnaz T. Donahue/

Zhiwei Zou

Gulnaz T. Donahue

1765 Greensboro Station Place, Suite 900

McLean, VA 22102

Attorney for Defendant/Applicant  
Shenzhen Bell Creative Science and  
Education Co., Ltd.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS NOTICE OF OPPOSITION AND MEMORANDUM OF LAW** is being served on Plaintiff/Opposer Bell Helicopter Textron Inc., through their attorneys of record by transmitting a copy on July 5, 2019 via electronic mail at [coakley@HDP.com](mailto:coakley@HDP.com), [tcomparoni@hdp.com](mailto:tcomparoni@hdp.com) and [agrubb@HDP.com](mailto:agrubb@HDP.com) read receipt requested.

Dated: July 5, 2019

Signed: /Gulnaz T. Donahue/

Gulnaz T. Donahue

**BAYES PLLC**

1765 Greensboro Station Place, Suite 900

McLean, VA 22102

Telephone: (703) 785-6116

Email: [gulnaz.donahue@bayes.law](mailto:gulnaz.donahue@bayes.law)

Attorney for Defendant/Applicant  
Shenzhen Bell Creative Science and Education Co.,  
Ltd.,

# **Exhibit A**

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805298 - BELL - 3191H-200143  
**Sent:** 2/14/2019 9:38:11 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87805298

**MARK:** BELL

**\*87805298\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNESS DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**

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

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200143

**CORRESPONDENT  
E-MAIL ADDRESS:**

docketingtm@hdp.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 2/14/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87758282, 87706555 and 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035
- Applicant's claim of unity of control is insufficient. Applicant's statement makes clear that the two entities are separate entities, as evidenced by their described contractual relationship. Thus, the applicant has established the entities' contractual relationship, but not

unity of control.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctetingtm@hdp.com](mailto:doctetingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805298 - BELL - 3191H-200143  
**Sent:** 2/14/2019 9:38:12 AM  
**Sent As:** ECOM107@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 **2/14/2019** FOR U.S. APPLICATION SERIAL NO.87805298

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805337 - BELL - 3191H-200142  
**Sent:** 2/14/2019 9:38:24 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87805337

**MARK:** BELL

**\*87805337\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**

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

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200142

**CORRESPONDENT  
E-MAIL ADDRESS:**

docketingtm@hdp.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 2/14/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035
- Applicant's claim of unity of control is insufficient. Applicant's statement makes clear that the two entities are separate entities, as evidenced by their described contractual relationship. Thus, the applicant has established the entities' contractual relationship, but not

unity of control.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctetingtm@hdp.com](mailto:doctetingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805337 - BELL - 3191H-200142  
**Sent:** 2/14/2019 9:38:25 AM  
**Sent As:** ECOM107@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 **2/14/2019** FOR U.S. APPLICATION SERIAL NO.87805337

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87806932 - BELL - 3191H-300033  
**Sent:** 2/14/2019 9:38:37 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87806932

**MARK:** BELL

**\*87806932\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-300033

**CORRESPONDENT  
E-MAIL ADDRESS:**

[docketingtm@hdp.com](mailto:docketingtm@hdp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 2/14/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87758282, 87706555 and 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035
- Applicant's claim of unity of control is insufficient. Applicant's statement makes clear that the two entities are separate entities, as evidenced by their described contractual relationship. Thus, the applicant has established the entities' contractual relationship, but not

unity of control.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctetingtm@hdp.com](mailto:doctetingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87806932 - BELL - 3191H-300033  
**Sent:** 2/14/2019 9:38:38 AM  
**Sent As:** ECOM107@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 **2/14/2019** FOR U.S. APPLICATION SERIAL NO.87806932

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87814105 - BELL - 3191H-200144  
**Sent:** 2/14/2019 9:39:49 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87814105

**MARK:** BELL

**\*87814105\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNESS DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200144

**CORRESPONDENT  
E-MAIL ADDRESS:**

docketingtm@hdp.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 2/14/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035
- Applicant's claim of unity of control is insufficient. Applicant's statement makes clear that the two entities are separate entities, as evidenced by their described contractual relationship. Thus, the applicant has established the entities' contractual relationship, but not

unity of control.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctetingtm@hdp.com](mailto:doctetingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87814105 - BELL - 3191H-200144  
**Sent:** 2/14/2019 9:39:50 AM  
**Sent As:** ECOM107@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 **2/14/2019** FOR U.S. APPLICATION SERIAL NO.87814105

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

# **Exhibit B**

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805298 - BELL - 3191H-200143  
**Sent:** 6/25/2019 11:20:48 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87805298

**MARK:** BELL

**\*87805298\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200143

**CORRESPONDENT E-  
MAIL ADDRESS:**

[docketingtm@hdp.com](mailto:docketingtm@hdp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 6/25/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035

Based upon applicant's provided consent agreements the citations against the marks owned by Textron Innovations Inc. have been obviated.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctingtm@hdp.com](mailto:doctingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805298 - BELL - 3191H-200143  
**Sent:** 6/25/2019 11:20:49 AM  
**Sent As:** ECOM107@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 **6/25/2019** FOR U.S. APPLICATION SERIAL NO.87805298

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805337 - BELL - 3191H-200142  
**Sent:** 6/25/2019 11:24:20 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87805337

**MARK:** BELL

**\*87805337\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200142

**CORRESPONDENT E-  
MAIL ADDRESS:**

[docketingtm@hdp.com](mailto:docketingtm@hdp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 6/25/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035

Based upon applicant's provided consent agreements the citations against the marks owned by Textron Innovations Inc. have been obviated.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctingtm@hdp.com](mailto:doctingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87805337 - BELL - 3191H-200142  
**Sent:** 6/25/2019 11:24:21 AM  
**Sent As:** ECOM107@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 **6/25/2019** FOR U.S. APPLICATION SERIAL NO.87805337

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87806932 - BELL - 3191H-300033  
**Sent:** 6/25/2019 11:20:33 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87806932

**MARK:** BELL

**\*87806932\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-300033

**CORRESPONDENT E-  
MAIL ADDRESS:**

[docketingtm@hdp.com](mailto:docketingtm@hdp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 6/25/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal

Based upon applicant's provided consent agreements the citations against the marks owned by Textron Innovations Inc. have been obviated.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. See TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
[andrew.clark@uspto.gov](mailto:andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctingtm@hdp.com](mailto:doctingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87806932 - BELL - 3191H-300033  
**Sent:** 6/25/2019 11:20:35 AM  
**Sent As:** ECOM107@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 **6/25/2019** FOR U.S. APPLICATION SERIAL NO.87806932

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**To:** Bell Helicopter Textron Inc. ([docketingtm@hdp.com](mailto:docketingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87814105 - BELL - 3191H-200144  
**Sent:** 6/25/2019 11:24:06 AM  
**Sent As:** ECOM107@USPTO.GOV  
**Attachments:**

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

**U.S. APPLICATION  
SERIAL NO.** 87814105

**MARK:** BELL

**\*87814105\***

**CORRESPONDENT  
ADDRESS:**  
LISABETH H.  
COAKLEY  
HARNES DICKEY  
& PIERCE PLC  
5445 CORPORATE  
DRIVE, SUITE 200  
TROY, MI 48098

**GENERAL TRADEMARK  
INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Bell  
Helicopter Textron Inc.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

3191H-200144

**CORRESPONDENT E-  
MAIL ADDRESS:**

[docketingtm@hdp.com](mailto:docketingtm@hdp.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 6/25/2019

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87554385

**REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED:** The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Likelihood of Confusion Refusal
- Identification of Goods and Services Requirement – Class 016 and 035

Based upon applicant's provided consent agreements the citations against the marks owned by Textron Innovations Inc. have been obviated.

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Andrew T. Clark/  
Trademark Examining Attorney  
Law Office 107  
600 Dulany Ave.  
Alexandria, VA 22316  
(571) 270-7304  
andrew.clark@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 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](mailto: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:** Bell Helicopter Textron Inc. ([doctingtm@hdp.com](mailto:doctingtm@hdp.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87814105 - BELL - 3191H-200144  
**Sent:** 6/25/2019 11:24:07 AM  
**Sent As:** ECOM107@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 **6/25/2019** FOR U.S. APPLICATION SERIAL NO.87814105

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](mailto: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](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).