

ESTTA Tracking number: **ESTTA1369805**
Filing date: **07/09/2024**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Priyanka Patel P.C.		
Entity	Corporation	Incorporated or registered in	Illinois
Address	424 W. FULLERTON PARKWAY 2ND FLOOR CHICAGO, IL 60614 UNITED STATES		
Attorney information	LUKE DEMARTE MICHAEL BEST & FRIEDRICH LLP 444 W. LAKE STREET SUITE 3200 CHICAGO, IL 60606 UNITED STATES Primary email: chiipdocket@michaelbest.com Secondary email(s): lwdemarte@michaelbest.com, larnott@michaelbest.com 312-222-0800		
Docket no.	891743-0003		

Registration subject to cancellation

Registration no.	6931746	Registration date	12/20/2022
Register	Principal		
Registrant	Johnson, Danielle N. 1741 EASTLAKE PKWY STE 102 PMB 5043 CHULA VISTA, CA 91915 UNITED STATES		

Goods/services subject to cancellation

Class 044. First Use: May 16, 2022 First Use In Commerce: May 29, 2022
All goods and services in the class are subject to cancellation, namely: Dentistry services

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation

U.S. application no.	97888133	Application date	04/14/2023
Register	Principal		

Registration date	NONE	Foreign priority date	NONE
Word mark	ROOTED DENTAL CARE		
Design mark	Rooted Dental Care		
Description of mark	NONE		
Goods/services	Class 044. First use: First Use: Jul 1, 2018 First Use In Commerce: Oct 5, 2018 Dental Services		

Attachments	97888133#TMSN.png(bytes) Petition to Cancel - ROOTED SMILES.pdf(334002 bytes)
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Signature	/luke demarte/
Name	luke demarte/
Date	07/09/2024

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

Priyanka Patel P.C.,

Petitioner,

v.

Danielle N. Johnson,

Respondent.

Cancellation No. _____

Registration No.: 6,931,746

Mark: ROOTED SMILES

Registered: December 20, 2022

PETITION TO CANCEL

Priyanka Patel P.C. (“Petitioner”), an Illinois corporation with an address at 424 W. Fullerton Parkway, 2nd Floor, Chicago, IL 60614, believes that it is and will continue to be damaged by Registration No. 6,931,746 and hereby petitions to cancel the registration in part. The grounds for cancellation are as follows:

1. Upon information and belief, Danielle N. Johnson (“Respondent”) is a U.S. citizen with an address at 1741 Eastlake Pkwy, Ste. 102 PMB 5043, Chula Vista, California 91915.
2. Respondent owns U.S. Registration No. 6,931,746 (“Respondent’s Registration”) for ROOTED SMILES for, among other things, “dentistry services” in Class 44 (“Respondent’s Services”).
3. The application filing date of Registrant’s Registration is January 31, 2021.
4. Respondent’s Registration alleges a date of first use of May 16, 2022 and a date of first use in commerce of May 29, 2022.
5. Since at least as early as October 5, 2018, Petitioner has used its ROOTED DENTAL CARE mark in commerce for dental and dentistry services (“Petitioner’s Services”).

6. Petitioner's use of its mark ROOTED DENTAL CARE for Petitioner's Services is senior to the filing date and dates of first use alleged in Respondent's Registration.

7. Petitioner filed U.S. Application No. 97/888,133 ("Petitioner's Application") for ROOTED DENTAL CARE for "dental services" in Class 44. The Trademark Status & Document Retrieval record for Petitioner's Application is attached as Exhibit A.

8. Petitioner received an office action from the USPTO, refusing registration of Petitioner's Application based on an alleged likelihood of confusion with the mark in Respondent's Registration. A copy of the office action is attached as Exhibit B.

9. Petitioner is being and will continue to be damaged by the continuing registration of Respondent's Registration for Respondent's Services because, unless partially canceled, Respondent's Registration will remain as a cloud on Petitioner's legal right to use and register Petitioner's mark ROOTED DENTAL CARE on and in connection with Petitioner's Services.

WHEREFORE, Petitioner requests that Respondent's Registration for Respondent's Services be cancelled.

Respectfully submitted,

Priyanka Patel P.C.

/Luke DeMarte/
One of its attorneys

Luke W. DeMarte
Louise Arnott
Michael Best & Friedrich LLP
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(312) 222-0800

Date: July 9, 2024

EXHIBIT A

Generated on: This page was generated by TSDR on 2024-07-09 10:27:52 EDT

Mark: ROOTED DENTAL CARE

Rooted Dental Care

US Serial Number: 97888133

Application Filing Date: Apr. 14, 2023

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 11, 2024

Mark Information

Mark Literal Elements: ROOTED DENTAL CARE

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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: Dental Services

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 2018

Use in Commerce: Oct. 05, 2018

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 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: Priyanka Patel P.C.

Owner Address: 424 W Fullerton Parkway, 2nd Floor
Chicago, ILLINOIS UNITED STATES 60614

Legal Entity Type: CORPORATION

State or Country ILLINOIS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Louise Arnott **Docket Number:** 891743-0002
Attorney Primary Email Address: mkejpdocket@michaelbest.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Louise Arnott
Michael Best & Friedrich LLP
444 W. Lake Street, Suite 3200
Chicago, ILLINOIS United States 60606
Phone: 3122220800 **Fax:** 3122220818
Correspondent e-mail: mkejpdocket@michaelbest.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2024	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 12, 2024	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 12, 2024	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 10, 2024	APPLICATION EXTENSION GRANTED/RECEIPT PROVIDED	
Apr. 10, 2024	APPLICATION EXTENSION TO RESPONSE PERIOD - RECEIVED	
Jan. 11, 2024	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jan. 11, 2024	NON-FINAL ACTION E-MAILED	
Jan. 11, 2024	NON-FINAL ACTION WRITTEN	
Jan. 11, 2024	ASSIGNED TO EXAMINER	
May 09, 2023	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Apr. 18, 2023	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: NELMAN, JESSE M **Law Office Assigned:** LAW OFFICE 129

File Location

Current Location: TMO LAW OFFICE 129 - EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 11, 2024

EXHIBIT B

To: Priyanka Patel P.C.(ppatel@rooteddentalchicago.com)
Subject: U.S. Trademark Application Serial No. 97888133 - ROOTED DENTAL CARE
Sent: January 11, 2024 04:31:28 PM EST
Sent As: tmng.notices@uspto.gov

Attachments

[6931746](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97888133

Mark: ROOTED DENTAL CARE

Correspondence Address:

PRIYANKA PATEL P.C.
424 W FULLERTON PARKWAY, 2ND FLOOR
CHICAGO IL 60614
UNITED STATES

Applicant: Priyanka Patel P.C.

Reference/Docket No. N/A

Correspondence Email Address: ppatel@rooteddentalchicago.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: January 11, 2024

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:

- SECTION 2(d) LIKELIHOOD OF CONFUSION REFUSAL
- INDEFINITE AND OVERLY BROAD IDENTIFICATION OF GOODS AND/OR SERVICES – AMENDMENT REQUIRED
- CLARIFICATION REQUIRED REGARDING THE NUMBER OF CLASSES FOR WHICH REGISTRATION IS SOUGHT
- DISCLAIMER REQUIRED

SECTION 2(d) LIKELIHOOD OF CONFUSION REFUSAL

Registration of the applied-for mark is refused because of a likelihood of confusion with U.S. Registration No(s). 6931746. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration(s).

Applicant’s applied-for mark is ROOTED DENTAL CARE, in Class 44, for dental care.

The mark in Registration No. 6931746, is ROOTED SMILES, in Class 44, for Dentistry services.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff’d per curiam*, 777 F. App’x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

That the marks begin with the same word ROOTED is particularly important because consumers are

generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because “VEUVE . . . remains a ‘prominent feature’ as the first word in the mark and the first word to appear on the label”); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because “consumers must first notice th[e] identical lead word”); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding “the identity of the marks’ two initial words is particularly significant because consumers typically notice those words first”).

Additionally, although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). Matter that is descriptive of or generic for a party’s goods and/or services is typically less significant or less dominant in relation to other wording in a mark. *See Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015) (citing *In re Chatam Int’l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004)).

In the present case, the wording DENTAL CARE in the applied-for mark is merely descriptive of or generic for applicant’s goods and/or services. Thus, this wording is less significant in terms of affecting the mark’s commercial impression, and renders the wording ROOTED the more dominant element of the mark.

Ultimately, when consumers call for the goods and/or services of applicant and registrant using marks that consist of the identical term ROOTED, they are likely to be confused as to the source of those goods and/or services due to the overall similarity between the marks. Thus, the marks are confusingly similar.

Relatedness of the Goods and/or Services

Determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the application use(s) broad wording to describe list dental services, which presumably encompasses all goods and/or services of the type described, including registrant(s)’s more narrow dentistry services. *See, e.g., Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *44 (TTAB 2022); *In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant’s and registrant’s services are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are “presumed to travel in the same channels of trade to the same

class of purchasers.” *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *49. Thus, applicant’s and registrant’s goods and/or services are related.

Lastly, because applicant and registrant have at least one legally identical good and/or service in the relevant class, it is not necessary for the examining attorney to submit evidence of relatedness for every good and/or service that applicant has recited in that class. *See Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981) (“It is sufficient for a finding of likelihood of confusion if the relatedness is established for any item encompassed by the identification of goods within a particular class in the application.”); *see also Research in Motion Ltd. v. Defining Presence Mktg. Grp., Inc. et al*, 102 USPQ2d 1187 (TTAB 2012) (“Likelihood of confusion must be found if there is likely to be confusion with respect to any item that comes within the identification of goods in the application.”); *Hewlett-Packard Dev. Co., L.P. v. Vudu, Inc.*, 92 USPQ2d 1630, 1633 n.4 (TTAB 2009) (“[I]t is sufficient if likelihood of confusion is found with respect to use of the mark on any item that comes within the description of goods in the application or registration”) (internal citations omitted).

For the foregoing reasons, the marks are confusingly similar, and the evidence shows that the goods and/or services are commercially related and likely to be encountered together in the marketplace by consumers. As a result, consumers are likely to be confused and mistakenly believe that the goods and/or services originate from a common source. Therefore, registration is refused under Section 2(d) of the Trademark Act.

RESPONSE TO SECTION 2d) REFUSAL

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

REQUIREMENT(S)

If applicant responds to the refusal above, applicant must respond to the following requirement(s).

INDEFINITE AND OVERLY BROAD IDENTIFICATION OF GOODS AND/OR SERVICES – AMENDMENT REQUIRED

Applicant must clarify the wording “dental services” in the identification of goods and/or services because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear what the goods and/or services are. Further, this wording could identify goods and/or services in more than one international class. For example, dental research laboratory services are classified in Class 42 and dental care services are classified in Class 44. Applicant must clarify the wording and reclassify the goods and/or services as necessary or delete the wording.

Applicant may substitute the following wording, if accurate:

International Class 044: Dental Services, *namely, dentistry services*

SCOPE ADVISORY

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

CLARIFICATION REQUIRED REGARDING THE NUMBER OF CLASSES FOR WHICH REGISTRATION IS SOUGHT

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

(1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

(2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.

(3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. [See more information about verified dates of use](#).

(4) **Submit a specimen for each international class**. The current specimen is acceptable for Class 44 and applicant needs a specimen for all other classes. [See more information about specimens](#).

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's

URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification.](#)

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

DISCLAIMER REQUIRED

Applicant must disclaim the wording “DENTAL CARE” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *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); TMEP §§1213, 1213.03(a).

Applicant has identified "dental services" Thus, the wording is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services because applicant’s "dental services" involve dental services that care for an individuals teeth and mouth.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “DENTAL CARE” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Responding to this office action

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see the [Responding to Office Actions](#) webpage for more information and tips on responding.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Jesse Nelman/
Jesse Nelman
Examining Attorney
LO129--LAW OFFICE 129
(571) 272-0191
Jesse.Nelman@USPTO.GOV

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

6931746

Rooted Smiles

Word Mark	ROOTED SMILES
	IC 016 US 005 002 037 029 038 050 022 023 Printed notebooks.
	IC 018 US 001 003 002 041 022 Tote bags.
Goods/Services	IC 025 US 039 022 Shirts; Hoodies.
	IC 044 US 100 101 Dent istry services.
Register	PRINCIPAL
Serial Number	90499814
Filing Date	2021-01-31T00:00:00
Original Filing Basis	1b
Current Filing Basis	1a
Publication Date	2021-10-05
Registration Number	6931746
Date Registered	2022-12-20
Owner	(REGISTRANT) Johnson, Danielle N. (INDIVIDUAL; USA); 1741 Eastlake PKWY STE 102 PMB 5043, Chula Vista, CALIFORNIA 91915, UNITED STATES
Type of Mark	<ul style="list-style-type: none">• TRADEMARK• SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK

Live Dead Indicator

LIVE

Status

REGISTERED

Print: January 11, 2024 4:25 PM

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on January 11, 2024 for
U.S. Trademark Application Serial No. 97888133

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status of your application periodically](#)** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.