

**To:** JAMIE N. NAFZIGER([ip.docket@dorsey.com](mailto:ip.docket@dorsey.com))  
**Subject:** U.S. Trademark Application Serial No. 97446625 - PREMIER VALLEY BANK  
**Sent:** May 20, 2024 04:57:47 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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

**U.S. Application Serial No.** 97446625

**Mark:** PREMIER VALLEY BANK

**Correspondence Address:**

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UNITED STATES

**Applicant:** Heartland Financial USA, Inc.

**Reference/Docket No.** N/A

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**REQUEST FOR RECONSIDERATION AFTER FINAL ACTION DENIED**

**Issue date:** May 20, 2024

**Applicant's request for reconsideration is denied.** *See* 37 C.F.R. §2.63(b)(3). The trademark examining attorney has carefully reviewed applicant's request and determined the request did not: (1) raise a new issue, (2) resolve all the outstanding issue(s), (3) provide any new or compelling evidence with regard to the outstanding issue(s), or (4) present analysis and arguments that were persuasive or shed new light on the outstanding issue(s). TMEP §§715.03(a)(ii)(B), 715.04(a).

Accordingly, the following requirement made final in the Office action dated November 2, 2023 is **maintained and continued**:

- Disclaimer Required

The evidence of record shows that it is common for other entities to use the wording "premier" to describe the alleged merit of banking and financial goods and/or services. Hence, consumers

encountering the wording PREMIER used in connection with applicant's goods and/or services are likely to perceive this wording as merely laudatory of the supposed superior quality of the applicant's various banking and financial goods and/or services, rather than as an indication that applicant is the source of the goods and/or services. Indeed, it is noteworthy that the registrant of the previously cited registration has disclaimed the wording "PREMIER BANK" in respect of its banking and financial services. Therefore, the requirement for a disclaimer of the wording "PREMIER" is maintained and continued, because it is merely laudatory and descriptive of the alleged merit of applicant's goods and/or services.

*See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In addition, the following refusal made final in that Office action is **obviated**:

- Section 2(d) Refusal – Likelihood of Confusion, based on the submitted consent agreement between the respective parties.

*See* TMEP §§715.03(a)(ii)(B), 715.04(a).

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

**If applicant has not filed an appeal** and time remains in the response period for the final Office action, applicant has the remainder of that time to (1) [file another request for reconsideration](#) that complies with and/or overcomes any outstanding final requirement(s) and/or refusal(s), and/or (2) [file a notice of appeal](#) to the Board. TMEP §715.03(a)(ii)(B).

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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on May 20, 2024 for  
**U.S. Trademark Application Serial No. 97446625**

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) or the Electronic System for Trademark Trials and Appeals (ESTTA), as appropriate. Your response and/or appeal 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.