Mailed: November 5, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Municipal Parking Services, Inc.

Serial No. 98187940

Scott G. Ulbrich and Gregory L. Koeller of Skaar Ulbrich Macari, P.A. for Municipal Parking Services, Inc.

Drew Ciurpita, Trademark Examining Attorney, Law Office 114,
Nicole Nguyen, Managing Attorney.

Before Greenbaum, Larkin, and Elgin,
Administrative Trademark Judges.

Opinion by Larkin, Administrative Trademark Judge:

Municipal Parking Services, Inc. ("Applicant") seeks registration on the Principal Register of the proposed standard-character mark PARKAI for the following goods and services:

- "Parking meters; parking kiosks, namely, interactive computer kiosks comprising computer hardware, software, graphical user interface and peripherals, networked with a remote database and including an electronic payment terminal, which kiosks are for use in managing parking spaces, for parking enforcement, parking activity tracking, issuance of parking citations, accepting payment for parking, providing point of sale, including accepting payment for parking violations and purchasing permits, acquiring vehicle identification data, transmitting vehicle data to the

remote database, providing customer selectable information on the graphical user interface, providing advertising, providing safety and event messages, and providing two-way communications of data and video" in International Class 9;

- "Parking lot services; Parking space services, namely, parking space reservation service, rental of vehicle parking spaces, and providing real-time information concerning vehicle parking space availability; rental of parking spaces" in International Class 39;

- "Electronic monitoring of parking lots and parking space activity, including data identifying the vehicle parked in the parking lot or space, using computers or sensors; electronic monitoring of no parking areas and restricted parking areas for the purpose of electronically collecting data, including data identifying the vehicle parked in the no parking or restricted parking areas, using computers or sensors; electronic monitoring of parking lots and parking space activity for the purpose of electronically collecting data, including data identifying the vehicle parked in the parking lot or space, using computers or sensors; electronic monitoring of electric vehicle charging areas for the purpose of electronically collecting data, including data identifying the vehicle located in the charging area, using computers or sensors" in International Class 42; and

- "Electronic monitoring of no parking areas and restricted parking areas using computers or sensors for public safety purposes; electronic monitoring of parking lots and parking space activity using computers or sensors for public safety purposes" in International Class 45.[1]

The Trademark Examining Attorney has refused registration of Applicant's proposed mark in all four classes on two grounds: (1) under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1), on the ground that Applicant's proposed mark is merely descriptive of the identified goods and services, and (2) under Trademark Rule 2.61(b), 37 C.F.R. § 2.61(b), on the ground that Applicant did not sufficiently respond to the Examining Attorney's requests for information. The Examining

[1] The involved application Serial No. 98187940 was filed on September 19, 2023 under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant's allegation of a bona fide intention to use the mark in commerce.

Attorney also partially refused registration of Applicant's proposed mark under Trademark Rule 2.32(a)(6), 37 C.F.R. § 2.32(a)(6), on the ground that the identification of goods in Class 9 is indefinite and must be clarified. When the Examining Attorney made the refusals final, Applicant appealed and requested reconsideration, which was denied.

The appeal is fully briefed.[2] We affirm the refusal to register based on Applicant's failure to respond adequately to the Examining Attorney's information requests, and do not reach the other two grounds for refusal.

I. Prosecution and Procedural History, and Record on Appeal[3]

We summarize below the prosecution history of the application and the procedural history of the appeal because they provide necessary background to our disposition of the appeal.

In the first Office Action, the Examining Attorney refused registration of Applicant's proposed mark as merely descriptive under Section 2(e)(1) of the Trademark Act,[4] required an amendment to Applicant's Class 9 identification of

[2] Citations in this opinion to the briefs refer to TTABVUE, the Board's online docketing system. The number preceding TTABVUE corresponds to the docket entry number, and any numbers following TTABVUE refer to the page(s) of the docket entry where the cited materials appear. Applicant's appeal brief appears at 6 TTABVUE and its corrected reply brief appears at 11 TTABVUE. The Examining Attorney's brief appears at 8 TTABVUE.

[3] Citations in this opinion to the application record are to pages in the downloadable .pdf version of the Trademark Status & Document Retrieval ("TSDR") database of the United States Patent and Trademark Office ("USPTO" or "Office").

[4] May 24, 2024 Office Action at TSDR 2-3.

goods,[5] and issued the following requests for information under Trademark Rule 2.61(b):

> Due to the descriptive nature of the applied-for mark, applicant must provide the following information and documentation regarding the goods and/or services and wording appearing in the mark: (1) Fact sheets, instruction manuals, brochures, advertisements and pertinent screenshots of applicant's website as it relates to the goods and/or services in the application, including any materials using the terms in the applied-for mark. Merely stating that information about the goods and/or services is available on applicant's website is insufficient to make the information of record.; (2) If these materials are unavailable, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and/or services feature new technology and information regarding competing goods and/or services is not available, applicant must provide a detailed factual description of the goods and/or services. Factual information about the goods must make clear how they operate, salient features, and prospective customers and channels of trade. For services, the factual information must make clear what the services are and how they are rendered, salient features, and prospective customers and channels of trade. Conclusory statements will not satisfy this requirement.; and (3) Applicant must respond to the following questions: (a) Do applicant's goods and/or services involve the use of artificial intelligence? (b) Does the provision of applicant's goods and/or services involve the use of artificial intelligence? (c) Is artificial intelligence used, or in any way involved, in the manufacture[,] creation[,] rendering[, or] provision of applicant's goods and/or services?[6]

[5] *Id.* at TSDR 4-5.

[6] *Id.* at TSDR 3-4.

The Examining Attorney made of record dictionary definitions of the word "park" and the initialism "AI."[7]

Applicant responded and argued against all three refusals.[8] In response to the Examining Attorney's information request, Applicant stated as follows:

> (1) The Office has requested that Applicant provide information about its goods and services. However, as the Office has noted in its Supplemental Register Advisory notice, Applicant's application was filed as an intent to use (1b) application. At this time, Applicant is not in possession of any documents or information that is responsive to this request.
>
> (2) The Office has requested Applicant submit similar documentation for similar goods and services of the same type, explaining how its own products and services differ. Respectfully, Applicant is not in possession of, nor is it aware of any responsive documents, information, products, or services.
>
> (3) The Office has also requested that Applicant answer questions 3(a) – 3(c) listed in the Non-Final Office Action. Each question inquires about Applicant's use of "AI" relating to the present goods and services. Applicant respectfully contends that the questions are premised on an impermissible, arbitrary, and self-serving dissection of Applicant's unitary mark in contravention of the Anti-Dissection Rule and respectfully requests that the requested information be withdrawn. Additionally, the Office has not provided a definition of the term "AI" that is required for Applicant to answer the requested questions. Notwithstanding the foregoing, Applicant is not using the applied-for mark with regard to any goods or services and, therefore, is not in possession of, nor is it aware of any

[7] *Id.* at TSDR 8-9 (THE AMERICAN HERITAGE DICTIONARY).

[8] August 24, 2024 Response to Office Action at TSDR 26-31.

> responsive documents, information, products, or services.[9]

Applicant made of record dictionary definitions of the words "park," "par," and "parka," and the German word "kai,"[10] and the certificate of registration of Registration No. 4739788 of the mark SENTRY (the "'788 Registration"), owned by Applicant, for the same goods and services in Classes 9 and 39 that are identified in the current application.[11]

The Examining Attorney then issued an Office Action making final the three refusals to register.[12] The Examining Attorney reiterated the information requests as follows:

> (1) Fact sheets, instruction manuals, brochures, advertisements and pertinent screenshots of applicant's website as it relates to the goods and/or services in the application, including any materials using the terms in the applied-for mark. Merely stating that information about the goods and/or services is available on applicant's website is insufficient to make the information of record.;
>
> (2) If these materials are unavailable, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and/or services feature new technology and information regarding competing goods and/or services is not available, applicant must provide a detailed factual description of the goods and/or services. Factual information about the goods must make clear how they operate, salient features, and prospective customers and channels of trade. For

[9] *Id.* at TSDR 30.

[10] *Id.* at TSDR 5-22 (dictionary.cambridge.org).

[11] *Id.* at TSDR 23-25.

[12] October 3, 2024 Final Office Action at TSDR 1-6.

> services, the factual information must make clear what the services are and how they are rendered, salient features, and prospective customers and channels of trade. Conclusory statements will not satisfy this requirement.; and
>
> (3) Applicant must respond to the following questions: (a) Do applicant's goods and/or services involve the use of artificial intelligence? (b) Does the provision of applicant's goods and/or services involve the use of artificial intelligence? (c) Is artificial intelligence used, or in any way involved in the [manufacture, creation, rendering or provision] of applicant's goods and/or services?[13]

The Examining Attorney made of record dictionary definitions of the word "park" and the phrase "artificial intelligence."[14]

Applicant appealed and simultaneously requested reconsideration. In its Request for Reconsideration, Applicant again argued against all three refusals. With respect to the information requests, Applicant stated as follows:

> (1) The Office has requested that Applicant provide information about its goods and services. However, as the Office has noted in its Supplemental Register Advisory notice, Applicant's application was filed as an intent to use (1b) application. At this time, Applicant is not in possession of any documents or information that is responsive to this request. Applicant can confirm that it has, and has had at all relevant times, the bona fide intent to use its PARKAI mark in connection with the goods and services listed in the application.
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> (2) The Office has requested Applicant submit similar documentation for similar goods and services of the same type, explaining how its own products and services differ. Respectfully, Applicant is not in

[13] *Id.* at TSDR 4-5.

[14] *Id.* at TSDR 8-11 (MERRIAM-WEBSTER DICTIONARY and THE AMERICAN HERITAGE DICTIONARY).

> possession of, nor is it aware of any responsive documents, information, products, or services. Again, Applicant can confirm that it has, and has had at all relevant times, the bona fide intent to use its PARKAI mark in connection with the goods and services listed in the application.
>
> (3) The Office has also requested that Applicant answer questions 3(a) – 3(c) listed in the Non-Final Office Action. Each question inquires about Applicant's use of "AI" relating to the present goods and services. Applicant respectfully contends that the questions are premised on an impermissible, arbitrary, and self-serving dissection of Applicant's unitary mark in contravention of the Anti-Dissection Rule and respectfully requests that the requested information be withdrawn. Notwithstanding the foregoing, Applicant is not currently using the applied-for mark with regard to any goods or services and, therefore, is not in possession of, nor is it aware of any responsive documents, information, products, or services. Again, Applicant can confirm that it has, and has had at all relevant times, the bona fide intent to use its PARKAI mark in connection with the goods and services listed in the application.[15]

Applicant made of record an article from the website at atlasobscura.com regarding the interjection "Eh?" in Canadian English.[16]

The Board suspended the appeal and remanded the application to the Examining Attorney to consider Applicant's Request for Reconsideration. 2 TTABVUE 2. The Examining Attorney denied Applicant's Request for Reconsideration as to all three final refusals,[17] and made of record multiple third-party registrations of marks containing the letters AI that issued on the Principal Register based on a showing of

[15] January 6, 2025 Request for Reconsideration at TSDR 10-11.

[16] *Id.* at TSDR 14-19.

[17] March 10, 2025 Denial of Request for Reconsideration at TSDR 2-8.

acquired distinctiveness under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f), or that issued on the Supplemental Register,[18] as well as third-party webpages displaying the words "Park" or "Parking" and the letters "AI."[19] The Board resumed the appeal, 5 TTABVUE 1, and it is now ready for decision.

For the reasons set forth below, we affirm the refusal based on the information requests, and do not reach the other grounds for refusal.

II. Evidentiary Objection

Applicant attached to its main brief copies of the certificates of registration of various third-party marks containing the letters "AI." 6 TTABVUE 30-77. The Examining Attorney objects to the registrations on the ground that they were untimely submitted and requests that the Board disregard them. 8 TTABVUE 9. In its reply brief, Applicant argues against the Examining Attorney's objection as follows:

> It is well-established that a party should have a fair opportunity to respond to any new material facts or arguments. The Examiner's submission of new evidence in the March 10, 2025, Denial of Request for Reconsideration opened a new evidentiary issue. Applicant should not be prejudiced by the timing of that submission, particularly where the TTAB appeal is still pending and no final decision has been rendered. Applicant's cited third party registrations are directly responsive to the new evidence and arguments raised by the Examiner. This evidence is not cumulative, speculative, or submitted for delay. Rather, it is narrowly tailored to ensure the Board has a complete and balanced record on which to base its decision.

[18] *Id.* at TSDR 9-58.

[19] *Id.* at TSDR 59-84.

11 TTABVUE 3 n.1.

Contrary to Applicant's position,

> [w]hen a timely request for reconsideration of an appealed action is filed (with or without new evidence), the examining attorney may submit, with his or her response to the request, new evidence directed to the issue(s) for which reconsideration is sought. However, the applicant may not submit additional evidence in response to any evidence submitted by the examining attorney unless the examining attorney's action is a nonfinal action to which a response may be filed. Otherwise, if the applicant wishes to submit additional evidence, it must file a request for remand.

In re Giger, Ser. No. 76545470, 2006 WL 639159, at *2 (TTAB 2006). Applicant did not request a remand of the application to consider the materials attached to its appeal brief, and the Examining Attorney's denial of Applicant's Request for Reconsideration was not a non-final office action to which a response may be filed. Accordingly, we sustain the Examining Attorney's objection to Applicant's untimely evidence.

III. Information Request Refusal

"Under Trademark Rule 2.61(b), '[t]he Office may require the applicant to furnish such information . . . as may be reasonably necessary to the proper examination of the application.'" *In re SICPA Holding SA*, Ser. No. 88488405, 2021 WL 2374679, at *4 (TTAB 2021) (citation omitted). "The rule recognizes that an applicant often is in the best position to supply the facts and information necessary for the Office to determine the registrability of a trademark and is designed to encourage efficient and high quality trademark examination." *In re Emergency Alert Sols. Grp., LLC*, Ser. No.

86890565, 2017 WL 1684179 (TTAB 2017). Information requests are especially useful "where the applicant's goods or services, or the wording in the mark, is technical in nature or otherwise unfamiliar, or where the application is based on intent-to-use." *In re DTI P'Ship, L.L.P.*, Ser. No. 76197868, 2003 WL 22169270, at *3 n.3 (TTAB 2003).

"Equivocal, vague or evasive responses are unacceptable," *SICPA Holding*, 2021 WL 2374679, at *1 n.1 (citing *In re AOP LLC*, Ser. No. 85009094, 2013 WL 6056585, at *6 (TTAB 2013)), and the Board "looks with disfavor on an applicant's failure to comply with [an information] requirement fully and in good faith." *DTI P'Ship*, 2003 WL 22169270, at *3 n.3.

"Noncompliance with an information requirement is an independent ground for refusing registration, separate and apart from any substantive grounds for refusal." *SICPA Holding*, 2021 WL 2374679, at *4 (citing *In re Cheezwhse.com Inc.,* Ser. No. 78694122, 2008 WL 305697, at *1-2 (TTAB 2008); *DTI P'ship*, 2003 WL 22169270, at *2-4).

The identifications of goods and services in all four classes in the application contain the word "parking," and "[w]e find that the Examining Attorney's information requirements were reasonably necessary to the proper examination of the application[ ], as stated in Trademark Rule 2.61(b), because the information is directly relevant to whether the wording [PARK] in the proposed mark[ ] [PARKAI]" is merely descriptive of the goods and services identified in the application. *In re Ocean Tech., Inc.*, Ser. No. 87405211, 2019 WL 6245131, at *3 (TTAB 2019).

The proposed mark contains the letters "AI," which are understood in current American English as an abbreviation of the phrase "artificial intelligence."[20] The Class 9 goods in the application include "interactive computer kiosks comprising computer hardware, software, graphical user interface and peripherals, networked with a remote database and including an electronic payment terminal," the Class 39 services in the application include "[p]arking space services, namely, parking space reservation service, rental of vehicle parking spaces, and providing real-time information concerning vehicle parking space availability," and the Class 42 and Class 45 services in the application include multiple services that are described as "using computers or sensors." Artificial intelligence involves "the ability of a computer or other machine to perform those activities that are normally thought to require intelligence,"[21] and it could be used in connection with the goods and services in all four classes in the application. We find that the Examining Attorney's questions regarding the possible use of artificial intelligence properly sought information that is directly relevant to whether the initialism AI "in the proposed mark[ ] [PARKAI]" is merely descriptive of the goods and services identified in the application. *Ocean Tech.*, 2019 WL 6245131, at *3.

Having concluded that the Examining Attorney's information requests were appropriate, we now consider whether Applicant complied with them "fully and in good faith." *DTI P'Ship*, 2003 WL 22169270, at *3 n.3. During prosecution,

[20] The letters "AI" are used in that manner in the Acceptable Identification of Goods and Services Manual, available at https://tmidm.uspto.gov/id-master-list-public.html.

[21] October 3, 2024 Final Office Action at TSDR 10 (THE AMERICAN HERITAGE DICTIONARY).

Applicant stated that it did not respond to the substance of the Examining Attorney's information requests for three claimed reasons:

(1) "Applicant's application was filed as an intent to use . . . application [and] [a]t this time, Applicant is not in possession of any documents or information that is responsive to this request;"[22]

(2) "The Office has requested Applicant submit similar documentation for similar goods and services of the same type, explaining how its own products and services differ [but] Applicant is not in possession of, nor is it aware of any responsive documents, information, products, or services;"[23] and

(3) "[T]he Examining Attorney's questions about Applicant's use of 'AI' relating to the present goods and services . . . are premised on an impermissible, arbitrary, and self-serving dissection of Applicant's unitary mark in contravention of the Anti-Dissection Rule," the Examining Attorney "has not provided a definition of the term 'AI' that is required for Applicant to answer the requested questions," and "Applicant is not using the applied-for mark with regard to any goods or services and, therefore, is not in possession of, nor is it aware of any responsive documents, information, products, or services."[24]

On appeal, Applicant argues that

[22] August 24, 2024 Response to Office Action at TSDR 30; January 6, 2025 Request for Reconsideration at TSDR 10.

[23] August 24, 2024 Response to Office Action at TSDR 30; January 6, 2025 Request for Reconsideration at TSDR 10.

[24] August 24, 2024 Response to Office Action at TSDR 30; January 6, 2025 Request for Reconsideration at TSDR 10.

> [a]s indicated in Applicant's original filing, Applicant filed the present trademark as a Section 1(b) intent to use application. . . . Applicant repeatedly provided statements that the application was filed with an intent to use and that the Applicant was not in possession of the requested information. None of Applicant's responses were "equivocal, vague, or evasive." An applicant can only provide the information that it has in its possession. Applicant has provided information it has available or a statement identifying that it does not have relevant information as required by the Board and the [TRADEMARK MANUAL OF EXAMINING PROCEDURE].

6 TTABVUE 22.

The Examining Attorney responds that Applicant is not excused from responding to an information request simply because Applicant seeks registration based on its claimed intention to use the mark rather than its actual use, 8 TTABVUE 11-12, and that Applicant made no attempt to answer question three in the requests, which asked, among other things, "Is artificial intelligence used, or in any way involved, in the manufacture[,] creation [,] rendering [, or] provision of applicant's goods and/or services?" *Id.* at 11.

In its reply brief, Applicant's responds that the Examining Attorney's position is "patently false because Applicant did provide its answers," 11 TTABVUE 7, and that it "clearly and unequivocally answered each and every question posed by the Examining Attorney." *Id.* With respect to the Examining Attorney's first request seeking "[f]act sheets, instruction manuals, brochures, advertisements and pertinent screenshots of applicant's website as it relates to the goods and/or services in the application," Applicant argues that it

> has repeatedly stated that Applicant's application was filed under 1(b) as an intent to use application and that no

> goods/services had been (and still have not) developed. Since no development had taken place there were no documents or information in existence that were responsive to the questions. The Board has already addressed the issue of responses stating that no information exists in the precedential opinion *In re Ocean Tech.*, *Inc.* . . ., where the Board stated, "[i]f Applicant does not believe it has relevant information, Applicant should submit a statement to this effect." citing *In re Planalytics, Inc.*, [Ser. No. 76322156, 2004 WL 715031, at *6] n.2 (TTAB 2004). As can be seen above, Applicant submitted a statement that it was not in possession of any requested documents or information. This is not a refusal to answer– Applicant simply does not have any of the requested documents or information. Applicant's answer here is fully responsive as provided in *In re Ocean Tech.*

Id. at 8.

With respect to the second request seeking "similar documentation for goods and services of the same type, explaining how its own product or services will differ," or a "detailed factual description of the goods and/or services" if "the goods and/or services feature new technology and information regarding competing goods and/or services is not available," Applicant argues in its reply brief that

> [s]ince no goods/services have been developed Applicant is not in possession of any responsive documentation or information. Similarly, if no goods/service have been developed yet Applicant is unable to identify any potential competing goods/services. As cited above, in such cases the Board requires an Applicant to submit a statement that it is not in possession of any requested documents or information which Applicant provided to the Examining Attorney. Therefore, Applicant did not fail to provide a proper and complete response as alleged by the Examining Attorney.

Id. at 9.

Finally, with respect to the Examining Attorney's questions regarding the possible use of artificial intelligence in connection with the identified goods and services, Applicant argues in its reply brief that

> [i]n the third question the Examining Attorney is requesting responses to specific questions about "applicant's goods and/or service." The Examining Attorney argues that "[s]pecifically, applicant makes no attempt to answer question 3 . . . and merely requests that the question be withdrawn." . . . However, this simply is false. In all of its Answers Applicant informed the Examining Attorney that the application was filed under 1(b) as an intent to use application and that no goods/services had been developed and therefore Applicant was not in possession of any responsive documents. . . . If the goods or services do not exist and documents do not exist there can be no "manufacturing," "creation," "rendering," or "provision" of non-existing goods or services. Again, as indicated above, in such cases where no responsive documents or information exists, the Board only requires an Applicant to submit a statement that it is not in possession of any requested documents or information, which Applicant provided to the Examining Attorney. . . . Applicant cannot provide information that it does not possess.

Id. (citations omitted).

Applicant concludes that

> [t]here is no authority requiring an Applicant to fabricate information when it does not possess any actual responsive information. Appellant here did not fail to provide the requested information as alleged by the Examining Attorney and there is no basis to compel Appellant to provide something that it does not possess or exist.

Id. at 12.

Intent-to-use applicants are not exempted from responding to information requests simply because use of the proposed mark has not yet commenced. *SICPA*

Holding, 2021 WL 2374679, at *1 n.1. To the contrary, as discussed above, information requests are especially useful where, as here, an "application is based on intent-to-use" and the identifications of goods and services are "technical in nature." *DTI P'Ship*, 2003 WL 22169270, at *3 n.3.

With respect to the Class 9 goods and the Class 39 services in the application, Applicant's claim that it has no documents or information that are responsive to the Examining Attorney's first and second requests regarding its goods and services, or similar ones, is belied by Applicant's ownership of the '788 Registration, which covers all of the Class 9 goods that are identified in the current application and all but one of the Class 39 services that are identified in the current application.[25] In the '788 Registration, which issued in May 2015, Applicant claims use of the mark since December 2014, and we take judicial notice that the '788 Registration was just renewed in September. *Cf. L'Oreal SA v. Marcon*, Opp. No. 91184456, 2012 WL 1267956, at *2 n. 6 (TTAB 2012) ("check[ing] Office records to confirm that opposer renewed" a registration made of record).

After a decade of claimed use of the SENTRY mark for the very same Class 9 goods and Class 39 services that are identified in the current application, Applicant cannot possibly have no "[f]actual information about the [Class 9] goods [including] how they operate, salient features, and prospective customers and channels of trade," no

[25] August 24, 2024 Response to Office Action at TSDR 24-25. The current application also covers Class 39 services identified as the "rental of parking spaces." In its Request for Reconsideration, Applicant argued that "the Office has already accepted Applicant's proffered identification of goods and services in Applicant's registered mark SENTRY (Reg. No. 4,739,788)." January 6, 2025 Request for Reconsideration at TSDR 11.

"factual information [including] what the [Class 39] services are and how they are rendered, salient features, and prospective customers and channels of trade," and no documents reflecting those goods and services. Applicant should have provided information and documents about the identical Class 9 goods and Class 39 services provided under the SENTRY mark and, if appropriate, should have explained how those goods and services differ from the ones that Applicant intends to provide under the proposed PARKAI mark. Because Applicant failed to do, it did not respond "fully and in good faith" to the Examining Attorney's requests with respect to Classes 9 and 39. *DTI P'Ship*, 2003 WL 22169270, at *3 n.3.

The highly technical Class 42 and Class 45 services identified in the current application do not have counterparts in Applicant's '788 Registration, but during prosecution, Applicant repeatedly "confirm[ed] that it has, and has had at all relevant times, the bona fide intent to use its PARKAI mark in connection with the goods and services listed in the application,"[26] which "calls to mind the famous Shakespearean aside: '[Applicant] doth protest too much, methinks.'" *Pfizer Inc. v. Cody John Cosms., Inc.*, 1981 WL 40481, at *4 (TTAB 1981). Having stressed the bona fides of its intent to use PARKAI for the services identified in Classes 42 and 45, all of which are described as "using computers or sensors," it is simply impossible to believe that Applicant has no "factual information [including] what the . . . services are and how they are rendered, salient features, and prospective customers and channels of trade,"

[26] January 6, 2025 Request for Reconsideration at TSDR 10-11.

and no documents reflecting those services.[27] Applicant's failure to respond substantively to the requests regarding Classes 42 and 45 is tantamount to a claim that Applicant does not understand how computers or sensors will be used in connection with any of the multiple services in its own identifications of goods, a claim that is simply not credible. We find that Applicant failed to respond "fully and in good faith" to the Examining Attorney's requests with respect to Classes 42 and 45. *DTI P'Ship*, 2003 WL 22169270, at *3 n.3.

Finally, the Examining Attorney's information requests included the following questions: "(a) Do applicant's goods and/or services involve the use of artificial intelligence? (b) Does the provision of applicant's goods and/or services involve the use of artificial intelligence? (c) Is artificial intelligence used, or in any way involved in the [manufacture, creation, rendering or provision] of applicant's goods and/or services?"[28] As noted above, Applicant argued during prosecution that the Examining Attorney's "questions about Applicant's use of 'AI' relating to the present goods and services . . . are premised on an impermissible, arbitrary, and self-serving dissection of Applicant's unitary mark in contravention of the Anti-Dissection Rule," that the

[27] The same is true with respect to the Class 9 goods and the Class 39 services. As discussed above, Applicant repeatedly professed a bona fide intention to use the PARKAI mark in connection with all of the goods and services identified in the application, but Applicant's claim that it has no documents regarding its intended use of the PARKAI mark "constitutes objective proof sufficient to prove that [Applicant] lacks a bona fide intention to its use its mark in commerce." *Tequila Cuadra S. de RL de CV v. Manufacturera de Botas Cuadra, S.A. de C.V.*, Opp. No. 91282327, 2025 WL 1431504, at *6 (TTAB 2025) (citing *Bos. Red Sox Baseball Club L.P. v. Sherman*, Opp. No. 91172268, 2008 WL 4149008, at *6 (TTAB 2008) (internal citation omitted)).

[28] October 3, 2024 Final Office Action at TSDR 4-5.

Examining Attorney "has not provided a definition of the term 'AI' that is required for Applicant to answer the requested questions," and that "Applicant is not using the applied-for mark with regard to any goods or services and, therefore, is not in possession of, nor is it aware of any responsive documents, information, products, or services."[29] On appeal, Applicant argues that "[i]f the goods or services do not exist and documents do not exist there can be no 'manufacturing,' 'creation,' 'rendering,' or 'provision' of non-existing goods or services." 11 TTABVUE 10.

These arguments are specious. Applicant's suggestion that it does not understand what is meant by the letters "AI" is disingenuous at best in view of the current ubiquitous use of "AI" in American English. During prosecution, the Examining Attorney provided definitions of "AI" as an abbreviation for "artificial intelligence,"[30] and as "the ability of a computer or other machine to perform those activities that are normally thought to require intelligence,"[31] and Applicant acknowledged these definitions in its Request for Reconsideration.[32] At a minimum, it is self-evident that Applicant itself knows what it means by the letters "AI" in its mark, but it did not provide even that information to the Examining Attorney.

Applicant apparently also reads the questions regarding AI, which are written in the present rather than the future tense, to require it to provide information only about what it is now (not) doing rather than what it intends to do. As noted above,

[29] January 6, 2025 Request for Reconsideration at TSDR 10.

[30] May 24, 2024 Office Action at TSDR 9 (THE AMERICAN HERITAGE DICTIONARY).

[31] October 3, 2024 Final Office Action at TSDR 10 (THE AMERICAN HERITAGE DICTIONARY).

[32] January 6, 2025 Request for Reconsideration at TSDR 5-6.

information requests are particularly useful in examining intent-to-use applications, *DTI P'Ship*, 2003 WL 22169270, at *3 n.3, but Applicant's limitation in its responses to its current (in)activity thwarts the Examining Attorney's ability to use information requests to determine the registrability of Applicant's proposed mark before its use commences. Applicant "doth protest too much, [we]thinks" about its intention to use its proposed mark to avoid discussing the possible use of AI in connection with the identified goods and services simply because the Examining Attorney did not ask specifically about Applicant's future use of its mark and because Applicant has not yet begun providing the identified goods and services.

We find that Applicant failed to respond fully and in good faith to the Examining Attorney's information requests. "Noncompliance with an information requirement is an independent ground for refusing registration, separate and apart from any substantive grounds for refusal," *SICPA Holding*, 2021 WL 2374679, at *4, and we need not and do not reach the mere descriptiveness and identification refusals. *DTI P'Ship*, 2003 WL 22169270, at *4.

Decision: The refusal to register based on Applicant's failure to respond adequately to the Examining Attorney's information requests under Rule 2.61(b) is affirmed in all four classes.