

Note To The File

Serial Number: 88200221
Date: 08/15/2019 11:05 am
Created by: Baird, Michael

AMARI

Contacted Applicant/Atty

- via E-Mail

From: Baird, Michael
Sent: Thursday, August 15, 2019 12:03 PM
To: Scott Brenner <sbrenner@thowardlaw.com>
Subject: RE: US Trademark Application Serial No. 88200221 - AMARI

Thank you, Mr. Brenner.

A notice of examiner's amendment will follow shortly, and the Office's TSDR system should reflect the change in status later this evening.

Kindest regards,

/Michael W. Baird/

Managing Attorney, Law Office 118

United States Patent and Trademark Office

(571) 272-9487

From: Scott Brenner [<mailto:sbrenner@thowardlaw.com>]
Sent: Thursday, August 15, 2019 11:57 AM
To: Baird, Michael <Michael.Baird@USPTO.GOV>
Subject: FW: US Trademark Application Serial No. 88200221 - AMARI

Mr. Baird,

Thank you for your thoughtful email. My client will accept your suggested disclaimer:

“No claim is made to the exclusive right to use “AMARI” with respect to herbal food beverages in International Class 30 apart from the mark as shown.”

Please let me know if you need any additional information from me.

Thank you,

Scott Brenner, Esq.
THOMAS P. HOWARD, LLC
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Louisville, CO 80027

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From: Baird, Michael [<mailto:Michael.Baird@USPTO.GOV>]
Sent: Thursday, August 15, 2019 5:05 AM
To: Scott Brenner < sbrenner@thowardlaw.com >
Subject: US Trademark Application Serial No. 88200221 - AMARI

Good morning, Mr. Brenner,

I've received your responses filed in July, and virtually all the issues have been resolved. The cited registration has been cancelled; the amendments to the identification are acceptable; and your client's conversion to a Delaware corporation has been properly recorded.

The only remaining issue is that of the required disclaimer. I had provided you with evidence that "amari" (plural of "amaro") are a type of Italian digestifs or herbal liqueurs, and had required a disclaimer of all the wording in the mark.

I've reconsidered my finding and now feel that the term is **not** descriptive of the supplements in Class 5, nor of the dried herbs in Class 30.

However, I still feel that the term accurately describes the identified "herbal food beverages," in that it could be perceived as indicating non-alcoholic versions of the more traditional amari.

Your arguments on this point are mostly ones of Italian grammar, and I apologize for not providing better evidence that in Italian, "second class" nouns (masculine nouns ending in "o," such as "amaro") take a plural form by replacing the final letter with "i." [Here is an explanation](#) , and here is [sample Google search](#) for the Italian phrase "liquori amari."

So, in an effort to resolve this issue, would your client consider restricting the disclaimer to just the "herbal food beverages?" Such as disclaimer would read as follows: **No claim is made to the exclusive right to use "AMARI" with respect to herbal food beverages in International Class 30 apart from the mark as shown.**

If this is acceptable to your client, you can simply respond to this email with your approval and I will enter the above statement via examiner's amendment.

If this is not acceptable, or you'd like to discuss this issue further, please give me a call at the number below.

Respectfully,

/Michael W. Baird/

Managing Attorney, Law Office 118

United States Patent and Trademark Office

(571) 272-9487