

Note To The File

Serial Number: 88233655
Date: 03/19/2019 1:26 pm
Created by: Timothy Schimpf

STEADY STATE

Searched

- Google
- OneLook
- Acronym Finder

Checked

- Geo. Sig.
- Surname
- Translation

Changed

- Re-imaged or Cropped Drawing
- Issued Examiner's Amendment and Entered Changes

Contacted Applicant/Atty

- via Phone
- via E-Mail

From: Bethany Michiels [mailto:bmichiels@nrutech.com]

Sent: Tuesday, March 19, 2019 10:21 AM

To: Schimpf, Timothy <Timothy.Schimpf@USPTO.GOV>

Subject: Re: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Thank you, Tim. I very much appreciate your assistance through this process. I will be anticipating another correspondence from the USPTO in 3-4 months.

Bethany Michiels

Business Development Associate

Nutrient Recovery and Upcycling, LLC

Phone: 920-676-8763

www.nrutech.com

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From: Schimpf, Timothy < Timothy.Schimpf@USPTO.GOV >
Sent: Monday, March 18, 2019 6:43:59 PM
To: Bethany Michiels
Subject: RE: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Thank you for responding. I will make the amendment for you through an examiner's amendment and you'll be sent an email with a weblink where you see the copy of the amendment. You won't have to do anything further at this time. I will then approve the applications for publication. That means it will be published in our gazette publication so the public can review it. If there is an opposition you would receive notice. If there is no opposition, you'll receive a notice of acceptance which would be around 3-4 months from now. At that time you'll have to take further action to demonstrate you are using the mark in commerce, which you'll have up to six months to demonstrate. When the time comes, you'll be submitting an online form through the USPTO website where you attach a digital image of your mark used with your goods, such a digital picture of the mark on the goods. Again, you won't have to do this for 3-4 months, but at that you will need to submit that evidence before the mark can be registered.

Timothy Schimpf

Trademark Examining Attorney, Law Office 113

United States Patent and Trademark Office

(571) 272-9072

timothy.schimpf@uspto.gov

From: Bethany Michiels [<mailto:bmichiels@nrutech.com>]
Sent: Monday, March 18, 2019 5:47 PM
To: Schimpf, Timothy < Timothy.Schimpf@USPTO.GOV >
Subject: Re: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Hello Tim,

After discussion of this with some people on my end, it seems the preferred course of action is going forward with your first-indicated option: Delete the term Fertilizers, making the applied-for mark Steady State.

Thank you for your assistance on this issue. Please call or email if there is anything else you need from me at this time.

Bethany Michiels

Business Development Associate

Nutrient Recovery and Upcycling, LLC

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From: Schimpf, Timothy < Timothy.Schimpf@USPTO.GOV >
Sent: Friday, March 15, 2019 3:23:27 PM

To: Bethany Michiels

Subject: RE: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Hello. As the term FERTILIZERS is the generic name for the goods and removing it would not be considered a material alteration, applicant may amend the application to remove the term FERTILIZERS so that the applied-for mark is just STEADY STATE. At this juncture, applicant has two options:

Delete the term FERTILIZERS making the applied-for mark STEADY STATE.

Keep the mark STEADY STATE FERTILIZERS and provide a disclaimer as previously discussed.

No other amendments would be necessary. I can make either of the amendments for applicant with their approval.

If you have any questions about these options, just let me know.

Timothy Schimpf

Trademark Examining Attorney, Law Office 113

United States Patent and Trademark Office

(571) 272-9072

timothy.schimpf@uspto.gov

From: Bethany Michiels [<mailto:bmichiels@nrutech.com>]

Sent: Friday, March 15, 2019 4:10 PM

To: Schimpf, Timothy < Timothy.Schimpf@USPTO.GOV >

Subject: Re: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Hello Tim,

Thank you for the clarity in your email below. I do have a few questions for you regarding this.

Is it possible to eliminate the word 'Fertilizers' from the mark altogether on the same application, thus eliminating the need for the amendment, or would an application for 'Steady State' alone require a separate application?

If I choose to pursue a registration of the mark 'Steady State' alone, would I have to abandon the existing application for 'Steady State Fertilizers'? Or, rather, would the existence of the 'Steady State Fertilizers' mark application decrease the likelihood of acceptance of a new application for the mark 'Steady State'?

If you are able to discuss these questions, I will be able to make a better informed decision on whether to go forward with adding the amendment. Please feel free to respond via email or phone, whichever is easiest for you.

Thank you,

Bethany Michiels

Business Development Associate

Nutrient Recovery and Upcycling, LLC

Phone: 920-676-8763

www.nrutech.com

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From: Schimpf, Timothy <Timothy.Schimpf@USPTO.GOV>
Sent: Thursday, March 14, 2019 10:48:26 AM
To: Bethany Michiels
Cc: Hannah Stern
Subject: Trademark Application for STEADY STATE FERTILIZERS, Serial No. 88233655

Hello, my name is Tim Schimpf and I am an examining attorney with the U.S. Patent and Trademark Office. I work for the federal government and I have been assigned to review the trademark application for STEADY STATE FERTILIZERS, Serial No. 88233655. There is one issue I'd like to discuss with you about the application that I can resolve for you with your agreement.

Disclaimer: The word FERTILIZERS in the applied-for mark is the generic name for the goods you have identified. As this wording is the name of the goods, you can't have the exclusive right to use this wording by itself outside of the mark. In order to have this wording in your mark, you must provide a disclaimer statement. A disclaimer is a statement added to your application stating that you do not claim the exclusive right to use the descriptive wording in relation to these goods or services. You may still use FERTILIZERS in the mark, it is not removed for use of the mark in commerce, and the mark drawing itself will not be changed in any manner. The disclaimer would only be added to your application and you would not need to include it in your use in commerce. The purpose of a disclaimer is to permit the registration of a mark that is registerable as a whole but contains matter that would not be registerable when taken alone. In other words, while the mark as a whole would be protected by the trademark the wording FERTILIZERS is a term that you do not have the exclusive right to use by itself. With your permission, I will add the following statement to the record:

No claim is made to the exclusive right to use "FERTILIZERS" apart from the mark as shown.

Please respond by email as to whether you agree with this amendment. If you agree, I can make the amendment through what is called an examiner's amendment. You do not need to take any further action in regards to this amendment, there is no cost for the amendment, and you will receive a copy of the amendment once it is entered. After that, the application will be published for opposition.

If you would prefer, I would be happy to discuss this over the telephone at the number listed below. If you have any questions, please let me know.

Tim Schimpf

Trademark Examining Attorney

U.S. Patent and Trademark Office

Law Office 113

(571) 272-9072

timothy.schimpf@uspto.gov