

Note To The File

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Created by: Sara Helmers



CONNECT

Please note that an examiner's amendment was entered on January 12, 2023, before this application was divided from the parent application serial number 90826459. As that examiner's amendment and the corresponding public note have not yet been copied over from the parent application, I have put the text of each below.

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To: Brendan J. Hughes (trademarks@cooley.com) Subject: U.S. Trademark Application Serial No. 90826459 - CONNECT - 316309-20000 Sent: January 12, 2023 12:17:31 PM EST Sent
As: tmng.notices@uspto.gov Attachments

United States Patent and Trademark Office (USPTO)

Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 90826459

Mark: CONNECT

Correspondence Address:

BRENDAN J. HUGHES
COOLEY LLP
1299 PENNSYLVANIA AVE., NW
SUITE 700
WASHINGTON DC 20004 UNITED STATES

Applicant: Pivot Bio, Inc.

Reference/Docket No. 316309-20000

Correspondence Email Address: trademarks@cooley.com

EXAMINER'S AMENDMENT

Issue date: January 12, 2023

USPTO database searched; no conflicting marks found. The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Application has been amended as shown below. As agreed to by Judd Lauter, attorney of record, on January 11, 2023, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.* In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

Identification of Goods

The identification of goods is amended to read as follows:

Class 29: Sunflower oil for food; sunflower seeds, prepared; sunflower **seed**-based snack foods; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**; hemp seed based food, namely, hemp seed oil; sunflower **seed**-based snack foods containing hemp **seeds** and hemp seed oil

Class 30: Wheat-based snack foods; corn-based snack foods; barley-based snack foods; cereal-based snack foods; sorghum-based snack foods; breakfast cereals; flour; processed wheat; barley meal; processed sorghum; bread; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**; wheat-based snack foods containing hemp **seeds** and hemp seed oil; corn-based snack foods containing hemp **seeds** and hemp seed oil; barley-based snack foods containing hemp **seeds** and hemp seed oil; cereal-based snack foods containing hemp **seeds** and hemp seed oil; sorghum-based snack foods containing hemp **seeds** and hemp seed oil

Class 32: Beer; non-alcoholic beer flavored beverages; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**; ~~non-alcoholic carbonated beverages~~

See TMEP §§1402.01, 1402.01(e).

Mark Description

The following description of the mark replaces the current description of record: "The mark consists of the word "CONNECT" in a **pointed oval** where the upper half of the **oval** is in white and contains a **sprout with three leaves** and the bottom half of the **oval** is shaded in black and contains the **plant's root**." See 37 C.F.R. §§2.37, 2.72; TMEP §§808 *et seq.*

/Sara Anne Helmers/Sara Helmers (she/her) Trademark Examining Attorney
Law Office 130(571) 270-3639 Sara.Helmerts@USPTO.GOV

Note To The File
CONNECT
Changed
Issued Examiner's Amendment and Entered Changes •
Discussed file with Attorney/Applicant
via E-Mail

From: Lauter, Judd <jlauter@cooley.com>

Sent: Wednesday, January 11, 2023 5:50 PM

To: Helmers, Sara <Sara.Helmerts@USPTO.GOV>; z/IP Trademark Docketing Mailbox-US
<trademarks@cooley.com>

Cc: Linker, Grace <GLINKER@cooley.com>

Subject: RE: OFFICIAL USPTO EMAIL - Docket No. 316309-20000 - Trademark Application Serial No. 90826459 CONNECT - Response Requested

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Hi Sara,

Thank you for your email. The proposed amendments to the description of goods and the mark description are acceptable.

Kind regards,
Judd

Judd Lauter

Cooley LLP

+1 415 693 2915 office

jlauter@cooley.com

From: Helmers, Sara <Sara.Helmerts@USPTO.GOV>

Sent: Wednesday, January 11, 2023 2:00 PM

To: z/IP Trademark Docketing Mailbox-US <trademarks@cooley.com>

Cc: Lauter, Judd <jlauter@cooley.com>; Linker, Grace <GLINKER@cooley.com>

Subject: OFFICIAL USPTO EMAIL - Docket No. 316309-20000 - Trademark Application Serial No. 90826459 CONNECT - Response Requested

[External]

OFFICIAL USPTO EMAIL - Trademark Application Serial No. 90826459 CONNECT - Response Requested

Dear Mr. Hughes and Mr. Lauter,

I am the assigned trademark examiner for the above-referenced application. I have reviewed the application and there are several potential issues that can be resolved with an amendment to the identification, similar to the one that was made in applicant's previous application for the word mark CONNECT, Serial No. 90644740. In addition, a slight amendment to the mark description is required.

As to the identification, I suggest the following amendments:

Class 29: Sunflower oil for food; sunflower seeds, prepared; sunflower **seed**-based snack foods; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**; hemp seed based food, namely, hemp seed oil; sunflower **seed**-based snack foods containing hemp **seeds** and hemp seed oil

Class 30: Wheat-based snack foods; corn-based snack foods; barley-based snack foods; cereal-based snack foods; sorghum-based snack foods; breakfast cereals; flour; processed wheat; barley meal; processed sorghum;

bread; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**; wheat-based snack foods containing hemp **seeds** and hemp seed oil; corn-based snack foods containing hemp **seeds** and hemp seed oil; barley-based snack foods containing hemp **seeds** and hemp seed oil; cereal-based snack foods containing hemp **seeds** and hemp seed oil; sorghum-based snack foods containing hemp **seeds** and hemp seed oil

Class 32: Beer; non-alcoholic beer flavored beverages; **none of the foregoing comprised of any oils, extracts or ingredients from Cannabis sativa L**

This amendment is necessary to avoid potential unlawful use refusals under the Controlled Substances Act and the Food, Drug, and Cosmetic Act and to properly classify the sunflower seed based products. The deletion of “non-alcoholic carbonated beverages” from class 32 will also avoid a Section 2(d) refusal for likelihood of confusion with Reg. No. 6038883 (SODASTREAM CONNECT).

As to the mark description, I believe the following would more accurately describe the mark: “The mark consists of the word CONNECT in a **pointed oval** where the upper half of the **oval** is in white and contains a **sprout with three leaves** and the bottom half of the **oval** is shaded in black and contains the **plant's** root.”

If you agree that the changes are acceptable, we can move more quickly through the registration process for this application. **Please contact me by email or phone by 1 PM EST on Tuesday, January 17, 2023**, if you agree to allow me to correct the above by examiner’s amendment. Also, do not hesitate to contact me should you have any questions. If I do not hear from you by that time, I will issue a formal Office action on this issue.

Best,

Sara Helmers

/Sara Anne Helmers/

Sara Helmers (she/her)

Trademark Examining Attorney

Law Office 130/Trademark Innovation Lab

(571) 270-3639

Sara.Helmerts@uspto.gov

Notice to trademark applicants and attorneys: All relevant e-mail communications will be added to the official application record in accordance with 37 C.F.R. §2.191 and TMEP §§709.04-.05.

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