

Note To The File

Serial Number: 97117717
Date: 08/29/2022 11:01 am
Created by: Rose Hughes



ACE

Discussed file with Attorney/Applicant

- via Phone
- via E-Mail

From: Hughes, Rose
Sent: Wednesday, August 24, 2022 5:06 PM
To: trademarkdocket@venable.com
Cc: adprice@Venable.com
Subject: Possible Examiner's Amendment- Serial No. 97117717 ACE (design mark)

Attorney Price,

I am the Trademark Examining Attorney examining your application for Serial No. 97117717 ACE (design mark), and I wanted to discuss the following issues with you.

Mark Description and Color Claim

Applicant must provide an amended description of the mark that includes all the literal and design elements and colors shown in the mark. Specifically, the following elements and colors have been omitted: the color white has been omitted from the mark description and color claim, the description of where the colors appear in the mark, and a description of the outline in the mark have been omitted from the current mark description.

A complete description must identify all the literal and design elements in the mark and specify where the colors appear in those elements. See 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §§807.07(a) *et seq.* If white is not being claimed as a color feature of the mark, applicant must exclude it from the color claim and include in the description a statement that white represents background, outlining, shading, and/or transparent areas and is not part of the mark. See TMEP §807.07(d).

If the color white is claimed as a feature of the mark, the following color claim and description are suggested, if accurate:

The colors blue, green, and white are claimed as a feature of the mark.

The mark consists of the wording "ACE" in stylized text above a blue and white truck design. The letter "A" is blue stylized text on top and in green stylized text on the bottom, with a white curve separating the blue and green halves of the letter. The letters "C" and "E" in "ACE" are in blue stylized text. The truck design features three green stripes on the tank portion of the truck that extend slightly beyond the outline of the tank. A blue outline extends from the top of the truck and around the term "ACE". The area inside the outline is white.

-

If white is not claimed as a feature of the mark and merely represents background and/or transparent areas, the current color claim is acceptable and the following description is suggested, if accurate:

The mark consists of the wording "ACE" in stylized text above a blue truck design. The letter "A" is blue stylized text on top and in green stylized text on the bottom, with a curve separating the blue and green halves of the letter. The letters "C" and "E" in "ACE" are in blue stylized text. The truck design features three green stripes on the tank portion of the truck that extend slightly beyond the outline of the tank. A blue outline extends from the top of the truck and around the term "ACE". The color white represents background and/or transparent areas and is not claimed as a feature of the mark.

If you agree, I can make these changes via an Examiner's Amendment and the application will be approved for publication, subject to review by my supervising attorney.

Please do not hesitate to contact me with any questions. **I look forward to hearing from you by the close of business on Friday, 8/26.**

Best,

Rose Hughes

Examining Attorney, Law Office 306

U.S. Patent and Trademark Office

Rose.Hughes@uspto.gov

571-270-5194