

Note To The File

Serial Number: 97591407
Date: 06/26/2023 7:18 pm
Created by: Marisa Schutz



ADVANCE

Changed

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

Discussed file with Attorney/Applicant

- via E-Mail
- Left message

From: Tara Branscom-Holmes <tbranscomholmes@brientip.com>

Sent: Monday, June 26, 2023 6:00 PM

To: Schutz, Marisa <Marisa.Schutz@uspto.gov>; Info Brient IP Law <info@brientip.com>

Cc: Jenny Sizemore <jsizemore@brientip.com>

Subject: ADVANCE (97591407) - Examiner's Amendment // [1238A-03188-US]

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

Dear Ms. Schutz,

Thank you for your email.

The thin gray rectangle is not part of the mark. We would be grateful if you could amend the mark drawing by cropping out the thin gray rectangle as shown in the attachment above.

Please let us know if you need anything else.

Sincerely,

Tara Branscom-Holmes

Brient IP Law, LLC

1175 Grimes Bridge Road, Suite 100 | Roswell | GA | 30075

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From: Schutz, Marisa <Marisa.Schutz@uspto.gov>

Date: Monday, June 26, 2023 at 4:32 PM

To: Info Brient IP Law <info@brientip.com>

Cc: Tara Branscom-Holmes <tbranscomholmes@brientip.com>, Jenny Sizemore <jsizemore@brientip.com>

Subject: ADVANCE (97591407) - Examiner's Amendment

Good afternoon, Ms. Branscom,

I am the Trademark Examining Attorney at the U.S. Patent and Trademark Office examining the application for ADVANCE (97591407), and I wanted to discuss the following with you:

Mark Drawing

The current mark drawing appears with a thin gray rectangle around it, and we need to know whether applicant is claiming the shape or if it is merely background. There are a couple ways this issue can be addressed.

If the thin gray rectangle is not part of the mark, I can amend the mark drawing by cropping out the thin gray rectangle as shown in the attachment above.

If the thin gray rectangle is part of the mark, applicant may amend the color claim and mark description to the following:

- **Color Claim:** The colors black, yellow, white, and gray are claimed as a feature of the mark.
- **Mark Description:** The mark consists of a stylized black and white checkered flag followed by a yellow flagpole followed by the term ADVANCE; the white background is not claimed as a feature of the mark. All of the foregoing is bordered by a thin gray rectangle.

If applicant agrees to either of the above, I can make the changes via an Examiner's Amendment, and the application will be approved for publication, subject to review by a supervisory attorney. If I do not hear from you by **Wednesday, June 28**, I will issue an Office Action requiring further action.

If you have any questions, please don't hesitate to let me know.

Thank you!

Marisa C. Schutz (she/her)
Trademark Examining Attorney, Law Office 301
U.S. Patent and Trademark Office
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