

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Guardian Athletic, LLC

Serial No. 88245193

Mark: HUMDINGER

**REQUEST FOR RECONSIDERATION**

The Examining Attorney has raised the following issues:

- FDCA Refusal – Classes 005 and 029
- Identification Amendment
- Partial Abandonment Advisory

Applicant addresses these items below.

**I. FDCA REFUSAL.**

The Examining Attorney maintained a refusal on the grounds that Applicant's Class 005 and 029 goods are not lawful under the Food, Drug & Cosmetic Act ("FDCA").

Applicant will agree to delete its Class 005 and Class 029 goods.

**II. IDENTIFICATION AMENDMENT.**

The Examining Attorney related that Applicant may amend the identification as follows (with Applicant's corresponding response indicated below):

Class 003: Essential oils; Essential oils for personal use; Terpenes being essential oils; all of the foregoing containing hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

Applicant has no objection to this unaltered identification.

Class 005: Inhalant anesthetics; Transdermal patches featuring hemp extracts for anxiety, post-traumatic stress disorder (PTSD), appetite **suppressant {fixed typo}**, cancer; Transdermal patches; Dietary supplements in the form of capsules, edible sheets, extracts, waxes, live resin, resin; Drug delivery agents in the form of capsules that provide controlled release of the active ingredients for a wide variety

of pharmaceuticals; Herbal extracts for medical purposes; Medicinal herb extracts; Medicinal preparations for the mouth to be applied in the form of drops, capsules, tablets and compressed tablets; Nutritional supplements in the form of oils, fats, herbs, dried plant, concentrates, waxes, edibles, capsule, dissolving sheets; Plant extracts for medical, veterinary and pharmaceutical purposes; Plant extracts for pharmaceutical purposes; all of the foregoing containing hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

Applicant will delete this class.

Class 029: Edible fats; Edible oil; Edible oils; Edible oils and fats; **{added semicolon, otherwise applicant must indicate “edible fats, edible oil, edible oils, all the foregoing not containing cannabis, hemp, CBD, or any extracts or derivatives thereof; edible oils and fats, all of the foregoing containing hemp with a...”}** all of the foregoing containing hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

Applicant will delete this class.

Class 031: Dried plants **excluding cannabis with a delta-9 tetrahydrocannabinol (THC) concentration of greater than 0.3 percent on a dry weight basis**; Dried plants, namely, hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

Applicant is amenable to this amendment.

### **III. PARTIAL ABANDONMENT ADVISORY.**

Applicant has addressed all matters raised by the Examining Attorney in this Office Action.

Applicant is amenable to deleting its Class 005 and Class 029 goods, and Applicant is amenable to the Examining Attorney’s Class 031 identification proposal.

### **CONCLUSION**

In light of the foregoing, Applicant respectfully requests the refusals be withdrawn and that Applicant’s mark proceed to registration.