

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Standard Homeopathic Company

Serial Number: 85/168,683

Colors Claimed: brown, orange, blue, white and silver is/are claimed as a feature of the mark.

Description of Mark: The mark consists of the trade dress characterizing packaging for the goods. The packaging comprises a rectangular box when folded. On the center of the front panel of the packaging is a white burst on a brown background, below which is a silver curving horizontal line, below which is an orange field covering approximately the bottom one-third of the front panel; the wording HYLAND'S appears within a blue oval within a white outline to the upper left of the burst. On the top panel of the packaging is a white burst on a brown background, below which is a silver curving horizontal line, below which is an orange field covering approximately the bottom one-eighth of the top panel; the wording HYLAND'S appears within a blue oval within a white outline to the upper left of the burst. On the right panel of the packaging is a white burst on a brown background; the wording HYLAND'S appears within a blue oval within a white outline within the burst. On the left panel of the packaging is a white burst on a brown background; the wording HYLAND'S appears within a blue oval within a white outline within the burst. The other solid lines in the drawing are intended to show the position of the mark on the packaging and are not claimed as part of the design.

Response to Office Action and Request for Amendment to Drawing

Following a telephone conversation with the examiner, in accordance with 37 C.F.R. §2.72, Applicant, Standard Homeopathic Company, requests that the United States Patent and Trademark Office ("USPTO") amend the mark applied for and the drawing page from:



to:



The change is insignificant and not a material alteration of the mark. The content area of the mark contains the same name, stylized letters, design and colors claimed. The only changes are deletion of the (i) top edge portion (ii) right edge portion (iii) bottom edge portion and (iv) left edge portion. The deletion of the top, right, bottom, and left edge portions should not be considered a material alteration because the edges are not distinctive matter and the overall commercial impression of the drawing has not been altered.

Applicant is electronically submitting a new drawing to conform to other trade dress drawings accepted by the USPTO.

Applicant claims the same colors claimed when the above-referenced application was filed, namely, 'brown, orange, blue, white and silver.'

Applicant also requests that the following description for the mark be accepted.

In its upper portion, the mark consists of a brown background with a white burst on a brown background. "Hyland's" appears in stylized white letters in a blue oval within a white outline to the upper left of the white burst. Below the white burst on a brown background is a silver curving horizontal line. Beneath the silver curving horizontal line is an orange field.

In light of the foregoing, Applicant respectfully requests that this Application be amended and published for opposition. Should there remain any outstanding issues, please call the undersigned at 212 318 3183.

Dated: May 9, 2011

Respectfully submitted,

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