

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

Applicant: Grow Financial Federal Credit Union  
Trademark: GROW (Stylized)



Serial No.: 86/434,309  
International Class: 36  
Filing Date: October 24, 2014  
To: Michael Eisnach  
Trademark Examining Attorney  
Law Office 104  
Our ref: 10900-3

**RESPONSE TO OFFICE ACTION**

In an Office Action dated February 12, 2015, the United States Patent and Trademark Office preliminarily refused registration of the above-captioned mark pursuant to Section 2(d) of the Trademark Act. 15 USC §1052(d). Additionally, the Office Action raised certain informalities associated with the application. Applicant submits the following response in support of registration.

I. **AMENDED DESCRIPTION OF THE MARK**

The Office Action required applicant to provide a more complete description of the applied-for mark. Applicant respectfully requests the Examining Attorney to amend the application as follows:

**The mark consists of the word "grow" in a stylized font with a single leaf growing from the top of the "g."**

II. STATEMENT OF OWNERSHIP

The cited U.S. Trademark Registration No. 3,376,331 for GROW FINANCIAL FEDERAL CREDIT UNION (Stylized):



has been assigned to Applicant, as recorded in Reel/Frame 5467/0138 on or about February 26, 2015. Accordingly, Applicant's Reg. No. 3,376,331 should no longer operate as a bar to registration of the applied-for mark.

III. NO LIKELIHOOD OF CONFUSION

The Office Action preliminarily refused registration of Applicant's mark GROW (Stylized) on the ground that it is allegedly confusingly similar two marks owned by BancorpSouth Bank, both registered in or about November 2013. They are:

U.S. Trademark Reg. No. 4428802	
U.S. Trademark Reg. No. 4439373	

Response to Office Action  
Trademark: GROW (Stylized)  
Serial No.: 86/484,309  
Our ref: 10900-3  
Page 3

Applicant respectfully submits that its U.S. Reg. No. 3,376,331 has been registered since January 29, 2008, and thus predates BancorpSouth Bank's cited marks by more than five years.

IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests the Examining Attorney to withdraw the refusal to register, and pass Applicant's mark on to publication.

Dated: August 6, 2015

Respectfully submitted,

AKERMAN, LLP

By: /Rachel B. Rudensky/  
Mark D. Passler  
Rachel B. Rudensky  
777 South Flagler Drive  
Suite 1100, West Tower  
West Palm Beach, Florida 33401  
Tel: 561-653-5000  
Fax: 561-659-6313  
Email: ip@akerman.com