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April 12, 2018

Examiner Marc J. Leipzig
Law Office 115
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



Re: Serial No 87841807 " PODCAST "

Dear Examiner Leipzig:

Enclosed herewith is the Response and Amendment of the Applicant, Naismith Memorial Basketball Hall of Fame, Inc., with respect to the above mentioned case. The Response is filed in a timely manner and therefore no additional fees are required. We appreciate your cooperation with this application for registration. Please contact me with any questions or concerns.

Very truly yours,

Deborah A. Basile

DAB/kah
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 87/841807

Applicant: Naismith Memorial Basketball Hall of Fame, Inc.

Mark:



Filing Date: March 20, 2018

Examiner: Marc J. Leipzig

Law Office: 115

RESPONSE AND AMENDMENT

The Applicant submits this Response and Amendment in response to the Office Action of the Examiner dated April 12, 2018.

1. **No Conflicting Marks.** The Applicant acknowledges that the trademark Examining Attorney has searched the Office's database of pending and registered trademarks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d).

2. **Description of Mark.** Applicant adopts the following description of the applied for mark:

"The mark consist of a halved sphere between a pair of headphones and a small circular billboard in the upper right of the mark, said billboard being in the shape of a basketball and featuring the words "BASKETBALL HALL OF FAME" in small uppercase font, with the wording "SPRINGFIELD MASS" at the bottom of the billboard, all of which appear between two slightly bent lines to the left and right of the

circular billboard; the wording "BASKETBALL HALL OF FAME" appears below the sphere design, with the underlined words "LEGENDS" just below that; the word "PODCAST" appears at the bottom of the mark."

3. **Disclaimer.** No claim is made to the exclusive right to use "BASKETBALL HALL OF FAME" apart from the mark as shown.

No claim is made to the exclusive right to use "PODCAST" apart from the mark as shown.

No claim is made to the exclusive right to use "SPRINGFIELD MASS" apart from the mark as shown.

4. **Recitation of Services.** The Applicant adopts the following recitation of services: *entertainment services, namely, providing video and audio podcasts in the field of basketball; audio production services, namely, creating and producing ambient soundscapes and sound stories for museums, galleries, attractions, podcasts, broadcasts and websites, in International Class 41.*

5. **Multiple Class Requirements.** The Applicant intends to prosecute this trademark Application in one class, namely, class 41.

6. **Drawing.** The Applicant acknowledges that the drawing is unacceptable because it is unclear and does not show all aspects of the mark in sufficient detail. The Applicant submits herewith a replacement drawing without any amendments or changes which is a clear depiction of the mark.

The drawing is submitted in black and white. Color is not a claimed feature of the mark.

7. **Color Drawing.** As stated above, the Applicant clarifies that color is not a feature of the mark and Applicant submits a substitute black and white drawing of the mark to replace the color drawing of record. The Applicant has amended the Application to provide a description of the mark which does not refer to color.

We believe this Response and Amendment places this Application in condition for allowance.

Respectfully submitted as a sealed instrument on this 12 day of April, 2018.



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BASKETBALL HALL OF FAME

LEGENDS

PODCAST