

## Response to Office Action for U.S. Trademark Application No. 88067388

### I. The Mark is Not Primarily Geographically Descriptive.

The Section 2(e)(2) refusal should be withdrawn, because the mark THE LOOP (stylized) is not primarily geographically descriptive.

First, the primary significance of the phrase THE LOOP is not a “**generally known** geographic place or location.” As the TTAB recently pointed out in its precedential decision in In re Broken Arrow Beef and Provision, LLC (129 U.S.P.Q.2d 1431 (T.T.A.B. 2019) (reversing 2(e)(2) refusal of BA BEEF), and as it previously emphasized in In re Trans Cont’l Records, 62 U.S.P.Q. 2d 1541 (T.T.A.B. 2002) (reversing 2(e)(2) refusal of O-TOWN), local geographic nicknames are not necessarily “generally known” geographic places or locations. Even though there may be evidence in national media showing that millions of people within a state or region are aware of the geographic nickname, that does not mean that consumers elsewhere in the United States are aware of that nickname. See In re Trans Cont’l Records, 62 U.S.P.Q. 2d at 1544. The relevant issue is not whether locals recognize the mark as a geographic nickname but rather whether consumers throughout the entire United States would understand the mark to be a geographic nickname. On the whole, when considering the average U.S. consumer (and not only consumers residing in the Chicago area), the phrase THE LOOP is not a “generally known” geographic location but is rather, at most, an obscure geographic location.

Second, to the average U.S. consumer, the **primary** significance of the stylized mark THE LOOP is not geographic. Again, the average U.S. consumer (and likely all consumers outside the Chicago area) are unlikely to know that THE LOOP is allegedly a geographic nickname. Instead, in the radio and music context, the phrase THE LOOP has other common connotations: the “loop” is the part of a song that plays over and over (i.e., a repeating music phrase). A feedback “loop” is also the ear-piercing sound that we have all heard when a microphone or guitar pickup has been placed too close to an amplified speaker. For such reasons, the primary significance of the mark THE LOOP (stylized) is not a “generally known geographic place or location.”

### II. Response to Request for Information Regarding Applicant’s Services.

In the Office Action, the Examining Attorney stated that Applicant “must provide a written statement specifying where the services will come from or will originate.” Applicant’s services covered in this application have been provided in Chicago, Illinois. Applicant intends to continue providing such services in Chicago, Illinois; however, the application’s service description is not limited to Chicago, Illinois, and the services may be provided outside Chicago, Illinois.

### III. The Submitted Specimen is Acceptable.

In the Office Action, the Examining Attorney objected to the submitted specimen because “the specimen shows internet radio broadcasting services. Therefore, the specimen is not acceptable to show the applied-for mark in use in commerce with the services identified in the application.”

The services identified in the application are “radio broadcasting services.” Even if, as the Examining Attorney asserts, the submitted specimen shows “internet radio broadcasting services,” the submitted specimen should be accepted because “internet radio broadcasting services” are a subset of “radio broadcasting services”. In other words, the specimen submitted refers to a particular type of radio broadcasting services. The specimen also expressly promotes the provision of the services via Alexa (i.e., the specimen shows that consumers can receive the radio broadcasting services live without the use of the internet).

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For the foregoing reasons, Applicant requests that the specimen be accepted, that the refusal be withdrawn, and that the application be approved for publication. Thank you.