

U.S. Trademark application serial number: 88109546

In an Office Action dated December 11, 2018, the Examining Attorney raised the following issues:

- 1) Section 2(e)(4) Refusal – Primarily Merely a Surname
- 2) Advisory: Claim of Acquired Distinctiveness – Section 2(f)
- 3) Identification and Classification of Services
- 4) Advisory: Multiple Class Applications

In response, Applicant submits the following:

1-2) Surname Refusal and Acquired Distinctiveness Statement: The Examining Attorney refused registration of the applied-for mark because the mark is primarily merely a surname. Without acquiescing to the merits of the refusal and in the sole interest of furthering prosecution towards a Notice of Allowance, Applicant hereby amends this application to a Section 2(f) application based on five years use. Applicant hereby submits the following claim of acquired distinctiveness:

The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

3) Identification and Classification of Services: The Examining Attorney has indicated that that the identification of services is indefinite and must be clarified. In response, Applicant has elected class 41 and amended the description of services for class 41 to adopt the identification proposed by the Examining Attorney. The amendment to the description of goods/services is as follows:

Providing educational and entertainment services, namely, presentations, seminars, exhibitions, guided museum tours, and in-person forums related to boats, boating, and boating enthusiasts.

4) Applicant does not wish to pursue registration of services within the following classifications: Class 35: Providing purchase advisory and consulting services to consumers for the purchase of boats; online retail store services featuring boats; Class 37: Boat maintenance and repair consultation services; providing online websites that feature information about boat maintenance and repair service; Class 39: Archival services, namely, collection and storage of historical records and documents related to boats, boating, and boating enthusiasts; providing online websites featuring information in the field of boat transportation, and Class 45 Online social networking services related to boats, boating and boating enthusiasts.

Accordingly, Applicant hereby deletes the description of these services from the identification of goods and services. Since the description of goods and services has been amended in accordance with the Examining Attorney's recommendation, Applicant respectfully requests that the rejection of the Identification and Classification of Services be withdrawn. Conclusion: Having thus responded to all outstanding issues raised in the Office Action, Applicant respectfully requests that Application No. 88109546 be approved.