

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

Applicant : GameCo LLC  
Serial No. : 88/103,577  
Filed : September 4, 2018  
Mark : GAMECO  
Examining Attorney : Katherine M. Eissenstat

**RESPONSE TO OFFICE ACTION**

Katherine M. Eissenstat  
Trademark Examining Attorney  
Law Office 127  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**I. SECTION 2(e)(1) REFUSAL**

Applicant hereby submits that the Examining Attorney's position is not consistent with principles of trademark law and Applicant requests that the refusal be withdrawn for the following reasons:

1. Applicant's mark is not merely descriptive nor generic. On the other hand, applicant contends that Applicant's mark is suggestive.

There are two reasons the mark is not merely descriptive or generic. First, by utilizing a single word "GAMECO" rather than two words (i.e., "GAME CO."), Applicant's mark at first blush is a new word. That is, the immediate thought when seeing Applicant's mark is not synonymous with Game Company but rather the thought is one of seeing a new word. An analogous mark is PETCO for pet stores. PETCO has been registered (see, U.S. Trademark Registration No. 5269533). During prosecution descriptiveness was never raised.

Second, and to a lesser degree, is Applicant's mark has a color component. The bright red color component serves to draw attention to the color of Applicant's mark rather than the immediate conclusion that GameCo means Game Company as suggested by the examining attorney.

Applicant is willing to move to the supplemental register dependent upon the examining attorney reconsidering her position that Applicant's mark may be generic.

## II. CONCLUSION

Based on the foregoing, Applicant respectfully submits that Applicant's mark is not merely descriptive or generic such that the pending application should be placed in condition for publication.

Date: July 3, 2019

Respectfully submitted,

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