

RESPONSE TO OFFICE ACTION

U.S. Trademark Application Serial No.: 88228901

Mark: HIGH TECH MIDDLE

Applicant: High Tech High

Attorney Docket No.: 11939108US01

Office Action Issued: March 18, 2019

I. SECTION 2(f) ACQUIRED DISTINCTIVENESS

The words “HIGH TECH” in the mark has become distinctive of the services based on exclusive and continuous use of the mark in commerce since 2000, as evidenced by the ownership of active U.S. Registration Nos. 3515169, 3515125 and 3888727 on the Principal Register for the same mark for sufficiently similar services. Additionally, the distinctive term "HIGH TECH" in the mark is encompassed within each of the active prior registrations, and therefore, the mark is the legal equivalent because it “creates the same, continuing commercial impression such that the consumer would consider them the same mark.”

II. ADVISORY – DISCLAIMER REQUIREMENT

No claim is made to the exclusive right to use “MIDDLE” apart from the mark as shown.

Should any outstanding issues remain, the Examining Attorney is courteously invited to contact Lisel M. Ferguson via telephone at 619-515-3207, or via email at lisel.ferguson@procopio.com.

Respectfully submitted,

/ Lisel M. Ferguson/

Lisel M. Ferguson

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