

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK LAW OFFICE 127  
SERIAL NUMBER 88295482

MARK:



**RESPONSE TO OFFICE ACTION**

**TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:**

IN RESPONSE TO THE ABOVE-REFERENCED OFFICE ACTION, the Applicant hereby submits the following.

In the Office Action of May 1, 2019, the Examining Attorney preliminarily denied Applicant's application for FLORIDA (hereafter "Application"). The Applicant respectfully disagrees and responds as follows:

**Response to Office Action:**

In the office action the Examining Attorney refused registration under Section 2(e)(2), namely, that the Application was primarily geographically descriptive. In response, the Applicant has disclaimed the word FLORIDA. Under the Trademark Act, the USPTO only requires that an applicant disclaim any unregistrable component of a mark otherwise registrable, including design elements. 15 U.S.C. §1056(a). Here, with the word FLORIDA disclaimed, what remains registrable are the design elements of the Applicant's mark.

Furthermore, the Principal Register is filled with design/composite marks that have disclaimed the entirety of their literal portions, rendering the design elements as the protectable portion of the respective marks. Attached as Exhibit A, please find a non-comprehensive list of **design marks which have disclaimed all of their literal elements**. It is noted that the below marks bear the same drawing type (3 – an illustration drawing which includes word(s)/letters(s)/number(s)) and are not registered under Section 2(f).

Trademark	Registration Number
BAHIA HONDA TARPON CHARTERS	5001563
CHILDREN'S HEART ASSOCIATIONS OF CINCINNATI	4987372
MINNESOTA CHILDREN'S MUSEUM	4961639
HEALTH & WELLNESS ALLIANCE FOR CHILDREN	4935497
CHILDREN'SHEALTH	4923617
THE CHILDREN'S PHARMACY	4897513
CHILDREN'S	4883922
CENTER FOR CHILD & FAMILY HEALTH	4844642
MY CHILD'S THERAPIST	4670668
CHILDREN'S BEREAVEMENT CENTER	4618790
DENTISTRY FOR CHILDREN	4440361
COLUMBIA DENTISTRY FOR CHILDREN	3626643
PALM BEACH CHILDREN'S DENTISTRY	4497189

If a mark like BAHIA HONDA TARPON CHARTERS (of which the undersigned is the attorney of record), DENTISTRY FOR CHILDREN and PALM BEACH CHILDREN'S DENTISTRY (both for children's dentistry), then surely Applicant is also deserving of registration on the Principal Register.

Therefore, the Applicant respectfully requests that the Examining Attorney allow Applicant's Application to proceed to publication. If for some reason the Examiner continues to believe that the present application is not in condition for (561) 295-7325 to discuss any possible amendments of the like which places the case in condition for publication, or arrange an Examiner's amendment to put the case in condition for publication. Thank you for your consideration.

By: /Francis J. Ciaramella/  
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