

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Park Rx America

Examining Attorney: Ankhi Lindemyer

Application Ser. No.: 88357965


Law Office: 123

Mark: 

Office Action Date: June 06, 2019

Class: 44

RESPONSE TO OFFICE ACTION

On June 6, 2019, the Examining Attorney issued an Office Action requesting clarification of the services covered in Park Rx America's (the "Applicant") application for the  mark (the "Applicant's Mark") and an amendment to the mark description.

Applicant hereby submits an amendment to its recitation of services in Class 44 and the mark description.

I. Amendment to Recitation of Services

Applicant amends its recitation of services in Class 41 to read as follow (explained further below):


[Class 44]: Providing medical information on a website featuring topics on health and social services, happiness, and wellness; Healthcare services, namely, providing healthcare information via messages, searchable database, and summaries for use in providing and documenting the prescription of nature to healthcare consumers; **Providing information about health and wellness programs to medical professionals, community organization, park agencies, and patients; providing a website featuring information on the health and wellness benefits of parks, outdoor recreational activities, and health club facilities**


Applicant respectfully notes that Applicant has two companion applications filed in Class 41, U.S. Application Serial No. 88357958, and Class 42, U.S. Application Serial No. 88357962. The Examining Attorney assigned to this subject Class 44 application is also assigned to the two companion applications in Classes 41 and 42.

The *Trademark Manual of Examining Procedure (TMEP)* allows an applicant to request that an Examining Attorney move items of goods or services from one application to another.


Section 1402.08 of the TMEP states in relevant part:

“If an applicant has filed separate applications to register the same mark, the applicant may, in a limited situation, amend to move items of goods or services from one application to another, if the application from which the item to be moved was filed on or before the filing date of the application to which it is to be moved. Such an amendment will be permitted only if some of the goods/services in one application should be classified in a different class and the companion application includes that class.”

Trademark Manual of Examining Procedure, Section 1402.08 Moving Goods and Services Between Companion Applications. The subject Class 44 application and the companion Class 41 and Class 42 applications were all filed on the same day, March 26, 2019, and all three applications were filed for the identical mark, .

In the Office Action to Applicant’s companion application, U.S. Application Serial No. 88357958 for Class 41, the Examining Attorney requested the reclassification of “Providing information about health and wellness programs to medical professionals, community organization, park agencies, and patients” services to Class 44. As explained above, the subject Class 44 application and the companion Class 41 application were both filed on the same day, March 26, 2019, and both applications were filed for the identical mark, . Therefore, under TMEP Section 1402.08, Applicant respectfully requests that the above-referenced services for Class 41 in U.S. Application Serial No. 88357958 be **transferred into this** instant application, with no additional Class fee to be incurred.

Similarly, in the Office Action to Applicant’s companion application, U.S. Application Serial No. 88357962 for Class 42, the Examining Attorney requested the reclassification of “providing a website featuring information on the health and wellness benefits of parks, outdoor

recreational activities, and health club facilities” services to Class 44. The subject Class 44 application and the companion Class 42 application were both filed on the same day, March 26, 2019, and both applications were filed for the identical mark, . Therefore, under TMEP Section 1402.08, Applicant respectfully requests that the above-referenced services for Class 42 in U.S. Application Serial No. 88357962 be **transferred into this** instant application, with no additional Class fee to be incurred.

Thus, the recitation of services for this subject application in Class 44 should read as follows:

[Class 44]: Providing medical information on a website featuring topics on health and social services, happiness, and wellness; Healthcare services, namely, providing healthcare information via messages, searchable database, and summaries for use in providing and documenting the prescription of nature to healthcare consumers; Providing information about health and wellness programs to medical professionals, community organization, park agencies, and patients; providing a website featuring information on the health and wellness benefits of parks, outdoor recreational activities, and health club facilities

II. Mark Description Amendment

In accordance with the Examiner’s request, Applicant submits following amendment to the mark description:

The mark consists of the wording “RX”; the hole in the upper portion of the letter “R” appears in the shape of an evergreen tree formed by three stacked triangles; the space between the two legs of the letter “R” appears in the shape of a slightly curved street.

III. Conclusion

In view of the foregoing amendment to the identification of services and mark amendment, Applicant respectfully requests the Examining Attorney move Applicant’s application forward and allow this application to pass to publication towards registration.

Should anything further be required, a telephone call to the undersigned at (949) 732-6681 is respectfully solicited.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: November 8, 2019

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