

U.S. Trademark Application No. 88/368,252
Mark: SAMMIES
Applicant: Partnership for Public Service, Inc.
SKGF Ref: 3383.0080000

In an Office Action issued May 9, 2019, the Examining Attorney raised the following issues that must be addressed before this application can be approved for publication: (1) refusal of the specimen of use; (2) the mark on the specimen does not match the drawing; and (3) inquiry as to whether a living individual's consent is required for registration.

Applicant Partnership for Public Service, Inc. addresses these issues in turn, below.

1. Specimen Refusal

The Examining Attorney has refused the application on the basis that the specimen of use does not show a direct association between the mark and the applied-for recognition awards services. Applicant respectfully disagrees with the Examining Attorney's view, given that (as noted in the Office Action itself), the portions of Applicant's website submitted as the specimen of use display the applied-for mark SAMMIES in two instances: the first at the top of a colored informational box entitled "About the Sammies" in large font, then providing a link to the history, founders, and background of Applicant's SAMMIES award services, and the second as the title of a video box "Highlights from the #Sammies2018," above a video presenting footage from Applicant's 2018 awards program.

In any event, Applicant submits as a substitute specimen the program for its 2018 SAMMIES awards ceremony, which features the SAMMIES mark on pages 7, 13, 30, and 31. Applicant confirms that this specimen was in actual use in commerce at least as early as the filing date of the application.

2. Drawing/Specimen Matching

The Examining Attorney has also refused registration on the basis that the mark appearing on the specimen and in the drawing do not match, as the specimen of use shows the mark as "#SAMMIES2018." Applicant also respectfully disagrees with this conclusion. As discussed above, the specimen of use displays Applicant's SAMMIES mark in at least two places: the first is "About the Sammies" in a large-font website box headline, and the second instance, "#SAMMIES2018," is clearly a social media-style play on Applicant's SAMMIES mark, to indicate that the accompanying content (in the case of the specimen, a video featuring highlights from the 2018 SAMMIES awards ceremony) relates to the 2018 version of Applicant's awards services.

In any event, Applicant's substitute specimen of use, the program from its 2018 SAMMIES awards program, displays the SAMMIES mark as it exactly matches the SAMMIES drawing in the application, on pages 7, 13, 30, and 31.

3. Living Individual Inquiry

The Examining Attorney has requested that Applicant clarify whether the name SAMMIES in the mark identifies a particular living individual. Applicant confirms that the mark SAMMIES is a play on the formal name of its awards services, the **S**ervice to **A**merica **M**edals – i.e., "SAMs," or

“SAMMIES,” as they have become known in the government service industry. Accordingly, Applicant states that the name shown in the mark does not identify a particular living individual.

Conclusion

Applicant respectfully submits that it has addressed the issues set forth in the Office Action, and requests that the application be approved for publication.