То:	ALCO I.P. LLC (stacey@welkerlawfirm.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 88351973 - NO LIMIT GOLF - N/A
Sent:	6/12/2019 8:46:38 AM
Sent As:	ECOM113@USPTO.GOV
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#### UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 88351973

MARK: NO LIMIT GOLF \*88351973\*

CORRESPONDENT ADDRESS: STACEY WHITE-WELKER, ESQ. WHITE-WELKER & WELKER, LLC P.O. BOX 199 TRADEMARK DOCKET CLEAR SPRING, MD 21722-0199 APPLICANT: ALCO I.P. LLC

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CORRESPONDENT'S REFERENCE/DOCKET NO: N/A CORRESPONDENT E-MAIL ADDRESS:

stacey@welkerlawfirm.com

#### **OFFICE ACTION**

#### STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

#### ISSUE/MAILING DATE: 6/12/2019

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### **Summary of Issues:**

- Section 2(d) Refusal Likelihood of Confusion
- Section 2(e)(1) Refusal Applied for Mark is Merely Descriptive
- Identification of Goods and Services Indefinite, Misclassified, and Too Broad Amendment Required
- Request for Information Response Required

#### Section 2(d) Refusal – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2954242, 4395122, 4973990. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. See the attached registrations. Applicant applied for the mark NO LIMIT GOLF in standard characters for "Arranging and conducting athletic competitions; Entertainment in the nature of golf tournaments; Entertainment in the nature of competitions in the field of athletic and sports events; Entertainment services, namely, arranging and conducting of competitions for athletic and sports events, competitions, exhibitions, tournaments and international tournaments rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service; Entertainment services, namely, providing computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Providing online reviews of computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media; Entertainment services, namely, providing computer model of reality in which users can interact through social games for recreational, leisure or entertainment purposes; Production and distribution of motion pictures; Production and distribution of radio programs; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programs; Providing games and game applications in the field of sports; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programs; Providing games and game applications on social, mobile, personal electronic devices, portable

electronic devices and gaming platforms; Providing interactive games and gaming via internet website portal; Providing electronic games; Conducting and providing facilities for gaming contests and tournaments; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours for recreational computer game playing purposes; Radio program syndication; Television program syndication; Betting services; Gambling services; Wagering services; Educational services, namely, conducting classes, seminars and workshops in the field of computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Providing of information relating to computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Gaming; Interactive gaming; Organizing and conducting contests, tournaments and other games of chance; Organizing, conducting and operating live gaming contests and tournaments; Computer game software; Electronic game programs; Downloadable computer game programs; Interactive game programs; Computer software platforms for on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications; Electronic software updates, namely, downloadable computer software and associated data files for updating computer software in the fields of on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications, provided via computer and communication networks; Video game software; Video game programs; Computer software platforms for social networking; Interactive video game programs; Downloadable electronic game programs; Computer software platforms for social networking that may be accessed via the internet, computers, computer operating systems and wireless devices; Computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information in the fields of virtual communities, electronic gaming, entertainment, and general interest via the internet or other communications networks with third parties; Computer programs for video and computer games; Downloadable electronic game software for cellular telephones; Downloadable electronic game software for wireless devices; Downloadable electronic game software for use with social networking applications and on social networking websites."

RN 2954242 - NO LIMIT LACROSSE in standard characters for "Education and entertainment services, namely, providing, organizing and conducting sports camps, clinics, athletic instruction, sports programs and sporting events in the field of lacrosse" in Class 41.

RN 4395122 - NO LIMIT PUB POKER TOUR with design for "Conducting and providing facilities for special events featuring casino and gaming contests and tournaments; Entertainment services, namely, conducting contests; Entertainment services, namely, conducting parties" in Class 41.

RN 4973990 - NO LIMIT SLOTS in standard characters for "Downloadable computer and electronic game programs that may be accessed via the internet, smart phones, and wireless devices" in Class 09.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "*du Pont* factors"). *In re i.am.symbolic*, *Ilc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are "relevant and of record" need be considered. *M2 Software*, *Inc. v. M2 Commc'ns*, *Inc.*, 450 F.3d 1378, 1382, 78 USPQ2d 1944, 1947 (*Fed. Cir. 2006*) (*citing Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1241, 73 USPQ2d 1350, 1353 (Fed. Cir. 2004)); see *In re Inn at St. John's*, *LLC*, 126 USPQ2d 1742, 1744 (TTAB 2018).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the [services] and differences in the marks."); TMEP §1207.01.

#### Similarity of the Marks

#### RN 2954242 - NO LIMIT LACROSSE; RN 4395122 - NO LIMIT PUB POKER TOUR; RN 4973990 - NO LIMIT SLOTS

Here, the marks all share the identical wording NO LIMIT combined with highly descriptive or generic terms. This results in the marks have a similar sound, appearance, and overall commercial impression.

LIMIT means "Something that restricts or restrains; a restraint." See <u>https://www.ahdictionary.com/word/search.html?q=limit</u>. The commercial impression of NO LIMIT refers to having no restraints, and invokes a sense of courage or willingness to exceed boundaries. All of the marks share this commercial impression in relation to their goods and services.

The presence of NO LIMIT at the beginning of the mark is significant because it is the portion of the mark that consumers notice for source identifying significance. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE ... remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part

because "consumers must first notice th[e] identical lead word"); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first"). Thus, the identical portion of the mark, which invokes the same commercial impression, has the same sound, and same appearance, is also the most prominent feature by which consumers will call on the goods and remember them.

Furthermore, the addition of the terms GOLF, LACROSSE, PUB POKER TOUR, and SLOTS is less significance in creating a commercial impression because it is generic or highly descriptive for the respective goods and services. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's services is typically less significant or less dominant when comparing marks. *See In re Dixie Rests.*, *Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). Additionally, matter that is descriptive of or generic for a party's services is typically less significant or less dominant in relation to other wording in a mark. *See Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015) (citing *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004)).

In the present case, LACROSSE, PUB POKER TOUR, and SLOTS are all disclaimed as descriptive in the registered mark. Furthermore, the wording GOLF in the applied-for registrant's mark is merely descriptive of or generic for its services, as applicant has identified the subject matter of its goods as services to be golf and golf related. Thus, this wording is less significant in terms of affecting the mark's commercial impression, and renders the wording NO LIMIT the more dominant element of the marks.

The stylization in RN 4395122 will not obviate likelihood of confusion. When evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the services. *In re Aquitaine Wine USA, LLC,* 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Viterra Inc.,* 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.,* 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.,* 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Ultimately, when purchasers call for the services of applicant and the registrants' they are likely to be confused as the source of those services due to the overall similarity between the marks. Thus, the marks are confusingly similar.

#### Relatedness of the Services

The compared services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

In this case, the application uses broad wording to describe "Betting services; Gambling services; Wagering services, Gaming; Interactive gaming Organizing and conducting contests, tournaments and other games of chance", which presumably encompasses all services of the type described, including R RN 4395122's more narrow "Conducting and providing facilities for special events featuring casino and gaming contests and tournaments; Entertainment services, namely, conducting contests; Entertainment services, namely, conducting live poker games". *See, e.g., In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's services are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v.Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, applicant's "Arranging and conducting athletic competitions, Entertainment in the nature of competitions in the field of athletic and sports events; Entertainment services, namely, arranging and conducting of competitions for athletic and sports events, competitions, exhibitions, tournaments and international tournaments rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service, Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media" and related services encompass RN 2954242's "Education and entertainment services, namely, providing, organizing and conducting sports camps, clinics, athletic instruction, sports programs and sporting

events in the field of lacrosse".

Furthermore, applicant's various identifications of computer and electronic games and software encompass RN 4973990's ""Downloadable computer and electronic game programs that may be accessed via the internet, smart phones, and wireless devices".

Additionally, the services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant's and registrant's services are related.

#### Response to Section 2(d) - Likelihood of Confusion Refusal

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

#### Advisory: Registration May be Refused Based on Prior Pending Applications

The filing date of pending U.S. Application Serial Nos. 88179528 and 88411746 precede applicant's filing date. See attached referenced applications. If any of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between it and the registered mark. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues. Notwithstanding the foregoing, applicant must respond to the refusal and requirements set forth below within 6 months of the issue/mailing date of this Office Action.

#### Section 2(e)(1) Refusal - Applied for Mark is Merely Descriptive

Registration is refused because the applied-for mark merely describes a feature of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq*.

A mark is merely descriptive if "it immediately conveys information concerning a feature, quality, or characteristic of [an applicant's] services or services." *In re N.C. Lottery*, 866 F.3d 1363, 1367, 123 USPQ2d 1707, 1709 (Fed. Cir. 2017) (citing *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); TMEP §1209.01(b); *see DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978)).

The applicant has applied to register the mark NO LIMIT GOLF in in standard characters for "Arranging and conducting athletic competitions; Entertainment in the nature of golf tournaments; Entertainment in the nature of competitions in the field of athletic and sports events; Entertainment services, namely, arranging and conducting of competitions for athletic and sports events, competitions, exhibitions, tournaments and international tournaments rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service; Entertainment services, namely, providing computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Games enhancements within computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Providing online reviews of computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media; Entertainment services, namely, providing computer model of reality in which users can interact through social games for recreational, leisure or entertainment purposes; Production and distribution of motion pictures; Production and distribution of radio programs; Production and distribution of television shows and movies; Production of cable television programs; Providing news and information in the field of sports; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programs; Providing games and game applications on social, mobile, personal electronic devices, portable electronic devices and gaming platforms; Providing interactive games and gaming via internet website portal; Providing electronic games; Conducting and providing facilities for gaming contests and tournaments; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours for recreational computer game playing purposes; Radio program syndication; Television program syndication; Betting services; Gambling services; Wagering services; Educational services, namely, conducting classes, seminars and workshops in the field of computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Providing of information relating to computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Gaming; Interactive gaming; Organizing and conducting contests, tournaments and other games of chance; Organizing, conducting and operating live gaming contests and tournaments; Computer game software; Electronic game programs; Downloadable computer game programs; Interactive game programs; Computer software

platforms for on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications; Electronic software updates, namely, downloadable computer software and associated data files for updating computer software in the fields of on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications, provided via computer and communication networks; Video game software; Video game programs; Computer software platforms for social networking; Interactive video game programs; Downloadable electronic game programs; Computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information in the fields of virtual communities, electronic gaming, entertainment, and general interest via the internet or other communications networks with third parties; Computer programs for video and computer games; Downloadable electronic game software for cellular telephones; Downloadable electronic game software for wireless devices; Downloadable electronic game software for use with social networking websites."

The attached evidence demonstrates that NO LIMIT is a common phrase in the gambling, wagering, and betting industry that merely described when there is no an upper bounds on how much may be wagered.

- <u>https://azbookmakers.com/bookmakers-that-dont-limit</u> (There are generally proven no limit bookmakers that have fine working relationships with their customers and accept all kind of betting strategies or techniques, these are the so called bookmakers that don't limit accounts.)
- <u>https://www.poker-king.com/dictionary/no-limit-texas-holdem/</u> (No Limit Texas Hold'em is different to Limit Hold'em in that players can bet an unlimited amount of money when the action is on them.)
- https://www.betnow.eu/horseracing/betting-limits/ (showing NO LIMIT to demonstrate no bounds on the wager limit)

NO LIMIT is descriptive of applicant wagering, betting, and gambling services in that there is no upper limit to the amount that may be wagered. Additionally, NO LIMIT is descriptive of applicant's software and related services because the subject matter involves a game in which wagers can be made and there is no upper bounds to the wager amount. Furthermore, applicant has identified its services as relating to the sport of golf.

Generally, if the individual components of a mark retain their descriptive meaning in relation to the services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB (2002)); TMEP §1209.03(d); *see, e.g., Apollo Med. Extrusion Techs., Inc. v. Med. Extrusion Techs., Inc.*, 123 USPQ2d 1844, 1851 (TTAB 2017) (holding MEDICAL EXTRUSION TECHNOLOGIES merely descriptive of medical extrusion services produced by employing medical extrusion technologies); *In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2015) (holding SMART SERIES merely descriptive of metal gun safes); *In re King Koil Licensing Co.*, 79 USPQ2d 1048, 1052 (TTAB 2006) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs, and pillows).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's services and do not create a unique, incongruous, or nondescriptive meaning in relation to the services. Specifically, the mark immediately informs the consumer that the subject matter of applicant's goods and services is a golf game in which wagers with no upper bounds can be made.

Therefore, the mark NO LIMIT GOLF as applied to the identified services merely describes a feature of the goods and services. Accordingly, the proposed mark is merely descriptive and registration is refused on the Principal Register under Section 2(e)(1) of the Trademark Act.

#### Response to Section 2(e)(1) – Merely Descriptive Refusal

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. Although an amendment to the Supplemental Register would normally be an appropriate response to this refusal, such a response is not appropriate in the present case. The instant application was filed under Trademark Act Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76 has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the application effective filing date will be the date applicant met the minimum filing requirements under 37 C.F.R. §2.76(c) for an amendment to allege use. TMEP §§816.02, 1102.03; *see* 37 C.F.R. §2.75(b). In addition, the undersigned trademark examining attorney will conduct a new search of the USPTO records for conflicting marks based on the later application filing date. TMEP §§206.01, 1102.03.

#### Requirements for Filing an Acceptable Amendment to Allege Use

To amend an intent-to-use application under Trademark Act Section 1(b) to use in commerce, an applicant must file, prior to approval of the mark for publication, an acceptable amendment to allege use. *See* 15 U.S.C. §1051(c); 37 C.F.R. §2.76; TMEP §§806.01(b), 1103. An amendment to allege use must satisfy the following requirements:

- (1) STATEMENTS: The following statements: "The applicant is the owner of the mark sought to be registered." and "The applicant is using the mark in commerce on or in connection with all the goods and services in the application or notice of allowance, or as subsequently modified."
- (2) DATES OF FIRST USE: The date of first use of the mark anywhere on or in connection with the goods and services, and the date of first use of the mark in commerce as a trademark or service mark. See more information about dates of use.
- (3) GOODS AND SERVICES: The goods and services specified in the application.
- (4) SPECIMEN: A specimen showing how applicant uses the mark in commerce for each class of goods and services for which use is being asserted. If a single specimen supports multiple classes, applicant should indicate which classes the specimen supports rather than providing multiple copies of the same specimen. See more information about specimens.
- (5) FEE(S): A filing fee for each international class of goods and services for which use is being asserted (find <u>current fee</u> information).
- (6) VERIFICATION: Verification of (1) through (4) above in an affidavit or signed declaration under 37 C.F.R. §2.20. See more information about verification.

See 37 C.F.R. §2.76(b); TMEP §1104.08.

An <u>amendment to allege use may be filed online via the Trademark Electronic Application System (TEAS)</u>. Filing an amendment to allege use is not considered a response to an Office action. 37 C.F.R. §2.76(h); TMEP §1104. An applicant must file a separate response to any outstanding Office action. TMEP §1104; *see* 37 C.F.R. §2.76(h).

#### Benefits of Registration on the Supplemental Register

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages to the registrant:

- (1) Use of the registration symbol <sup>®</sup> with the registered mark in connection with the designated goods and services, which provides public notice of the registration and potentially deters third parties from using confusingly similar marks.
- (2) Inclusion of the registered mark in the USPTO's database of registered and pending marks, which will (a) make it easier for third parties to find it in trademark search reports, (b) provide public notice of the registration, and thus (c) potentially deter third parties from using confusingly similar marks.
- (3) Use of the registration by a USPTO trademark examining attorney as a bar to registering confusingly similar marks in applications filed by third parties.
- (4) Use of the registration as a basis to bring suit for trademark infringement in federal court, which, although more costly than state court, means judges with more trademark experience, often faster adjudications, and the opportunity to seek an injunction, actual damages, and attorneys' fees and costs.
- (5) Use of the registration as a filing basis for a trademark application for registration in certain foreign countries, in accordance with international treaties.

See 15 U.S.C. §§1052(d), 1091, 1094; J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* §§19:33, 19:37 (rev. 4th ed. Supp. 2017).

#### **REQUIREMENTS**

Applicant must also respond to the following requirements:

#### Identification of Goods and Services Indefinite, Misclassified, and Too Broad - Amendment Required

The wording "Downloadable computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information in the fields of virtual communities, electronic gaming, entertainment, and general interest via the internet or other communications networks with third parties" in the identification of goods is indefinite and must be clarified because the function of the software is not clear or definite. Software must indicate the function. The wording "or otherwise providing" does not provide the specific function of the software. Additionally, the field of use is unclear because the wording "virtual community" is not specific as to whether it modifies the type of media or information or the specific field in which the software is used. Finally, the wording "or other communications networks" does not identify the specific network on which the software is used, and therefore is indefinite. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

The wording "Providing games and game applications on social, mobile, personal electronic devices, portable electronic devices and gaming platforms," "Providing interactive games and gaming via internet website portal," "On-line gaming services," "in the identification of services is indefinite and must be clarified because the nature of the gaming must be further specified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

The wording "Entertainment services, namely, arranging and conducting of competitions for athletic and sports events, competitions, exhibitions, tournaments and international tournaments rendered live and through broadcast media including television and radio, and via a global computer network or a commercial on-line service" is indefinite because the specific sport for the tournament must be indicated and nature of the events, and exhibitions must be specified.

The wording "Entertainment services, namely, providing computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications via the Internet" is indefinite because the nature of e-sport gaming, interactive games, mobile games, social games and game applications must be clarified.

The wording "Entertainment services, namely, providing computer model of reality in which users can interact through social games for recreational, leisure or entertainment purposes" is indefinite because the nature of a "computer model of reality" is not specific.

The wording "Conducting and providing facilities for gaming contests and tournaments," "Organizing and conducting contests, tournaments and other games of chance for entertainment purposes," "Organizing, conducting and operating live gaming contests and tournaments" is indefinite because the type of contest and tournament must be further specified.

The wording "Providing of information relating to computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications" is indefinite. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because the nature of e-sport gaming, on-line games, interactive games, mobile games, social games and game applications is not sufficiently specific. Applicant has included the term "or" in the identification of goods and services. However, this term is generally not accepted in identifications when (1) it is unclear whether applicant is using the mark, or intends to use the mark, on all the identified goods and services; (2) the nature of the goods and services is unclear; or (3) classification cannot be determined from such wording. See TMEP §1402.03(a). In this case, it is unclear whether the applicant is using the mark, or intends to use the mark, on all of the identified goods and services.

An application must specify, in an explicit manner, the particular goods and services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. *See* 15 U.S.C. §1051(a)(2), (b)(2); 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Therefore, applicant should replace "or" with "and" in the identification of goods and services, if appropriate, or rewrite the identification with the "or" deleted and the goods and services specified using definite and unambiguous language.

The identification for software in International Class 42 is too broad. Software can be classified in three international classes (International Classes 9, 41, and 42) depending on whether the software is recorded on media, downloadable, or non-downloadable (either online or for temporary use), and if non-downloadable, whether it is game software. For information regarding proper classification of computer software, see TMEP \$ 1402.03(d), 1402.11(a)(xii), and the USPTO's online U.S. Acceptable Identification of Goods and Services Manual.

If applicant amends the identification to specify that the software is downloadable or recorded, applicant must re-classify the goods in Class 09.

Additionally, the following identifications are misclassified because they are downloadable software: "Downloadable computer game programs; Electronic software updates, namely, downloadable computer software and associated data files for updating computer software in the fields of on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications, provided via computer and communication networks; Downloadable electronic game programs; Downloadable electronic game software for cellular telephones; Downloadable electronic game software for use with social networking applications and on social networking websites". Applicant must amend the application to classify the goods in International Class 09. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

Applicant may substitute the following wording, if accurate (examiner's suggestions in bold italics):

Class 09 - Downloadable computer game programs; Electronic software updates, namely, downloadable computer software and associated data

files for updating computer software in the fields of on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications, provided via computer and communication networks; Downloadable electronic game programs; Downloadable electronic game software for cellular telephones; Downloadable electronic game software for wireless devices; Downloadable electronic game software for use with social networking applications and on social networking websites

Class 41 - Arranging and conducting athletic competitions; Entertainment in the nature of golf tournaments; Entertainment in the nature of [specify the service provided, e.g., arranging, conducting, etc.] competitions in the field of athletic and sports events, namely, [specify type of event, e.g., golf competitions, etc.]; Entertainment services, namely, arranging and conducting of competitions for athletic and sports events in the nature of [specify the type of event, e.g., golf tournaments, etc.], [specify the type of competition, e.g., athletic, etc.] competitions, exhibitions in the nature of [specify type of exhibition, e.g., golf exhibitions, etc.], [specify type of tournament, e.g., golf, etc.] tournaments and international [specify type of tournament, e.g., golf, etc.] tournaments rendered live and through broadcast media including television and radio, and via a global computer network and a commercial on-line service; Entertainment services, namely, providing online computer gaming, online electronic sport computer gaming, on-line computer games, online interactive computer games, online mobile computer games, online computer electronic social games and online computer game applications; [specify the services rendered, e.g., Providing information on-line relating to, etc.] games enhancements within computer gaming, electronic sport computer gaming, on-line computer games, interactive computer games, mobile computer games, computer electronic social games and computer game applications; Providing online reviews of computer gaming, electronic sport computer gaming, on-line computer games, interactive computer games, mobile computer games, computer electronic social games and computer game applications; Entertainment services, namely, organizing and conducting an array of athletic events rendered live and recorded for the purpose of distribution through broadcast media; Entertainment services, namely, providing computer model of reality in the nature of [clarify nature of goods, e.g., s virtual reality game service, etc.] in which users can interact through social games for recreational, leisure or entertainment purposes on-line from a computer network; Production and distribution of motion pictures; Production and distribution of radio programs; Production and distribution of television shows and movies; Production of cable television programs; Providing news and information in the field of sports; Providing various facilities for an array of sporting events, sports and athletic competitions and awards programs; Providing [specify type of games, e.g., online computer, etc.] games and [specify type of game application, e.g., mobile computer, etc.] game applications on social, mobile, and personal electronic devices, portable electronic devices and computer gaming platforms; Providing interactive computer games and online computer gaming via internet website portal; Providing [specify how games are accesses or type of games, e.g., online, etc.] electronic games; Conducting and providing facilities for [specify type of gaming contests, e.g., electronic computer, etc.] gaming contests and [specify the sport, e.g., golf, etc.] tournaments; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments, leagues and tours for recreational computer game playing purposes; Radio program syndication; Television program syndication; Betting services; Gambling services; Wagering services; Educational services, namely, conducting classes, seminars and workshops in the field of computer gaming, e-sport gaming, on-line games, interactive games, mobile games, social games and game applications; Providing of information relating to computer gaming, computer gaming, electronic sport computer gaming, on-line computer games, interactive computer games, mobile computer games, computer electronic social games and computer game applications; Gaming, namely, [specify the nature of services, e.g., providing online computer games, providing online electronic games, etc.]; Interactive gaming, , namely, [specify the services, e.g., providing temporary use of non-downloadable interactive games, etc.]; Organizing and conducting contests in the nature of [specify type of contest, e.g., online electronic gaming competitions, etc.], [specify type of tournament, e.g., golf, electronic computer game, etc.] tournaments and other games of chance, in particular, [specify game of chance, e.g., online poker games, etc.] for entertainment purposes; Organizing, conducting and operating live gaming contests featuring [specify nature of contest, e.g., trivia questions and answers, poker games, online computer games, etc.] and [specify type of tournament, e.g., golf, electronic computer, etc.] tournaments; Providing online non-downloadable computer game software; providing online non-downloadable electronic game programs; Providing online non-downloadable interactive game programs; Platform as a service (PAAS) services featuring online non-downloadable computer software platforms for on-line computer games, online e-sport computer games, online interactive computer games, online computer games in mobile wireless form, online computer games for social interaction, and online computer game applications; Providing online non-downloadable video game software; Providing online non-downloadable video game programs; *Platform as a service (PAAS) services featuring online non-downloadable* computer software platforms for social networking; Providing online non-downloadable interactive video game programs; Platform as a service (PAAS) services featuring online non*downloadable* computer software platforms for social networking that may be accessed via the internet, computers, computer operating systems and wireless devices: *Providing online non-downloadable* computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing and otherwise providing by [specify or delete "otherwise providing", e.g., graphically rendering, etc.] electronic media or information in the fields of virtual communities in the nature of [clarify field of virtual communities, e.g., an e-sport social network, etc.], electronic gaming, entertainment, and general interest via the internet and other communications networks in the nature of [specify "other communication networks", e.g., a global computer network, etc.] with third parties; Providing online non-downloadable computer programs for video and computer games;

#### Advisory: Applicant Cannot Broaden the Scope of the Goods and Services

Applicant may amend the identification to clarify or limit the goods and services, but not to broaden or expand the goods and services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable <u>U.S.</u> <u>Acceptable Identification of Goods and Services Manual</u>. See TMEP §1402.04.

#### **Request for Information – Response Required**

To permit proper examination of the application, applicant must submit additional information about applicant's goods and services. *See* 37 C.F.R. §2.61(b); TMEP §814. The requested information should include fact sheets, instruction manuals, brochures, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for goods and services of the same type, explaining how its own product or services will differ. If the goods and services feature new technology and no information regarding competing goods and services is available, applicant must provide a detailed factual description of the goods and services.

Factual information about the goods must clearly indicate how they operate, their salient features, and their prospective customers and channels of trade. Factual information about the services must clearly indicate what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements will not satisfy this requirement for information.

Additionally, applicant must respond to the following questions:

(1) Explain whether the wording in the mark "NO LIMIT" has any meaning or significance in the trade or industry in which applicant's goods and/or services are manufactured or provided, any meaning or significance as applied to applicant's goods and/or services, or if such wording is a term of art within applicant's industry.

- (2) Do all of applicant goods and services involve the sport of GOLF?
- (3) Do applicant's games and related services permit wagering, betting, or gambling?

#### See 37 C.F.R. §2.61(b); TMEP §814.

Failure to comply with a request for information is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814. Merely stating that information about the goods and services is available on applicant's website is an insufficient response and will not make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

#### Advisory: TEAS Plus and TEAS RF Requirements

#### TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS - TO MAINTAIN LOWER FEE, ADDITIONAL

**REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

#### **Response Guidelines**

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "<u>Responding to Office Actions</u>" and the informational <u>video "Response to</u> Office Action" for more information and tips on responding.

If applicant has any questions or needs further assistance, please telephone the assigned examining attorney.

/John T. Billings/ John T. Billings Trademark Examining Attorney Law Office 113 (571) 272-0186 john.billings@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to <u>http://www.uspto.gov/trademarks/teas/response\_forms.jsp</u>. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail <u>TEAS@uspto.gov</u>. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.** 

#### All informal e-mail communications relevant to this application will be placed in the official application record.

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <a href="http://tsdr.uspto.gov/">http://tsdr.uspto.gov/</a>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at <a href="http://tsdr.uspto.gov">TrademarkAssistanceCenter@uspto.gov</a> or call 1-800-786-9199. For more information on checking status, see <a href="http://twww.uspto.gov/trademarks/process/status/">http://tsdr.uspto.gov/trademarks/process/status/</a>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

Print: Jun 11, 2019

76527257

#### **DESIGN MARK**

#### Serial Number 76527257

Status REGISTERED AND RENEWED

Word Mark NO LIMIT LACROSSE

Standard Character Mark

Registration Number 2954242

#### **Date Registered**

2005/05/24

Type of Mark SERVICE MARK

Register PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

#### Owner

No Limit Lacrosse, Inc. CORPORATION NEW YORK 53 North Drive Manhassett NEW YORK 11030

#### **Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Education and entertainment services, namely, providing, organizing and conducting sports camps, clinics, athletic instruction, sports programs and sporting events in the field of lacrosse. First Use: 2000/01/15. First Use In Commerce: 2000/01/15.

#### **Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LACROSSE" APART FROM THE MARK AS SHOWN.

Filing Date 2003/06/30

Examining Attorney KLINE, MATTHEW

#### Attorney of Record

76527257

Kristen M. Walsh

### NO LIMIT LACROSSE

Print: Jun 11, 2019

77538138

#### **DESIGN MARK**

#### Serial Number 77538138

#### Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

#### Word Mark NO LIMITS

NO LIMITS

Standard Character Mark

#### Registration Number 3882034

#### **Date Registered**

2010/11/30

#### Type of Mark

TRADEMARK

#### Register

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

Alred, David Edward INDIVIDUAL UNITED KINGDOM Lime Kiln Road 10 Capricorn Place Bristol UNITED KINGDOM

#### **Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: instructional and teaching apparatus and instruments, namely, downloadable electronic educational texts and course materials in the field of training and coaching in the field of sports, entertainment and business, interactive training exercises comprising computer software for use in training and coaching in the field of sports, entertainment and business; audio and video recordings in the field of training and coaching in the field of sports, entertainment and business; educational software recorded on compact discs or CD-ROMs in the field of sports performance and the application of sports performance coaching techniques to other walks of life for use in teaching and developing skills and enhancing performance amongst people who are required to operate in high performance situations; downloadable electronic publications in the nature of magazines, newsletters and course manuals in the field of performance training, provided on-line from databases or the Internet; computer game software and video game software and video game programs recorded on

#### Print: Jun 11, 2019

#### 77538138

compact discs or CD-ROMs in the field of sports performance and the application of sports performance coaching techniques to other walks of life; decorative magnets; refrigerator magnets; mouse pads.

#### **Foreign Country Name**

ERPN CMNTY TM OFC

#### **Foreign Priority**

FOREIGN PRIORITY CLAIMED

Foreign Application Number 007077688

Foreign Filing Date 2008/07/18

Foreign Registration Number 7077688

Foreign Registration Date 2010/03/08

Foreign Expiration Date 2018/07/18

Filing Date 2008/08/04

Examining Attorney KEATING, MICHAEL

Attorney of Record

Ashley K. Long

# NO LIMITS

Print: Jun 11, 2019

#### **DESIGN MARK**

#### Serial Number 85764925

Status SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

#### Word Mark

NO LIMIT PUB POKER TOUR

Standard Character Mark

Registration Number 4395122

#### **Date Registered**

2013/09/03

Type of Mark SERVICE MARK

Register

PRINCIPAL

#### **Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

#### Owner

NPPT Poker LLC LIMITED LIABILITY COMPANY FLORIDA 405 Schoolhouse Road Jupiter FLORIDA 33458

#### **Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Conducting and providing facilities for special events featuring casino and gaming contests and tournaments; Entertainment services, namely, conducting contests; Entertainment services, namely, conducting live poker games; Entertainment services, namely, conducting parties. First Use: 2007/01/31. First Use In Commerce: 2007/01/31.

#### **Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NO LIMIT PUB POKER TOUR" APART FROM THE MARK AS SHOWN.

#### **Description of Mark**

The mark consists of words "NO LIMIT PUB POKER TOUR" on a black background with a white martini glass with a red liquid splash to the left, and four aces playing cards in red, white and black to the right; the word "NO" consists of a white "N" and a red "O"; the word "LIMIT" in white; and, the words "PUB POKER TOUR" in red, with the

#### Print: Jun 11, 2019

letter "O" in "TOUR" consisting of a red, black and white poker chip.

#### **Colors Claimed**

The color(s) black, white and red is/are claimed as a feature of the mark.

#### Filing Date

2012/10/26

Examining Attorney SHANAHAN, WILLIAM P.

Attorney of Record Joseph Beckman



#### **DESIGN MARK**

Serial Number 86424828

Status REGISTERED

Word Mark NO LIMIT SLOTS

Standard Character Mark

Registration Number 4973990

#### **Date Registered**

2016/06/07

#### Type of Mark

TRADEMARK

Register

PRINCIPAL

#### **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

#### Owner

Super Lucky Casino, Inc. CORPORATION CALIFORNIA 530 Bush Street, Suite 600 San Francisco CALIFORNIA 94108

#### **Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable computer and electronic game programs that may be accessed via the internet, smart phones, and wireless devices. First Use: 2015/08/24. First Use In Commerce: 2015/08/24.

#### **Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SLOTS" APART FROM THE MARK AS SHOWN.

#### **Filing Date**

2014/10/15

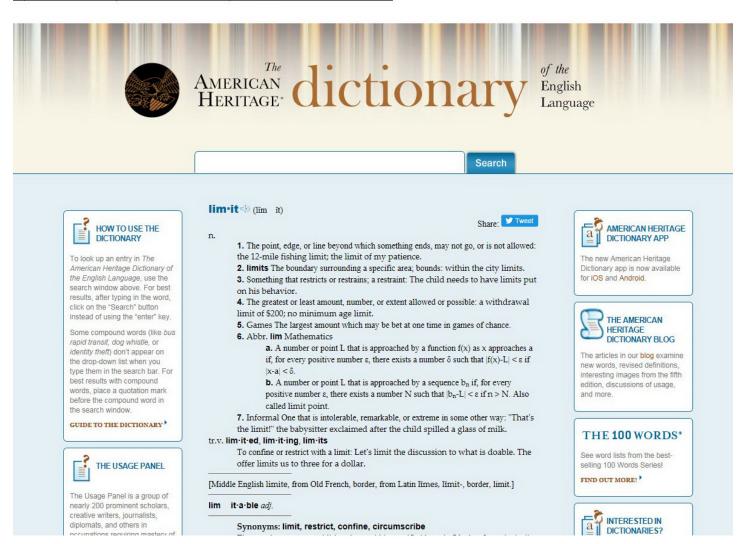
#### Examining Attorney

FLOWERS, JAY

#### Attorney of Record

Todd A. Noah

## NO LIMIT SLOTS



occupations requiring mastery of language. Annual surveys have gauged the acceptability of particular usages and grammatical constructions.

THE PANELISTS



Go to our Crossword Puzzle Solver and type in the letters that you know, and the Solver will produce a list of possible solutions.

These verbs mean to establish or keep within specified bounds. Limit refers principally to the establishment of a maximum beyond which a person or thing cannot or may not go: The Constitution limits the president's term of office to four years. To restrict is to keep within prescribed limits, as of choice or action: The sale of alcohol is restricted to people who are 21 and older. Confine suggests imprisonment, restraint, or impediment: The children were confined to the nursery. Circumscribe connotes an encircling or surrounding line that confines, especially narrowly: "A man ... should not circumscribe his activity by any inflexible fence of rigid rules" (John Stuart Blackie).

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#### Indo-European & Semitic Roots Appendices

Thousands of entries in the dictionary include etymologies that trace their origins back to reconstructed proto-languages. You can obtain more information about these forms in our online appendices:

**Indo-European Roots** 

Semitic Roots

The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our Dictionary of Indo-European Roots.

This website is best viewed in Chrome, Firefox, Microsoft Edge, or Safari. Some characters in pronunciations and etymologies cannot be displayed properly in Internet Explorer.

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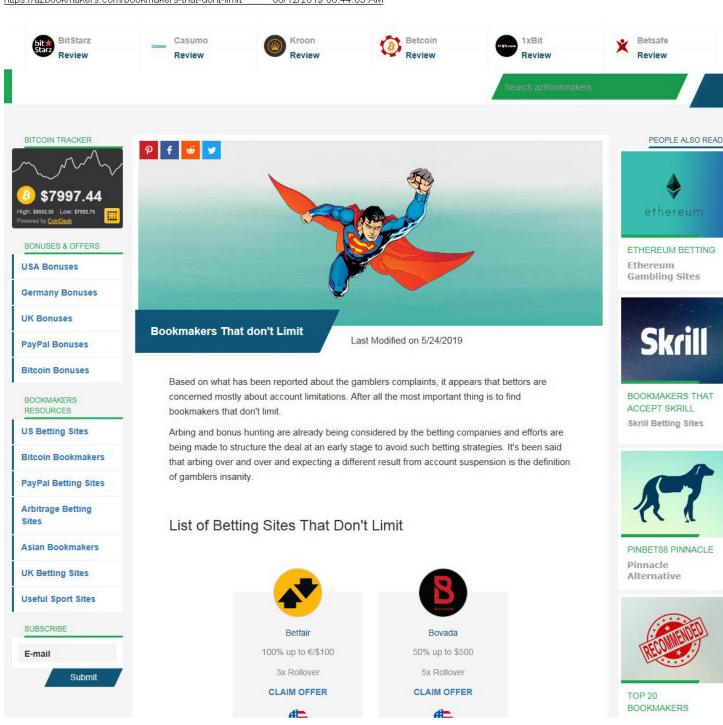
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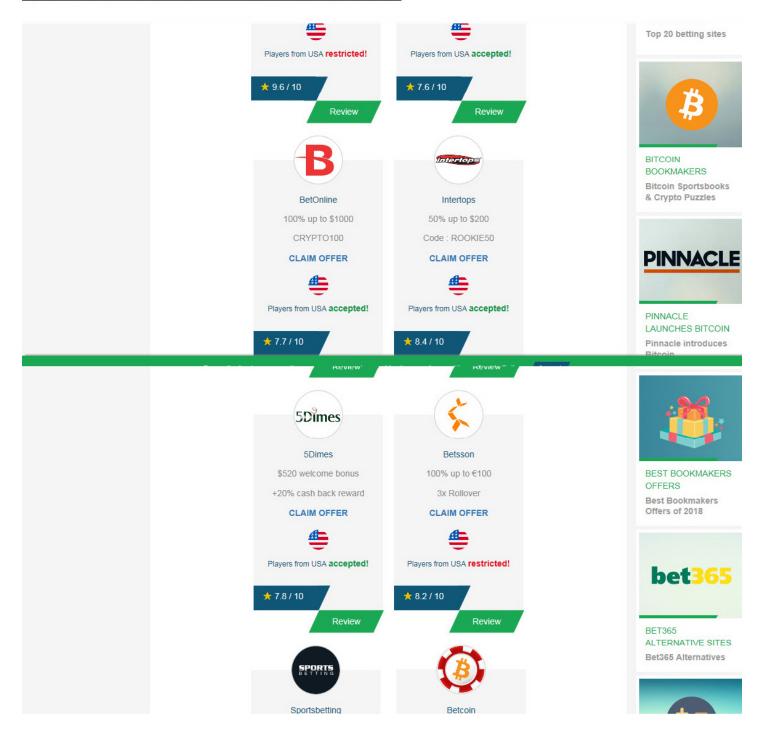
The You Are Your Words word cloud generator is no longer available.

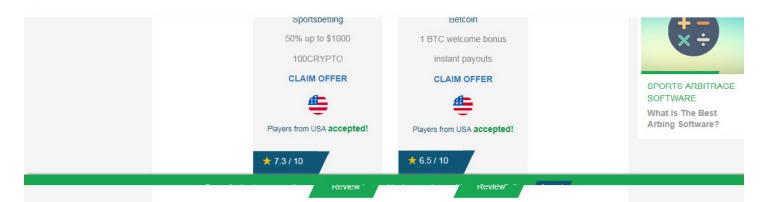
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Check out the Dictionary Society of North America at http://www.dictionarysociety.com







#### **Bookies Close Winning Accounts**

Unfortunately this happens and in reality you'll see that bookmakers sometimes close winning accounts. Do bet365 close winning accounts? The answer is YES. They have complicated software that monitors all the customers and the steady winners are being limited after some time.

Does Betfair ban winners or close winning accounts? Again we must answer YES. If you're playing in the sportsbook not in the exchange you can be banned. This can happen after your first bet if you tried arbing.

#### How to Stop Bookies Limiting Your Account

If you find the holy grail betting system and you want to save your account in particular bookie not being limited, you have a hard task. If you continue winning for a month for sure your account will be limited. You can ask friends to use their accounts or to search for a clone bookmakers, or another option is to look for bookies that don't request age verification.

Our advice is to make some small fake bets to look like a recreational gambler. Of course parlays are the better option because most of them are losing. Get in the shoes of a gambler that plays only for fun. Play at the casino, play poker, do some cash out betting, make some stupid losing bets. And hope that the bookies will not catch you.

#### Why do we Need Bookmakers That don't Limit and Close Accounts

High-volume or high stake betting is not a secret or just an idea anymore, people are looking for the most reliable, trustworthy and high roller bookmakers to spend their time betting on every market they want without being limited. There are generally proven no limit bookmakers that have fine working relationships with their customers and accept all kind of betting strategies or techniques, these are the so called bookmakers that don't limit accounts.

Recently bitcoin bookmakers are the ones that offer high limit betting and accounts get closed

reality is that most people are betting with the same sportshooks that every first time gambler does

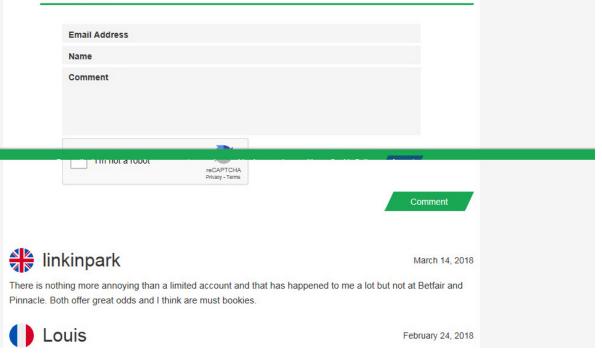
reality is that most people are betting with the same sportsbooks that every first time gambler does like bet365 which is the most visited gambling site with 307m monthly visitors or bet-at-home with 20.2m.

#### What if Bet365 isn't There

There's another view, of course. What if all of us are choosing the wrong bookmaker? For just a moment, let's just suppose that bet365 isn't there. What now? It led me to an interesting exercise. There are essentially 3 options of bookmakers that don't limit accounts: those who allow us arbing over and over again, those who are bonus friendly and welcome our bonus strategies or those who what you to bet high.

I ended up including 16 betting sites that don't limit. I started with pinnacle, high stake gambling allowed, arbing, bonus unfriendly but it's safe enough like a bank. My second place is for the bitcoin bookmaker cloudbet, where you can place your bets anonymously and take your winnings instantly via bitcoin. My next choices are bookmakers that accept Skrill - betfair exchange, smarkets and matchbook where you can trade, make some surebets, take some bonuses and get away without any huge problems. Another bitcoin bookie that don't limit is nitrogensports, a reliable and safe betting site.

Let's not forget the asian gambling sites 188bet and sbobet where the chance of getting limited is the same as hitting the jackpot.



LEAVE A COMMENT

Charlie

Luca

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If bet635 isn't there then we have Pinnacle. It is mostly appropriate for arbitrage bettors. Best odds on the market. It's my favorite!

February 24, 2018

January 19, 2018

January 12, 2018

Matchbook may not limit but let me tell you everything else about this bookie is not good at all. They charge crazy amounts by withdrawals, bad software, bad company.

I'm into high stake betting so I'm always in the hunt for some new bookies that don't limit. Really helpful article

Elon

It's good thre is people like you who give such helpful information.I've been looking for a bookmaker wich doesn't limit for a very long time

Peter

Limitations do really bother me, it's a nightmare. It's good to remember bookmaker which don't limit

Carvalho

Are you sure that 188bet don't limit because my account was limited last week. I was betting relatively huge amounts on Dota 2 and suddenly i got a message from the support that i am no longer able to make bets higher than 1 euro. I don't recommend this bookie. Now i am looking for some 188bet alterantif where i can bet esports and especially Dota 2. Please help!

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Limit Top Arbitrage Softwares Low Deposit Betting Sites

**Mirror Betting Sites** 

- **Bet365 Alternatives** 
  - Asian Betting Sites

**Bookies That Don't** 

GPWA G (18)

January 8, 2018

November 29, 2017



Welcome to our all new Rebate Racebook. Not only can you wager at the nation's top tracks, but you will also receive cash rebates of up to 9% on your daily bet volume, win or lose, every single day. Your Rebate Racebook cash rebate will automatically be credited back to your account at 8:00AM ET, on a daily basis. There are no minimum daily volume requirements and there is no maximum on how much you can earn.

The Rebates Setting has the following limits:

Tracks A: WPS \$500 max wager & 5% rebate, exotics \$200 max wager & 9% rebate

Tracks B: WPS \$500 max wager & 4% rebate, exotics \$200 max wager & 8% rebate

Tracks C: WPS \$200 max wager & 3% rebate, exotics \$20 max wager & 6% rebate

D/E/Harness: WPS \$100 max wager & 2% rebate, exotics \$10 max wager & 4% rebate

Greyhounds: WPS \$10 max wager & 2% rebate, exotics \$1 max wager & 4% rebate

Win/Place/Show Parlays \$1 max wager & rebate equal to WPS wagers according to the Track

The minimum wager amount is \$0.25.

Remember... cash rebates are calculated on all wagers posted online within the Rebate Racebook, even on losses.

Please note: Management reserves the right to remove a player from this program at any time.

No rebate will be given on cancelled wagers or wagers refunded due to a scratch.

This rebate program applies to bets placed online within the Rebate Racebook and does not apply to other wagers made through the Plus 10% Racebook or the Sportsbook.

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Wagering

1-800-442-0151 | 1-888-991-9131 customerservice@betanysports.eu apply to other wagers made through the Plus 10% Racebook or the Sportsbook.



**Racebook Payouts** – Payouts are based on the actual track payout. The odds quotes listed in the race program are informational and are not used to calculate the payouts. Your account will reflect any payouts once the race is graded.

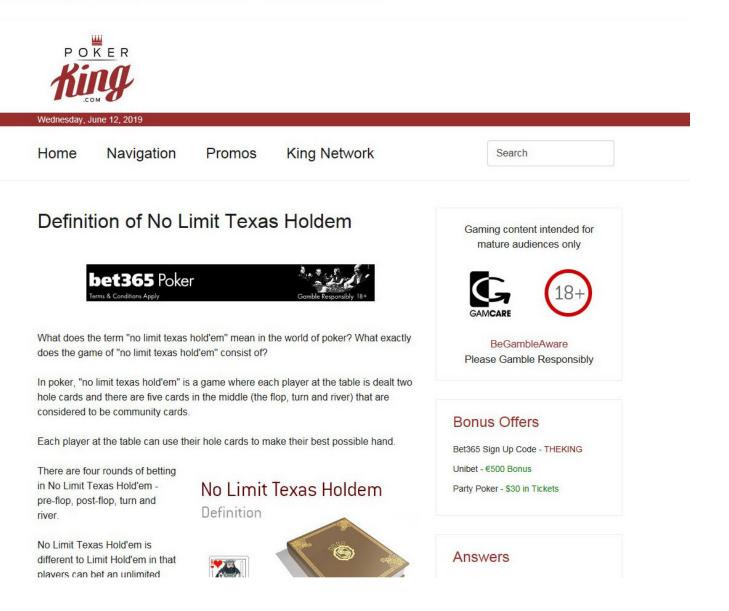
The following table shows the maximum total bet that will be paid out at actual track odds:

Maximum Odds paid for different wager types:

Wager Type	Major Tracks	Other Tracks
Win	No Limit	No Limit
Place	No Limit	No Limit
Show	No Limit	No Limit
Quinella	No Limit	200/1
Exacta	No Limit	400/1
Trifecta	No Limit	1000/1
Superfecta	No Limit	2500/1
Daily Double	No Limit	500/1
Pick 3	No Limit	1500/1
Pick 4	No Limit	5000/1
Pick 5	No Limit	5000/1
Pick 6	No Limit	10000/1







players can bet an unlimited amount of money when the action is on them. For instance, a player might decide to push "all-in" before the flop, whereas in Limit games, they couldn't do so.





No Limit Hold'em is the most popular variant of poker in the world, though Pot Limit Omaha has made some strides over the past 4-5 years.

The online No Limit Hold'em games have gotten much, much tougher over the years, as instructional sites have taught many previously poor players to get much better. With rakeback having been reduced at sites like Pokerstars, many professional grinders are finding it much harder to beat the competition.

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Recent Articles That Include The Term No Limit Texas Holdem:

None.

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#### Poker Dictionary

Big Hand Swing Triple Barrel Bluff Behind Deep Stack Tournament Hyper-Turbo Triton Poker Series Call Your Bluff PKO (Progressive Knockout Tournament)

EP

International

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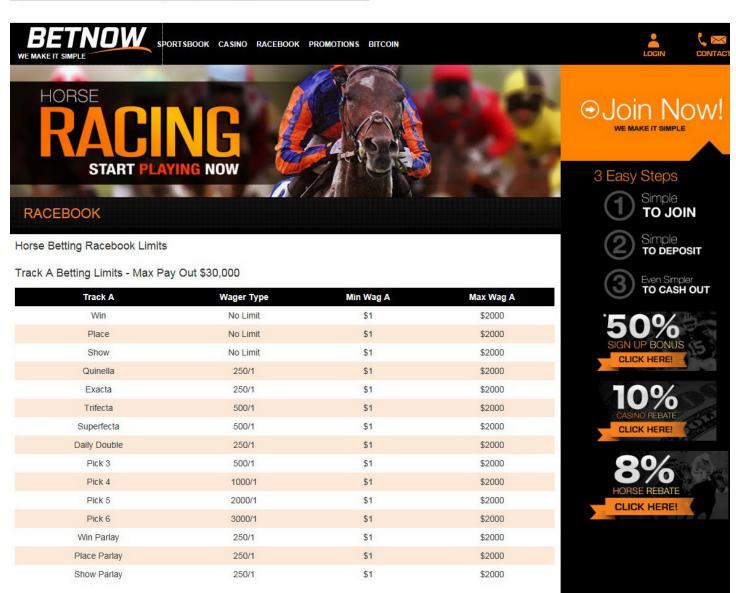
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#### Track B Betting Limits - Max Pay Out \$15,000

Track B	Wager Type	Min Wag B	Max Wag B
Win	No Limit	\$1	\$2000
Place	No Limit	\$1	\$2000

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Place	No Limit	\$1	\$2000
Show	No Limit	\$1	\$2000
Quinella	250/1	\$1	\$2000
Exacta	250/1	\$1	\$2000
Trifecta	500/1	\$1	\$2000
Superfecta	500/1	\$1	\$2000
Daily Double	250/1	\$1	\$2000
Pick 3	500/1	\$1	\$2000
Pick 4	1000/1	\$1	\$2000
Pick 5	2000/1	\$1	\$2000
Pick 6	3000/1	\$1	\$2000
Win Parlay	250/1	\$1	\$2000
Place Parlay	250/1	\$1	\$2000
Show Parlay	250/1	\$1	\$2000

#### Track C Betting Limits - Max Pay Out \$10,000

Track C	Wager Type	Min Wag C	Max Wag C
Win	No Limit	\$1	\$1000
Place	No Limit	\$1	\$1000
Show	No Limit	\$1	\$1000
Quinella	125/1	\$1	\$1000
Exacta	125/1	\$1	\$1000
Intecta	250/1	\$1	\$1000
Superfecta	250/1	\$1	\$1000
Daily Double	125/1	\$1	\$1000
Pick 3	250/1	.\$1	\$1000
Pick 4	500/1	\$1	\$1000
Pick 5	1000/1	\$1	\$1000
Pick 6	1500/1	\$1	\$1000
Win Parlay	125/1	\$1	\$1000
Place Parlay	125/1	\$1	\$1000
Show Parlay	125/1	\$1	\$1000

#### Track D Betting Limits - Max Pay Out \$5,000

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Track D	Wager Type	Min Wag D	Max Wag D
Win	No Limit	\$1	\$500
Place	No Limit	\$1	\$500
Show	No Limit	\$1	\$500
Quinella	125/1	\$1	\$500
Exacta	125/1	\$1	\$500
Trifecta	250/1	\$1	\$500
Superfecta	250/1	\$1	\$500
Daily Double	125/1	\$1	\$500
Pick 3	250/1	\$1	\$500
Pick 4	500/1	\$1	\$500
Pick 5	1000/1	\$1	\$500
Pick 6	1500/1	\$1	\$500
Win Parlay	125/1	\$1	\$500
Place Parlay	125/1	\$1	\$500
Show Parlay	125/1	\$1	\$500

#### Track H Betting Limits - Max Pay Out \$2,500

Wager Type	Harness	Min Wag H	Max Wag H
Win	No Limit	\$1	\$250
Place	No Limit	\$1	\$250
Show	No Limit	\$1	\$250
Quinella	250/1	\$1	\$100
Exacta	250/1	\$1	\$100
Trifecta	250/1	\$1	\$100
Superfecta	NO	NO	NO
Daily Double	250/1	\$1	\$100
Pick 3	250/1	\$1	\$100
Pick 4	NO	NO	NO
Pick 5	NO	NO	NO
Pick 6	NO	NO	NO
Win Parlay	100/1	\$1	\$100
Place Parlay	100/1	\$1	\$100
Show Parlay	100/1	\$1	\$100

#### Track G Betting Limits - Max Pay Out \$1,500

Wager Type	Greyhounds	Min Wag G	Max Wag G
Win	No Limit	\$1	\$150
Place	No Limit	\$1	\$150
Show	No Limit	\$1	\$150
Quinella	250/1	\$1	\$75
Exacta	250/1	\$1	\$75
Trifecta	250/1	\$1	\$75
Superfecta	NO	NO	NO
Daily Double	250/1	\$1	\$75
Pick 3	250/1	\$1	\$75
Pick 4	NO	NO	NO
Pick 5	NO	NO	NO
Pick 6	NO	NO	NO
Win Parlay	NO	NO	NO
Place Parlay	NO	NO	NO
Show Parlay	NO	NO	NO

#### International Track Limits - Max Pay Out \$2,000

Wager Type	International	Min Wag I	Max Wag I
Win	50/1	\$1	\$100
Place	50/1	\$1	\$100
Exacta	75/1	\$1	\$100
Quinella	75/1	\$1	\$100
Daily Double	75/1	\$1	\$100
Trifecta	125/1	\$1	\$100
Superfecta	125/1	\$1	\$100
Pick 3	125/1	\$1	\$100

Horse race betting enjoys a high popularity at notorious New York racetracks like Saratoga, Aqueducts and Belmont Park. It is also very popular California racetracks like the Santa Anita, Del Mar and Hollywood Park. These famous racetracks have great horse races each and every season. Even though these tracks are the most popular, they are not the only racetracks that you can bet on at betnow.eu.

Tracks A	Tracks B	Tracks C	Tracks D
Aqueduct	Arlington Park	Charlestown	Albuquerque
Belmont Park	Calder Race Course	Colonial Downs	Arapahoe Park
Churchill Downs	Fair Grounds	Delaware Park	Atlantic City

Churchill Downs	Fair Grounds	Delaware Park	Atlantic City
Del Mar	Golden Gate	Delta Downs	Belterra Park
Gulfstream Park	Hawthorne	Ellis Park	Canterbury Park
Keeneland	Laurel Park	Finger Lakes	Emerald Downs
Meadownlands	Mountaineer	Hoosier Park	Evangeline Downs
Monmouth	Philadelphia Park	Lone Star Park	Fairmount Park
Oaklawn Park	Tampa Bay Downs	Los Alamitos Quarter	Ferndale
Pimlico	Turfway Park	Louisiana Downs	Fresno
Santa Anita	Woodbine	Penn National	Fort Erie
Saratoga	Oak Tree At Pleasanton	Suffolk Downs	Hastings Park
	Los Alamitos Thoroghbred	Turf Paradise	Kentucky Downs
			Indiana Downs
			Portland Meadows
			Pleasanton
			Prairie Meadows
			Presque Isle Downs
			Remington Park
			Retama Park
			Ruidoso Downs
			Sacramento
			Sam Houston
			Santa Rosa
			Solano
			Stockton
			Sunland Park
			Thistledown
			Timonium
			Will Rogers Downs
			Zia Park
Harness Track	Grayhounds	s Tracks	International Tracks
Balmoral Park	Bluffs Run (l	Matinee)	U.K
Buffalo Racewa	ay Derby Lane (Matin	nee & Evening)	I.R.E
Cal Expo	Orange (Matinee	e & Evening)	DUBAI
Dover Downs Har	ness Jacksonville (Matir	nee & Evening)	FRANCE
Freehold Raceway H	larness Palm Beach (Matir	nee & Evening)	HONG KONG
Harra's Philadelp	hia Pocono Downs (Mai	tinee & Evening)	SOUTH AFRICA
Harrington Raceway	Harness Southland (Matine	ee & Evenina)	AUSTRALIA A

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Harrington Raceway Harness	Southland (Matinee & Evening)	AUSTRALIA A	
Hoosier Park Harness	Tri-State (Matinee & Evening)	AUSTRALIA B	
Maywood Park Harness	Wheeling Downs (Matinee & Evening)	AUSTRALIA C	
Meadowlands Harness			
Meadows ( The Meadows ) Harness			
Mohawk			
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Subject:	U.S. TRADEMARK APPLICATION NO. 88351973 - NO LIMIT GOLF - N/A
Sent:	6/12/2019 8:46:41 AM
Sent As:	ECOM113@USPTO.GOV
Attachments:	

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#### IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

#### USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED ON 6/12/2019 FOR U.S. APPLICATION SERIAL NO. 88351973

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from 6/12/2019 (*or sooner if specified in the Office action*). A response transmitted through the Trademark Electronic Application System (TEAS) must be received before midnight Eastern Time of the last day of the response period. For information regarding response time periods, see <u>http://www.uspto.gov/trademarks/process/status/responsetime.jsp</u>.

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