

Response to Office Action

RIPPLE Ser. No. 88317081

The application to register the trademark RIPPLE, Ser. No. 88317081, for defoaming agents, was refused based on the Examining Attorney's concerns regarding the sufficiency of the specimen submitted on September 10, 2019, with a Statement of Use. The Examining Attorney has requested further information about the specimen and applicant's use of the trademark. Responses to the Examining Attorney's questions follow:

- (1) Identify the particular good(s) listed in the application for which the specimen(s) was submitted to show use of the mark.**

The RIPPLE™ defoaming agent is sold in bulk. The specimen shows use of the trademark on the container filled with the RIPPLE defoaming agent. These labels are applied by the applicant to the shipping containers, such as barrels and totes, to identify the RIPPLE product prior to the product being shipped to the purchaser.

- (2) Was the specimen created for submission with this application? If so, specify the date each specimen was created. If applicant obtained the image(s) of the goods shown in the specimen(s) from a third-party website, provide the URL of the website and a digital copy of relevant webpage(s) for each image.**

This product is sold in bulk and delivered to consumers in totes and barrels. The labels shown in the specimen were created prior to May 2019. The labels were created and placed on totes in the ordinary course of business. The photographs of the totes were taken on August 26, 2019 and were taken for purposes of being submitted with the statement of use. Labels like those shown in the photographs have been used for several months to identify the RIPPLE product in the shipping containers, while the applicant works on creating a more detailed and permanent RIPPLE label. While the label is a temporary design in the sense that it will eventually be replaced by a more detailed version, the use of the trademark on this label is not a mock-up version nor was the label created for purposes of submitting a Statement of Use. In the normal course of business, applicant uses these temporary labels for identifying and shipping its products, while it is developing a more permanent label design. These "temporary labels" may be used for several months and in some cases, until a trademark registration has issued.

- (3) Provide information about and examples of how applicant's goods appear in the actual sales environment.**

This product was introduced at a tradeshow and at this time, continues to be marketed mainly through tradeshow and direct contact with customers.

- (4) If the information in question (3) about how the goods appear in the actual sales environment is not available to applicant, please describe how applicant's goods are sold or transported and provide photographs and other documentation showing how applicant's mark appears on the goods and/or its**

packaging when the goods are sold or transported to or within the United States.

The RIPPLE product is sold in bulk and the photographs submitted with the Statement of Use show the trademark as it appears on the totes used for shipping the product to consumers. Submitted with this response, marked as Exhibit 1, is a photograph showing the trademark on a label on a barrel containing the RIPPLE product. This photograph was taken on October 11, 2019.

- (5) For each category of sales environment specified in response to questions (3) and (4), specify when the goods bearing the mark were first available for purchase within the United States, the date of the first sale of the goods to or within the United States, and whether the goods are still for sale to or within the United States in that environment.**

The goods were first sold on April 25, 2019, and shipped on May 2, 2019. The product continues to be sold and shipped in the U.S. in containers displaying the RIPPLE trademark. *See* Exhibit 2 submitted with this response, showing copies of invoices and sales contracts; *see also* Exhibit 1.

- (6) For the goods identified in response to question (1), specify the dollar amount of sales with or within the United States and provide at least three invoices or other supporting documentation that show payments or other consideration made, redacting personal or private information of buyers as necessary.**

The RIPPLE product has had over \$15,000 of total sales so far in the United States. Copies of invoices and sales contracts are provided as Exhibit 2.

The specimen submitted with applicant's Statement of Use shows actual use of the trademark in commerce. The further information provided above confirms the specimen is showing actual use of the trademark and is not a mock up nor was the label shown in the specimen created for the Statement of Use. The label was created in the normal course of business to display on the containers used to ship the RIPPLE product, to promote the product and identify the product being shipped as the RIPPLE product. Based on the above, applicant respectfully requests the Statement of Use filed on September 10, 2019 be accepted and the application be allowed to proceed to registration.