

In Re:)
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Applicant: Solid Gold Pet, LLC) Examiner: Joanna M. Shanoski
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Mark: **solid gold**) Law Office: 104
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Application Serial No. 88/397,895)
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Filed: April 23, 2019)

RESPONSE TO OFFICE ACTION

Applicant acknowledges receipt of an Office Action dated November 15, 2019, in this matter and notes the existence of one issue (i.e., specimen refusal) that forms the basis for refusal of its application to federally register its SOLID GOLD (Stylized) mark. Applicant respectfully disagrees and addresses the basis for refusal as follows:

I. Applicant submits that its previously submitted specimen actually does show the applied-for mark in use in commerce.

Applicant respectfully submits that the specimen filed for Class 31 (*pet beverages*) does, in fact, show the applied-for mark in use in commerce in connection with the goods. While Applicant’s bone broth product can be used as an additive to pet food, it is generally dispensed to pets straight as a beverage or added to a pet’s water bowl for consumption.

Exhibit A (accompanying this response) shows a printout of Applicant’s website where the product description for the specimen submitted states that “...this broth is easy for pet parents to use...add to water for added flavor and to encourage proper hydration or serve on its own as a tasty treat”.

Exhibit B (also accompanying this response) shows a dog drinking from a cup containing the SOLID GOLD (Stylized) bone broth beverage.

In view of the above, Applicant maintains that the specimen previously submitted shows the applied-for mark SOLID GOLD (Stylized) in use in commerce and identifies the mark as a source-identifier for Applicant’s identified goods.

CONCLUSION

In view of the arguments and remarks adduced by Applicant above, Applicant respectfully requests reconsideration of the refusal to federally register its SOLID GOLD (Stylized) trademark on the basis that the originally submitted specimen shows the applied-for mark in use in commerce. Thus, Applicant respectfully requests prompt allowance of Applicant’s application. The Examining Attorney is invited to contact the undersigned by telephone or e-mail if any issues are thought to remain.