

RESPONSE TO OFFICE ACTION

In re Application of :
APPLICANT : The Morisey Group
SER. NO. : 88485786
FILING DATE : June 24, 2019

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Attention: Kaelie E. Kung
kaelie.kung@USPTO.gov
Law Office 103
(571) 272-8265

Response to Office Action

The Office Action dated September 14, 2019 refused registration of the above-referenced application based on a descriptiveness refusal. The Office Action also requested disclaimer of the word “BAR” and clarification of the identification and classification of goods. Applicant has elected to keep the application as a one-class application. Therefore, no additional fees are due.

Along with the filing of this response, Applicant has amended the description of goods to, “folding, portable beverage and food containers, sold empty”. Applicant believes this description places the goods in class 020.

In order to overcome the descriptiveness refusal, Applicant elects to amend the application to the Supplemental Register. Applicant is aware that the application cannot be amended to the Supplemental Register until an acceptable allegation of use has been submitted. The mark has now been used in interstate commerce. Once our amended goods description is accepted, Applicant is prepared to file an allegation of use and then amend this application to the Supplemental Register.

Regarding the requirement to disclaim “BAR”, no claim is made to the exclusive right to use “BAR” apart from the mark as shown.

Applicant respectfully requests that the above-mentioned application proceed towards registration. Should the examiner have any questions regarding this response she is encouraged to telephone the attorney of record, Stuart West, at 925.262.2220.