

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
ALPS Corporation)	
)	Examining Attorney:
Serial No.: 88/521,365)	Hannah Gilbert
)	
Filed: July 18, 2019)	Law Office 121
)	
Mark: ALPS (and Design))	

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

RESPONSE TO OCTOBER 29, 2019 OFFICE ACTION

Dear Sir or Madam:

This is in response (“Response”) to the Office Action dated October 29, 2019 (“Office Action”). In the Office Action, registration of the application was partially refused on the determination that the specimen filed with the application allegedly did not show use in commerce of the mark in connection with the Class 35 services, namely, “insurance claim auditing.” No grounds for refusal was applied to the services identified in Class 36.

While Applicant respectfully disagrees with the refusal of the originally-filed specimen, Applicant is filing concurrently with this Response a Request to Divide, in order to divide out Class 36 in its entirety. As there are no outstanding issues regarding Class 36, it is respectfully requested that such divided-out Class 36 application, i.e., the “child application,” be passed to publication.

The Class 35 services shall remain in their entirety in the instant application (the “parent application”), and with regard solely to the parent application, Application respectfully requests that the filing basis of the parent application be amended to intent to use under Section 1(b).

The Examining Attorney is invited to contact the undersigned at (864) 751-7653 should there be any questions or if further information is required.

The Commissioner is authorized to charge Deposit Account 501943 for any fee deficiency, and to credit any fee overpayment to that Account.

Respectfully submitted,

FOX ROTHSCHILD LLP

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Dated: April 29, 2020.