

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terp Nation, LLC

Serial No.: 88/328,406

Mark: TKO

Rachael Dickson  
Examining Attorney  
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Examining Attorney Dickson:

In response to the Office Action dated January 28, 2020 Applicant submits the below.

**AMENDMENT**

In the Non-Final Office Action issued, the Examining Attorney lodged objections to Applicant's application for several different reasons, specifically, (1) an alleged likelihood of confusion with a prior-filed pending application, (2) an identification of goods requirement, (3) a multiple class fee requirement and (4) a request for information.

At the outset, Applicant addresses issues (3) and (4) with the following amendment.

Applicant requests that the identification of goods be revised to the following:

**“Essential oils; essential oils made of terpenes; essential oils made from terpenoid blends and organic terpene profiles; natural essential oils; all of the foregoing solely derived from hemp with a delta-9 tetrahydrocannabinol THC concentration of not more than 0.3 percent on a dry weight basis.”, in Int'l Class 3, and**

**“Smoking and electronic cigarette apparatuses, namely, cartridges of herbal hemp containing only trace amounts of naturally occurring cbd derived solely from the mature stalks and sterilized seeds of the industrial hemp plant and containing hemp solely with a delta-9 tetrahydrocannabinol THC concentration of not more than 0.3 percent on a dry weight basis; herbs for smoking derived from hemp solely with a delta-9 tetrahydrocannabinol THC concentration of not more than 0.3 percent on a dry weight basis; pre-rolled smoking and electronic cigarette apparatuses, namely, cartridges of herbal hemp flowers derived solely from the mature stalks and sterilized seeds of the industrial hemp plant”** in International Class 34.

The Applicant respectfully notes that this language and class categorization has been approved in another approved application owned by Applicant, Allowed U.S. Application 88/328,350 for the mark “TERP NATION.” Applicant hereby deletes the goods and services that call in International Classes 5 and 30, which may assuage any of the Examining Attorney’s concerns for an objection related to unlawful use in commerce under the current federal statutes. The Applicant also provides the additional filing fee for one extra international class.

Turning to the potential likelihood of confusion refusal with the prior-pending application, U.S. Application No. 88171258 for the mark “TKO” for “Vitamins, mineral supplements, food supplements and nutritional supplements,” the above amendment removing all of Class 5 goods, should support a withdrawal of the refusal. Notably, the cited prior-pending application does not contain any hemp derived materials. Further, Applicant’s above amended goods do not contain any medical items that would be related to vitamins, mineral supplements, food supplements, or nutritional supplements. As such, the Applicant respectfully requests withdrawal of this refusal.

Finally, the Examining Attorney also requested information as to the meaning of “TKO.” The meaning has no special trade meaning in the context of Applicant’s goods or in the industry, other than being a source-identifier. The acronym “TKO” is an acronym used in the sport of boxing to refer to a “technical knockout.” It is also used in other industries and pop culture generally, such as in the song “TKO” by Justin Timberlake.

Considering the above, the Application should be amended to only Classes 3 and 34, the additional fee is provided herein, the notice of a possibility of a likelihood of confusion objection with a prior-filed application for medical supplements should be withdrawn, and the Examining Attorney is informed that the mark “TKO” has no particular meaning in the industry.

Therefore, Applicant respectfully requests that all objections be withdrawn and that the Examiner approve this application for publication. While the foregoing should fully address the issues raised in the Office Action, if there should be any questions or need for anything further, the undersigned can be reached by telephone or email at the contact information shown immediately below.

Respectfully submitted,

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s:/John Cyril Malloy, III/  
John Cyril Malloy, III, Esq.  
Attorney of Record, Florida Bar Member

Date: July 28, 2020