

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

August 10, 2020

Robert N. Guliano  
Trademark Examining Attorney  
Law Office 105  
United States Patent and Trademark Office

RE:   Serial No.               88-430,227  
      Mark:                    HELIO  
      Applicant:             Oakmont Capital  
      Office Action Of:     July 23, 2020

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**APPLICANT’S RESPONSE TO OFFICE ACTION**

The following is the response of Applicant, Oakmont Capital (“**Applicant**”), through counsel, to the Office Action (“**Office Action**”) sent via email on July 23, 2020 by Examining Attorney Robert N. Guliano (“**Examiner**”).

In the Office Action, Examiner initially refused registration of the HELIO standard characters mark based on the belief that Applicant’s real estate marketing, management, leasing, and promotion activities were not services because such activities applied to Applicant’s own properties and were for Applicant’s own benefit.

Examiner further stated that Applicant’s real estate marketing, management, leasing, and promotion activities were not sufficiently separate from Applicant’s principal activity of building and developing its own residential properties, as listed in the specimens filed by Applicant.

Applicant respectfully disagrees with Examiner’s conclusions.

As discussed during a recent telephone call between Applicant’s counsel and Examiner, Applicant does not, in fact, own any of the residential properties listed in the specimens filed with the U.S. Patent and Trademark Office as part of Applicant’s application and effort to register the HELIO standard characters mark. To the contrary, each such residential property is owned by a separate legal entity (each an “**Owner**”), not Applicant, and such Owners retain the services of Applicant in order to have Applicant provide real estate marketing, management, leasing, and promotion activities for and on

behalf of Owners. Applicant does not itself have any direct ownership interest in any of the Owners. Rather, Applicant merely provides real estate marketing, management, leasing, and promotion activities on behalf of and for such Owners. Therefore, contrary to the Office Action, the services rendered by Applicant are not for Applicant's own benefit.

Moreover, Applicant is not in the business of building and developing its own residential properties. Rather, Applicant's primary business is providing real estate marketing, management, leasing, and promotion activities on behalf of others. To that end, Applicant's services are, in fact, provided to others, not on behalf of Applicant itself.

In view of the above, Applicant respectfully requests that Examiner grant registration of Applicant's HELIO standard characters mark.

The Applicant has responded to the issues raised in the Office Action. If any further information or response is required, please contact Applicant's attorney. The attorney may be reached by telephone at (310) 614-4766 or by email at [jglassman@ecjlaw.com](mailto:jglassman@ecjlaw.com).

Respectfully submitted,



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