

# EXHIBIT C

**To:** Pushpay IP Limited ([nptm@nixonpeabody.com](mailto:nptm@nixonpeabody.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87385370 - P - 069066-38  
**Sent:** 12/19/2017 2:50:25 PM  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION  
SERIAL NO. 87385370

MARK: P

**\*87385370\***

**CORRESPONDENT  
ADDRESS:**  
DAVID L. MAY  
NIXON PEABODY  
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NW  
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WASHINGTON, DC  
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**APPLICANT:** Pushpay  
IP Limited

**CLICK HERE TO RESPOND TO THIS  
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[VIEW YOUR APPLICATION FILE](#)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

069066-38

**CORRESPONDENT E-  
MAIL ADDRESS:**

nptm@nixonpeabody.com

## OFFICE ACTION

### STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE: 12/19/2017**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

#### SUMMARY OF ISSUES:

- Trademark Act Section 2(d) refusal
- Prior pending application advisory
- Identification of goods/services requirement

#### LIKELIHOOD OF CONFUSION UNDER TRADEMARK ACT SECTION 2(d)

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3113868, 4101863, 4440951, 4446321, 4521354, 4803397, 4862229, 5164200, 5303856 and 5220519. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

The examining attorney encloses information regarding pending application Serial Nos. 87097037 and 87580891. 37 C.F.R. Section 2.83. There may be a likelihood of confusion under Section 2(d) of the Trademark Act between the applicant's mark and the marks in these earlier filed applications. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB

1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

After examining the marks, the examining attorney applies the second step of the test, whether there is a likelihood of confusion on the basis of the goods and services identified in the application and registration. If the cited registration describes the goods and services broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, it is presumed that the registration encompasses all goods and services of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Elbaum*, 211 USPQ 639 (TTAB 1981).

Applicant seeks to register the mark “P.” Registration Nos. 3113868, 4101863, 4440951, 4446321, 4521354, 4803397, 4862229, 5164200, 5303856 and 5220519 are all for the stylized mark “P” and earlier applicants’ marks are also a stylized “P.” Applicant’s mark is similar or could be identical with regard to appearance, sound, meaning and commercial impression to the mark of cited registrant. The marks convey the same overall commercial impression. *See: In re Akzona Inc.*, 94 (TTAB 1983); *In re Wm. E. Wright Co.*, 185 USPQ 445 (TTAB 1975).

Applicant’s goods and services are described as “Computers; Computer software for facilitating business transactions; Computer software for use in business administration and management; Computer software for facilitating financial transactions; Computer software for use in facilitating the payment or receipt of monetary and non-monetary contributions; Computer software for use in merchant processing services; Computer software for facilitating others to make monetary contributions to others for charity; Computer software for facilitating others to contribute to religious institutions; Computer software for facilitating others to contribute to educational institutions; Computer software for facilitating others to make charitable contributions; Computer software for facilitating financial transactions with government entities and government-regulated entities; Computer software for use in processing electronic payments; Computer software for use in database management, use as a spreadsheet, and word processing; Computer software for computer system and application development, deployment and management; Computer software for computer system and mobile application development, deployment and management; Computer software for facilitating financial transactions, namely, e-commerce software to allow users to perform electronic business transactions via a global computer network; Apparatus for recording, transmission or reproduction of sound or images; Computer application software for mobile phones and handheld computing devices, namely, electronic financial platform software that accommodates multiple types of payment and debt transactions in an integrated mobile phone, PDA, and web based environment for use in payment processing and transactions, and software for use in payment transaction processing; Computer software for use in processing the exchange of monetary and non-monetary payments, and for compiling information and generating reports for business and tax purposes; . . . Advertising; Business management; Business administration; Providing incentive award programs for customers through processing of debit card loyalty program points for on-line purchase transactions of a company’s goods and services; Providing incentive award programs for customers through processing of debit card loyalty program points for on-line purchase transactions of a company’s goods and services; Customer relationship management; Developing and managing the charitable giving programs of others; insurance and financial services, namely, financial record-keeping for insurance risk management; remote management of computer databases for others; Financial services, namely, providing an online computer website that provides commercial financial transaction data, account management, financial reporting, accounting features and related reference information . . . Financial services namely, merchant payment transaction processing; Financial consulting services in the field of planned giving for non-profit and charitable organizations; Financial planning services, namely, developing and managing charitable giving programs; Providing on-line information in the field of charitable monetary giving; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, providing electronic transfer of a virtual currency for use by members of an on-line community via a global computer network; Financial services, namely, business fundraising provided over a computer network such as the Internet and providing on-line stored value accounts in an electronic commerce environment; Financial affairs, namely, financial information, management and analysis services . . . Providing information on education; provided on-line from a computer database or the internet; Production and distribution of videos in the field of finance and financial translations; Providing continuing business education courses; Education services, namely, providing tutorial sessions in the field of finance and financial translations; Education services, namely, providing live and on-line classes, seminars, workshops in the fields of finance and financial transactions, charitable giving, customer relationship management, business administration, business management, marketing, event planning and event registration; Special event planning for business purposes . . . Design and development of computer hardware and software; Providing a social networking website which features technology that enables users to give charitable financial gifts to others; web site design and development for others; Computer software development for others; Computer software development for others, namely, custom development, deployment, and management of mobile application software for others; Computer services, namely, remote management of databases for others; Software as a service (SAAS) services featuring data dashboards for use in monitoring and managing of church tithing collection operations; Software as a service (SAAS) services featuring data dashboards for use in customer relationship management, monitoring and managing of financial transactions, business administration, business management, marketing, event planning and event registration; Special event planning for business purposes; Software as a service (SAAS) for e-mail campaign management, and development and management of charitable donations and pledges; Software as a services (SAAS) services featuring of information in the field of customer services relationship management; Providing online non-downloadable computer software to facilitate communication between others; Design, creation, hosting, maintenance of websites for others; Hosting the software, websites and other computer applications of others on a managed hosted environment in the fields of finance, financial transactions, payment transaction processing, marketing, event planning, registration, customer relationship management, education, business administration, business management, mobile engagement solutions, charitable fundraising, and e-mail campaign management . . .”

Registration No. 3113868 is for “Banking services, credit card services, and cash management services.”

Registration No. 4101863 is for “Business management services relating to the procurement, transport, inventory and sale of business supplies, janitorial supplies and office supplies.”

Registration No. 4440951 is for “Marketing and administration of a membership program for enabling participants to obtain benefits and discounts on goods and services through use of a discount membership card.”

Registration No. 4446321 is for “Downloadable computer software to enable users to initiate banking and financial transactions via a wireless communication device, namely, software to initiate electronic funds transfers, electronic payments, person-to person money transfers, and person-to-person electronic payments; downloadable computer software to enable users to request that another individual initiate an electronic funds transfer or electronic payment; downloadable computer software to enable users to access transaction and account information in connection with electronic funds transfers and electronic payments.”

Registration No. 4521354 is for “Computer graphics design services; Computer services, namely, creating, maintaining, designing and implementing web sites for others; Creating and designing web pages for others; Design, development, and consulting services related thereto in the field of graphic arts; Graphic design services.”

Registration No. 4803397 is for “Providing fundraising services for others via a global computer network; Crowdfunding services in the nature of collecting money from individuals on an ongoing basis for content creators.”

Registration No. 4862229 is for “Advertising and promotional services; Advertising, including promotion of content creators seeking crowdfunding.”

Registration No. 5164200 is for “Computer application software for mobile phones and handheld computing devices, namely, electronic payment and funds transfer software that accommodates multiple types of payment transactions from a mobile phone and wireless communication device; Online banking services accessible by means of downloadable mobile applications; financial transaction services, namely, providing secure transaction and payment options accessible by means of downloadable applications operating on a wireless device; electronic debit card transaction processing services accessible by means of downloadable mobile applications; electronic funds transfer services accessible by users initiating electronic funds transfer requests using a downloadable application operating on a wireless device; and electronic payment services provided via a mobile application; Software as a service (SaaS) services featuring software to enable users to initiate banking and financial transactions, namely, software to initiate electronic funds transfers, electronic payments, person-to-person money transfers, and person-to-person electronic payments; and software as a service (SaaS) services featuring software to enable users to access transaction and account information in connection with electronic funds transfers and electronic payments.”

Registration No. 5303856 is for “Application software for mobile phones, portable media players, computers, handheld computers and electronic mobile devices for procurement of products and services including professional services; downloadable software via a global network and as a mobile or wireless device application for use in respect of an online platform, marketplace and/or other means of procuring and/or the management of professional services and resources, and for financial matters and financial transactions, financial management, processing, analysis and reporting; computer software for an online platform, marketplace and/or other means of procuring and/or the management of professional services and resources, and for financial matters and financial transactions, financial management, processing, analysis and reporting, for business, business analysis, business information, business organisation and management and business planning purposes; computer software for data analysis, data analytics and data presentation; computer software for financial matters and financial transactions, namely software for use in financial management, processing, analysis and reporting; computer software for processing electronic payments and transferring funds to and from others; computer software for monitoring purchases, sales, payments, and user balances; advisory services relating to business management; business assistance; business consultancy, including business organisation consultancy; business planning; business analysis; business information services; data analysis, data analytics and provision of business data for all of the foregoing; Payment transaction processing services, including electronic and financial payment services and the processing thereof; collection of fees and payments; financial management of payments on behalf of others; payment administration services; consultancy services relating to financial matters, including the provision of information relating to financial matters.”

Registration No. 5220519 is for “Business administration of consumer loyalty programs; customer loyalty services and customer club services, for commercial, promotional and advertising purposes; franchising, namely, consultation and assistance in business management, organisation and promotion; internet advertising services; auctioneering; commercial business management.”

Earlier Application Serial No. 87097037 is for “Computer application software for mobile phones, media players, and handheld computers, namely, software for online networking, photo organizing and photo altering; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information.”

Earlier Application Serial No. 87580891 is for “Providing promotion and advertising in the nature of electronic marketing, namely, Internet, video, social media, and in the nature of print marketing, namely, catalogs, brochures, flyers, shipping documents, product placed labels, tags and logos for . . . .”

The goods and services of applicant are identical or closely related to the goods and services of registrants and earlier applicants. The applicant's, earlier applicants' and registrants' goods and services are likely to be encountered by the same purchasers in the same channel of trade. Given the confusing similarity of the marks, consumers familiar with the registrants' goods and services and earlier applicants' goods and services are likely to believe that applicant's goods and services come from the same source.

The goods and services of the parties need not be identical or directly competitive to find a likelihood of confusion. See *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and services come from a common source. In *re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); see, e.g., *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

Based on the above reasons, a likelihood of confusion must be found to exist. Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

However, applicant must respond to the requirement(s) set forth below.

#### IDENTIFICATION/CLASSIFICATION OF SERVICES INDEFINITE

The identification of goods is indefinite and must be clarified because terms are overly broad and indefinite. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must indicate the specific nature of the services. Please note, "portal event registration" is classified in Class 35.

Applicant may adopt the following identification, if accurate:

1. Advertising; Business management; Business administration; Providing incentive award programs for customers through processing of debit card loyalty program points for on-line purchase transactions of a company's goods and services; Providing incentive award programs for customers through processing of debit card loyalty program points for on-line purchase transactions of a company's goods and services; Customer relationship management; Developing and managing the charitable giving programs of others; insurance and financial services, namely, financial record-keeping for insurance risk management; remote management of computer databases for others; Financial services, namely, providing an online computer website that provides commercial financial transaction data, account management, financial reporting, accounting features and related reference information; Facilitating the exchange of needed information for financial compensation via the Internet; Providing a website for managing, conducting and organizing online auctions that are designed to raise money for charities; Developing and managing the charitable programs of others; Promoting charitable giving that reflects the core values of the donor by providing a method to identify the donor's core values and to select charities that foster those values; Association services, namely, promoting awareness of charitable giving; Event planning for businesses; Event registration for charitable fundraising purposes and events; Event registration for educational institutions; Marketing service, namely, promotional services in the field of planned-giving for non-profit and charitable organizations; Promoting the charitable giving of others, namely, tracking and publicizing charitable donations and random acts of kindness; business data analytic services in the nature of providing analysis of charitable giving data; Online portal for event registration for fundraising events; **Event planning and management for marketing, branding, promoting or advertising the goods and services of others; Online portal for event registration for educational events, cultural events, and social entertainment events; Computer services, namely, remote management of databases for others; Special event planning for business purposes; Online portal for event registration for religious events in the nature of meetings.** (Class 35)
2. Financial services namely, merchant payment transaction processing; Financial consulting services in the field of planned giving for non-profit and charitable organizations; Financial planning services, namely, developing and managing charitable giving programs; Providing on-line information in the field of charitable monetary giving **through financial and estate planning**; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, providing electronic transfer of a virtual currency for use by members of an on-line community via a global computer network; Financial services, namely, business fundraising provided over a computer network such as the Internet and providing on-line stored value accounts in an electronic commerce environment; Financial affairs, namely, financial information, management and analysis services; Monetary affairs services in the form of monetary strategy consultation and research and monetary exchange operations; Financial and monetary affairs transaction management services, namely, providing secure commercial transaction services and payment options and providing an internet website portal in the field of financial transaction and payment processing services; Payment processing, namely, credit card and debit card transaction processing services; Online

**payment transaction** processing services; Financial payment and financial transaction services in the form of credit card, debit card loyalty program and payment transaction processing services; Transaction services in the form of providing cash and other rebates for credit card use and debit card use as part of a customer credit card and debit card loyalty program; Financial transaction services, namely, providing secure commercial transactions and payment options; Financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device at a point of sale; Merchant services, namely, payment transaction processing services; Providing financial data analysis for others, namely, compiling and analyzing church tithing collection statistics for financial purposes. (Class 36)

3. Providing information on education; provided on-line from a computer database or the internet; Production and distribution of videos in the field of finance and financial translations; Providing continuing business education courses; Education services, namely, providing tutorial sessions in the field of finance and financial translations; Education services, namely, providing live and on-line classes, seminars, workshops in the fields of finance and financial transactions, charitable giving, customer relationship management, business administration, business management, marketing, event planning and event registration; Providing religious instruction. (Class 41)
4. Design and development of computer hardware and software; Providing a social networking website which features technology that enables users to give charitable financial gifts to others; web site design and development for others; Computer software development for others; Computer software development for others, namely, custom development, deployment, and management of mobile application software for others; Software as a service (SAAS) services featuring data dashboards for use in monitoring and managing of church tithing collection operations; Software as a service (SAAS) services featuring data dashboards for use in customer relationship management, monitoring and managing of financial transactions, business administration, business management, marketing, event planning and event registration; Software as a service (SAAS) for e-mail campaign management, and development and management of charitable donations and pledges; Software as a services (SAAS) services featuring of information in the field of customer services relationship management; Providing online non-downloadable computer software to facilitate communication between others; Design, creation, hosting, maintenance of websites for others; Hosting the software, websites and other computer applications of others on a managed hosted environment in the fields of finance, financial transactions, payment transaction processing, marketing, event planning, registration, customer relationship management, education, business administration, business management, mobile engagement solutions, charitable fundraising, and e-mail campaign management; Hosting, managing, developing maintaining applications, software and websites of others in the fields of finance, financial transactions, payment transaction processing, marketing, event planning, registration, customer relationship management, education, business administration, business management, mobile engagement solutions, charitable fundraising, and e-mail campaign management; Designing, creating, maintaining and hosting online electronic commerce websites for others; Design, creation, hosting and maintenance of internet sites for third parties; Application service provider (ASP), namely, hosting computer software applications of others in the fields of finance, financial transactions, payment transaction processing, marketing, event planning, registration, customer relationship management, education, business administration, business management, mobile engagement solutions, charitable fundraising, and e-mail campaign management. (Class 42)
5. Personal and social services rendered by others to meet the needs of individuals, namely, companionship services **for [indicate field, e.g., elderly, disables, home-bound]**; Conducting religious prayer services; Providing religious counseling services. (Class 45)

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:**

Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring

this additional fee.

/Caroline E. Wood/  
Examining Attorney  
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(responses are not accepted via e-mail)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.



**DESIGN MARK**

**Serial Number**

78531128

**Status**

REGISTERED AND RENEWED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

3113868

**Date Registered**

2006/07/11

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

First PREMIER Bank CHARTERED BANK SOUTH DAKOTA 601 S. Minnesota Ave.  
Sioux Falls SOUTH DAKOTA 57104

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Banking services, credit card services, and cash management services. First Use: 1992/00/00. First Use In Commerce: 1992/00/00.

**Filing Date**

2004/12/12

**Examining Attorney**

KIM, SOPHIA S.

**Attorney of Record**

Troy Leonard



**DESIGN MARK**

**Serial Number**

79196910

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

5303856

**Date Registered**

2017/10/10

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Persuit (Australia) Assets Pty Ltd PROPRIETARY LIMITED COMPANY  
AUSTRALIA 3/134-136 Cambridge Street Collingwood VIC 3066 AUSTRALIA

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Application software for mobile phones, portable media players,  
computers, handheld computers and electronic mobile devices for  
procurement of products and services including professional services;  
downloadable software via a global network and as a mobile or wireless  
device application for use in respect of an online platform,  
marketplace and/or other means of procuring and/or the management of  
professional services and resources, and for financial matters and  
financial transactions, financial management, processing, analysis and  
reporting; computer software for an online platform, marketplace  
and/or other means of procuring and/or the management of professional  
services and resources, and for financial matters and financial  
transactions, financial management, processing, analysis and  
reporting, for business, business analysis, business information,  
business organisation and management and business planning purposes;  
computer software for data analysis, data analytics and data  
presentation; computer software for financial matters and financial

transactions, namely software for use in financial management, processing, analysis and reporting; computer software for processing electronic payments and transferring funds to and from others; computer software for monitoring purchases, sales, payments, and user balances.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Procurement services for others, including procurement of professional services for others; advisory services relating to business management; business assistance; business consultancy, including business organisation consultancy; business planning; business analysis; business information services; data analysis, data analytics and provision of business data for all of the foregoing.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Payment transaction processing services, including electronic and financial payment services and the processing thereof; collection of fees and payments; financial management of payments on behalf of others; payment administration services; consultancy services relating to financial matters, including the provision of information relating to financial matters.

**Priority Date**

2016/02/03

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2016/08/03

**Examining Attorney**

TRUSILO, KELLY

**Attorney of Record**

Robyn S Lederman

RD

**DESIGN MARK**

**Serial Number**

79197397

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

5220519

**Date Registered**

2017/06/13

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

GSLT Holdings Limited United Kingdom Limited Company Gable End,  
Sparrow Hall Business Park, Leighton Road,  
Edlesborough, Dunstable LU6 2ES UNITED KINGDOM

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:  
Leather and imitations of leather; animal skins and hides; trunks and  
travelling bags; handbags, rucksacks, purses; umbrellas, parasols and  
walking sticks; whips, harnesses and saddlery; clothing for animals.

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,  
namely, t-shirts, vests, jumpers, hooded sweatshirts, sweatshirts,  
sweaters, shorts, trousers, pants, swim trunks, swimsuits, wraps,  
cardigans, socks, lingerie, sleep shirts, nightwear, coats, jackets,  
mittens, gloves, and scarves; footwear; headgear, namely, hats, caps,  
baseball caps, visors, and head scarves.

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Games,  
namely, card games, checkers games, board games, tabletop games,

parlour games, horseshoe games, building games, backgammon games, chess games, dart games, memory games, dice games, pinball games, go games, manipulative games, target games, arcade games, party games, educational card games, marble games, trading card games, action target games, action skill games, basketball table top games, role playing games, ring games, and paddle ball games; playthings, namely, beanbags in the form of playthings, puppet theatres, and toy glow sticks; playing cards; gymnastic and sporting articles in the nature of spring boards, golf ball dispensers, sleds, camouflage screens, weight lifting belts, men's athletic supporters, protective supports for shoulders and elbows; decorations for Christmas trees; children's toy bicycles other than for transport; skateboards; skateboard hardware, namely, bolts and lock nuts, ball bearings for skateboards, skateboard bushings, and skateboard risers pads; skateboard parts, namely, skateboard grip tapes, skateboard decks, and skateboard trucks; skateboard wax; skateboard wheels; skateboard rollers; bags for skateboards; sports articles in the nature of athletic protective wrist, knee and elbow pads or guards for skateboarding.

### **Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business administration of consumer loyalty programs; customer loyalty services and customer club services, for commercial, promotional and advertising purposes; franchising, namely, consultation and assistance in business management, organisation and promotion; internet advertising services; auctioneering; commercial business management; demonstration of goods; retail clothing stores; retail sportswear and sporting goods stores; import-export agency services; online retail store services featuring clothing, sportswear, and sporting goods; online wholesale and retail store services featuring clothing, namely, t-shirts, vests, jumpers, hooded sweatshirts, sweaters, shorts, trousers, pants, swim trunks, swimsuits, wraps, cardigans, socks, lingerie, sleep shirts, nightwear, coats, jackets, mittens, gloves, scarves, footwear, headgear, namely, hats, caps, baseball caps, visors, and head scarves, sportswear, sporting articles, sporting apparatus and equipment, particularly, extreme sports apparatus and equipment, skateboards, skateboard hardware, skateboards parts, skateboard wax, skateboard wheels, skateboard rollers, bags for skateboards, protective pads and guards, sporting articles in the nature of athletic protective wrist, knee and elbow pads or guards for skateboarding, skateboard artwork graphic kits, protective clothing, protective gloves, protective headwear, skateboarding apparel, bags, jewellery, beer mats, stickers, key rings, key fobs, high visibility tapes and stickers, records, prints; retail on-line ordering services featuring clothing, namely, t-shirts, vests, jumpers, hooded sweatshirts, sweaters, shorts, trousers, pants, swim trunks, swimsuits, wraps, cardigans, socks, lingerie, sleep shirts, nightwear, coats, jackets, mittens, gloves, scarves, footwear, headgear, namely, hats, caps, baseball caps, visors, and head scarves, sportswear, sporting articles, sporting apparatus and equipment, particularly, extreme sports apparatus and equipment, skateboards, skateboard

hardware, skateboards parts, skateboard wax, skateboard wheels, skateboard rollers, bags for skateboards, protective pads and guards, sporting articles in the nature of athletic protective wrist, knee and elbow pads or guards for skateboarding, skateboard artwork graphic kits, protective clothing, protective gloves, protective headware, skateboarding apparel, bags, jewellery, beer mats, stickers, key rings, key fobs, high visibility tapes and stickers, records, prints also accessible by telephone, facsimile and mail order.

**Priority Date**

2016/04/27

**Description of Mark**

The mark consists of the letter "P" in stylized form.

**Colors Claimed**

Color is not claimed as a feature of the mark.

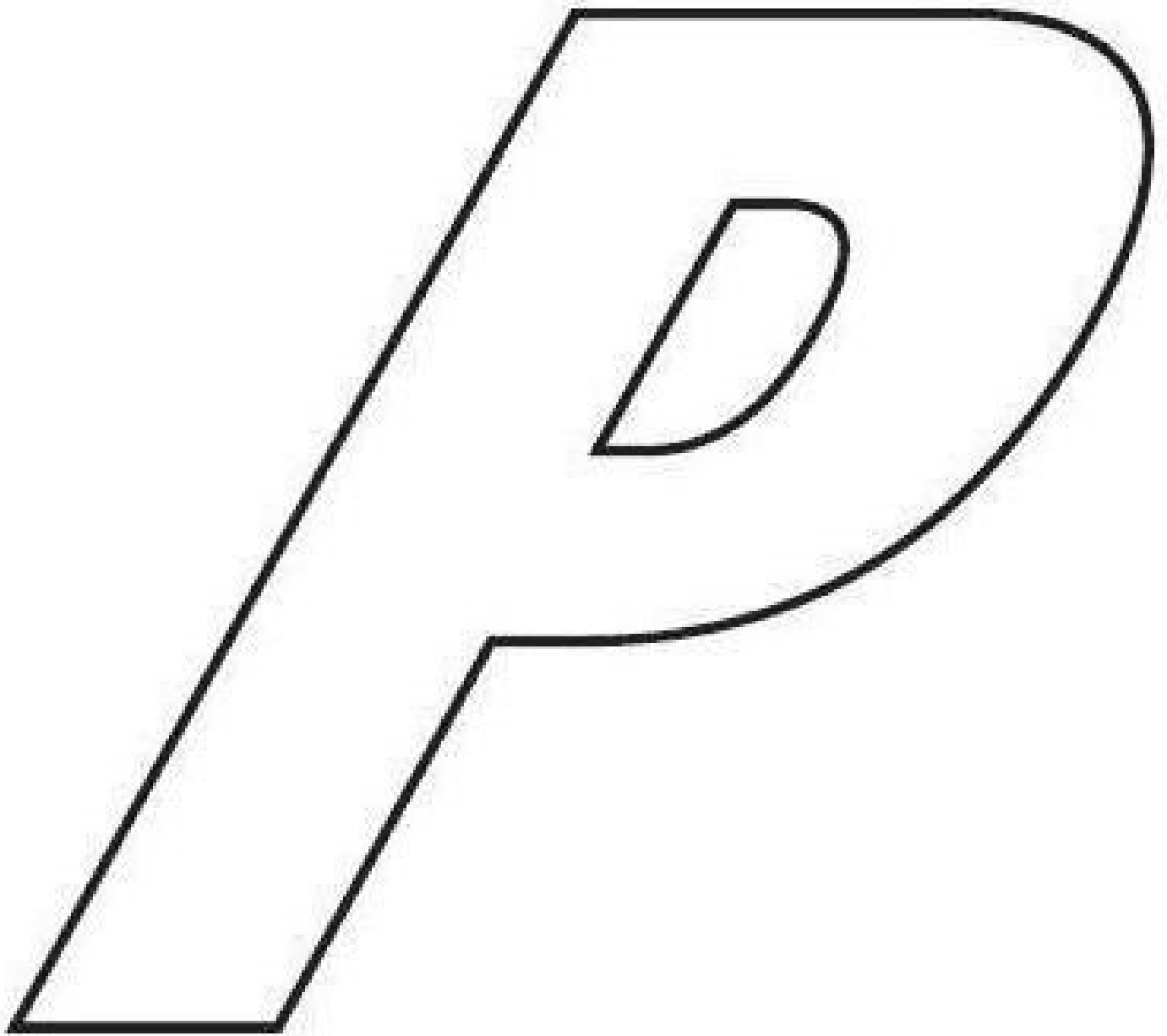
**Filing Date**

2016/04/27

**Examining Attorney**

CALLOWAY, CHRISTINA





**DESIGN MARK**

**Serial Number**

85349843

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4101863

**Date Registered**

2012/02/21

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Arthur William's Industries, LLC LIMITED LIABILITY COMPANY ILLINOIS  
303D Capitol Drive Sugar Grove ILLINOIS 60554

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management services relating to the procurement, transport, inventory and sale of business supplies, janitorial supplies and office supplies. First Use: 2010/07/31. First Use In Commerce: 2010/07/31.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing temporary use of on-line non-downloadable software to facilitate ordering of business supplies, janitorial supplies and office supplies; providing temporary use of on-line non-downloadable software to input, store, manage, track, analyze, display and report data in the fields of procurement, transport, inventory and sale of business supplies, janitorial supplies and office supplies. First Use: 2010/07/31. First Use In Commerce: 2010/07/31.

**Description of Mark**

The mark consists of Stylized "p".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2011/06/18

**Examining Attorney**

GOODSAID, IRA J.

**Attorney of Record**

Mark Shkolnik



**DESIGN MARK**

**Serial Number**

85611525

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4440951

**Date Registered**

2013/11/26

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Karisma Vacation Club, Ltd. CORPORATION BR.VIRGIN ISLANDS ext. Lope de Vega Zona Franca Industrial De San Cristobal Santo Domingo DOMINICAN REP

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Marketing and administration of a membership program for enabling participants to obtain benefits and discounts on goods and services through use of a discount membership card. First Use: 2012/04/30. First Use In Commerce: 2012/04/30.

**Goods/Services**

Class Status -- ACTIVE. IC 043. US 100 101. G & S: Hotel and resort hotel services; travel agency services, namely, arranging temporary accommodation for travel vacations. First Use: 2012/04/30. First Use In Commerce: 2012/04/30.

**Description of Mark**

The mark consists of a stylized representation of the letter "P".

**Colors Claimed**

**Print: Dec 19, 2017**

**85611525**

Color is not claimed as a feature of the mark.

**Filing Date**

2012/04/30

**Examining Attorney**

SWIFT, GILBERT

**Attorney of Record**

J. Michael Hurst



**DESIGN MARK**

**Serial Number**

85752886

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4446321

**Date Registered**

2013/12/10

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Fiserv, Inc. CORPORATION WISCONSIN 255 Fiserv Drive Brookfield  
WISCONSIN 53045

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Downloadable computer software to enable users to initiate banking and  
financial transactions via a wireless communication device, namely,  
software to initiate electronic funds transfers, electronic payments,  
person-to person money transfers, and person-to-person electronic  
payments; downloadable computer software to enable users to request  
that another individual initiate an electronic funds transfer or  
electronic payment; downloadable computer software to enable users to  
access transaction and account information in connection with  
electronic funds transfers and electronic payments. First Use:  
2012/06/10. First Use In Commerce: 2012/06/10.

**Foreign Country Name**

DOMINICAN REP

**Foreign Priority**

FOREIGN PRIORITY CLAIMED



**Foreign Application Number**

2012-10392

**Foreign Filing Date**

2012/05/01

**Foreign Registration Number**

196932

**Foreign Registration Date**

2012/07/31

**Foreign Expiration Date**

2022/07/31

**Description of Mark**

The mark consists of a lowercase letter "p" written in white inside an orange box.

**Colors Claimed**

The color(s) orange and white is/are claimed as a feature of the mark.

**Filing Date**

2012/10/12

**Examining Attorney**

BLANE, SUZANNE

**Attorney of Record**

Ariana G. Voigt



**DESIGN MARK**

**Serial Number**

86064887

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4521354

**Date Registered**

2014/04/29

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Ciccione, Thomas INDIVIDUAL UNITED STATES 74 La Mirage Circle Aliso Viejo CALIFORNIA 92656

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer graphics design services; Computer services, namely, creating, maintaining, designing and implementing web sites for others; Creating and designing web pages for others; Design, development, and consulting services related thereto in the field of graphic arts; Graphic design services. First Use: 2006/09/08. First Use In Commerce: 2006/09/08.

**Description of Mark**

The mark consists of the lowercase letter "p" in solid orange color.

**Colors Claimed**

The color(s) orange is/are claimed as a feature of the mark.

**Filing Date**

2013/09/14

**Print: Dec 19, 2017**

**86064887**

**Examining Attorney**

DUBRAY, KATHERINE M.

**Attorney of Record**

Charles C. Weller, Esq.



**DESIGN MARK**

**Serial Number**

86507441

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4862229

**Date Registered**

2015/12/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Patreon, Inc. CORPORATION DELAWARE 230 9th St San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising and promotional services; Advertising, including promotion of content creators seeking crowdfunding. First Use: 2013/08/01. First Use In Commerce: 2013/08/01.

**Description of Mark**

The mark consists of a stylized letter "P".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2015/01/19

**Examining Attorney**

HARDY, TARAH

**Print: Dec 19, 2017**

**86507441**

**Attorney of Record**  
Colin Sullivan





**DESIGN MARK**

**Serial Number**

86507449

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

4803397

**Date Registered**

2015/09/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Patreon, Inc. CORPORATION DELAWARE 230 9th St San Francisco CALIFORNIA  
94103

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Providing fundraising services for others via a global computer network; Crowdfunding services in the nature of collecting money from individuals on an ongoing basis for content creators. First Use: 2013/08/01. First Use In Commerce: 2013/08/01.

**Description of Mark**

The mark consists of a stylized letter "P".

**Filing Date**

2015/01/19

**Examining Attorney**

HARDY, TARAH

**Attorney of Record**

Colin Sullivan



**DESIGN MARK**

**Serial Number**

86940711

**Status**

REGISTERED

**Word Mark**

P

**Standard Character Mark**

No

**Registration Number**

5164200

**Date Registered**

2017/03/21

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Fiserv, Inc. CORPORATION WISCONSIN 255 Fiserv Drive Brookfield  
WISCONSIN 53045

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile phones and handheld computing devices, namely, electronic payment and funds transfer software that accommodates multiple types of payment transactions from a mobile phone and wireless communication device. First Use: 2012/06/10. First Use In Commerce: 2012/06/10.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Online banking services accessible by means of downloadable mobile applications; financial transaction services, namely, providing secure transaction and payment options accessible by means of downloadable applications operating on a wireless device; electronic debit card transaction processing services accessible by means of downloadable mobile applications; electronic funds transfer services accessible by users initiating electronic funds transfer requests using a downloadable application operating on a wireless device; and

electronic payment services provided via a mobile application. First Use: 2012/06/10. First Use In Commerce: 2012/06/10.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service (SaaS) services featuring software to enable users to initiate banking and financial transactions, namely, software to initiate electronic funds transfers, electronic payments, person-to-person money transfers, and person-to-person electronic payments; and software as a service (SaaS) services featuring software to enable users to access transaction and account information in connection with electronic funds transfers and electronic payments. First Use: 2012/06/10. First Use In Commerce: 2012/06/10.

**Prior Registration(s)**

4446321

**Description of Mark**

The mark consists of a lowercase letter "p" written in white inside an orange box.

**Colors Claimed**

The color(s) orange and white is/are claimed as a feature of the mark.

**Filing Date**

2016/03/15

**Examining Attorney**

TAYLOR, DAVID

**Attorney of Record**

Katrina G. Hull



**DESIGN MARK**

**Serial Number**

87097037

**Status**

SECOND EXTENSION - GRANTED

**Word Mark**

P

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Photal, Inc. CORPORATION GEORGIA 3000 Old Alabama Road Suite 119-273  
Alpharetta GEORGIA 30022

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer application software for mobile phones, media players, and  
handheld computers, namely, software for online networking, photo  
organizing and photo altering; Computer software for the collection,  
editing, organizing, modifying, book marking, transmission, storage  
and sharing of data and information; Computer software to enable the  
transmission of photographs to mobile telephones.

**Description of Mark**

The mark consists of a stylized letter "P".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2016/07/08

**Examining Attorney**

HUSSAIN, TASNEEM

**Attorney of Record**

Katherine Sparks



**DESIGN MARK**

**Serial Number**

87580891

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

P

**Standard Character Mark**

No

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

SiteOne Landscape Supply, LLC LIMITED LIABILITY COMPANY DELAWARE 300  
Colonial Center Parkway, Suite 600 Roswell GEORGIA 30076

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing promotion and advertising in the nature of electronic marketing, namely, Internet, video, social media, and in the nature of print marketing, namely, catalogs, brochures, flyers, shipping documents, product placed labels, tags and logos for irrigation and drainage goods, outdoor lighting, nursery, landscape supplies, fertilizers, turf protection products, grass seed, turf care equipment, construction materials, namely, cement and supplies, pavers and walls, soils and mulch, and golf course accessories; wholesale distributorships featuring irrigation goods, outdoor lighting, nursery, landscape supplies, fertilizers, turf protection products, grass seed, turf care equipment, and golf course accessories.

**Description of Mark**

The mark consists of a white stylized letter P inside an orange circle.

**Colors Claimed**

The color(s) orange and white is/are claimed as a feature of the mark.

**Filing Date**

2017/08/23

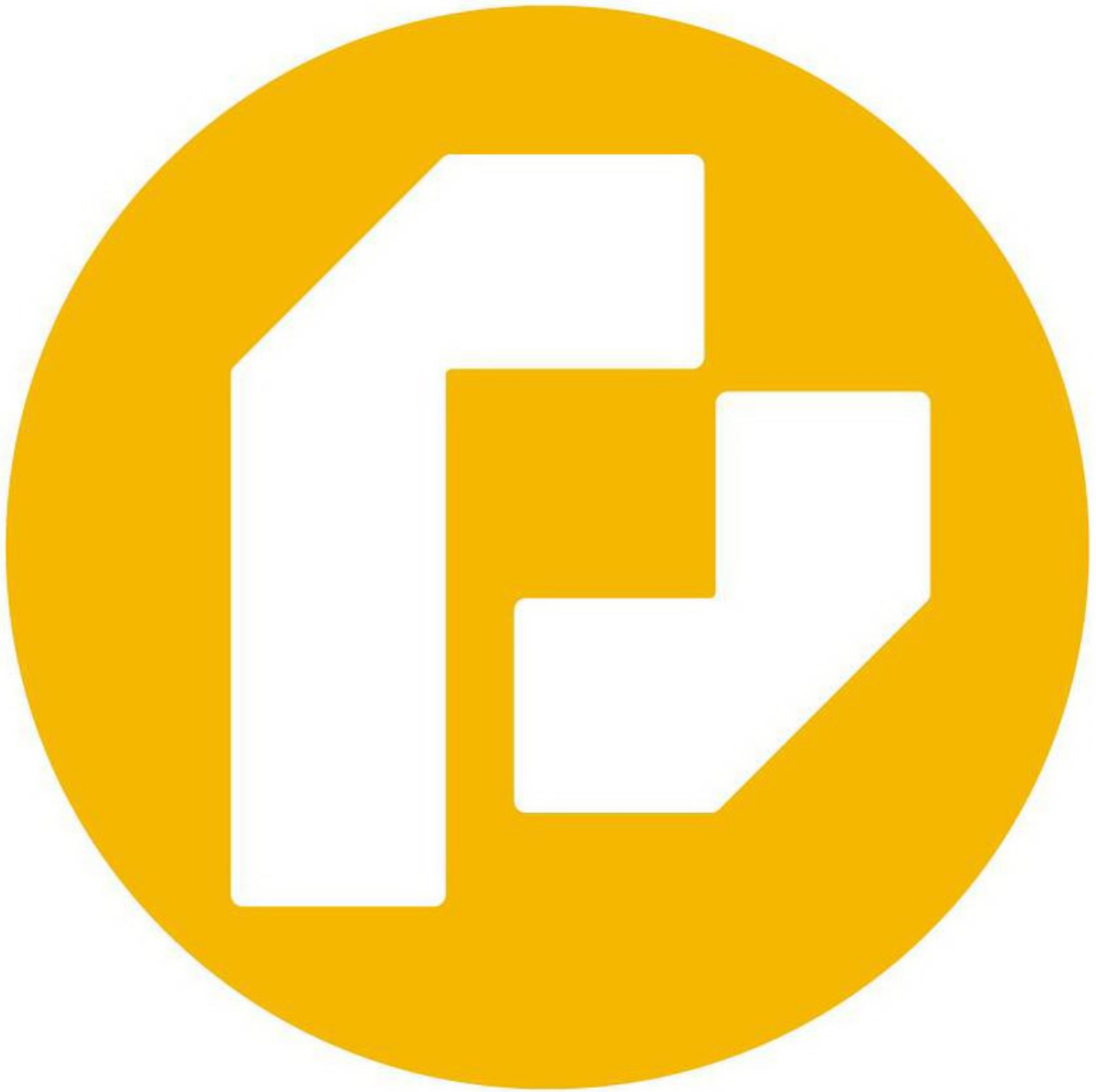


**Print: Dec 19, 2017**

**87580891**

**Examining Attorney**  
HOLLAND, JAMI

**Attorney of Record**  
Amanda G. Hyland



**To:** Pushpay IP Limited ([nptm@nixonpeabody.com](mailto:nptm@nixonpeabody.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87385370 - P - 069066-38  
**Sent:** 12/19/2017 2:50:25 PM  
**Sent As:** ECOM110@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **12/19/2017** FOR U.S. APPLICATION SERIAL NO. 87385370

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **12/19/2017** (or sooner if specified in the Office action). A response transmitted through the Trademark Electronic Application System (TEAS) must be received before midnight **Eastern Time** of the last day of the response period. For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the TEAS response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).