

EXHIBIT D

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Mark: P



US Serial Number: 87580891

Application Filing Date: Aug. 23, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 04, 2019

Mark Information

Mark Literal Elements: P

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

Color Drawing: Yes

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

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

26.15.02 - Plain single or multiple line polygons; Polygons (plain, single line)

26.15.13 - More than one polygon

27.03.01 - Geometric figures forming letters, numerals or punctuation

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

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 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

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SiteOne Landscape Supply, LLC
Owner Address: 300 Colonial Center Parkway, Suite 600
 Roswell, GEORGIA 30076
 UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda G. Hyland
Attorney Primary Email Address: ahyland@taylorenglish.com
Docket Number: 72011-3890
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA G. HYLAND
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 UNITED STATES
Phone: 770-434-6868
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Correspondent e-mail: ahyland@taylorenglish.com kelleby@taylorenglish.com
h.com.trademarkdepartment@taylorenglish.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 04, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 04, 2019	NON-FINAL ACTION E-MAILED	6325
Jun. 04, 2019	NON-FINAL ACTION WRITTEN	93052
Nov. 20, 2018	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 08, 2018	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 06, 2017	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Nov. 06, 2017	LETTER OF SUSPENSION E-MAILED	6332
Nov. 06, 2017	SUSPENSION LETTER WRITTEN	93052
Oct. 26, 2017	ASSIGNED TO EXAMINER	93052
Aug. 30, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Aug. 29, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 26, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HOLLAND, JAMI ELENA
Law Office Assigned: LAW OFFICE 122

File Location

Current Location: TMO LAW OFFICE 122 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Jun. 04, 2019

To: SiteOne Landscape Supply, LLC (ahyland@taylorenglish.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87580891 - P - 72011-3890
Sent: 6/4/2019 10:23:15 AM
Sent As: ECOM122@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION
SERIAL NO.** 87580891

MARK: P

87580891

**CORRESPONDENT
ADDRESS:**

AMANDA G.
HYLAND
TAYLOR ENGLISH
DUMA LLP
1600 PARKWOOD
CIRCLE, SUITE 200
ATLANTA, GA 30339

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: SiteOne
Landscape Supply, LLC

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

72011-3890

**CORRESPONDENT E-
MAIL ADDRESS:**

ahyland@taylorenglish.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: 6/4/2019

On November 6, 2017, action on this application was suspended pending the disposition of U.S. Application Serial Nos. 87385370 and 86559822.

The referenced prior-pending application Serial No. 87385370 is still pending.

The referenced prior-pending application Serial No. 86559822 has since registered. Therefore, registration is refused as follows.

SUMMARY OF ISSUES:

- Section 2(d) Refusal: Likelihood of Confusion

- *Prior-filed Pending Application (Advisory)*

SECTION 2(d) REFUSAL: LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5628107. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

The applied-for mark is P in a design plus wording 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 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” in Class 035.

Reg. No. 5628107 is P in standard characters for “Advertising services; business management; business administration services; providing office functions” in Class 035, as well as goods and services in Classes 009 and 035.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Only those factors that are “relevant and of record” need be considered. *M2 Software, Inc. v. M2 Commc’ns, Inc.*, 450 F.3d 1378, 1382, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006) (citing *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1241, 73 USPQ2d 1350, 1353 (Fed. Cir. 2004)); *see In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1744 (TTAB 2018).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the [services] and differences in the marks.”); TMEP §1207.01.

Similarity of the Marks

When comparing marks, “[t]he proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that [consumers] who encounter the marks would be likely to assume a connection between the parties.” *Cai v. Diamond Hong, Inc.*, ___ F.3d ___, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re St. Helena Hosp.*, 774 F.3d 747, 750-51, 113 USPQ2d 1082, 1085 (Fed. Cir. 2014); *Geigy Chem. Corp. v. Atlas Chem. Indus., Inc.*, 438 F.2d 1005, 1007, 169 USPQ 39, 40 (CCPA 1971)); TMEP §1207.01(b).

The applied-for mark is P in a design plus wording.
Reg. No. 5628107 is P in standard characters.

A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”).

In the present case, registrant’s mark is in standard characters and thus may be presented in any style or display, including that featured in the applied-for mark.

As a result, the applied-for mark and registrant’s mark are confusingly similar.

Accordingly, giving each feature of the marks appropriate weight, the marks when compared in their entireties are sufficiently similar to create consumer confusion or mistake as to the source of the services despite some differences.

Relatedness of the Services

Determining likelihood of confusion is based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the registration uses broad wording to describe advertising services, which presumably encompasses all services of the type described, including applicant's more narrow identification of providing promotion and advertising in the nature of electronic marketing. See, e.g., *In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's services are legally identical. See, e.g., *In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant's and registrant's services are related.

Conclusion

The overriding concern is not only to prevent buyer confusion as to the source of the services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993).

Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

In summary, applicant's and registrant's marks create the same commercial impression and the respective services are highly related. Therefore, consumers are likely to be confused and mistakenly believe that the services originate from a common source. Accordingly, registration must be refused under Section 2(d) of the Trademark Act.

PRIOR-FILED PENDING APPLICATION (ADVISORY)

The filing date of pending U.S. Application Serial No. 87385370 precedes applicant's filing date. See previously attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

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, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

RESPONSE TO OFFICE ACTION

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) Applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If Applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office Action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about Applicant's rights. See TMEP §§705.02, 709.06.

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.

/Jami Holland/
Trademark Examining Attorney
U.S. Patent and Trademark Office
Law Office 122
(571) 272-7806
Jami.Holland@uspto.gov

TO RESPOND TO THIS LETTER: Go to 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. 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 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

86559822

Status

REGISTERED

Word Mark

P

Standard Character Mark

Yes

Registration Number

5628107

Date Registered

2018/12/11

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Pushpay IP Limited limited company (ltd.) NEW ZEALAND Level 6, 167
Victoria Street West Auckland 1010 NEW ZEALAND

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for use in database management, use as a
spreadsheet, and word processing; computer software for facilitating
financial transactions, namely, e-commerce software to allow users to
perform electronic business transactions via 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; all the foregoing relating to the fields of
finance, financial transactions or financial transaction management or
execution and not relating to sports or a sports team, league, mascot
or stadium. First Use: 2013/02/00. First Use In Commerce:
2013/02/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising services; business management; business administration services; providing office functions. First Use: 2013/02/00. First Use In Commerce: 2013/02/00.

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: 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 and transaction processing services; financial payment and financial transaction services in the form of credit card, debit card loyalty program and payment transaction processing services; 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; all the foregoing relating to the fields of finance, financial transactions or financial transaction management or execution and not relating to sports or a sports team, league, mascot or stadium. First Use: 2013/02/00. First Use In Commerce: 2013/02/00.

Filing Date

2015/03/10

Examining Attorney

KEAN, AMY

Attorney of Record

Sheila Fox Morrison

P

To: SiteOne Landscape Supply, LLC (ahyland@taylorenghish.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87580891 - P - 72011-3890
Sent: 6/4/2019 10:23:16 AM
Sent As: ECOM122@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 **6/4/2019** FOR U.S. APPLICATION SERIAL NO. 87580891

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 **6/4/2019** (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.

(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.

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.