

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

APPLICANT: Big Blue Swim School IP, LLC

MARK: The logo for 'Bright Blue' features the word 'Bright' in a bold, sans-serif font above the word 'Blue' in a similar font. To the left of the word 'Blue' is a stylized fish icon.

SERIAL NO.: 88/212,118



FILING DATE: November 30, 2019

CURRENT BASIS: 1(b)

NOTICE OF ALLOWANCE DATE: June 25, 2019

**PROPOSED AMENDMENT TO THE DRAWING**

Along with the submission of the Allegation of Use for the above identified trademark (Serial No. 88/212,118) for “Swimming instruction; Educational services, namely, developing curriculum for others in the field of swimming instruction” in Class 41, Applicant hereby

respectfully requests an amendment of the drawing from  **Bright Blue** to  **Bright Blue**

and respectfully requests that the Examining Attorney approve the amendment because the amended drawing contains only a minor alteration of the initial Mark and complies with the standards set out in the Trademark Manual of Examining Procedure. TMEP Section 807.13(a) & 37 C.F.R. §2.72. An amendment of a mark is not material and thus acceptable if the modified mark contains the essence of the original mark, and the mark as amended creates essentially the same impression as the original mark. *In re Umax Data Sys., Inc.*, 40 USPQ2d 1539 (Comm’r Pats. 1996). The new Mark contains the essence of the original Mark, namely, the wordings “Bright Blue” in fancy fonts and the fish graphic and the Mark as amended creates the same impression as

the original mark. The slight change of the positions of the wordings “Bright” and “Blue” and the position of the fish graphic from the left to the right of the wordings is not a material alteration of the Mark. *Id.* Therefore, Applicant respectfully requests that the Examining Attorney enter the said amendment.

Applicant also trusts that the specimen submitted satisfies the requirements of the Allegation of Use, thus respectfully requests its Mark be approved for publication.

Dated: December 20, 2019

Respectfully submitted,

**Latimer LeVay Fyock LLC**

By: /s/ John L. Ambrogi

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***Attorney for Applicant***