

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application Serial Number: 88227733
Customer Number: 10590
Applicant: Darlington, Trevor
Mark: HELIUM
Law Office: 101
Examining Attorney: Chuo, Emily

Commissioner for Trademarks
P.O. Box 1450
Alexandria, VA

RESPONSE TO OFFICE ACTION

Dear Examining Attorney:

In response to the Office Action of 03-13-2019 (“Office Action”), please see attached Applicant’s arguments in favor of its request for registration.

I. Identification of Goods

On page 2 of the Office Action, the Examining Attorney cites the identification of goods is not acceptable because it contains indefinite wording which must be clarified. Some of the wording could be classified in more than one international class pursuant to TMEP §1402.01, 1402.03. In response, the Applicant amends the identification of goods to “*Mattresses; Bed frames; Bed pillows*” in international class 020.

II. Requirement for Additional Information

On page 2 of the Office Action, the Examining Attorney requires the Applicant explain whether the wording in the mark “HELIUM” has any meaning or significance as applied to applicant’s goods, or if such wording is a term of art within applicant’s industry. In response, the Applicant explains the HELIUM mark does not have any meaning or significance to the goods. The HELIUM mark is not a term of art within the Applicant’s industry. The Applicant’s goods do not contain helium in any form. The mattresses identified in the application do not include air mattresses. Helium is defined as the chemical element of atomic number 2, an inert gas which is the lightest member of the noble gas series. The Applicant’s goods are not descriptive, suggestive or related to the term helium.

III. Conclusion

Based on the arguments provided herein, the application for registration is believed to be in condition for allowance. However, Applicant requests the Examining Attorney call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the present trademark application to an allowance.

By: /Derek Fahey/
Derek Fahey, Reg. No. 66,720
Customer No. 10590
101 N.E. 3rd Ave., Suite 1500
Fort Lauderdale, Florida
954-332-3584 (voice)
derek@plusfirm.com