

Response to Office Action, Ser. No. 90175378

Miscellaneous Statement:

Applicant's response to the issues raised in the Office Action dated Nov. 17, 2020:

I. Varietal Name Refusal. "To permit proper examination of the applied-for mark, applicant must indicate the following:"

(1) Whether HB has ever been used or will be used as a varietal or cultivar name [response: No; HB in this case stands for "Harvest Bounty"; see Applicant's prior registration No. 5897508]; and

(2) Whether HB has ever been used or will be used in connection with a plant patent, utility patent, or certificate for plant-variety protection. [response: No.]

II. Disclaimer Statement Required [response: notwithstanding the examiner's evidence that HB is a varietal name for corn and soybeans, applicant is not using HB in that sense. Nonetheless, application herewith provides the required disclaimer.

III. New Mark Drawing Required. [response: see attached]

IV. Mark Description Amendment Required. [response: the examiner's suggested description ("The mark consists of a shaded circle featuring the stylized letters "HB" in the center with a stylized crescent shape to the right of the circle and a second larger stylized crescent shape to the left of the circle.") while accurate, does not conform with applicant's family of globe design registrations. Applicant submits that a description that includes the word "globe" would be preferable in that it would assist the TM Office and others in search/clearance efforts. See applicant's prior Registration Nos. 5050552, 5191772, 5206115, 5206116, 5257309, 5257421, 5556201, 5556210, 5874410, 5874411, 5938293, 6038621, 6053425, 6053463, 6053471, 6054757, 6089733, and 6120269. Applicant submits the following amendment: "The mark consists of an image reminiscent of a globe, consisting of a shaded circle featuring the stylized letters "HB" in the center with a stylized crescent shape to the right of the circle and a second larger stylized crescent shape to the left of the circle."