

ESTTA Tracking number: **ESTTA1103943**

Filing date: **12/23/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	New Prime, Inc., d/b/a Prime Inc.
Granted to Date of previous extension	12/23/2020
Address	2740 NORTH MAYFAIR AVENUE SPRINGFIELD, MO 65803 UNITED STATES

Attorney information	AMY BROZENIC LATHROP GPM LLP 10851 MASTIN BOULEVARD BUILDING 82, SUITE 1000 OVERLAND PARK, KS 66210-1669 UNITED STATES Primary Email: internalip@lathropgpm.com Secondary Email(s): timothy.hadachek@lathropgpm.com, travis.mccallon@lathropgpm.com, luke.meriwether@lathropgpm.com, amy.brozenic@lathropgpm.com, maggie.jiles@lathropgpm.com, terry.mueller@lathropgpm.com, eric.sidler@lathropgpm.com 913-451-5100
Docket Number	588217

Applicant Information

Application No.	88671191	Publication date	08/25/2020
Opposition Filing Date	12/23/2020	Opposition Period Ends	12/23/2020
Applicant	Amazon Technologies, Inc. 410 TERRY AVE N SEATTLE, WA 98109 UNITED STATES		

Goods/Services Affected by Opposition

Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Transport of goods; Shipping, delivery, and storage of goods; Goods warehousing; Merchandise packaging for others; Courier services; Coordinating transportation, shipping, and delivery services of parcel containers and goods of others; Providing transportation, shipping, and delivery information; providing transportation, shipping, and delivery consultancy and advisory services; vehicle rental; truck rental

Applicant Information

Application No.	88671197	Publication date	08/25/2020
Opposition Filing Date	12/23/2020	Opposition Period Ends	
Applicant	Amazon Technologies, Inc. 410 TERRY AVE N SEATTLE, WA 98109 UNITED STATES		

Goods/Services Affected by Opposition

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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85497826	Application Date	12/16/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PRIME INC.		
Design Mark			
Description of Mark	The mark consists of stylized outlining of the word "PRIME" in capital letters and the word "inc." in lower case letters.		
Goods/Services	Class 039. First use: First Use: 1980/01/30 First Use In Commerce: 1980/01/30 Transportation services by truck		

U.S. Application No.	87575242	Application Date	08/18/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PRIME INC.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1980/01/30 First Use In Commerce: 1980/01/30 Transportation services by truck		

Attachments	2020-12-23 New Prime Ntc of Opp_BUSINESS PRIME.pdf(160608 bytes)
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	Ex A_Final_Ps 01-18.pdf(2417370 bytes) Ex A_Final_Ps 19-34.pdf(4656759 bytes) Ex A_Final_Ps 35-46.pdf(2892920 bytes) Ex B.pdf(1225486 bytes) Ex C.pdf(24579 bytes) Ex Dr.pdf(1571260 bytes) Ex E1_1-40.pdf(2235864 bytes) Ex E2r_41-50.pdf(461911 bytes) Ex E3_51-60.pdf(4372587 bytes) Ex E4_61-103.pdf(3877652 bytes) Ex F.pdf(16965 bytes) Ex G.pdf(15092 bytes) Ex H_88671191.pdf(2373677 bytes) Ex I_88671197.pdf(2373679 bytes)
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Signature	/Amy Brozenic/
Name	AMY BROZENIC
Date	12/23/2020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re: Application Serial No. 88/671,191
For the Mark: BUSINESS PRIME (Standard Character Mark)
Filed: October 28, 2019
Published in the Official Gazette: August 25, 2020

In Re: Application Serial No. 88/671,197



For the Mark:
Filed: October 28, 2019
Published in the Official Gazette: August 25, 2020

NEW PRIME, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
AMAZON TECHNOLOGIES, INC.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

New Prime, Inc., d/b/a Prime Inc., a corporation organized and existing under the laws of the State of Nebraska, with its principal place of business located at 2740 North Mayfair Avenue, Springfield, Missouri 65803 (“Opposer”), believes that it will be damaged by the registration of the marks shown in Application Serial Nos. 88/671,191 and 88/671,197 (referred to collectively as the “Accused Marks”) and hereby opposes the same. As grounds for its Opposition, Opposer alleges as follows:

Opposer's PRIME INC. Marks

1. Opposer is a leading transportation company founded in 1970 that provides refrigerated, flatbed, tanker, and intermodal transportation, trucking, and shipping services throughout the United States and internationally.

2. Opposer currently has more than 14,500 remotely-monitored, temperature-controlled trailers in service throughout the United States and internationally and projects growth of at least 1,500 to 3,000 additional trailers per year.

3. Opposer is one of the largest and most successful freight carriers in the United States. Opposer distributes and provides its transportation, trucking, and shipping services in all 48 contiguous U.S. states, as well as in Canada and Mexico, through its network of approximately 7,000 trucks and more than 14,500 trailers operated by thousands of drivers.

4. Since at least as early as January 30, 1980, Opposer has continuously used the mark PRIME INC.—in both standard characters and stylized lettering—throughout the United States and internationally in connection with its transportation, trucking, and shipping services (the “PRIME INC. Marks”).

5. Since at least as early as January 1, 1990, Opposer has continuously used the PRIME INC. Marks in commerce throughout all 48 contiguous U.S. states, as well as in Canada and Mexico.

6. Opposer prominently displays the PRIME INC. Marks, for example, on its website, on various social media platforms, in written advertisements and promotional materials, and on each of its approximately 7,000 trucks and more than 14,500 trailers operated throughout all 48 contiguous U.S. states, as well as in Canada and Mexico. Representative specimens of Opposer's use of the PRIME INC. Marks in commerce are attached collectively as **Exhibit A**.

7. Opposer has extensively marketed, advertised, and promoted its transportation, trucking, and shipping services under the PRIME INC. Marks throughout the United States and internationally.

8. Every year since at least 2009, Opposer's trucks have traveled over 500 million miles throughout all 48 contiguous U.S. states. Every year since at least 2015, Opposer's trucks and trailers have traveled over 700 million miles throughout all 48 contiguous U.S. states. These trucks and trailers operate not only as vessels to transport goods, but also as traveling "billboards" for Opposer and its services—billboards prominently and conspicuously placed before the eyes of drivers and passengers on interstates, highways, and roads throughout all 48 contiguous U.S. states every single day for at least the last 30 years.

9. In addition to advertising its services through the display of the PRIME INC. Marks on its thousands of trucks and trailers traveling throughout all 48 contiguous U.S. states, Opposer also advertises its services through direct consultation and solicitation by its network of sales representatives throughout the United States, Canada, and Mexico.

10. Opposer also uses more traditional methods of advertising, including print media (*e.g.*, Opposer's *Prime Ways* magazine) and other written advertisements and promotional materials disseminated to consumers and the general public throughout the United States for at least the last forty years.

11. In addition, Opposer has prominently displayed the PRIME INC. Marks on its website since at least 1996, and on various social media platforms (including Facebook, Instagram, Twitter, YouTube, and LinkedIn) since at least 2011. Opposer has also advertised its services under the PRIME INC. Marks via the nationwide sale of branded apparel and accessories through its online store located at www.primeincstore.com since at least 2012.

12. Every year since at least 2013, and in addition to its ubiquitous advertising on its trucks and trailers, Opposer has spent multiple millions of dollars on U.S. advertising to promote its services.

13. Opposer's annual revenue on sales of goods and/or services offered under the PRIME INC. marks is in the billions of dollars, and has been for each year since at least 2011.

14. Opposer employs more than 8,500 drivers nationwide.

15. Opposer has operated a network of more than 4,500 trucks and more than 7,000 trailers throughout all 48 contiguous U.S. states every year since at least 2011.

16. Opposer has operated facilities throughout the United States, including in Springfield, Missouri; Pittston, Pennsylvania; Salt Lake City, Utah; Denver, Colorado; Laredo, Texas; Sherwood, Oregon; Oxnard, California; Auburndale, Florida; Miami, Florida; Pierson, Florida; Reed City, Michigan; Lewiston, Maine; Olney, Illinois; Decatur, Indiana; Port Wentworth, Georgia; Bellingham, Washington; and Duke, Oklahoma.

17. The PRIME INC. Marks are arbitrary in that their dominant component—the word “prime”—has a meaning that has no direct relation to Opposer's services. Thus, the PRIME INC. Marks are inherently distinctive identifiers of Opposer and its services.

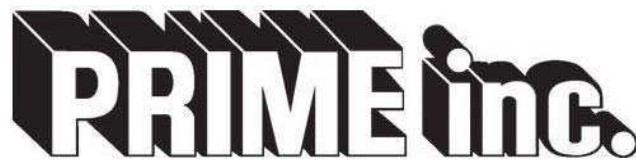
18. At the very least, as a result of Opposer's continuous use of the PRIME INC. Marks in connection with its transportation, trucking, and shipping services throughout the United States and internationally for more than forty years, the PRIME INC. Marks have acquired secondary meaning as distinctive identifiers of Opposer and its services.

19. As a result of Opposer's extensive and continuous use and promotion of the PRIME INC. Marks in connection with its transportation, trucking, and shipping services throughout the United States and internationally for more than four decades, the PRIME INC. Marks have become

well and favorably known, and famous, to consumers and the general public throughout the United States as associated with Opposer, its services, and its widespread recognition and reputation as a leader in the transportation, trucking, and shipping industry. Opposer therefore has established substantial and valuable goodwill in the PRIME INC. Marks, which have become valuable assets of Opposer.

20. For all of the foregoing reasons, Opposer has established significant common law rights throughout the United States in the PRIME INC. Marks.

21. On December 16, 2011, Opposer filed Application Serial No. 85/497,826 for the stylized PRIME INC. Mark, depicted below, covering “[t]ransportation services by truck” in Class 39 based on first use anywhere and first use in interstate commerce as early as January 30, 1980:



22. The USPTO examining attorney assigned to Application Serial No. 85/497,826 refused to register the stylized PRIME INC. Mark, citing Applicant Amazon Technologies, Inc.’s (“Applicant”) U.S. Registration No. 3,234,643 for the standard character mark PRIME covering, *inter alia*, an “[e]xpedited shipping service for others” in Class 39, and finding a likelihood of confusion as between these two marks based on the presumptive overlap in services offered in connection with the marks and the “identical” nature of the dominant component of the marks. Copies of the examining attorney’s Office Actions dated March 31, 2012, October 29, 2012, and May 23, 2013, are attached as **Exhibits B, C, and D**, respectively.

23. Application Serial No. 85/497,826 abandoned on April 2, 2014.

24. On August 18, 2017, Opposer filed Application Serial No. 87/575,242 for the standard character PRIME INC. Mark covering “[t]ransportation services by truck” in Class 39 based on first use anywhere and first use in interstate commerce as early as January 30, 1980.

25. In an Office Action dated October 31, 2017, the USPTO examining attorney assigned to Application Serial No. 87/575,242 cited, *inter alia*, certain applications owned by Applicant that were filed before Application Serial No. 87/575,242—including U.S. Application Serial Nos. 87/394,793, 87/394,812, 87/177,080, and 87/033,547—as bases for the refusal of registration of the standard character PRIME INC. Mark “because of a likelihood of confusion with” these PRIME-formative marks. A copy of this Office Action is attached as **Exhibit E**.

26. On January 24, 2018, Opposer filed a Notice of Opposition in the USPTO’s Trademark Trial and Appeal Board, Opposition No. 91239114, in which it opposed Applicant’s U.S. Application Serial Nos. 87/394,793 and 87/394,812 on the grounds of likelihood of confusion under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), false suggestion of connection under § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), and no bona fide intent to use under § 1 of the Lanham Act, 15 U.S.C. § 1051.

27. Also on January 24, 2018, Opposer filed a Petition for Cancellation in the USPTO’s Trademark Trial and Appeal Board, Cancellation No. 92067774, in which it sought cancellation of Applicant’s U.S. Registration No. 3,234,643 on the grounds of fraud under § 14(3) of the Lanham Act, 15 U.S.C. § 1064(3), and false suggestion of connection under § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

28. On May 22, 2018, the USPTO examining attorney suspended action on U.S. Application Serial No. 87/575,242 in view of, *inter alia*, Opposer’s Opposition No. 91239114. As another basis for suspension, the examining attorney stated that “action on [U.S. Application Serial

No. 87/575,242] is suspended until the earlier-filed referenced application(s) [including those referenced in paragraph 25 above] is either registered or abandoned.” A copy of the examining attorney’s Suspension Notice is attached as **Exhibit F**.

29. On December 3, 2018, Opposer filed a Notice of Opposition in the USPTO’s Trademark Trial and Appeal Board, Opposition No. 91245113, in which it opposed Amazon Technologies’ U.S. Application Serial Nos. 87/033,547 and 87/033,480 on the grounds of likelihood of confusion under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), false suggestion of connection under § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), and no bona fide intent to use under § 1 of the Lanham Act, 15 U.S.C. § 1051.

30. On February 6, 2019, Opposer filed a Notice of Opposition in the USPTO’s Trademark Trial and Appeal Board, Opposition No. 91246273, in which it opposed Amazon Technologies’ U.S. Application Serial No. 87/177,080 on the grounds of likelihood of confusion under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), false suggestion of connection under § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), and no bona fide intent to use under § 1 of the Lanham Act, 15 U.S.C. § 1051.

31. On August 8, 2019, the USPTO examining attorney further suspended action on U.S. Application Serial No. 87/575,242 in view of, *inter alia*, Opposer’s Opposition Nos. 91239114, 91245113, and 91246273. A copy of the examining attorney’s Suspension Notice is attached as **Exhibit G**.

Applicant’s BUSINESS PRIME Marks

32. On October 28, 2019, Applicant filed Application Serial No. 88/671,191 and Application Serial No. 88/671,197 (the “Opposed Applications”) to register the standard character

mark BUSINESS PRIME and  (the “Accused Marks”), on the

Principal Register for the following Class 39 services: “Transport of goods; Shipping, delivery, and storage of goods; Goods warehousing; Merchandise packaging for others; Courier services; Coordinating transportation, shipping, and delivery services of parcel containers and goods of others; Providing transportation, shipping, and delivery information; providing transportation, shipping, and delivery consultancy and advisory services; vehicle rental; truck rental.”

33. Applicant filed the Opposed Applications under § 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), alleging an intent to use the Accused Marks as trademarks and/or service marks in the United States in connection with the Class 39 services recited above.

34. The USPTO examining attorney assigned to the Opposed Applications, in Office Actions dated January 22, 2020, required that Applicant amend its applications to state that “[n]o claim is made to the exclusive right to use “BUSINESS” apart from the mark as shown.” The examining attorney determined that the term “business” was unregistrable as not inherently distinctive and merely descriptive of Applicant’s services. Applicant amended the Opposed Applications consistent with the examining attorney’s requirement on July 21, 2020. Thus, “prime” is the dominant component of both the Accused Marks and Opposer’s PRIME INC. Marks. Copies of these Office Actions are attached at **Exhibits H and I**.

35. The Opposed Applications published on August 25, 2020.

36. On September 11, 2020, Opposer timely filed a request for a ninety-day extension of time to oppose the Opposed Applications. The Board granted this request the same day, extending the opposition deadline to December 23, 2020.

COUNT I
Likelihood of Confusion

37. Opposer realleges and incorporates by reference all preceding allegations as though set forth in full here.

38. Opposer's use of the PRIME INC. Marks in commerce has priority over and precedes Applicant's use of the Accused Marks.

39. The Accused Marks so resemble Opposer's PRIME INC. Marks as to be likely, when used in connection with services identical or closely related to the transportation, trucking, and shipping services offered by Opposer under the PRIME INC. Marks, to cause consumer confusion, mistake, or deception under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

40. The Accused Marks are identical or substantially similar in appearance, sound, meaning, and commercial impression when compared to the PRIME INC. Marks. The dominant component of each of these marks—the word “prime”—is the same. Indeed, the USPTO examining attorney assigned to the Opposed Applications required disclaimers of the word “business,” just as the USPTO examining attorneys assigned to Prime Inc.'s Application Serial Nos. 85/497,826 and 87/575,242 required disclaimers of the word “inc.”

41. The Accused Marks are, will be, or could be used by Applicant in connection with Class 39 services—including those recited in the Opposed Applications—that are identical or closely related to the services offered by Opposer under the PRIME INC. Marks.

42. Indeed, the Class 39 services recited in the Opposed Applications contain no limitation as to their nature, type, channels of trade, or class of purchasers, and so it is presumed that these services are, will be, or could be offered by Applicant through the same channels of trade and to the same consumers as the services offered by Opposer under the PRIME INC. Marks.

43. If Applicant is permitted to register the Accused Marks for Class 39 services, including those recited in the Opposed Applications, consumer confusion is likely to result due to the similarity between the Accused Marks and PRIME INC. Marks and the similarity of the services provided by Opposer and Applicant under their respective marks. Persons familiar with

the parties' services offered under their respective marks would be likely to be confused, mistaken, and/or deceived as to whether some affiliation, connection, or association exists between Applicant and Opposer, and/or as to the origin, sponsorship, or approval of the parties' services offered under their respective marks, including by erroneously believing that services provided by Applicant under the Accused Marks are provided, authorized, or endorsed by or in some manner associated with Opposer, and/or that services provided by Opposer under the PRIME INC. Marks are provided, authorized, or endorsed by or in some manner associated with Applicant, and/or that Opposer is somehow infringing the Accused Marks. In addition, such persons would likely associate any defect, objection, or fault found with Applicant's Class 39 services offered under the Accused Marks with Opposer's transportation, trucking, and shipping services offered under the PRIME INC. Marks. Such confusion is likely to cause the wrongful appropriation of Opposer's valuable goodwill associated with the PRIME INC. Marks, causing damage and injury to Opposer.

44. If Applicant is permitted to register the Accused Marks for Class 39 services, including those recited in the Opposed Applications, it would thereby obtain at least a prima facie exclusive right to use the Accused Marks for this purpose, causing further damage and injury to Opposer.

45. For all of the foregoing reasons, the Opposed Applications should be refused under § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
False Suggestion of Connection

46. Opposer realleges and incorporates by reference all preceding allegations as though set forth in full here.

47. Opposer's name and identity are reflected in and symbolized by the PRIME INC. Marks, which Opposer has continuously used in connection with its transportation, trucking, and shipping services throughout the United States and internationally for at least 40 years.

48. The Accused Marks are the same as or a close approximation of Opposer's name and identity reflected in and symbolized by the PRIME INC. Marks. The dominant component of the Accused Marks and PRIME INC. Marks—the word “prime”—is the same, and therefore the marks are identical in appearance, sound, meaning, and commercial impression. Indeed, the USPTO examining attorney assigned to the Opposed Applications required disclaimers of the word “business,” just as the USPTO examining attorneys assigned to Prime Inc.'s Application Serial Nos. 85/497,826 and 87/575,242 required disclaimers of the word “inc.”

49. The Accused Marks, when used in connection with services identical or closely related to the transportation, trucking, and shipping services offered by Opposer under the PRIME INC. Marks, including the Class 39 services recited in the Opposed Applications, point uniquely and unmistakably to Opposer and its services, and is likely to be recognized by consumers as such. As a result of Opposer's continuous use of the PRIME INC. Marks throughout the United States and internationally in connection with its transportation, trucking, and shipping services for more than 40 years, consumers have come to view the word “prime” as pointing uniquely and unmistakably to Opposer when used in connection with services of this type.

50. Opposer is not connected with Applicant or any of its goods or services, including those recited in the Opposed Applications. Neither Opposer nor Applicant has any ownership interest in the other, nor has Opposer ever endorsed or sponsored Applicant or any of its goods or services.

51. As a result of Opposer's longstanding reputation as a leader in the transportation, trucking, and shipping industry and its continuous use of the PRIME INC. Marks throughout the United States and internationally in connection with its business for nearly four decades, Opposer's name and identity, and the PRIME INC. Marks which reflect and symbolize Opposer's name and identity, have become well-known throughout the industry, including among Opposer's competitors and consumers. Thus, any use by Applicant of the Accused Marks in connection with services identical or closely related to the transportation, trucking, and shipping services offered by Opposer under the PRIME INC. Marks, including the Class 39 services recited in the Opposed Applications, would lead consumers to falsely presume a connection between Opposer and Applicant.

52. Thus, the Accused Marks, as used or intended to be used by Applicant, falsely suggest a connection with Opposer and its services.

53. If Applicant is permitted to register the Accused Marks for Class 39 services, including those recited in the Opposed Applications, it would thereby obtain at least a prima facie exclusive right to use the Accused Marks for this purpose, causing further damage and injury to Opposer.

54. For all of the foregoing reasons, the Opposed Applications should be refused under § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

COUNT III
No Bona Fide Intent to Use

55. Opposer realleges and incorporates by reference all preceding allegations as though set forth in full here.

56. For an activity to constitute a separately registrable service under the Lanham Act, it must be done primarily for the benefit of others and be qualitatively different from anything

necessarily done in connection with the sale of the applicant's goods or the performance of another service.

57. On information and belief, as of October 28, 2019, the date on which the Opposed Applications were filed, Applicant had no bona fide intent to use the Accused Marks in connection with Class 39 services to be offered primarily for the benefit of the public at large and separate from Applicant's principal activities of providing retail store or online retail store services and/or offering a related loyalty program. Nor has Applicant had any such bona fide intent at any time since that date.

58. On information and belief, as of October 28, 2019, the date on which the Opposed Applications were filed, even if Applicant intended to offer any Class 39 services in connection with the Accused Mark, it intended to do so only to support its principal activities of providing retail store or online retail store services and/or offering a related loyalty program. Thus, whatever Class 39 services Applicant may have intended to offer in connection with the Accused Marks as of the date of the Opposed Applications is mainly for Applicant's own benefit, not the benefit of others.

59. Further, and relatedly, whatever Class 39 services Applicant may have intended to offer in connection with the Accused Marks as of the date of the Opposed Applications are not qualitatively different from anything necessarily done in connection with Applicant's retail store, online retail store, and loyalty program services. At most, the Class 39 services Applicant may have intended to offer in connection with the Accused Marks as of the date of the Opposed Applications are routine or expected activities to support Applicant's retail store, online retail store, and loyalty program services.

60. Thus, whatever Class 39 services Applicant may have intended to offer in connection with the Accused Marks as of the date of the Opposed Applications are not separately registrable services under the Lanham Act.

61. Because Applicant had no bona fide intent to use the Accused Marks in connection with separately registrable Class 39 services as of the date of the Opposed Applications, the Accused Marks are not properly registrable for Class 39 services.

62. For all of the foregoing reasons, the Opposed Applications should be refused under § 1 of the Lanham Act, 15 U.S.C. § 1051.

WHEREFORE, Opposer requests that the Trademark Trial and Appeal Board sustain its Opposition and refuse registration of the Accused Marks.

Dated: December 23, 2020

Respectfully submitted,

LATHROP GPM LLP

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Attorneys for Opposer

CERTIFICATE OF ONLINE SUBMISSION

I hereby certify that a true and correct copy of this NOTICE OF OPPOSITION was filed online with the Trademark Trial and Appeal Board using the ESTTA on December 23, 2020.

/Amy Brozenic/
Amy Brozenic

EXHIBIT A.1



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June 1, 2017

It's Not About Me | Written by Prime Driver Reba Hoffman

May 8, 2017

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About

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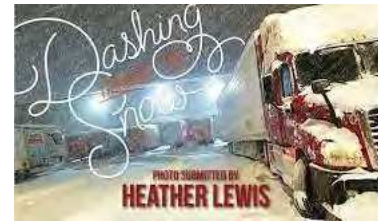
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Prime News

- ✓ Prime Inc., Honored by Department of Defense for Extraordinary Support of Employees who Serve in the National Guard and Reserves



Springfield – MO Employer Support of the Guard and Reserve (ESGR), an agency of the Department of Defense, announced today that **Darren Rook**, Fleet Manager, Prime Inc., Springfield Terminal and company headquarters, was honored with a Patriot Award in recognition of extraordinary support of its employees and family members of those that serve in the Missouri National Guard and Reserve.

At 8:30 a.m. on January 19, 2018 the "Patriot Award" ceremony was conducted during the employee staff and safety meeting at 2740 North Mayfair Ave, Springfield, MO 65803. Col. (Ret) Steven Vanderhoof, Area 4 Chairman, ESGR, made opening remarks and thanked the employer for providing jobs for Guard and Reserve members. The official award presentation was conducted by 1LT Jeremy Idleman, S-1, 935th Aviation Support Battalion, 1400 N. Fremont, Springfield, Mo., Missouri Army National Guard.

The award presentation was attended by Robert Low, President and Founder, Prime Inc., and several employees. Low accepted and signed the Statement of Support for the firm. Dennis Davis, Safety Supervisor, coordinated the meeting to include the award presentation ceremony.

The company was nominated for being highly supportive of its military Reserve Component members by employee **Joseph Jacoby**. Jacoby is a driver for the firm and a Sergeant with the 1-955H unit, 7901 Nebraska Ave, Building 1350, Fort Leonard Wood, Mo., US Army Reserve. Jacoby wanted his employer recognized because of the support they provide by overcoming the scheduling difficulties of getting an over-the-road truck driver home for drill periods and other military training requirements. Because of their extraordinary cooperation and support he nominated them for the award and asked it be presented in a formal presentation ceremony.

According to Rear Admiral (Ret) Lee Metcalf, ESGR Missouri Chair, "The Patriot Award was created by ESGR to publicly recognize individuals who provide outstanding patriotic support and cooperation to their employees, who like the citizen warriors before them, have answered their nation's call to serve. Supportive supervisors are

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critical to maintaining the strength and readiness of the nation's National Guard and Reserve units.*

As the 1.3 million members of the National Guard and Reserve continue to perform an increasing number of unique missions with America's borders and beyond, ESGR will continue to be the resource for the employers of citizen warriors. ESGR advocates relevant initiatives, recognizes outstanding support, increases awareness of applicable laws, and resolves conflict between employers and service members. More information about ESGR Employer Outreach Programs and volunteer opportunities is available at www.esgr.mil, or by calling (James Carver at 816-337-8175).

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4800 Mark Center Drive - Suite 03E25, Arlington, VA 22390-1200

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January 19, 2018



Prime Ways Volume 2 Issue 3
December 28, 2017

PRIME

ways

VOLUME 2 ISSUE 3

A Mobile Memorial

SEE HOW SCOTT
KEYEK HONORS THE
FIREFIGHTERS WHO
RESPONDED ON
9/11 ON P. 10.



MEET THE PRIME
RECRUITERS
ON P. 18

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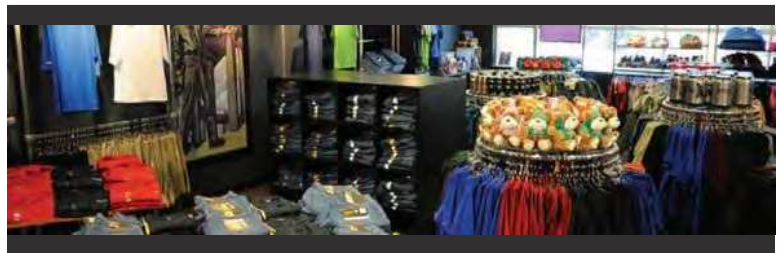
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—Harvey Mason

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Halloween in the Halls is a popular event around Prime. Save the date to celebrate all of fall's office and community events.

PRIME FAMILY CHAT

Whether you've worked for Prime Inc. for decades or only a few months, it's natural to be curious about company happenings.

Here, people in the know answer your burning questions.



WHO IS SOMEONE HERE WHO HAS IMPACTED YOU?

"Cheryl Lane, a fleet manager in Denver, Colorado. She is phenomenal in so many ways. The fact that she's been there 20 years says something about Prime as well as Cheryl's passion. She continually looks out for her drivers in every regard from safety to fairness. She is very black-and-white and tells it like it is. In retrospect, she has the utmost compassion for her drivers and her colleagues! I have worked for other companies and never had the same dispatcher for my employment. On one occasion, I had three different dispatchers in a matter of seven days. Nobody comes close to her integrity on a consistent basis. She, as well as other dispatchers, have to communicate with planners and such and then turn around and have to deal with drivers. I haven't met anyone who does it better!"

—Linda Morris, Refrigerated Company Driver

IS IT TRUE WE'VE BEEN IN THE NATIONAL SPOTLIGHT LATELY?

Yes! Prime Inc. has been highlighted in recent segments of *CBS News* and *Good Morning America* that focus on worldwide health. *CBS News* reported on a recent study on the global impact of obesity published by *The New England Journal of Medicine*. Driver Carlos Lazos shared his story of gaining weight after starting driving and his journey to a healthier lifestyle. On *Good Morning America*, Lazos and fellow Driver Tom Suchobokow shared their success with Siphwiwe Baleka's 4-Minute Fit plan.

▼ What's the status of the expansion at the Springfield, Missouri terminal?

The site improvements, including driver parking improvements and increased access to the driver personal lot, the driver training pad expansion and the office expansion, should be complete in late September. Visit primeinprogress.com to see updates on the construction in Springfield and at terminals across the country.



What is our partnership with Good Dads?

Prime Inc. recently partnered with Good Dads, a foundation in Springfield aiming to inspire fathers to be more involved in their children's lives and giving them the resources to be engaged. The partnership will allow Prime to reach out to fathers on the road and provide education on improving communication with children while they're on the road. Keep an eye out for bimonthly programs for kids and parents at our Springfield terminal.





Savannah
KLEEN

The team at Savannah Kleen washes an average of 65 trucks per week, making sure every tank is spotless before a driver heads out with the next load.

← spotlight →

MRS. CLEAN

Working as a tank washer wasn't what Prime associate Kristin Magee had in mind, but after hearing Robert Low's story, she couldn't wait to roll up her sleeves as part of Savannah Kleen's tank-washing team.

BY ADRIENNE DONICA

In just 40 minutes, the four-person team at Savannah Kleen can make a tanker spotless. It's a dirty job, but Kristin Magee doesn't mind. "For about eight years, my life has been consumed with Savannah Kleen and Prime," she says. In that time, she's learned a lot about the trucking industry and even some basic mechanics thanks to her co-workers. Her love of Prime, though, started before she was on payroll.

In 2006, Magee met Prime associates Niki Bowers and Sam Steiner. The two had recently been hired by Chad Clay to work at Savannah Kleen—Prime's first tank wash facility located in Savannah, Georgia—but the crew needed an extra hand. Bowers and Steiner offered that job to Magee's roommate at the time and got to know Magee after that. "Just being around them talking about Prime Proud and the Robert Low story, it was a place I wanted to work," Magee says. "You get to work outside and be physical but also remain professional. As soon as they offered me the job, I couldn't refuse."

So in 2009, Magee started working part-time at Prime before transitioning into a full-time role three years later. Bowers and Steiner showed her the ropes of tank wash-

Photos courtesy of Kristin Magee; Illustration by Halle Branson



▲ Kristin Magee has been at Prime for eight years and is always improving processes her team uses, earning her the nickname “The Magoo Method.”

ing: how to take apart all elements of a tank before cleaning and sanitizing them while a machine cleans the tank’s inside then putting it all back together so a driver can head out for pickup. At their speed, the team members together wash an average of 65 trucks per week, 99 percent of which head to Fuji, the facility’s main partner customer. “One thing that throws a lot of people off is that we are as productive with our one bay as a lot of people are with two,” Magee says. “And a lot of that is

“WE TAKE THAT
PRIME MENTALITY EVEN
TO OTHER CUSTOMERS
WE WASH.”
—KRISTIN MAGEE

because we are lucky to have the best equipment in the industry. Chad has given us the opportunity to be the best in the industry.”

In addition to washing Prime tanks, Savannah Kleen occasionally cleans tanks for other trucking companies. “We take that Prime mentality even to other customers we wash,” Magee says. “A lot of times, there’s a misconception that we only take care of Prime equipment because we are Prime, but we treat everybody’s equipment the same.”

Magee takes that Prime mentality seriously. She’s always looking for ways to increase efficiency and help drivers with whatever problems they are experiencing, even after hours. When drivers struggled to pull hoses from tanks, the team added rings to help ease the task. Magee has also made instructional videos for new drivers who might not know how to use specific equipment and posted them on Facebook so drivers always have access. “We’ve taken the steps at Savannah Kleen to ensure that they have everything they need,” Magee says. In this respect, drivers and dispatchers have been the best teachers for her. “I’ve been listening to all aspects of the tanker side of Prime to bring better practices to Savannah Kleen,” she says, adding that she’s earned the nickname “The Magoo Method” because of this.

These days, Magee is Savannah Kleen’s bay manager and wastewater manager. She relishes the responsibility of her position and has made countless memories with the rest of the team at Savannah Kleen. On Fridays, Bowers brings \$1 scratch-off lottery tickets for everyone, and the team also installed a basketball hoop at the facility about a year ago—something they were hesitant to do. “Finally Chad said, ‘Well if Robert Low can play basketball, you guys can, too,’” Magee says. Although the size of the Savannah Kleen’s office parties pale in comparison to those in Missouri, Chad still makes a point of hosting summer and Christmas parties for the team.

Outside of work, Magee loves to read and play guitar. Since 2000, she has been collecting guitars (her current total is 12). She plays hits from Dave Matthews Band, Counting Crows and John Mayer, among others. “But secretly I love Tupac,” she says. “I just can’t play him on the guitar.” Magee has found a home in Savannah. She loves its proximity to the ocean where she scouts shark teeth for her collection. Magee has also found a home at Prime. “Working for Prime is an opportunity,” she says. “It’s a lifelong career for me.” One day, Magee hopes to run her own tank wash—as long as it’s close to the water.

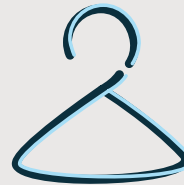
DOWN AND DIRTY

The team at Savannah Kleen never knows what they’ll find inside the tanks they wash. “I can fill a toolbox with the stuff people have left inside of the tank,” Kristin Magee frequently jokes. These three finds have been less than ideal.



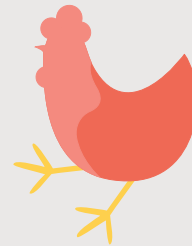
Yeast.

Unlike the other two, this isn’t out of place in a tank, but Magee says it’s her least favorite to clean because of the smell.



A piece of a hanger.

Often, Savannah Kleen washes tankers that have already been cleaned elsewhere. Magee guesses this was left behind by another tank wash facility.



Chicken feet.

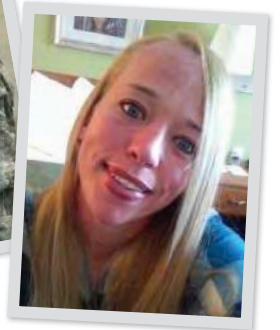
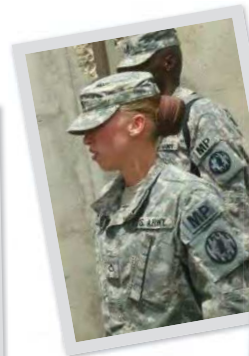
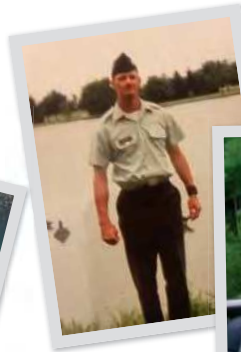
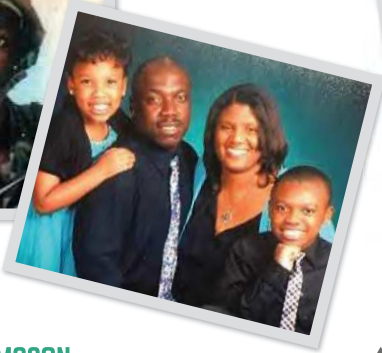
Magee says this is definitely the wildest thing she’s encountered in a tank.



A SIMPLE SAULT

Shining a light on Prime employees who have served the United States through military service.

BY MATT LEMMON



▲ HARVEY MASON

Military Service: Harvey Mason served with the Army National Guard as a member of the 256 Infantry Brigade, Bravo Company, out of Lafayette, Louisiana, from 1985 until his separation in 1993 (Bravo's motto: "Best by Test," which he says mirrors Prime Inc.'s philosophy). Working from the rank of Private to an E-5, Harvey's primary responsibility was as a quartermaster chemical repairman (or 63-J), which involved maintenance and operation of key electrical and decontamination equipment. He served active duty in support of Operation Desert Shield/Desert Storm, and during his time in the National Guard received the Army National Defense Medal, Army Lapel Pin and Army Service Ribbon.

History at Prime: A portion of Harvey's job in the Army National Guard was to drive a cargo truck. It's this skill that he has put to use for Prime Inc., where he has been driving tankers for the last year and a half after 25 years in the oil field. Harvey was named Driver of the Month in October 2016. He also works as a TNT trainer with driver trainees in an effort, he says, to extend his appreciation to Prime for the opportunity he has received. He says the military taught him accountability, teamwork and commitment to a job. He thanks his wife for being a wonderful mother while he's on the road.

In his own words: "When I'm on Prime's time, I am committed to delivering freight for Prime safely and on time. Home time is all for my family. The whole company [Prime] is one big unit, even as big as they are, and they make you welcome here and feel like family."

▲ KEN SERNIAK

Military Service: Ken Serniak served as a mechanic in the 365th Engineer Battalion in the U.S. Army from 1986 until his discharge in 1994, working primarily on heavy- and light-duty trucks (everything from "pickups to a deuce and a half," he says). As a quartering party, his group had the responsibility of serving as an advance preparatory group, which prepares sites for a full military body to follow. During his time in the Army, Ken helped build a 27-mile stretch of road in Honduras and was called up to active duty during Operation Desert Storm, though his unit never deployed to the Middle East. He was discharged as an E-4 specialist and earned the Army Achievement Medal.

History at Prime: Ken has worked in trucking for 23 years, putting his military truck-repair skills to daily use on heavy-duty trucks in Prime's Pittston, Pennsylvania, tractor shop. He says the daily line of work is basically "bumper to mud flap" and that he tries to do as many in a day as he safely can. He says the military prepared him for life at Prime; he's well acquainted with daily checklists and the power of observation. "The military taught me to catch things before they're broken," he says. Punctuality, confidence, team performance, respect and being prepared at a moment's notice are other traits Ken brought from his time in the Army.

In his own words: "You don't know what the next person is capable of. You don't know what kind of training that person has. If someone comes in new, you don't treat them like an oddball. Maintain a family attitude and it works out fantastic."

▲ TABITHA TOURULA

Military Service: As a military police enlisted soldier, Tabitha Tourula joined the U.S. Army in November of 2004, eventually attaining the rank of CPL/E4. She was stationed in South Korea and at forts in Hawaii, Texas and Georgia stateside, and served two tours during Operation Iraqi Freedom between 2006 and 2010.

Over her 11 years (seven active, four reserve) Tabitha wore a lot of hats and received multiple awards during her time as a gunner, team leader, traffic investigator, administrations assistant and other roles.

History at Prime: In July 2016, Tabitha joined Prime as an OTR flatbed driver and has completed more than 50,000 miles within her first year. Her favorite part of the job is interacting with people—both on the shipping and receiving end—and finding out what they do day-to-day. She also enjoys seeing the lower 48 states, which she has the opportunity to visit during the four to six weeks in a row she spends on the road. "Being in the military, I got to see a lot of places overseas," she says. "Now it's time I get to see the states."

In her own words: "While in the military I learned how to be patient and how time management plays a key role in getting things accomplished. I learned how to safely do my job as a driver and be conscious of the drivers around me."

Photos courtesy Harvey Mason, Ken Serniak, Tabitha Tourula

EXHIBIT A.2

THE ROUNDUP



Your truck is a huge part of your life. Make it a place you like to be by adding style and comfort with these five ways to customize your truck.

BY ROSE MARTHIS

▲ Aftermarket Visor

Sun visors not only change the look of your truck but also provide another layer of safety by blocking harmful sun rays and combating glare. Recommended by Christopher Losh, a Flatbed Driver since 2012, visors can be purchased in various colors and designs, allowing you to match the rest of the truck.



▲ Exterior Lights

Another feature that serves both aesthetic and safety is additional exterior lights. Dave Jones, a Tanker Driver since 2013, added both horizontal and vertical rows of lights to his truck to complete the look of Davy Jones' Locker and add more visibility on the road.

Custom Graphics

One of the easiest ways to add a personal touch to your truck is to add custom decals. Blair Roberts, a Reefer/Intermodal Driver since 2014, rocks her Hello Kitty look down the

road. "Since not all carriers allow that, I consider it a fantastic outlet for expression," she says.



▲ Bike Racks

Adding bike racks to the front of your trucks lets you make sure you never lose focus on your fitness goals, even while driving across the country. Heather Lewis, a Reefer Driver since 2014, and Doug Alred, a Reefer Driver since 2015, both installed bike racks on their trucks to promote a healthier lifestyle.

Interior Design

Pay attention to the inside of your ride, too. Monica Solomon, a Reefer Driver since 2016, recommends adding blankets, curtains and pillows that speak to your own style to make your home on wheels feel that much more comfortable.

GET AWAY TO AN OASIS

Associates and drivers can take advantage of special rates in Springfield, allowing for some well deserved relaxation. **BY JULIE SEDENKO DAVIS**

One of Prime's best bonuses is about getting away from work altogether. Every day people spend a lot of money to stay at Oasis Hotel & Convention Center, a tropical getaway tucked away in Springfield, Missouri. Prime associates enjoy the same experience at a fraction of the price. Discounts even apply to the luxury Paradise suite.

Guests can enjoy renovated rooms with 43-inch flat screens, refrigerators and microwaves and can dig into the hot breakfast buffet. The Oasis even features rejuvenating saltwater pools. When it's time to get back to work, Oasis provides a complimentary shuttle service to and from Prime.

Associates also receive 25 percent off at Fire & Ice Restaurant and Bar located within the hotel. Enjoy drinks at the ice bar while witnessing a culinary show in the open kitchen. The 25 percent discount also applies at Bella's Pizzeria for carryout or room service. Even convention facilities are discounted—the perfect place (and price) for special occasions.



A SPECIAL CONVOY

Every year Prime drivers participate in the World's Largest Truck Convoy—another way the company gives to worthy causes. **BY JULIE SEDENKO DAVIS**

One of the more unique and popular ways Prime gives back is by participating in the World's Largest Truck Convoy.

Held every year in Joplin, Missouri, hundreds of trucks gather for a 3-mile convoy raising money for Missouri's Special Olympics. "Our drivers love it," says Andrea Mueller, Prime's Recruiting and Media Coordinator. "A lot of them have family or friends that have kids involved in Special Olympics." Mueller is one of those people. "I got involved because my brother has Down syndrome," she says. "It means a lot to me that they not only let us participate but sponsor and bring money to the organization so kids can participate in the event.

Prime, a leading sponsor for several years, brings 10 to 15 trucks to the convoy. The event, which raises more than \$100,000, ends with a festival downtown, complete with food, activities and a truck show.

PAYING IT FORWARD

Have you ever wondered what it takes to keep a company with so many moving parts thriving? Follow the faces of Prime Inc. hour-by-hour to learn how everything comes together. This issue, we're spending the day with Tax Manager Patty Hicks.

BY STEPHANIE TOWNE BENOIT

Patty Hicks has worn many hats in her 20 years at Prime Inc. She's "the cookie lady" to the kids she brings cookies to in Prime's Learning Center. Many in-house associates call her "Mamma Hicks" for her warmth and hospitality. And as Tax Manager, she's a vital player in Prime's operating puzzle. She oversees all aspects of tax-related issues and manages departments such as Permits and Registration.

Each day holds new challenges for Hicks, but she loves every minute of it. "It is busy, but it's fun," she says. "Coming to work here is just amazing. I've never not wanted to come to work in 20 years."

Morning

Hicks wakes up at about 5:30 a.m. and gets ready for the day. She looks after her Shih Tzu before heading to the office. By about 7:30 a.m., she gets situated and goes through emails and voicemails before she focuses on her biggest project: preparing, reviewing and filing tax returns for Prime's 11 companies. "It's just a long process because there are so many details and changing policies" she says. "Every return is a new challenge."

When associate Patty Hicks picks up her granddaughter from Prime's Learning Center, she often brings cookies, much to the kids' delight.



Lunch

Hicks heads to Prime's gym at about 1 p.m. Depending on the day, she'll do weights and other exercises with a trainer, plus some cardio. "You feel so much better after you work out and are more energized for the afternoon hours," she says. Once back at her desk, Hicks eats a quick lunch and continues with tax returns. "There's always tax work to do," she says. "It never slows down. It takes all 12 months to keep them all going."

Afternoon

Hicks is also responsible for making sure the company is compliant with all federal and state tax law, so she often dedicates time in the afternoon to read up on current legislation and tax and industry information. "You

can never be too educated in my field," she says. "One ruling can change the outcome of an entire return. I love the challenge."

Evening

At about 5 p.m., Hicks often pays a visit to Prime's day care to pick up her beloved granddaughter, Finley, before heading home. She makes sure to bring cookies, a treat all of the kids look forward to. Hicks and her granddaughter will usually then go to her house and spend some time together before Finley's parents, who also work at Prime, pick her up. If there's a big tax deadline on the horizon, Hicks sometimes works for an extra hour or two in between taking care of her dogs, whipping up a light supper and unwinding from the busy day.

BY THE NUMBERS

11

number of companies for which Hicks oversees all tax-related matters

48

number of states in which Hicks files either tax returns or annual reports

600

approximate number of emails Hicks receives daily

7

number of associates reporting to Hicks

3

approximate number of months required to complete a tax return for Prime's largest companies

← customer spotlight →

PART OF THE PIPELINE

On this page, we introduce you to some of Prime Inc.'s long-standing customer partners. This issue, we dive into the relationships and history with Charlotte Pipe and Foundry Co.

BY ROSE MARTHIS

For nearly three decades, Prime Inc. has been the transportation partner of Charlotte Pipe and Foundry Co., one of the nation's oldest manufacturers of plumbing systems, cast iron and plastic pipe and fittings. The partnership was solidified 25 years ago when Gary Robinson, a former outside salesman, started the account at Prime. Today, Charlotte Pipe is Prime's largest flatbed customer and the top growth customer this year. "Their business is growing rapidly, and we're growing with them," says Brian Brown, Sales Manager Flatbed Division.

Charlotte Pipe is headquartered in Charlotte, North Carolina, and has six other plant locations across the United States in Monroe, North Carolina; Cameron, Texas; Wildwood, Florida; Muncy, Pennsylvania; Huntsville, Alabama; and Cedar City, Utah. These locations align with Prime's terminal locations in Pittston, Pennsylvania, and Salt Lake City. Prime keeps a pool of 35 drop trailers at the Cedar City plant and 15 drop trailers at the Muncy plant. Prime's main terminal in Springfield, Missouri, is where 99 percent of flatbed sales and dispatch operate, but resources at the Salt Lake City terminal are used daily, and Brown says Prime is the single-source trucking company for Cedar City.

In addition to utilizing nearby terminals, Prime has implemented dedicated teams that run from North Carolina to New York. This strategic collaboration began two years ago and has helped Charlotte Pipe compete against



➤ Over the years of working together, Brian Brown (left) has made fast friends with Bill Teague, Charlotte Pipe's Director of Transportation.



other pipe companies in the Northeast. "We can deliver loads the next day just like they can, even though CPF cast iron is only made in North Carolina," Brown says. "Prime has helped CPF to keep and grow business in the Northeast with our team service."

For the partnership to truly work, both parties have to be fully supportive of each other. Brown says that's exactly the case here. "CPF expects that 100 percent of their freight will be covered every day at a fair rate year round, and in turn, they support us 100 percent through good times and bad," he says. "Charlotte Pipe strives to take care of our drivers. They always pay any extra charges that we ask for such as paying a driver for layover or detention. They will also load extra loads for our drivers if we do not have enough on a given day." Because

Charlotte Pipe is such a large part of Prime's business, the personnel have developed close friendships. "We have a pretty unique relationship with Charlotte Pipe," Brown says. In fact, Brown has grown close with Bill Teague, the Director of Transportation for Charlotte Pipe. "(Teague) and his assistant both have pictures of my kids on their desks," Brown says. They are close personal friends outside of the business and are just like family, he says. Brown is also close with Mark Williams, the Assistant Director of Transportation for Charlotte Pipe. Such strong bonds have allowed Prime to become Charlotte Pipe's largest carrier by 50 percent. "Competitors and potential newcomers hate to hear about it, but (Charlotte Pipe) makes it known that they have a very strong bond with Prime," Brown says.



← how we roll →

A MOBILE MEMORIAL

BY SAVANNAH WASZCZUK

A smile takes over Scott Keyek's face as he scrolls through old photos on his phone. "It was really predetermined," he says as he shows off a picture of himself at age 7 wearing a fireman's helmet. Keyek became a volunteer firefighter at age 17, and he continued his service for 26 years. He also drove a truck during much of this time, and he had roles with the U.S. Air Force and other companies before joining Prime in July 2011.

While acting as a volunteer firefighter with the Millville Rescue Squad in Millville, New Jersey, Keyek met Alicia Tozer. Now the two are married with an 8-year-old daughter, Alexis Keyek, and the family just spent all summer driving across the country in their 2017 Freightliner Cascadia Evolution. With bright red paint, firefighter and firetruck photograph decals and the names of all 343 firefighters who died on 9/11 displayed, the truck gets a lot of attention. "As we travel the country, people will walk up and look at the truck," Tozer says. "We'll have people take pictures, or people just come up and talk to us. Some people even break down in tears."

Photos by Brandon Alms

◀ FOREVER REMEMBERED

The truck, named Squad 343, is painted Seminole Red and decked out with a 9/11 tribute theme. “Through my years as a volunteer firefighter, I felt that we were all connected in brotherhood,” Keyek says. “Alicia and I feel that too many people have forgotten what happened on that day.” Keyek is speaking of the 343 firefighters who lost their lives on 9/11, and that’s why the couple decided to dedicate their truck to them.



▲ SPECIAL DELIVERY

A fireman’s helmet was delivered to Keyek from Mickey Mouse on one of the family’s many trips to Disney World. “We love Disney,” Keyek says. Tozer arranged the delivery as a surprise to Keyek soon after he retired from the fire service. The helmet sits in the dash of the truck.

◀ MILITARY MARKS

Keyek joined the U.S. Air Force at age 21. He spent 2 and a half years in the service and worked a variety of jobs, including as a firefighter and a driver operator.

◀ FLAPS ON THEME

Custom mud flaps featuring a shield from the New York City Fire Department are one of the truck’s newest additions. Stripes & Stuff Graphics in Springfield, Missouri, made the custom mud flaps, as well as all the truck’s graphics.

▼ NAMES ON DISPLAY

As the ultimate tribute, Keyek and Tozer have the names of the 343 firefighters who lost their lives on 9/11 displayed on both sides of their truck. “We’ve had people here come up to us and talk to us about how they have relatives who were there,” Tozer says. “They’ll find someone’s name on the truck.”



▲ ON THE HOOD

A photo of two trucks from the New York City Fire Department’s Ten House, which includes Engine Co. 10 and Ladder Co. 10, was made into a decal that takes over the truck’s hood. “They’re headquartered across from the World Trade Center site,” Keyek says. “They were the first to respond on 9/11.” Keyek got permission to use the photograph from both the photographer and the firehouse.



THE COAST'S ONLY SMOKE FREE CASINO

Palace Casino Resort is the only smoke free casino resort on the Mississippi Gulf Coast! Play your favorite slot machines and table games in a fresh, smoke free environment.

Relax in one of our sleek, modern hotel rooms and suites and enjoy resort amenities, including PURE the Palace Spa, fitness center, a picturesque marina, our restaurants and lounges and The Preserve Golf Club, an 18 hole championship course designed by Jerry Pate.

From the casino to our restaurants and our rooms, smoke free is a better way to play!



**Contact Nancy Winters, Corporate Travel Coordinator at Prime, Inc.
for special hotel rates available to Prime Associates!**

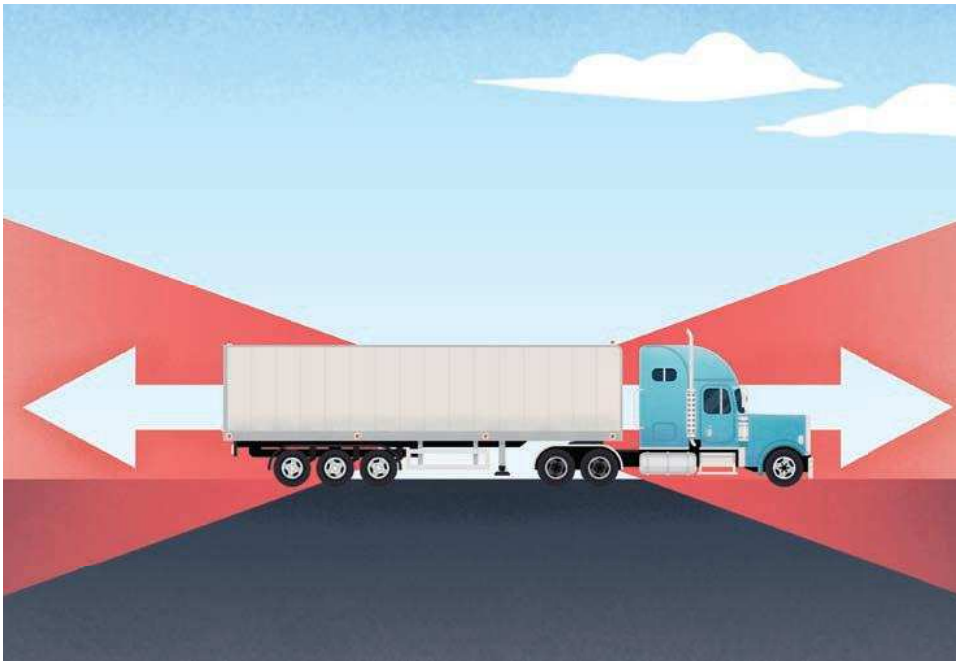
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AHEAD OF THE GAME

Forward-facing cameras could serve as a training tool and a possible safety precaution for drivers on the road.

BY JENNA DEJONG

Each year that passes is another year for increasingly innovative technology, and this proves no different for forward-facing cameras. The latest and greatest models offer features that make recording on-the-road information convenient and educational.

Some come packaged with infrared functions and audio capture, and others are equipped with GPS tracking and time recording, according to Safety Supervisor Dennis Davis. Because the cameras can serve as a safety feature, Prime Inc. has already implemented forward-facing cameras in its shuttles and is looking to possibly install them in its fleet. The most popular design Prime is interested in is cameras that only look forward and do not include the driver within the frame. The video captured encompasses the angle from the front of the cab facing outward onto the road.

As part of his role, Davis analyzes the footage and says this information could be used in the future to promote driver safety. "It gives us the

opportunity to see real time or see what happened in any situation," Davis says. "That doesn't mean we can always dictate fault, but it does give us a more visual appearance as opposed to taking second- and sometimes third-hand knowledge."

When information is received and reviewed, it can be used later, including while training new associates about life on the road. Davis says depending on the situation, the video recorded can help prevent future accidents. "The last thing we want to do is talk about an accident that has already happened," he

says. "When a risk event triggers a camera to record, it will record a certain amount of seconds before and a certain amount of seconds after. That allows us to use it as a training tool to help counsel and coach our drivers on what to do and what not to do whatever that situation may be."

Although the cameras won't protect Prime drivers from other negligent drivers on the road, they can be used to provide visual confirmation if a situation occurs, Davis says.

"The last thing we want to do is talk about an accident that has already happened."

—Dennis Davis,
Safety Supervisor

← news with nick →



DEFYING THE DRAG

Prime Inc.'s EcoTails could prove to be the latest way to save on fuel costs and eliminate drag.

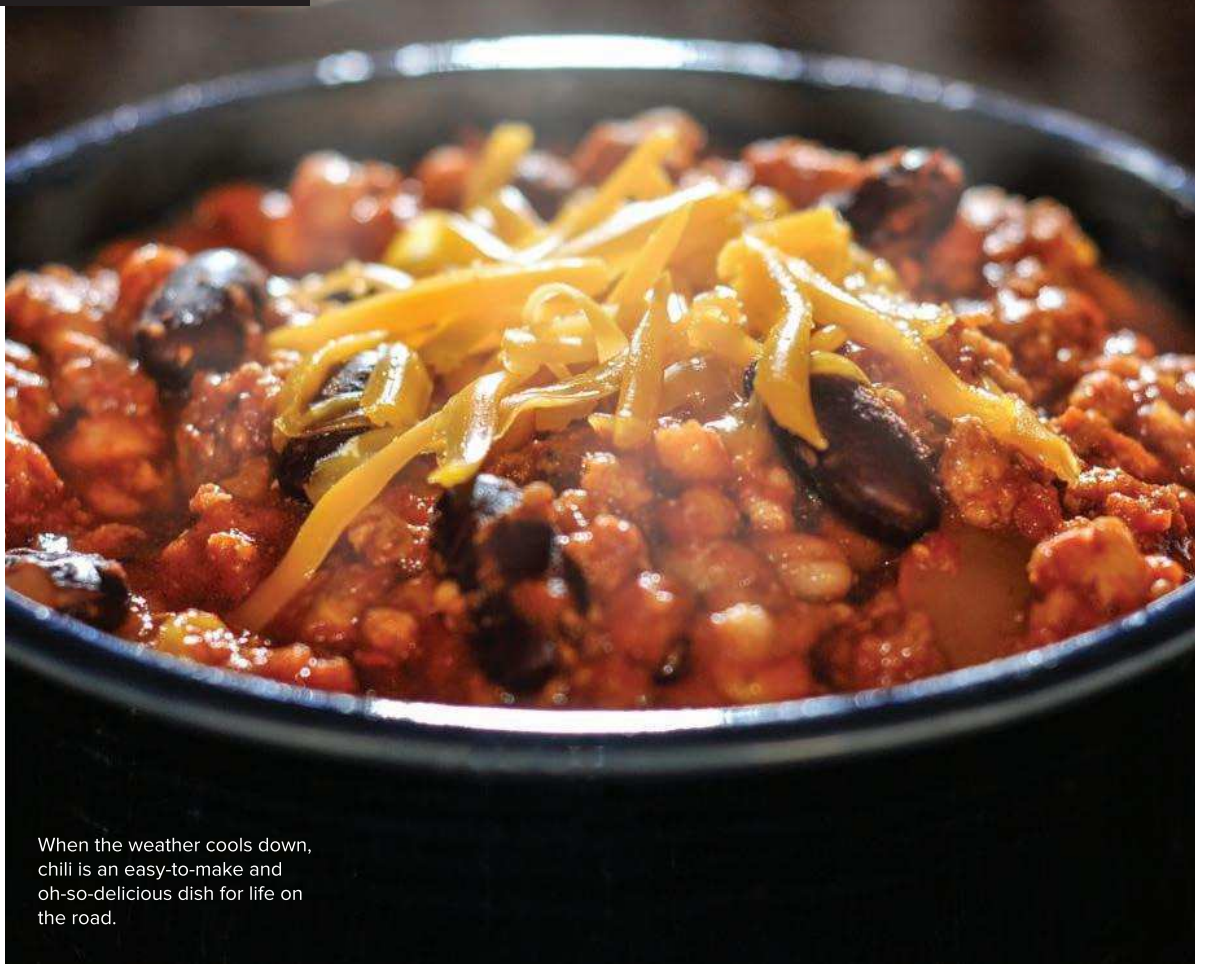
BY JENNA DEJONG

What's one of the latest projects Prime Inc. is working on? Eco tails, an aerodynamic version of trailer tails. According to Maintenance Manager Nick Forte, a trailer tail is a rigid, plastic device that hangs at the back of a trailer; it smooths the air behind the vehicle, eliminating drag and thereby reducing fuel costs. The latest design Prime is working on uses wind to deploy the tail once a truck is going approximately 35 mph.

"You don't gain any benefits until you're around the 40-mph mark, and then you have a linear growth as you increase your speed," Forte says.

The aerodynamic model decreases the amount of fuel used by an additional 2 percent, meaning drivers could save an extra \$1,000 per year. Fifty models are in testing, and Forte says within the next couple of months, they will be implemented on the fleets.

The aerodynamic model of Eco tails decreases the amount of fuel used by an additional 2 percent, meaning drivers could save \$1,000 per year.



When the weather cools down, chili is an easy-to-make and oh-so-delicious dish for life on the road.

← be well →

FALL FAVORITES

Who says you can't eat healthy on the road? Two Prime drivers share easy and delicious recipes that you can make in your truck.

BY JULIANA GOODWIN



Chili Like a Champ

In Texas, chili is “a thing,” says Houston native John Hilliard.

“We take chili and barbecue very, very seriously. Everyone tries to outdo the other person. It makes for good eating.” Hilliard has been a lease operator with Prime for more than a decade, and these days he also helps train new driv-

ers still learning the ropes. “Sometimes when I get a student, we’ll cook together and try to outdo each other,” Hilliard says. Cooking has been his passion for years, and some of Hilliard’s favorite cooking tools for the road are a George Foreman grill, a skillet from the Prime store, a boiler pot to boil eggs and a slow cooker.

Hilliard shares his recipe for what else but Texas Chili. His recipe was inspired by the two culinary

passions in Texas, barbecue and chili. This slow cooker version is a standout because of the barbecue sauce, which gives it depth and makes it a little different. “Some people are hesitant because it’s not normal to put barbecue sauce in chili, but everyone loves it once they try it,” Hilliard says. It’s Texas Chili, so of course you can expect some heat, but you can cut back by omitting the jalapeños. The leaner the beef, the healthier the recipe.

Photos courtesy Shutterstock, Prime Inc., John Hilliard

SLOW COOKER TEXAS CHILI

Ingredients

- 1 pound extra-lean ground beef, 10 percent fat (a substitute ground turkey)
- 1 package McCormick's Hot Chili Mix
- 1 pound beef tips
- ¼ of a large onion, chopped
- 1 10-ounce can Rotel diced tomatoes & green chilies
- 1 jalapeño, chopped (optional)
- 1 6.5-ounce can mushrooms
- 1 15-ounce can Ranch-style beans
- ½ to 1 cup Sweet Baby Ray's Barbecue sauce (or your favorite brand)
- Shredded cheddar cheese for garnish

To Prepare

Cook the ground beef with McCormick's hot chili seasoning mix. **Drain** the fat off the meat and **place** it in the crockpot. **Top** the meat with beef tips, onion, Rotel, jalapeño, mushrooms, beans and barbecue sauce. **Turn** slow cooker on to the 8-hour setting (or low depending on your slow cooker) Before serving, **top** with shredded cheese. This makes a big batch so be sure to have containers to store the leftovers.



Losing Weight Not Flavor

North Carolina native Dave Jones grew up in a truck. His father was a driver. "He could never get me out of his truck," Jones says. "My mother wanted me to go to college, and I did and got my degree and still drove a truck." Jones has been driving since 1988 and is an owner-operator with Prime. Two and a half years ago, Jones decided he wanted to shed 30 pounds. "The doctor told me if I gained any more weight, they might have to do a sleep study, and I didn't want to do a sleep study, so I started cooking for myself," Jones says.

Although Jones gets plenty of exercise, he believes processed food was to blame for his weight gain. The key to being healthier on the road is "cooking fresh food and not having all those nasty chemicals in your food," he says. "I honestly believe all those quick, easy meals and microwave food are not good for our bodies." Jones has since dropped most of the weight.

Jones shares his recipe for cheesy potatoes and vegetables, which are cooked on a grill and great for tailgating or a fall side



There are many ways to prepare potatoes, including Dave Jones' recipe for cheesy potatoes and vegetables.

dish. Serve this dish with chicken, steak or even burgers, and Jones recommends not using Yukon gold potatoes. His inspiration for the dish was Glad grilling bags, which Kenny Rogers used to advertise. "I saw them in the grocery store and thought, 'Hmmm...'" Jones says. "Then I looked at the recipe on the box and said, 'I can do that,' so I made them with my own twist. I soon discovered that aluminum foil pans were superior to the grilling bags."

CHEESY POTATOES AND VEGETABLES

Ingredients

- 1 pound small red potatoes
- 1 green bell pepper
- 1 red bell pepper
- 1 red onion
- 2 cups fresh button mushrooms
- 2 shallots
- 2 tablespoons Italian seasoning
- 2 tablespoons Morton Nature's Seasons seasoning blend
- 1 tablespoon paprika
- 6 tablespoons sweet cream butter (do not use a butter substitute)
- 16 ounces finely shredded Colby Jack cheese
- Chives, sour cream, pico de gallo for garnish

To Prepare

Preheat a grill to 400°F. **Slice** the potatoes thin, almost like a potato chip. **Roughly chop** bell peppers, onion and mushrooms. **Finely chop** the shallots. **Place** all the vegetables in a medium-sized aluminum foil pan and **sprinkle** with Italian seasoning first, then Nature's sea-

soning followed by paprika. **Cut** the butter into tablespoons and **distribute** over the vegetables. **Cover** pan with aluminum foil and **place** on the grill for approximately 20 minutes, keeping the grill temperature at 400°F. After 20 minutes, **remove** the foil and **spread** the cheese on top. **Cover** again with foil and **place** the pan back on grill for five more minutes. **Remove** and serve. **Garnish** with chives and sour cream, or, for a Southwest twist, use pico de gallo.

TRY IT

Not sure where to start? Prime driver Dave Jones offers these tips for cooking healthy food on the road.

Use fresh, local ingredients.

You can usually find vendors on the side of the road in areas where you pick up and deliver, but only buy what you can use in a few days so it doesn't spoil.

Stock your pantry wisely.

Due to space constraints, avoid keeping ingredients like flour, sugar or other fine, granulated powders in the truck. They are a nightmare to clean up when spilled.

Rely on fail-safe storage options.

For seasonings and spices, use containers with spill-proof lids.

Keep cleanup quick and easy.

Clorox cleaner wipes work great when there are no facilities to wash dishes.

← be well →

SAVING TIME AND CALORIES

Prime's new meal initiative makes it easier for drivers to eat healthfully on the go.

BY JULIANA GOODWIN



Asian salmon is one of the meals offered in Prime's new healthy meal initiative, Fit2Go.

In April 2017, Prime Inc. rolled out a new healthy food initiative for its drivers and associates, and they are eating it up. Springfield is the test market for Fit2Go, healthy meals made in-house that fit in a truck refrigerator. The food is freshly made and not laden with preservatives like traditional frozen dinners found in the grocery store.

There are eight to 10 options to choose from at any time, and the dishes continue to sell out. Breakfast, lunch and dinner are available. The program is modeled off of Eat Fit Go, a mostly Midwestern restaur-

ant chain that offers healthy, pre-packaged meals, says John Blansit, Corporate Director of Food and Beverage.

"It was a combination of wanting to provide a healthy alternative for drivers and in-house staff and [giving] them a menu they could take on the road with them," Blansit says. "The meals are ready to eat; just microwave a few minutes and they are ready to go."

Each meal is different: some have a lower fat content, others are lower carb, many are high in protein and some are tailored to low-sodium diets. The nutritional informa-

tion is boldly displayed on every meal so an associate can see the label and decide which one is best for them.

The biggest challenge has been developing recipes without added salt, says Head Chef Chris Freeman. "It makes us more creative to try and get the flavor but not add salt," Freeman says. "We are using different seasonings." Four months were spent in research and development tweaking recipes, calculating nutritional information and ensuring the chefs could create a consistent product. The development team worked with the Prime Driver Health and Fitness



▲ The packaging of Fit2Go meals has been carefully thought out so several can fit in a truck refrigerator.

Department to create appropriate portions and nutritional information.

The team also tested a variety of containers and packages so six to eight meals could fit into a truck refrigerator. While still in the brainstorming stage, they turned to the regular cafeteria menu and revamped popular menu items because they knew people already loved those dishes, Freeman says. “We took some popular items and scaled

“We recognize that it is not easy to find quick and healthy meals out on the road. Our goal is to make it a little easier for our drivers.”

—John Blansit, Corporate Director of Food and Beverage

them to low-carb, high-protein, lower fat, cut the calories, made them healthier,” Blansit says. “Sodium count and carb count is on there. The Health and Fitness people gave us guidelines. It depends on what your dieting needs are. If you want to watch sodium, some meals are low-sodium. If you watch carbs, some are low-carb.”

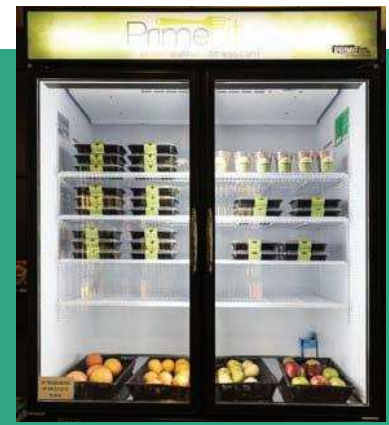
Freeman is constantly developing and testing new recipes, so the choices change throughout the year, though there will be

three or four staples that are consistent all year. Because the program is new, they have not received specific requests for certain dishes—like a lean chili—but they anticipate that will happen and encourage feedback.

Meals can be kept in a refrigerator for six days, so there is plenty of time to enjoy one later. Springfield is the test market, but there are plans to launch Fit2Go in Prime’s Pittston, Pennsylvania, and Salt Lake City cafeterias so the fare will be available across the country, Blansit says. “We recognize that it is not easy to find quick and healthy meals out on the road,” he says. “Our goal is to make it a little easier for our drivers.”



▲ Head Chef Chris Freeman is part of the team that develops meals for the new program Fit2Go.



Don't Miss These Meals

Although the rotation of meals changes, here are five you don't want to miss.

The chefs at Prime have transformed best-selling **chicken Parmesan** by grilling the chicken instead of frying it, which significantly cuts calories and fat. It is served with a simple marinade and gluten-free pasta. Head Chef Chris Freeman assures you cannot tell the difference between regular pasta and this gluten-free brand. Of course, the meal is topped with Parmesan cheese.

Southwest Breakfast is the best-selling breakfast item and packs a powerful flavor punch. To beef up the protein content and keep the fat content low, the chefs add ground chicken. (Freeman says associates seem to prefer ground chicken over ground turkey, so the team substitutes chicken in a few recipes.) The meat is blended with Southwest-seasoned rice, scrambled egg whites and a cheese blend and topped with fresh pico de gallo. For people who love Southwestern flavors, this high-protein meal is great way to wake up to.

The **Asian salmon** is perfect for someone craving lighter fare. A 4-ounce salmon filet is topped with teriyaki sauce and served with fresh vegetables and Asian-seasoned rice. All the meals that include rice use a white converted rice because it is lower in carbs.

If you're hungry for Mexican flavors but don't want all the cheese and fat, satisfy your craving with Fit2Go's **steak fajitas**. In this dish, slices of grilled skirt steak are served over a bed of Spanish rice and topped with fresh pico de gallo.

Dirty rice is a fairly new dish that is quickly becoming a favorite. Instead of the typical ground beef, it features ground chicken with diced bell peppers, onion and celery, all flavored with a Cajun seasoning blend and mixed with converted white rice. If you're craving a bite of the South, try this dish.





PRIME'S RECRUITERS **ARE OFTEN SOMEONE'S** FIRST IMPRESSION **OF PRIME INC.**



AS AMBASSADORS TO THE PRIME WAY OF LIFE, RECRUITERS MUST REFLECT THE PROFESSIONALISM AND FUN VALUES OF THE COMPANY. HERE, WE GET TO KNOW THE RECRUITERS A LITTLE BETTER AND LEARN WHY IT'S EASY FOR THEM TO CONVINCe PEOPLE TO WORK FOR PRIME.

BY STEPHANIE TOWNE BENOIT
ILLUSTRATIONS BY HALIE BRANSON



HOLLY HARRALSON



“Prime has allowed me to make a difference in lives of drivers that I have hired over the past several years.”

SPRINGFIELD 417-521-3832

Prime Ways: How long have you been working at Prime?

Holly Harralson: Six years in October.

P.W.: What’s your favorite part of being a recruiter?

H.H.: Knowing that I help contribute to the success of our drivers and the success of our company.

P.W.: What’s a common question you get about Prime, and what is your answer?

H.H.: “Can we really be as good as people say we are?” And the answer is absolutely! Prime is a great company to work for.

P.W.: What’s the one thing you want people to know about Prime?

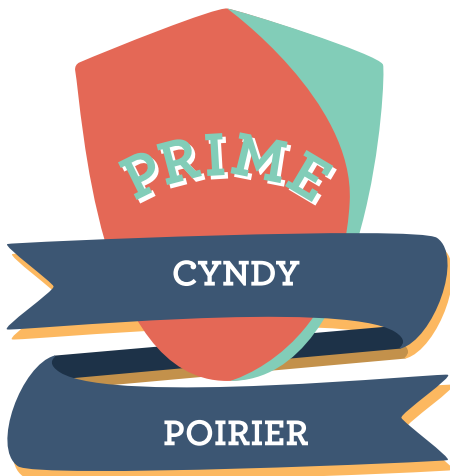
H.H.: You definitely get out of your job what you put into it. If you’re a hard worker, you will be rewarded for your efforts.

P.W.: What are your hobbies outside of work?

H.H.: Spending time with my husband and my kids. I love to work on our home. We bought a fixer-upper a few years ago, and this has been a nonstop project. I actually wound up recruiting the gentleman who put on our new garage door the day we moved in, and he is still a Prime driver!

P.W.: What keeps you coming back to work every day?

H.H.: Great pay and the friendships I have with my co-workers. It feels good to be a part of something bigger than yourself. Prime has allowed me to make a difference in lives of drivers that I have hired over the past several years.



SPRINGFIELD 417-521-3841

Prime Ways: How long have you been working at Prime?

Cyndy Poirier: 14 years in December.

P.W.: What’s your favorite part of being a recruiter?

C.P.: Being able to help people achieve their dreams and make a good living doing something they like to do.

P.W.: What’s a common question you get about Prime, and what is your answer for it?

C.P.: “Can you help me get my CDL?” Absolutely, let’s go over our program. We aren’t a school; we are a trucking company that trains drivers.

P.W.: What’s the one thing you want people to know about Prime?

C.P.: Prime is family. We all work together to make it happen. You have the entire

company standing behind you. You are never alone. This is the best, most caring and family-oriented company I have ever worked for. Robert Low truly cares about all of the Prime family and does everything he can to make us profitable and help us enjoy our experience.

P.W.: What are your hobbies outside of work?

C.P.: Riding my Goldwing motorcycle with my husband and friends. I love the open space, freedom and wind in my face. We normally ride the states surrounding Missouri. The last long trip we took was to Maine and Canada.

P.W.: What keeps you coming back to work every day?

C.P.: No day is like the last one. It is constantly challenging, and every day is interesting. It is fulfilling to work with and help the drivers and potential drivers.



DUSTIN HENSLEY

SPRINGFIELD 417-521-3905

Prime Ways: How long have you been working at Prime?

Dustin Hensley: It will be four years in September.

P.W.: What's your favorite part of being a recruiter?

D.H.: The ability to offer people the opportunity to grow and succeed, both personally and professionally. Also, seeing the retention with drivers and being able to build relationships with people from all over the country is truly amazing.

P.W.: What's a common question you get about Prime, and what is your answer?

D.H.: Folks tend to have a lot of questions about our student driver program, and I do my best to explain and advocate for the program.

P.W.: What's the one thing you want people to know about Prime?

D.H.: I want people to know that Prime is by far the best trucking company to drive for, period. When talking to drivers, if they haven't already done their research, I always encourage them to do so because the truth is in the history, statistics and heart of the company.

P.W.: What are your hobbies outside of work?

D.H.: Having four kids keeps our family extremely busy, but in our spare time we love working on projects, hiking and really anything that keeps us outdoors. I might also have a slight obsession with Formula One racing.

P.W.: What keeps you coming back to work every day?

D.H.: I enjoy being able to further my career here and gain experience with such a reputable company. It's challenging at times, but it's also very rewarding.



“I want people to know that Prime is by far the best trucking company to drive for, period. When talking to drivers, if they haven't already done their research, I always encourage them to do so because the truth is in the history, statistics and heart of the company.”

Photo by Brandon Alms



SPRINGFIELD 417-521-3809

Prime Ways: How long have you been working at Prime?

Angela San Paolo-Gomez: 16 years

P.W.: What's your favorite part of being a recruiter?

A.S.: My favorite part about being a recruiter is hearing the excitement of a new hire getting ready to start a new career and opportunity. Most of all, I love hearing their appreciation and meeting drivers from all over the world.

P.W.: What's a common question you get about Prime, and what is your answer for it?

A.S.: The most common question I hear is if we have training to get a Class-A CDL. Our student program is like no other, and I am always excited to tell them about the opportunity of company-paid training.

P.W.: What's the one thing you want people to know about Prime?

A.S.: The best thing about Prime is the fact that we are so family-oriented. From in-house associates to our drivers, there is an energy of kindness and happiness that spreads through all of our associates. We are all in this as a team, and it shows in our success.

P.W.: What are your hobbies outside of work?

A.S.: When not at work, I spend a lot of time at sporting events. Between soccer, rugby, track and more with my three teenagers, I stay pretty busy—and I love it!

P.W.: What keeps you coming back to work every day?

A.S.: Loving what I do makes it really easy to walk into work every day. The challenges are challenging, but the reward is priceless.



SPRINGFIELD 417-521-3810

Prime Ways: How long have you been working at Prime?

Travis Bacon: Seven years.

P.W.: What's your favorite part of being a recruiter?

T.B.: A lot of our drivers come to us having worked dead-end jobs [or] having trouble making ends meet. My favorite part of being a recruiter is seeing those same drivers a year down the line and hearing about how well they're doing now.

P.W.: What's a common question you get about Prime, and what is your answer for it?

T.B.: I do get a common question about Prime: "Are you guys hiring?" And yes, we are.

P.W.: What's the one thing you want people to know about Prime?

T.B.: Everyone in the company is paid on an incentive—from drivers to recruiters to fleet managers—so you get out of it what you put into it. It has created an atmosphere where everyone takes ownership in the company.

P.W.: What are your hobbies outside of work?

T.B.: I have a 3-year-old little girl, so I spend a lot of time at Chuck E. Cheese's. I watch a lot of sports, and I try to get to the lake every chance I get.

P.W.: What keeps you coming back to work every day?

T.B.: There's no better place to work. I love the people I work with. I play basketball or exercise during my lunch hour. My daughter is in Prime Kids Learning Center a few hundred feet away from me. The amenities here are ridiculous. I don't know what more I could ask for!



JEREMIAH SMITH

SPRINGFIELD 417-521-3963

Prime Ways: How long have you been working at Prime?

Jeremiah Smith: Seven months.

P.W.: What's your favorite part of being a recruiter?

J.S.: The people I work with, both in the office and the drivers I bring in.

P.W.: What's a common question you get about Prime, and what is your answer for it?

J.S.: "So, you drive a truck?" No, but I do recruit the drivers that drive our trucks.

P.W.: What's the one thing you want people to know about Prime?

J.S.: Without a doubt, Prime is the best company to work for. It's more than just an eight-to-five job. It's a company dedicated to its employees and their families, from employee appreciation events to Easter egg hunts to providing an amazing facility to work in. Cafe, gym, salon, post office, walking trail—it's all located on the most beautifully landscaped and well-kept campus. There is no better place to work than Prime.

P.W.: What are your hobbies outside of work?

J.S.: Hanging out with my family and being outside. If it's nice out, you won't catch me indoors. I like going to the lake, hiking and riding my bike.

P.W.: What keeps you coming back to work every day?

J.S.: The people. Recruiting is actually a really fun job—not easy at times, but overall, it's a job that I look forward to doing every single day.

"It's more than just an eight-to-five job. It's a company dedicated to its employees and their families, from employee appreciation events to Easter egg hunts to providing an amazing facility to work in."



Photo courtesy of Jeremiah Smith

EXHIBIT A.3



DEREK STEPHENSON

SPRINGFIELD 417-521-3914

Prime Ways: How long have you been working at Prime?

Derek Stephenson: Almost three years.

P.W.: What's your favorite part of being a recruiter?

D.S.: My favorite part is helping drivers find jobs and get their CDLs. I think we're the best opportunity on the road. I love it when I follow up with a driver after they're hired and they tell me it's everything they were expecting.

P.W.: What's a common question you get about Prime, and what is your answer for it?

D.S.: A common question I get is what are our minimum qualifications. It's tricky to answer because we will look at the application as a whole, so I would just recommend calling us to find out if we're a good fit for you.

P.W.: What's the one thing you want people to know about Prime?

D.S.: I think we have excellent leadership that has given us a clear mission for how we operate. From the first day of my own orientation, we stress to do what's right and treat others like you want to be treated. I think we do a great job following those statements.

P.W.: What are your hobbies outside of work?

D.S.: I like to stay active, and I enjoy the outdoors. And, like a lot of the drivers we bring in, I like to travel and see the country.

P.W.: What keeps you coming back to work every day?

D.S.: Being part of a great organization and helping people change their lives.



“From the first day of my own orientation, we stress to do what's right and treat others like you want to be treated. I think we do a great job following those statements.”



SPRINGFIELD 417-521-3915

Prime Ways: How long have you been working at Prime?

Barbara Brown: 14 years.

P.W.: What's your favorite part of being a recruiter?

B.B.: The ability to offer a new career to someone with the opportunity to change their life for the better.

P.W.: What's a common question you get about Prime, and what is your answer for it?

B.B.: The question I get asked the most often is if we pay for CDL training. The answer is yes. Once you get your CDL, we pay \$700 per week for the rest of your training.

P.W.: What's the one thing you want people to know about Prime?

B.B.: At Prime, hard work pays off. If you put forth the effort, you can be very successful.

P.W.: What are your hobbies outside of work?

B.B.: Spending time with my family and watching sports.

P.W.: What keeps you coming back to work every day?

B.B.: Prime is an excellent company to work for—I enjoy the atmosphere and people!



NIKKI YOST

SPRINGFIELD 417-521-3598



“We are all a big family. I look forward to seeing everyone at Prime every day.”

Prime Ways: How long have you been working at Prime?

Nikki Yost: Three years.

P.W.: What’s your favorite part of being a recruiter?

N.Y.: I love meeting the drivers. It’s exciting to see someone go from a brand-new student driver to having a successful career.

P.W.: What’s a common question you get about Prime, and what is your answer?

N.Y.: Once someone finds out I work for Prime, they always ask, “How do you like working there?” My response is “I absolutely love it and will never leave the family.”

P.W.: What’s the one thing you want people to know about Prime?

N.Y.: It’s hard to choose one thing about

Prime because it is such a great company. However, I can’t say enough good things about our owner, Robert Low. We are all very blessed to work for a person like him.

P.W.: What are your hobbies outside of work?

N.Y.: I have three kids who keep me super-busy. We like to go on cruises when we can and go camping and kayak in our spare time. We camp and kayak on the North Fork River at Twin Bridges Canoe & Campground, which is our home away from home in the summers.

P.W.: What keeps you coming back to work every day?

N.Y.: The relationships that I form with my co-workers. We are all a big family. I look forward to seeing everyone every day.

PRIME

DON

BELL

SPRINGFIELD 417-521-3801

Prime Ways: How long have you been working at Prime?

Don Bell: 14 years.

P.W.: What’s your favorite part of being a recruiter?

D.B.: Helping brand-new drivers enter the transportation industry with a quality carrier. Looking back over the years with the success Prime has had in the transportation industry and the positive climate emitted, it’s easy to see why long-term friendships develop here. I have a few friends that initially came to Prime seeking a career change or were experienced drivers looking for a better opportunity that have now been friends for six years or more.

P.W.: What’s a common question you get about Prime, and what is your answer for it?

D.B.: The most common question is really an underlying question: “How will this benefit me?” The answer is not the same for everyone. Sometimes what we offer is not a good fit for potential candidates. For those interested in earning a good living, enjoying good

benefits and seeing the country, it might work out very well.

P.W.: What’s the one thing you want people to know about Prime?

D.B.: Whether it be the transportation industry or any other industry, I believe Prime Inc. is one of the best-run companies in America.

P.W.: What are your hobbies outside of work?

D.B.: Pick-up games of basketball. I play a few days a week prior to work.

P.W.: What keeps you coming back to work every day?

D.B.: The general environment is exceptional with co-workers that are professional but have a good sense of humor.



HEATHER L. VINSKO

PITTSTON 570-602-4702

Prime Ways: How long have you been working at Prime?

Heather L. Vinsko: A year and eight months.

P.W.: What's your favorite part of being a recruiter?

H.V.: It is always rewarding when drivers thank us for everything we did for them and how excited they are to be part of the team. I always tell them I had the easy part, as they are the ones that took the initiative and the steps to get hired.

P.W.: What's a common question you get about Prime, and what is your answer?

H.V.: "How often will I get to see my family?" This is really important since we are an Over the Road Carrier, and our drivers are out for three to four weeks at a time. It is definitely a different lifestyle, and I give drivers so much credit for doing it. Being out for that many weeks gives them the opportunity to make a great income.

P.W.: What's the one thing you want people to know about Prime?

H.V.: Safety is our No. 1 concern.

P.W.: What are your hobbies outside of work?

H.V.: Spending time with my husband, Brian, and our two children. We have a lot of fun and are always on the go.

P.W.: What keeps you coming back to work every day?

H.V.: Knowing that I am making a difference in someone's life by helping them pursue a career that they are going to love and that they will benefit from.



"I always tell them I had the easy part, as they are the ones that took the initiative and the steps to get hired."

Photo courtesy of Heather L. Vinsko



PITTSTON 570-602-4701

Prime Ways: How long have you been working at Prime?

Grace Aulisio: Almost 10 years.

P.W.: What's your favorite part of being a recruiter?

G.A.: Working with people. I love helping people to better their future and helping drivers get started in a new exciting career as an OTR driver. It's a great feeling to know that you might have helped to make someone's life a little better.

P.W.: What's a common question you get about Prime, and what is your answer?

G.A.: "What makes Prime different from other companies?" Prime is an awesome company to work for with a lot of opportunities such as good pay; great equipment; modern, clean terminals; fitness programs and many more benefits. Robert Low cares equally about each of his employees.

P.W.: What's the one thing you want people to know about Prime?

G.A.: At Prime you have a name, and you are not just a number.

P.W.: What are your hobbies outside of work?

G.A.: [Watching] Broadway plays, watching old movies and watching basketball games. I also like to read mystery novels and autobiographies.

P.W.: What keeps you coming back to work every day?

G.A.: It's easy when you love what you do. The people that I work with are great, and we work in a friendly environment.



BUD PIERCE

SALT LAKE CITY 801-891-0641

Prime Ways: How long have you been working at Prime?

B.P.: Almost four years.

P.W.: What's your favorite part of being a recruiter?

B.P.: Sharing with people about the opportunity for Prime drivers, as we have the highest earnings and benefits potential of all OTR companies.

P.W.: What's a common question you get about Prime, and what is your answer for it?

B.P.: They ask about the home time policy. I am able to express that it is a commitment to [allowing drivers to be at] home at least every three to four weeks versus having to beg [for time at home].

P.W.: What's the one thing you want people to know about Prime?

B.P.: A driver may work for Prime, but they are respected as our partner in our commitment to meeting the needs of our customers.

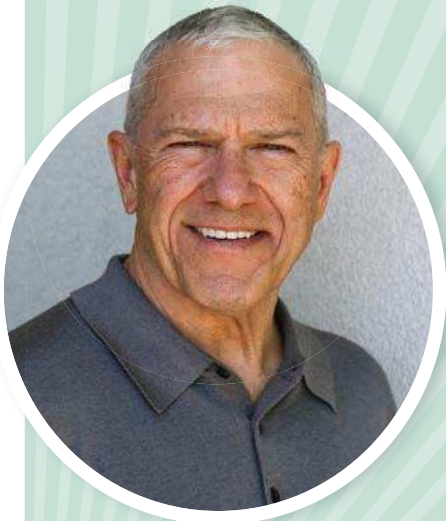
P.W.: What are your hobbies outside of work?

B.P.: Road biking, snow skiing, sailing and every concert my wife tells me to attend and enjoy. We have nine ski resorts in Salt Lake City that I can go to. I typically go to a different one every other year as far as getting season passes. I still have a competitive spirit about me, so I do enter road biking races.

P.W.: What keeps you coming back to work every day?

B.P.: It is gratifying to hear from the drivers I recruit who call and share their success and appreciation. Prime takes excellent care of their people.

“A driver may work for Prime, but they are respected as our partner in our commitment to meeting the needs of our customers.”



REMOTE 417-521-3750

Prime Ways: How long have you been working at Prime?

Julie Jones: I originally worked at the Springfield location from 1992 to 2002. I left Prime for a couple of years when I moved back home to Indiana. I've been recruiting from home since 2004. My husband and I just moved to South Carolina.

P.W.: What's your favorite part of being a recruiter?

J.J.: When a driver I recruited calls to thank me for helping them get started with Prime and tells me their success story, it makes me feel good to know I helped someone make their life better.

P.W.: What's a common question you get about Prime, and what is your answer?

J.J.: "What's the difference between Prime and other companies?" You're not just a number at Prime. Even though Prime has grown into a large company, it still has a family-type atmosphere.

P.W.: What's the one thing you want people to know about Prime?

J.J.: It's absolutely the best trucking company to work for!

P.W.: What are your hobbies outside of the workday?

J.J.: Spending time with family and friends, biking and now taking walks on the beach.

P.W.: What keeps you coming back to work every day?

J.J.: It's a great way to support my family with excellent pay, benefits and perks. I've built a lot of great relationships through Prime, and it's truly been a blessing!



BRADEN PAYNTER



SALT LAKE CITY 801-977-5901

Prime Ways: How long have you been working at Prime?
Braden Paynter: Five months.

P.W.: What's your favorite part of being a recruiter?
B.P.: My favorite part of being a recruiter is being able to engage and converse with wonderful people on a daily basis. Prime seems to attract great people who are hardworking and incredibly friendly. It brings me great pleasure to be able to help awesome people into a fulfilling career.

P.W.: What's a common question you get about Prime, and what is your answer for it?
B.P.: One of the most common questions I get is regarding our Prime Student Driver program. Most are excited to learn about our program to obtain a CDL, and more specifically, they seem to respond positively to it being an apprenticeship as opposed to a school.

P.W.: What's the one thing you want people to know about Prime?
B.P.: The culture of Prime. There is a sense of pride, respect and determination unlike anything I have seen in any other

“There is a sense of pride, respect and determination unlike anything I have seen in any other company I’ve been a part of.”

company I've been a part of. Prime exudes a family-like feeling that cultivates a welcoming environment.

P.W.: What are your hobbies outside of work?
B.P.: My hobbies outside of work usually involve playing with my pup, doing adult sports leagues like basketball or softball with my brothers, traveling with my wife or writing articles for political sites.

P.W.: What keeps you coming back to work every day?
B.P.: The people I get to work with every day keep me coming back.

PRIME

TAMMY

JAMES

DENVER 303-217-7789

Prime Ways: How long have you been working at Prime?
Tammy James: Over 14 years.

P.W.: What's your favorite part of being a recruiter?

T.J.: Knowing I am helping someone start a new career that is going to change their lives and that later “check call” they do with me letting me know they are doing great. You can feel their happiness in their voices.

P.W.: What's a common question you get about Prime, and what is your answer for it?
T.J.: “What makes you better?” We have clean, newer equipment and excellent pay. Our training program is awesome—it's like a school on wheels with lots of one-on-one training. With just a little effort on your part, you will have a new career.

P.W.: What's the one thing you want people to know about Prime?

T.J.: We care, and we want you to be successful!

P.W.: What are your hobbies outside of work?
T.J.: Motorcycle riding. We do a lot of riding raising money for Colorado Easter Seals, which I have been part of for over 18 years. We raise over \$40,000 each year to help handicapped kids and adults in Colorado. Also, I have 13 grandchildren, and I love spoiling them.

P.W.: What keeps you coming back to work every day?
T.J.: Knowing that we really do help people and change lives. I have had many student drivers come back to me and tell me this was the best thing they could have ever done for their family.

← adventures on the road →

TENNESSEE TECHS

Service technicians in Prime's Mobile Maintenance Division are responsible for keeping trucks road-ready, and they also help out when there's a driver in need. Get to know Timothy Seibers and Charles Heier, the Tennessee-based technicians who help keep traffic flowing freely across the country.

BY SAVANNAH WASZCZUK

ILLUSTRATIONS BY RYAN SAUNDERS

As a resident of the Sunshine State, Lease Operator Dillip Ramnanan is accustomed to the perfect average temperature of 77 degrees. That's why he has extra-vivid memories of the blistering cold weather he experienced when he waved goodbye to the sunny streets of Miami and found himself traveling through middle Tennessee last winter. A

blizzard had rolled through the area the day before, and temperatures dipped to minus 20 degrees.

"I had never seen it that cold in Tennessee," says Ramnanan, who has been driving for 20 years. "I've seen some winters, but last winter was pretty brutal," he says. "I just can't stress how cold it was." Then his heater broke.

"I'VE SEEN SOME WINTERS, BUT LAST WINTER WAS PRETTY BRUTAL."

— DILLIP RAMNANAN, LEASE OPERATOR



WHO YOU GONNA CALL?

Ramnanan was in Murfreesboro when he realized the heat coming off his auxiliary power was no longer working. He contacted the Road Assist Department, and they later told him all the nearby dealerships were full and couldn't get him in that day. "It was a Friday that it quit working," Ramnanan says. "Most dealerships don't work on the weekends. I was going to have to wait until Monday."

Lucky for Ramnanan, though, his mid-Tennessee location meant that a technician in Prime's Mobile Maintenance Division was nearby. Ramnanan contact-

ed Timothy Seibers, one of the two service truck technicians. "He was snowed in that day and couldn't make it out right away, but he told me he'd be there first thing in the morning," Ramnanan says.

Ramnanan left his truck idling overnight to stay warm, and Seibers arrived by 7 a.m. the next day. "He was nice enough to leave his truck running and let me sit in there while he worked on mine," Ramnanan says. Around 11 a.m., Ramnanan was back on the road, his heat in full operation thanks to Seibers's work. "Later that night I was in Virginia,

and guess what, I had no heat again," Ramnanan says.

He sent Seibers a text at 11 p.m. "I said, 'I'm the guy whose truck you worked on this morning. I got to Virginia—it's even colder here—and I have no heat again,'" Ramnanan says. It was late, so Ramnanan had little faith in a returned call from Seibers. "I was surprised that he called me back," Ramnanan says. "He walked me through troubleshooting on the phone. We realized it was the fuse, and I just had to replace the fuse. Luckily I had one and changed it."

THE DYNAMIC DUO

Seibers is one of two service truck technicians who work for Prime's Mobile Maintenance Division in Tennessee. The other is Charles Heier. "I work Wednesday through Saturday, and Timmy works Sunday through Wednesday," Heier says. "But there are quite a few days we double up just because of our workload or certain circumstances."

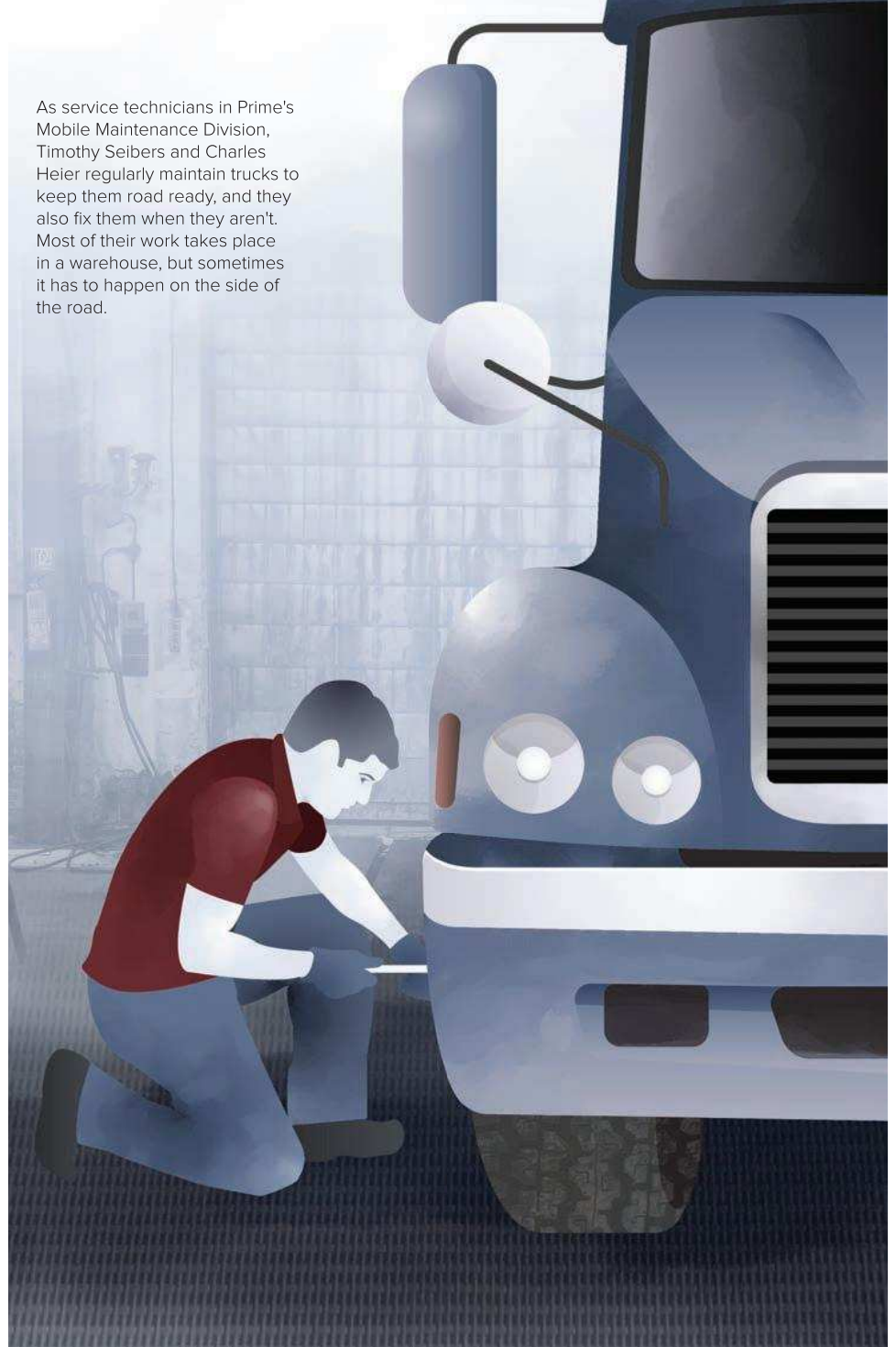
"IT'S PRETTY SCARY WHEN YOU'RE OUT THERE AND YOU'RE CHANGING AN ALTERNATOR ON THE SIDE OF THE INTERSTATE."

—TIMOTHY SEIBERS, SERVICE TRUCK TECHNICIAN

The guys are often available to help nearby drivers in a time of need, just like they helped Ramnanan—they service an area within a 150- to 200-mile radius of their Shelbyville, Tennessee, base. And when they aren't out on service calls, the guys spend the rest of their time—the majority of it—servicing and maintaining dropped trailers at warehouses. "Our main focus is to keep these trailers road-worthy, so when a driver picks one up, he doesn't have to deal with a flat tire, a bald tire, a light out, a reefer unit that won't start, a missing mud flap," Heier says. "Basically all [Department of Transportation] items a driver would have to wait on for another repair company to come and fix."

Seibers and Heier regularly service trucks at eight warehouses in the middle-Tennessee area, which sees a lot of


As service technicians in Prime's Mobile Maintenance Division, Timothy Seibers and Charles Heier regularly maintain trucks to keep them road ready, and they also fix them when they aren't. Most of their work takes place in a warehouse, but sometimes it has to happen on the side of the road.



traffic. They also work on keeping GPS tracking systems up to standards, among a plethora of other maintenance details, and they're always drawing from their years of experience in the industry. "We both previously worked at the Shelbyville Walmart Distribution Center," Heier says. The two met there, and they serviced trucks there for 11 years. "Once that contract was up and Prime and Walmart separated ways in Shelbyville, Nick [Forte] at Prime offered Timmy and me the opportunity to run a service truck for Prime," Heier says. This was nearly two years ago.

ROADSIDE SERVICE

Whether they're safe in a warehouse or doing their work on the side of the interstate, Seibers and Heier are always putting their skills to work and fixing things. Their preferred location to do so is most definitely the former. "It's pretty scary when you're out there and you're changing an alternator on the side of the interstate," Seibers says as he recalls one of his more nerve-racking jobs. "You're out there, and you got a big truck going 70 mph about 3 feet from your backside." Heier agrees: "You do a lot of praying."



Seibers and Heier are based in Murfreesboro, Tennessee, but they have traveled to assist trucks broken down within a 150- to 200-mile radius of the city.

"WE'VE GOT EACH OTHER'S BACKS INSIDE OF WORK AND OUTSIDE OF WORK."

—CHARLES HEIER, SERVICE TRUCK TECHNICIAN

OUTSIDE OF THE GRIND

When it's time for a day off, many people don't want much to do with their co-workers. This isn't always the case for Heier and Seibers. "We've got each other's backs inside of work and outside of work," Heier says of himself and Seibers. Thanks to many years of working in the shop together—and now hours and hours spent driving in the service truck—the two have developed quite the friendship. "Sometimes we'll talk about work, sometimes we'll talk about each other's problems," Heier says of their time driving down the road. When they see one another off the clock, they might share a few beers or help each other do jobs around their homes. And they'll even come in on a day off to help the other, when needed. "As long as there's nothing super important going on, if there's something we need to do we will help each other out," Heier says. "Sometimes you just don't have a choice. You got to go."

You think about your wife and your two children at home. And then you do a lot of cussing, too, to those people who don't move over."

A lot of the duo's roadside jobs include changing tires, one of which they changed for Lease Driver Jerry Rogers last summer when he had a blowout on Tennessee's Interstate 840. "They were in Shelbyville, almost two hours away, but they came out and fixed the tire and got me up and going pretty quick," Rogers says. This wasn't a one-time meeting

for the three—Rogers actually works with the duo often, and he helps them out as well. "I probably talk to them a few times a week," says Rogers, who runs a dedicated route in middle Tennessee. "They run around this area and fix trailers, but if it's something they can't fix, I will sometimes meet up with them and take their trailer to the shop for them. It's a courtesy thing we have for each other. They're always as helpful as possible. They're nice guys to work with, and they will work with you pretty much any way they can."

PRIME'S MOBILE MAINTENANCE DIVISION

What

A team of company service trucks and technicians that works to keep trucks road-ready and also provides roadside assistance when needed

Where

Prime currently has service trucks that operate out of Pittston, Pennsylvania; Duke, Oklahoma; Laredo, Texas and Shelbyville, Tennessee. Prime is also looking to start more, potentially in Chicago, Denver and Auburndale, Florida.

Call for Help

If you are in a nearby area and need assistance, call the Road Assist Department—they are the ones responsible for putting you in touch with a mobile maintenance division technician if there is one available.

PRIME CALENDAR

Stay up-to-date on industry and community events.



SEPTEMBER 10-16
DRIVER APPRECIATION WEEK



OCTOBER 31
HALLOWEEN IN THE HALLS

NOVEMBER 5
VETERANS DAY PARADE
Downtown Springfield

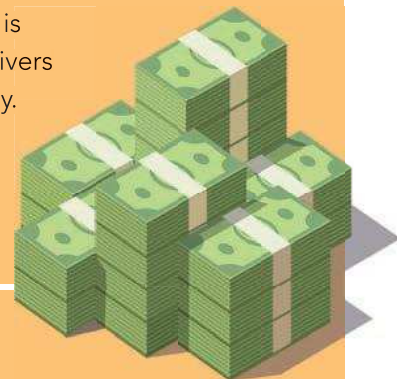


← the perks →

STAYING SAFE, MAKING BANK

The safety and service program is an added incentive for Prime drivers who deliver their loads efficiently. Here's how to make some extra cash just by maintaining a safe driving record.

BY ASIA KEY



You could be getting a bonus in your paycheck every week just by doing your job. Prime Inc. offers company drivers and independent contractors rewards for careful and efficient driving through the safety and service incentive program. A driver qualifies for this bonus by having a record free of accidents or service failures in the past 13 weeks and by scanning in all documents related to each trip within 48 hours after the delivery has been made. Wondering how you can hit the mark? Avoid service failures by picking up or delivering loads on time, and use the Prime Mobile app to scan in load documents with ease. Load documents can include anything pertaining to the delivery like trip sheets, bills, lumper receipts, income support paperwork and any other receipts you want to scan in—including fuel, weight or trailer wash receipts. Prime provides many options for getting this paperwork in. There are QUALCOMM scanners, and most truck stops have other scanners that are easily accessible to drivers, but you also can use the Prime Mobile app as easily as you send a text message on your smartphone.

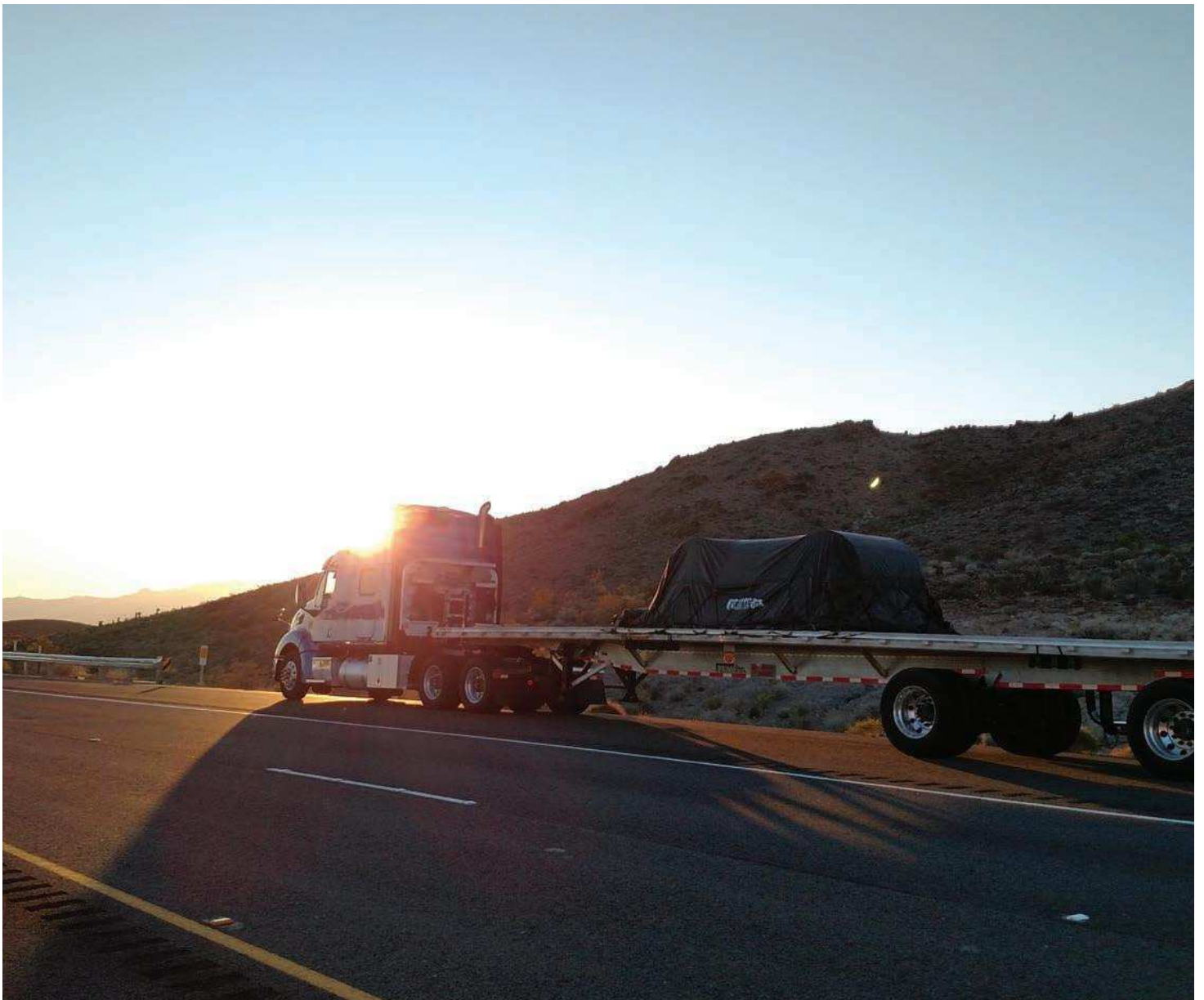
By maintaining a safe driving record, you're reducing fines and time-consuming roadside inspections while wrangling in some additional cash. Solo company drivers can bring in up to \$20 more per check by making an extra two cents per mile for safety and service between 2,100 and 2,900 miles. There's no limit for team drivers traveling over 4,000 miles who can earn an extra penny per mile. Solo independent contractors can make up to a \$50 bonus at 5 cents per mile between 2,400 and 2,900 miles, and team drivers can rack up an extra 2.5 cents per mile at no limit on all miles over 4,000.

At Prime, safe driving practices are one of the many responsibilities of each driver, and the safety and service program rewards these practices. Faster document scan-ins are part of the program as well because the quicker the company can get the documents for each haul and confirm proof-of-delivery, the quicker they can bill the customer and secure payment. Each department included in the billing process has more time to make sure documents are readable and are sent to the appropriate party. Prime has no problem thanking its drivers for making these processes go as smoothly as possible.

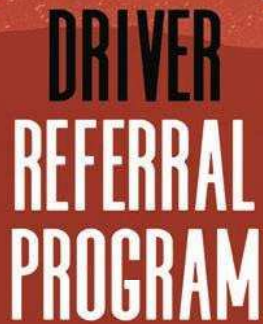
Photos courtesy Prime Inc., Shutterstock

VIEW FROM THE ROAD

What awe-inspiring landscapes have you seen from behind the wheel? Submit a high-resolution photo (usually 500 KB or higher) of your truck to primeinc@primeinc.com. Include your name and caption information about where and when the photo was taken.



Driver Richard Henley got up early to snap a photo of his truck and the beautiful sunrise over the Mojave Desert.

2017DRIVER
REFERRAL
PROGRAM\$100

Earn \$100 when referred driver hauls first load.

\$500

Earn \$500 when referred driver stays 6 months.

 $\frac{1}{4}$ CPM

Earn 1/4 cpm on every mile referred driver runs after 6 months.

\$1,000

Earn \$1,000 when 3 referred drivers stay 6 months.

EARNINGS EXAMPLE:

Refer 3 drivers who stay at least 6 months, and you would earn \$2,800 not including the additional mileage pay!

PROGRAM RULES:

- The person that is referred must run under Prime's operating authority (A, B1, B2, C or D Seats) as a company driver or independent contractor.
- All active Prime Driver Associates under Prime's operating authority (A, B1, B2 and C Seats) are eligible to receive Prime Inc Driver Referral Program pay.
- To earn bonus for 6 months longevity pay and mileage pay, referred driver must be an A Seat.
- No driver referral bonus will be earned for referring a rehire (previous Prime Driver).
- To earn referral, referred driver must list Prime Driver's name or driver code on application.
- For more information, contact Prime's Recruiting Department.
- Program is effective as of December 1, 2016, until further notice or cancellation. (Prime reserves the right to modify the program at any time.)

EXHIBIT B

To: New Prime, Inc. (ipdocketing@lathropage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 3/31/2012 11:20:08 AM
Sent As: ECOM109@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)

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

APPLICATION SERIAL NO. 85497826

MARK: PRIME INC.

85497826

CORRESPONDENT ADDRESS:
JOSEPH L. JOHNSON
LATHROP & GAGE, LLP
1845 S NATIONAL AVE
SPRINGFIELD, MO 65804-2217

CLICK HERE TO RESPOND TO THIS LETTER:
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APPLICANT: New Prime, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :
523223

CORRESPONDENT E-MAIL ADDRESS:
ipdocketing@lathropage.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.

ISSUE/MAILING DATE: 3/31/2012

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

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. 3234643. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade

channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.* Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.*, 84 USPQ2d 1581, 1584 (TTAB 2007); *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or 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).

Similarity of the Marks

The applicant's mark is PRIME INC. The registrant's mark is PRIME.

The applicant's mark is similar to the registrant's mark because the dominant portion of the applicant's mark is identical in sound, appearance and meaning to the registrant's mark. The differences in the marks are minor and do not change the commercial impression of the marks.

Relatedness of the Services

The applicant's services are:

“Transportation services by truck.”

The registrant's relevant services are:

“Expedited shipping service for others.”

The applicant's services are related to the registrant's services because both consist of shipping services.

Additionally, in a likelihood of confusion analysis, the comparison of the parties' goods and/or services is based on the goods and/or services as they are identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); *see Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267-68, 62 USPQ2d 1001, 1004-05 (Fed. Cir. 2002); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1638-39 (TTAB 2009); TMEP §1207.01(a)(iii).

In this case, applicant's goods and/or services are identified broadly. Therefore, it is presumed that the application encompasses all goods and/or services of the type described, including those in the registrant's more specific identification, that the goods and/or services move in all normal channels of trade, and that they are available to all potential customers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re La Peregrina Ltd.*, 86 USPQ2d 1645, 1646 (TTAB 2008); *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006); TMEP §1207.01(a)(iii).

Accordingly, because confusion as to source is likely, registration is refused under Trademark Act Section 2(d).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If applicant chooses to respond to the refusal to register, then applicant must also respond to the following requirement.

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording “INC.” apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose or use of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987); TMEP §§1213, 1213.03(a). Please see the attached definition from the Merriam-Webster Online Dictionary.

In this case, the wording is merely an entity designation.

Business entity designations such as “Corporation,” “Inc.,” “Company,” and “Ltd.” must be disclaimed because they merely indicate applicant's entity type and generally do not function to indicate the source of goods or services. TMEP §1213.03(d); *see, e.g., Goodyear's India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998); *In re The Paint Prods. Co.*, 8 USPQ2d 1863, 1866 (TTAB 1988).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the

appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are generic of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.*

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use “INC.” apart from the mark as shown.

TMEP §1213.08(a)(i).

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

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. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or 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.

/Robert J. Struck/
Robert J. Struck
Trademark Examining Attorney
Law Office 109
Phone - (571) 272-1513
robert.struck@uspto.gov

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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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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DESIGN MARK

Serial Number

78559146

Status

REGISTERED

Word Mark

PRIME

Standard Character Mark

Yes

Registration Number

3234643

Date Registered

2007/04/24

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Amazon Technologies, Inc. CORPORATION NEVADA Attn: Trademarks PO Box 8102 Reno NEVADA 89507

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Customer loyalty program services featuring rewards in the form of discounted shipping services; retail services, namely, administration of a discount program for enabling participants to obtain discounts on shipping services through use of a discount membership card. First Use: 2005/02/02. First Use In Commerce: 2005/02/02.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Expedited shipping service for others. First Use: 2005/02/02. First Use In Commerce: 2005/02/02.

Filing Date

2005/02/02

Examining Attorney

THOMPSON, HEATHER

PRIME

AN ENCYCLOPÆDIA
BRITANNICA COMPANY



?! Quiz

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inc

inc

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Popularity

2 ENTRIES FOUND:

inc (abbreviation)

C in C (abbreviation)

Also in Spanish

Whole Grain Poptart

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www.poptarts.com

inc *abbr*

Definition of INC

- incomplete
- often capitalized incorporated

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MORE QUIZZES

Name That Thing



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[March 2012]

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3 increase

Browse

- Next Word in the Dictionary: Inca
- Previous Word in the Dictionary: inbye (noun)
- All Words Near: inc

“ Seen & Heard ”

What made you want to look up *inc*? Please tell us where you read or heard it (including the quote, if possible).

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To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 3/31/2012 11:20:10 AM
Sent As: ECOM109@USPTO.GOV
Attachments:

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

**USPTO OFFICE ACTION HAS ISSUED ON 3/31/2012 FOR
SERIAL NO. 85497826**

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should 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 **3/31/2012** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

EXHIBIT C

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 10/29/2012 12:45:29 PM
Sent As: ECOM109@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 85497826

MARK: PRIME INC.

85497826

CORRESPONDENT ADDRESS:

JOSEPH L. JOHNSON
LATHROP & GAGE, LLP
1845 S NATIONAL AVE
SPRINGFIELD, MO 65804-2217

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APPLICANT: New Prime, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :
523223

CORRESPONDENT E-MAIL ADDRESS:
ipdocketing@lathropgage.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.

ISSUE/MAILING DATE: 10/29/2012

This Office action is in response to applicant's communication filed on October 29, 2012.

In the Office action dated March 31, 2012, the Examining Attorney refused registration under Section 2(d) of the Trademark Act because of a likelihood of confusion with the mark in U.S. Registration No. 3234643. Trademark Act Section 2(d), 15 U.S.C. §1052(d). In addition, the Examining Attorney required applicant to submit a disclaimer. In its response, applicant argued against the refusal to register and provided a disclaimer. The disclaimer is accepted and added to the record. The likelihood of confusion refusal is continued and maintained.

Applicant, however, must respond to the following new issue.

ADDITIONAL INFORMATION REQUIRED

To permit proper examination of the application, applicant must submit additional information about the services. See 37 C.F.R. §2.61(b); *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004); TMEP §814. The requested information should include fact sheets, brochures, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for services of the same type, explaining how its own services will differ. If the services feature new technology and no information regarding competing services is available, applicant must provide a detailed factual description of the services.

The submitted factual information must make clear what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements regarding the services will not satisfy this requirement for information.

Failure to respond to a request for information is an additional ground for refusing registration. *See In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003). Merely stating that information about the services is available on applicant's website is an inappropriate response to a request for additional information and is insufficient to make the relevant information of record. *See In re Planalytics*, 70 USPQ2d at 1457-58.

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

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. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or 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.

/Robert J. Struck/
Robert J. Struck
Trademark Examining Attorney
Law Office 109
Robert.Struck@uspto.gov
571-272-1513

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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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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/teas/eTEASpageE.htm>.

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 10/29/2012 12:45:29 PM
Sent As: ECOM109@USPTO.GOV
Attachments:

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U.S. TRADEMARK APPLICATION

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SERIAL NO. 85497826**

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WARNING

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EXHIBIT D

To: New Prime, Inc. (ipdocketing@lathropgag.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 5/23/2013 3:03:18 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. 85497826

MARK: PRIME INC.

CORRESPONDENT ADDRESS:
JOSEPH L. JOHNSON
LATHROP & GAGE, LLP
910 E. St. Louis, Ste. 100
SPRINGFIELD MO 65806

85497826

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: New Prime, Inc.

CORRESPONDENT'S REFERENCE/DOCKET
NO:

523223

CORRESPONDENT E-MAIL ADDRESS:
ipdocketing@lathropgage.com

OFFICE ACTION

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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.

ISSUE/MAILING DATE: **5/23/2013**

THIS IS A FINAL ACTION.

This letter responds to the applicant's communication filed on April 29, 2013.

FINAL ACTION

Registration was refused under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the mark for which registration is sought so resembles the mark shown in U.S. Registration No. 3234643 as to be likely, when used in connection with the identified services, to cause confusion, or to cause mistake, or to deceive. In addition, in the previous office action, the examining attorney required applicant to submit additional information.

In its response, the applicant maintained its objection to the refusal and provided additional information. The additional information is accepted and made of record.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(d) is maintained and made **FINAL**.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). In the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). See TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *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)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

The applicant's mark is PRIME INC.

The registered mark is PRIME.

Applicant argues that the addition of the disclaimed term INC. is enough to distinguish the marks.

This argument, however, is not persuasive. The addition of a generic term like the entity designator, INC., does not change the commercial impression of the mark. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii).

In this case, the dominant portion in the applicant's mark, the wording PRIME, is identical in sound, appearance and meaning to the registrant's mark. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. See *In re Nat'l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751.

Lastly, the stylization in the applicant's mark does not prevent a determination that the marks are similar as the registered mark is in standard characters and may be displayed in any stylization. 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 Vitterra 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 marks could be presented in the same manner of display. See, e.g., *In re Vitterra 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").

Relatedness of the Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods and/or services need only be related in some manner or the conditions surrounding their marketing be such that they will be encountered by the same consumers under circumstances that would lead to the mistaken belief that the goods and/or services originate from the same source. See *Gen. Mills Inc. v. Fage Dairy Processing Indus.*, 100 USPQ2d 1584, 1597 (TTAB 2012); TMEP §1207.01(a)(i); see *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d at 1086, 56 USPQ2d at 1475; *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

The applicant's services are "Transportation services by truck."

The registrant's relevant services are "Expedited shipping service for others."

The applicant asserts that the services are not related because the registrant provides express shipping of small volumes of goods while applicant ships large truck loads. Applicant contends that it operates as a major trucking company catering to business and that registrant provides goods for sale and shipping of those goods for consumers.

The applicant's arguments, however, are not persuasive. First, neither identification contains any limitations on the channels of trade. The presumption under Trademark Act Section 7(b), 15 U.S.C. §1057(b), is that the registrant is the owner of the mark and that use of the mark extends to all goods and/or services identified in the registration. The presumption also implies that the registrant operates in all normal channels of trade and reaches all classes of purchasers of the identified goods and/or services. See *In re Melville Corp.*, 18 USPQ2d 1386, 1389 (TTAB 1991); *McDonald's Corp. v. McKinley*, 13 USPQ2d 1895, 1899 (TTAB 1989); *RE/MAX of Am., Inc. v. Realty Mart, Inc.*, 207 USPQ 960, 964-65 (TTAB 1980); see TMEP §1207.01(a)(iii).

In this case, the presumption is that applicant and registrant are providing their services in all normal channels of trade. As shown by the attached definitions from the Collins English Dictionary Online, the MacMillan Dictionary Online, and Yahoo.com, the term shipping encompasses the transportation of goods and freight by truck.

Next, the attached evidence from UPS.com, FedEx.com and DHL.com shows that entities that provide shipping services also provide

transportation by truck, including transportation of goods and freight. Indeed, the attached evidence from the applicant's website shows that applicant is providing truck transportation and shipping services.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or 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, 1025 (Fed. Cir. 1988).

Third, the application uses broad wording and encompasses all types of transportation by truck, including the registrant's shipping services. With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-70, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012); *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990).

Absent restrictions in an application and/or registration, the identified goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterro 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)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration(s) has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application uses broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification.

Lastly, where the marks of the respective parties are identical or virtually identical, the relationship between the relevant goods and/or services need not be as close to support a finding of likelihood of confusion. *See In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009); TMEP §1207.01(a).

For all of the reasons outlined above, and based on the evidence of record, the refusal to register under Section 2(d) of the Trademark Act is hereby continued and is made **FINAL**.

OPTIONS

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements;
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the

application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. See 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. See 37 C.F.R. §§2.6, 2.66(b)(1).

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. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or 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.

/Robert J. Struck/
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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.

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English Dictionary

Definition of "shipping"

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shipping (ʃɪpɪŋ)

Definitions

noun

1. the business of transporting freight: *weas by ship*
2. (as modifier) *a shipping magazine, shipping line*
3. ships collectively: *there is a lot of shipping in the Channel*
4. the tonnage of a number of ships: *shipping for this year exceeded that of last*

Word Frequency

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Definitions

noun

- 1 a vessel propelled by engines or sails for navigating on the water, esp a large vessel that cannot be carried aboard another, as distinguished from a boat
- 2 (historical) a large sailing vessel with three or more square-rigged masts
- 3 the crew of a ship
- 4 short for [cabin](#), [spacecab](#)
- 5 (informal) any vehicle or conveyance
- 6 See [when one's ship comes in](#)

Verb

Word forms: ships, shipping, shipped

- 7 to place, transport, or travel on any conveyance, esp aboard a ship = ship the microscope by air/airline. Can we ship tomorrow?
- 8 *z* (informal) to take (water) over the side
- 9 *z* (informal) to send away; obtain in order to be rid of = they shipped the children off to boarding school
- 10 *z* (informal) to engage to serve aboard a ship = I shipped aboard a Liverpool liner
- 11 (informal) *z* to concede (a goal) = Celtic have shipped eight goals in three away matches
- 12 (informal) *z* to concede (a goal) = Celtic have shipped eight goals in three away matches

See also

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Derived Forms

shippable adjective

Word Origin

Old English *scip* related to Old Norse *skip*, Old High German *skif* 'ship, coffin' etc.

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► Quotations including 'shipping'

- "Ships that pass in the night, and speak each other in passing. Only a signal, shown and a distant voice in the darkness." **Henry Wadsworth Longfellow**

► Translations for 'shipping'

British English: **shipping** Shipping is the transport of cargo as a business, especially on ships
NOUN the international shipping industry

Brazilian Portuguese: carga	Chinese: 海运业
European Spanish: transporte marítimo	French: transport
German: Versand	Italian: trasporto marittimo
Japanese: 船運業	Korean: 해운업

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► Example Sentences Including 'shipping'

- It's a reflection of the modern business of shipping, said Lloyd's editor Julian Bray. **GLASGOW HERALD (2002)**
- By now, he was in the actual shipping lanes, the traffic heavy, ships separated by less than a mile. **Terrence, Douglas CORMORANT**
- Hakim is an income fund based on a Port of Halifax shipping terminal that has recently lost two key customers. **GLOBE AND MAIL (2007)**
- He could no longer see any Channel shipping, the distance too great. **Terrence, Douglas CORMORANT**
- His appointment follows a string of attacks against shipping by Islamic extremists. **LIVERPOOL DAILY POST AND ECHO (2004)**
- Iraq was the seventh-biggest foreign oil supplier to the U. S. market last year, shipping 410,000 barrels a day. **U.S.G: ANJ MAIL (2007)**
- The problem is that night whales swim quite slowly in areas where there is a lot of shipping. **NEW SCIENTIST (1999)**

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With the sea lanes so thoroughly exposed, the main danger to shipping these days is shipping.
Ben Himmo in FORKBEARD'S WAKE: COASTING ROUND SCANDINAVIA (2002)

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shipping - definition Show less

noun (UNCOUNTABLE) **pronunciation** /ˈʃɪpɪŋ/

- the business of carrying goods, especially in a ship or shipping company
 Thesaurus entry for this meaning of shipping
- the cost of carrying goods, especially in a ship
 Thesaurus entry for this meaning of shipping
- ships and boats that are sailing
 rocks that are a danger to shipping
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HOUGHTON MIFFLIN
[shipment clerk](#)

ship-ping (shĭp'ing) **VT**

NOUR:

1. The act or business of transporting goods.



Word of the Day

[psychology](#)

SHIPPING
Definition (adjective)
unenthusiastic, routine, or
mechanical

1. The act or business of transporting goods
2. The body of ships belonging to one port, industry, or country, often referred to as aggregate tonnage
3. Passage or transport on a ship

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Founded in 1907 as a messenger company in the United States, UPS has grown into a multi-billion-dollar corporation by clearly focusing on the goal of enabling commerce around the globe. Today, UPS is a global company with one of the most recognized and admired brands in the world. We have become the world's largest package delivery company and a leading global provider of specialized transportation and logistics services. Every day, we manage the flow of goods, funds, and information in more than 200 countries and territories worldwide.

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- ▶ Service Guide
- ▶ Ship Now
- ▶ Check Rates
- ▶ LTL (Less-Than-Truckload)
- ▶ Truckload
- ▶ Ship LTL Now
- ▶ Check LTL Rates
- ▶ Ocean Freight
- ▶ Full Container Load
- ▶ Less-Than-Container Load
- ▶ Customs Brokerage
- ▶ Supplier Management
- ▶ UPS Trade Direct®
- ▶ All Shipping Services

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Services:

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 - Interregional
 - Long-haul
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 - Interregional
 - Long-haul
- UPS Freight Services
 - UPS Freight Insurance
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UPS Freight LTL

Speed. Coverage. Flexibility. And **guaranteed** reliability.*

Trust UPS Freight with your LTL shipments, and receive reliable service backed by a **day-definite, on-time guarantee at no additional charge**. Guaranteed service means reliability for all your regional, interregional and long-haul needs, all with one convenient pickup. And with UPS technologies, such as WorldShip™ and Quantum View, you can process and track LTL shipments, create electronic bills of lading, reconcile billing, and much more.



UPS Freight's extensive transportation network, experienced employees, and efficient systems mean your freight will be picked up and delivered on time. We offer:

- Reliable service backed by an on-time guarantee at no additional charge*
- Regional, interregional & long-haul service, all with one pickup
- More than 20,000 one- and two-day lanes
- Cross-country three- and four-day service
- UPS technologies to improve shipping, tracking & billing
- Single carrier responsibility
- Online and mobile shopping

For critical shipments, upgrade to our **Express** service.

Have occasional large LTL shipments? We offer [volume pricing](#) on select lanes.



*Guarantees apply to current UPOF S60 & UPOF S25 customers. See the [UPS Freight Terms and Conditions](#) and any other applicable contract, as other restrictions may apply.

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DL/Truckload

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- Services
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 - UPS Freight® Truckload
 - Freight Training
 - Event Management
 - Volume Pricing



UPS Freight Truckload

UPS reliability and efficiencies for your truckload needs as well. Our truckload division offers a complete range of full truckload services, including standard TL moves, intermodal services, and Dedicated Contract Carriage for your private fleet needs.

Dedicated Contract Carriage
Get the benefits of your own private fleet and gain competitive advantage with UPS behind the wheel. We offer you more flexibility, increased productivity, improved customer service, reduced liabilities, and less capital expenditures. All managed by the company you know and trust.

We provide customized solutions for your private fleet needs leveraging over 100 years of network engineering, design, and fleet management expertise. We take care of equipment, route optimization, labor management, risk management, and regulatory compliance to drive overall cost savings. So you can do what you do best - run your business.

Truckload Services

- Whether you're under contract or you need an occasional truckload move, we've got you covered.
- Dedicated Capacity** - Secure your distribution needs year-round with reliable committed truckload capacity.
 - Truckload** - Standard truckload service provides direct dock-to-dock delivery with exclusive use of a 53' trailer, door to tail, secure with only your products. We use our network of thousands of partner carriers and our own fleet of dry vans to ensure you have the capacity and equipment you need, when you need it.
 - Intermodal** - Cost-effective options for long-haul moves with a reduced carbon footprint.
 - Expedited Intermodal, with transit time equal to Truckload service, rides the same trains our UPS package delivery network uses for reliable service and with priority loading and unloading.
 - Standard Intermodal doublestack service for the most cost-efficient solution when transit times are less critical.
 - Temperature Controlled** - Whether it's heat sensitive commodities or perishables threatened by freezing weather, we can protect your products.
 - Ocean Transload** - Working with our UPS Supply Chain Services® port facilities, we can transload your ocean import containers to our truckload, intermodal, and LT services for final inland delivery, giving you door-to-door control of your international supply chain.

Contact Us

- Call 800-424-6527 to speak to a UPS Freight Truckload representative
- Request a Truckload Quote

Online Resources

- Log In To My Truckload Freight
- Register for My Truckload Freight
- Download a Truckload Quote
- Truckload Services Tool
- Truckload Contract Carriage Tool
- Learn more about Dedicated Contract Carriage Tool
- Drive for UPS Freight Truckload



FedEx® Portfolio of US Shipping Services

Learn about FedEx® carbon-neutral envelope shipping.

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- International Shipping
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Fast time-definite options. FedEx Express®.

FedEx Express offers reliability and convenience for your time-sensitive shipments — no matter the size or urgency. Delivery today, first thing tomorrow, tomorrow, or in 2 or 3 days. Even on Saturdays.

All the speed and options you need for your express freight shipments too.

Choose FedEx Express® Freight U.S. services for your palletized heavyweight air freight shipments. We offer weekly time-definite door-to-door delivery with comprehensive geographic coverage, optional control, and FedEx delivery options — including Saturday pickup and delivery — all supported by a FedEx money-back guarantee.*

*Saturday services are available in several U.S. markets — a special handling fee applies. For details on the FedEx Money-Back Guarantee, see Our Services at fedex.com

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Around the world with FedEx

Reach more than 220 countries and territories with the help of what you need from FedEx. Not only is there a shipping service to meet your unique needs, but we also offer a wide array of tools and resources to help you navigate the world of international shipping.

[Learn about international services and tools >](#)



NAFTA makes shipping to Canada even simpler

In 1994, North American Free Trade Agreement (NAFTA) eliminated tariffs and quotas on U.S. exports. It also opened trade barriers and opened markets that led to 400,000 jobs. Since then, NAFTA has helped small to medium-size businesses increase exports, add jobs, and compete with larger competitors who have the capacity to place factories in Canada and Mexico.

Who benefits from NAFTA?

Any company or individual who produces importable goods and wishes to export them to another NAFTA country can benefit. The process that originating goods receive when crossing the border is the simplest of almost any other country. They must be accompanied by a NAFTA Certificate of Origin.

[Click here to learn more about NAFTA](#)
[Click here to learn more about Canada](#)



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Small Business Center
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Online Retail Solutions
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Fast time-definite options. FedEx Express®

FedEx Express offers reliability and convenience for your time-sensitive shipments — no matter the size or urgency. Delivery today, first thing tomorrow, tomorrow, or in 2 or 3 days. Even on Saturdays.

All the speed and options you need for your express freight shipments too.

Choose FedEx Express® Freight U.S. services for your palletized heavyweight air freight shipments. We offer reliable, time-definite door-to-door delivery with comprehensive geographic coverage, customs control, and flexible service options — including Saturday pickup and delivery — all supported by a single, knowledgeable package.

†Optional services are available in select U.S. markets — a central handling fee applies. For details on the FedEx Money-Back Guarantee, see Our Services at fedex.com.†

[See now](#)



Around the world with FedEx

Reach more than 220 countries and territories with the reliability that you expect from FedEx. Not only is there a shipping choice to meet your unique needs, but we also offer a wide array of tools and resources to help you navigate the world of international shipping.

[Learn about international services and tools >](#)



NAFTA makes shipping to Canada even simpler

In 1994, North American Free Trade Agreement (NAFTA) eliminated tariffs and quotas on U.S. exports, it dismantled trade barriers and opened markets that led to economic growth. Since then, NAFTA has helped small to mid-business exporters increase sales, add jobs, and compete with larger competitors who have the capability to ship volumes in Canada and Mexico.

Who benefits from NAFTA?

Any company or individual who produces originating goods, and wishes to export them to another NAFTA country, can benefit. To ensure that originating goods receive preferential treatment when shipping to the territory of another NAFTA country, they must be substantiated by a NAFTA Certificate of Origin.

Click here to learn more about NAFTA.
Click here to learn more about Canada.



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FedEx® Portfolio of US Shipping Services

Always on the go? Hold at FedEx Location.
Now you can have your shipments held for pickup at more than 2,400 FedEx locations nationwide.



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- Package Envelope within the U.S.
 - Delivery today
 - Delivery first thing tomorrow
 - Delivery tomorrow
 - 2 or 3 day shipping
 - Economical delivery to businesses
 - Residential day-definite delivery
 - Cost-effective low-weight residential
 - Personal shipping to residences
- Freight within the U.S.
- International Shipping
- Returns Shipping
- Delivery Options

Fast, Reliable, FedEx Ground®.
Get cost-effective, day-definite service with transit times supported by a money-back guarantee.*

FedEx Ground is faster to more locations than UPS Ground.

That's right — over the last three years FedEx Ground has improved transit times for more than half of the business shipping destinations in the U.S. — so that you can get your shipments delivered sooner, be more competitive, improve your customer satisfaction and save money.



View ground transit maps +

Ship now

Fast forward to Canada.
Ship fast to Canada with FedEx International Ground®.



Phone your account manager.



Combine packages and save money.



[Check transit times now](#)

Choose your payment options

FedEx Ground enables you to pay for your shipments with the receipts or a third party (or pay for all your shipment shipments using FedEx Ground® COLLECT.

[Learn about FedEx Ground payment options](#)

Combine packages and save money

Take it from LTL, less than truckload charges and hassles when shipping multiple packages to the same destination with FedEx Ground Multiweight®. You can enjoy savings based on the combined weight of your packages. Consistent and cost-effective.

[Learn about FedEx Ground Multiweight](#)

Time-definite.

When you need it there a little faster, choose FedEx Ground® Delivery Index. First 1000 lbs. Monday, or in 2 or 3 days.

[Learn more](#)



Deliver faster. Get paid faster.

Improve your cash flow and reduce risk of non-payment by using FedEx Ground® Electronic C.O.D. services. FedEx collects the money at the time of delivery, so you can get paid sooner and get on customer without waiting credit.

[Learn about FedEx Ground Electronic C.O.D.](#)

*The FedEx Ground Money Order guarantee applies to shipments in the U.S. and to packages with a payment to Credit Account only. †Restrictions apply. See FedEx Money Order.



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Our Organization

Express delivers worldwide freight forwarding with planes, trucks, ships and trains. Airfreighting services that go beyond just storage, our trucks everywhere from packaging to repairs, international mail deliveries, customized and specialized shipping. [» Find out more about DHL.](#)

Express



DHL Express transports urgent documents and goods (air, sea and air) from 220+ countries and territories, and operates the most comprehensive global express network.

» Express

Global Forwarding, Freight



In its main business DHL Global Forwarding helps take care of a variety of customers' logistics needs, from straightforward logistics operations and multimodal transport solutions to high-tech industrial products.

• Logistics

Supply Chain



DHL Supply Chain is the global market leader in contract logistics, providing warehousing, inventory control and value-added services and other solutions for corporate information and communications management.

• Supply Chain Solutions

Global Mail



DHL Global Mail of DHL is worldwide expert in providing customized solutions for our most and B2C parcels, guaranteeing one of the world's highest delivery volumes on full contracts.

• Global Mail

DHL Express – The Leader in International Express Shipping

DHL Express helps make sure your DHL packages find the way to the right place. DHL Express is the leader in international express shipping.

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 - Shipping
 - Tracking
 - Export Services
 - Import Services
 - Optional Services
 - Small Business Solutions
 - Resource Center
 - Bookmark Us

Express Shipping with DHL

Get expert shipping advice and customs support to prepare and manage your express shipments.

- More Shipping Information
- Customs Support
- Shipping Advice

Small Business Solutions

As an expert in international shipping, DHL Express understands the needs of small and medium businesses.

- Let DHL Support Your Business
- SME Internationalization Study

New to DHL Express?

Open an Account Now

Guide to DHL Express Services

DHL offers a wide range of delivery options.

International

- Services to Another Country
- Services to Your Country

Can We Help?

Having trouble understanding a shipment or tracking a package? Our DHL Express Customer Service experts are here to help you!

Contact DHL Express Customer Service



Express Parcels and Documents

Track Your Shipment

Enter up to 10 numbers associated with Parcel#

Track

More Tracking Options

- Log in - MyDHL
- Ship Online
- Get Rate Quote
- Get Transit Time
- Schedule a Courier Pickup
- Find a DHL Service Point Location
- Manage My Bills

Important Information

Important info and Service Alerts

Fraudulent Email Alert!

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Fashion Week New York



Get a tour behind the scenes at Mercedes-Benz Fashion Week Fall New York, powered by DHL.

Experience it Now



Industry Sector Solutions

DHL Global Forwarding's focus on the world's industry sectors means customers benefit from solving with expertise – not just in logistics, but also in their particular market place. Our aim is to solve industry problems and work closely with our customers – often alongside their key value chain partners. The unique know-how of our people combined with our industry – leading solutions provides them with a competitive advantage.

Every day, throughout the world, our people work with a huge variety of customers to solve practical problems – from achieving shorter lead times to delivering time-critical, controlled freight – in the following industry sectors:

Logistics

- Freight Transportation
- Warehousing and Distribution
- Customs, Security & Insurance
- Supply Chain Solutions
- Industry Sector Solutions
 - Aerospace
 - Automotive
 - Consumer Products
 - Engineering & Manufacturing
 - Fashion
 - Governments and Defense
 - Life Sciences & Healthcare
 - Technology
- Customer Resource Area

Aerospace

DHL Global Forwarding provides transportation and distribution logistics services across all segments of the aerospace industry's supply chain.

- Find out what we do for the Aerospace sector

Automotive

With massive global freight challenges, wherever automotive companies are looking on the search for competitive advantage.

- Find out what we do for the Automotive sector

Consumer Products

Make it easier to develop, import and sell the best products ever.

Engineering & Manufacturing

For many industrial enterprises, the solution to increasing market and sales share is to...

Customer Resource Area

Let us help you 24 x 7 in the US and Canada 1.800.426.5942 For DHL Express call 030.424.41.11

Tracking and Applications

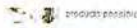
Other Services

- Warehousing and Distribution
- Supply Chain Solutions
- Air Freight
- Ocean Freight
- Domestic Services

Aid & Relief Services

Find out how we support the international aid, humanitarian and development sector.

- Learn more about Aid & Relief Services



wherever possible
 Find out what we do for the Consumer Products sector

Fashion

Fashion is the definition of fast moving retail. Last minute orders, cancellations and returns are all of which we place

Find out what we do for the Fashion sector

Life Sciences and Healthcare

Ensuring the quality of pharmaceuticals is a big responsibility, one with high standards for oversight. There is a special aspect that we address

Find out what we do for the Life Sciences and Healthcare sector

together with us to source from a different country where the goods are made

Find out what we do for the Industrial, Engineering and Manufacturing sector

Governments and Defense

DHL Global Forwarding Governments & Defense Services which provide end-to-end solutions and can ensure the most sophisticated methods, secure growth and on-time delivery worldwide. 24 hours a day, 7 days a week and 252 days a year.

Find out what we do for the Governments and Defense sector

Technology

Supports in the technology industry in all areas of the value chain, from the needs of high-tech consumers and businesses, before they become technical or technological solutions.

Find out what we do for the Technology sector

Freight Transportation

As a global partner, we ensure to deliver freight of any kind, to any place via air, ocean or road, but capable of going to surpassing the personal attention they need. Welcome to DHL Global Forwarding.

- Logistics**
- Freight Transportation
 - Air Freight
 - Ocean Freight
 - Domestic Services
 - Industrial Projects
 - Transload Services
 - Transload Services
 - Where we can deliver
 - What freight we can handle
 - Consolidation and Groupage
 - Intermodal & Multimodal Transport
 - Trade Fairs & Events

Air Freight Services

DHL Global Forwarding's global carrier network offers competitive time-sensitive solutions for on-site or regular freight requirements.

Read more

More about Air Freight Services

Ocean Freight Services

Our competitive global network carries ocean freight of any size or weight to and from practically any port worldwide.

More about Ocean Freight Services



Customer Resource Area

Let us help you 24 x 7 in the US and Canada 1.800.426.5967

For DHL Express call 1-800-CALL-DHL

Tracking and Applications

Other Services

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- [Lead Logistics Provider \(LLP\)](#)
- [Renewable Energy](#)
- [Aid and Relief Services](#)
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- [Customs, Security & Insurance](#)
- [Supply Chain Solutions](#)
- [Industry Sector Solutions](#)
- [Customer Resource Area](#)

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- [Partners](#)
- [More about Domestic Services](#)

Renewable Energy

 Solar & Wind Power – DHL Global Forwarding has the power for the Logistics solution you might be seeking for.

- [More about Renewable Energy](#)

You may also be interested in

- [Where we can deliver](#)
- [What weight we can handle](#)
- [Consolidation and Groupage](#)
- [Inter and Multimodal Transport](#)
- [Industrial Project Transportation](#)
- [Trade Fairs and Events Transportation](#)
- [International Supply Chain Management](#)

Freight Transportation

- [Air Freight Services](#)
- [Ocean Freight Services](#)
- [Domestic Services](#)

Warehousing and Distribution

 Make your supply chain more efficient with our facilities and state-of-the-art warehousing and distribution services.

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Solutions by Industry Sector

Which industry sector do you operate in?

Please select...

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Flatbed Division Sales

Flatbed Related Rate Adjustments

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Tanker Division Sales

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Shippers

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P.O. Box 1201
Springfield, MO 65802
Physical Address
3740 North Maple
Springfield, MO 65802

- 1-877-774-4404 - Client Recruiting
- 1-800-321-4410 - General Sales/Support
- 1-817-321-2710 - Subcontract (Dallas)
- 1-817-321-4070 - Service Fax
- 1-800-445-4270 - Franchise Direct Sales
- 1-817-321-4410 - Franchise Sales Fax
- 1-800-888-4440 - Refrigerated Sales
- 1-817-321-4070 - Refrigerated Sales Fax
- 1-800-445-4270 - Trailer Direct Sales
- 1-800-321-4410 - Trailer Sales Fax
- 1-708-423-1200 - Logistics Services
- 1-800-411-1244 - International Services

Prime Inc., North America's most successful refrigerated, trailer, and trailer carrier, provides wide product and distribution services to its franchisees throughout customer base.

At Prime, we have built a strong and enviable reputation for providing superior transportation solutions throughout North America. Our commitment to providing unsurpassed, end-to-end customer service continues, as we seek new methods, technical advances and systems which enable us to meet the ever-increasing demands of the shipping industry.

Prime Inc. - Delivering solutions for over 40 years! Prime is a company you can grow with.

Our Affiliates:



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About

Prime Inc. North America's most successful independent, tablet and tanker owner-provider with reliable and continuous on-time service to its expanding international customer base.

Independent contractors routinely benefit from Prime's exceptional lease plan which offers virtually unlimited earning potential. Experienced contractors can get into a state-of-the-art, horsepower Profitliner with no money down and no credit check!

For more information about Prime, customers should call:



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- Prime Values
- Technology
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- Terms & Conditions

1-800-438-4289 Customer Line

Drivers Need Call the following number:

1-800-425-5957 Eastern Division

1-800-234-4065 Refrigerated Division

1-800-232-7055 Trailer Division

At Prime, we have built a strong and enviable reputation for providing superior transportation services throughout North America. Our commitment to providing best-in-class customer service, combined with best-in-class methods, technical expertise and systems, which enable us to meet the ever-increasing demands of the shipping industry.

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To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85497826 - PRIME INC. - 523223
Sent: 5/23/2013 3:03:19 PM
Sent As: ECOM109@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 **5/23/2013** FOR U.S. APPLICATION SERIAL NO. 85497826

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 **5/23/2013** (or sooner if specified in the Office action). 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 Trademark Electronic Application System (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.

EXHIBIT E.1

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87575242 - PRIME INC. - 594085
Sent: 10/31/2017 12:40:11 PM
Sent As: ECOM103@USPTO.GOV

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OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

**U.S. APPLICATION
SERIAL NO. 87575242**

MARK: PRIME INC.

87575242

CORRESPONDENT

ADDRESS:

JOSEPH L. JOHNSON

LATHROP GAGE LLP

910 EAST ST. LOUIS
STREET

SUITE 100

SPRINGFIELD, MO
65806-2523

APPLICANT: New Prime,
Inc.

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

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

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

594085

**CORRESPONDENT E-
MAIL ADDRESS:**

ipdocketing@lathropgage.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: 10/31/2017

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(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Likelihood of confusion;
- Prior pending applications; and,
- Disclaimer required

A. 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. 5221886. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Applicant has applied for the mark “PRIME INC.” in standard character form in International Class 39 for: “Transportation services by truck.”

Registrant’s mark is “PRIME CARGO” in standard character form, (with “CARGO” disclaimed), in International Class 35 for a variety of transportation business logistics services and in International Class 39 for: “Freight forwarding services; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Warehousing services.”

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a consumer would be confused, mistaken, or deceived as to the source of the services of the applicant and registrant(s). *See* 15 U.S.C. §1052(d). Determining likelihood of confusion is made 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). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). However, “[n]ot all of the [*du Pont*] factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1366, 101 USPQ2d 1713, 1719 (Fed. Cir. 2012) (quoting *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010)). The USPTO may focus its analysis “on dispositive factors, such as similarity of the marks and relatedness of the services[.]” *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)); *see* TMEP §1207.01.

Comparison of the Marks

Marks are compared in their entirety for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (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 Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests, Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff’d per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

Although marks are compared in their entirety, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party’s services is typically less significant or less dominant when comparing marks. *See In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat’l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). The same rule applies to terms that are descriptive and/or generic. *See Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015).

In registrant’s mark, “CARGO” is accorded lesser weight as a disclaimed descriptive word, resulting in “PRIME” being dominant. In applicant’s mark, the term “INC.” is a designation for an incorporated business entity. (*See* <https://www.collinsdictionary.com/dictionary/english/inc>). Entity designations are not capable of acting as a source identifier. TMEP §1213.03(d); *see, e.g., Goodyear’s India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Piano Factory Grp., Inc.*, 85 USPQ2d 1522, 1526 (TTAB 2006); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998). Thus, in

applicant's mark, "INC." is accorded little to no weight.

Both marks share the term "PRIME" and incorporate this term into the first word-dominant position where it focuses consumer attention. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) ("VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *In re Integrated Embedded*, 120 USPQ2d 1504, 1513 (TTAB 2016) ("[T]he dominance of BARR in [a]pplicant's mark BARR GROUP is reinforced by its location as the first word in the mark."); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions). Thus, the wording's dominance is reinforced.

As the marks share dominant wording paired with disclaimed and/or non-source identifying terms, consumers are likely to find that they are similar in sound, appearance and overall commercial impression.

Comparison of the Services

The compared services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that[the services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

When analyzing an applicant's and registrant's services for similarity and relatedness, that determination is based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

The application uses broad wording to describe generalized trucking transportation services, which presumably encompasses all services of the type described, including registrant's more narrow transportation services for documents, packages and raw materials by truck. *See, e.g., Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000). 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, these services are similar by encompassment.

Registrant's logistics services, warehousing services, and freight forwarding services are also relatedly similar to those of applicant's transportation services as the attached evidence demonstrates that they originate together from the same source and in the same channels of trade. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009). *See, e.g.:*

- Ryder, www.ryder.com;
- Unigroup, www.unigrouplogistics.com; and,
- GW Transportation Services, www.gwtransportation.com

Evidence obtained from the Internet may be used to support a determination under Section 2(d) that services are related. *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007). The Internet has become integral to daily life in the United States, with Census Bureau data showing approximately three-quarters of American households used the Internet in 2013 to engage in personal communications, to obtain news, information, and entertainment, and to do banking and shopping. *See In re Nieves & Nieves LLC*, 113 USPQ2d 1639, 1642 (TTAB 2015) (taking judicial notice of the following two official government publications: (1) Thom File & Camille Ryan, U.S. Census Bureau, Am. Cmty. Survey Reports ACS-28, *Computer & Internet Use in*

the United States: 2013 (2014), available at <http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf>, and (2) The Nat'l Telecomms. & Info. Admin. & Econ. & Statistics Admin., *Exploring the Digital Nation: America's Emerging Online Experience* (2013), available at http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_-_americas_emerging_online_experience.pdf). Thus, the widespread use of the Internet in the United States suggests that Internet evidence may be probative of public perception in trademark examination.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar services as those of both applicant and registrant in this case. This evidence shows that the services listed therein, namely truck transportation services and transportation logistics services, are of a kind that may emanate from a single source under a single mark. See *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) (citing *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); TMEP §1207.01(d)(iii).

Thus, the services at issue are either similar by encompassment and/or relatedly similar in that the evidence establishes that they are found to originate under the same brand and are marketed to the same general class of consumers. For these reasons, the services underlying the marks are similar.

Conclusion

In sum, the marks are similar in sound, appearance and overall commercial impression. The marks share the term "PRIME" in the first word dominant position and pair this wording with either disclaimed descriptive matter or an entity designation which does not show origination of source. The underlying services are similar by encompassment or are relatedly similar as shown by the attached evidence and third-party registrations. Further, the similarity between the services diminishes differences between the marks in the minds of consumers. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); see *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

Lastly, 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).

Taking all of these factors into account, consumers encountering both marks in the marketplace are likely to incur confusion as to source. Therefore, registration of the applied-for mark is refused under Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

B. PRIOR PENDING APPLICATIONS

The filing dates of pending U.S. Application Serial Nos. 87562203, 87544177, 87394812, 87394793, 87177080 and 87033547 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). 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 applications.

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 marks in the referenced applications. 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.

Applicant should note the additional requirement below.

C. DISCLAIMER REQUIRED

Applicant must disclaim the abbreviation “INC.” because it designates the legal character or family business structure of an entity and does not indicate the source of applicant’s services; thus, it is an unregistrable component of the mark. See 15 U.S.C. §§1051-1053, 1056(a), 1127; *In re Piano Factory Grp., Inc.*, 85 USPQ2d 1522, 1526 (TTAB 2006); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998); TMEP §1213.03(d).

Business type designations and abbreviations such as “Corporation,” “Inc.,” “Company,” “LLC,” and “Ltd.” or family business designations such as “& Sons” or “Bros.” must be disclaimed, because they merely indicate applicant’s business type or structure and generally have no source-indicating capacity. TMEP §1213.03(d); see, e.g., *Goodyear’s India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Piano Factory Grp., Inc.*, 85 USPQ2d at 1526; *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d at 1539-40.

The examining attorney incorporates by reference the arguments and evidence from Section A *infra* showing that this term is shorthand for an incorporated business entity. Therefore, “INC.” must be disclaimed because it designates the legal nature of applicant’s business.

An applicant may not claim exclusive rights to an unregistrable component of a mark, such as matter that designates an applicant’s business type or structure. See 15 U.S.C. §1056(a); TMEP §1213.03(a), (b), (d). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use “INC.” apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

RESPONSE GUIDELINES

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see “[Responding to Office Actions](#)” on the USPTO’s website.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and [may be filed online via the Trademark Electronic Application System \(TEAS\)](#) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

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.

/Robert Andrew Cohen/
Trademark Examining Attorney
Law Office 103
(571) 270-1389
robert.cohen@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

87195274

Status

REGISTERED

Word Mark

PRIME CARGO

Standard Character Mark

Yes

Registration Number

5221886

Date Registered

2017/06/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Prime Cargo A/S aktieselskab (a/s) DENMARK Profilvervej 4 Kolding DENMARK
6000

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, and production systems and distribution solutions; Transportation logistics services, namely, arranging the transportation of goods for others; Business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, and production systems and distribution solutions. First Use: 1998/04/01. First Use In Commerce: 2000/12/31.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Freight forwarding services; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Warehousing services. First Use: 1998/04/01. First Use In Commerce: 2000/12/31.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARGO" APART FROM THE MARK AS SHOWN.

Filing Date

2016/10/06

Examining Attorney

FRAZIER, TAMARA

Attorney of Record

Alan B. Samlan

PRIME CARGO



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Definition of 'Inc.'

Learner: inc. Learner: inc. English: inc. English: Inc. American: inc. Comments

Inc.

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Inc. is an abbreviation for Incorporated when it is used after a company's name.

[US, business] ...BP America Inc.

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inc.

Collins COBUILD

In written advertisements, inc. is an abbreviation for including.

...a two-night break for £210 per person, inc. breakfast and dinner.

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inc. in British



Word of the day: wyvern

a heraldic beast having a serpent's tail and a dragon's head and a body with wings and two legs

See full definition

Oct 30, 2017





- abbreviation for
1. included
 2. including

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inc. in British

- abbreviation for
- incorporated
- Brit equivalent: Ltd

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inc in American
(for 5, now often injk ; injk)

1. inclosure
2. including
3. inclusive



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- 4. **income**
- 5. **incorporated**
also, US inc.
- 6. **increase**

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- [inbye](#)
- inc.**
- [inca](#)
- [incage](#)
- [incalculable](#)

Related Terms of 'inc.'

- [C.-in.-C.](#)

All ENGLISH words that begin with 'I'



Source

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REAL-TIME RYDER LOCATION INFORMATION

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About Us

Our People >

Awards

History

Corporate

Giving

Principles of

Business

Conduct

Sustainability



About Us

Ryder operates behind the scenes, managing critical fleet, transportation and supply chain functions for over 50,000 customers, many of which make the products that consumers use every day. When you choose Ryder, you get access to industry-leading technology, one of North America's largest fleet of trucks, an expansive infrastructure of maintenance facilities and warehouses, and some of the most talented people in the industry.

Giving

Principles of

Business

Conduct

Sustainability

99%

on-time delivery rate

7,700

professional drivers

80+

years of experience

100+

1,000+

1,000+

Sustainability

800+
maintenance facilities

Industry
leader in safety and security

Relied
upon by more than half of the
Fortune 500

5,900
trained technicians

234,100
vehicles managed

44M
sq. ft of warehouse space

Giving

Principles of
Business
Conduct

Sustainability

Giving

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Conduct

Sustainability

GET TO KNOW US MORE



History

We've been growing our company for over 80 years, but we always stay true to the values we set when we began in 1934.

[LEARN MORE](#)



Leadership Team

Giving

Principles of
Business
Conduct

Sustainability



At the head of our company, we have some of the most knowledgeable and experienced leaders in the industry, all dedicated to growing customers' business in the most effective way possible.

LEARN MORE

Giving

Principles of
Business
Conduct

Sustainability



Sustainability

By investing in the latest information and technology, we strive to make business safer, more efficient, and as environmentally responsible as possible.

LEARN MORE

OUR VISION, MISSION & VALUES

Giving

- Giving
- Principles of Business Conduct
- Sustainability

Vision

At Ryder, our vision is to bring compelling value through outsourcing.

Mission

At Ryder, our mission is to provide innovative supply chain and fleet solutions that are reliable, safe and efficient, enabling our customers to deliver on their promises.

Values

Ryder's people embody our core values of trust, innovation, collaboration, expertise, and safety.

- Giving
- Principles of Business Conduct
- Sustainability

- Suppliers
- Employees
- Carriers
- Fleet Products
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← SOLUTIONS

Fleet Leasing

Fuel Services

Natural Gas Vehicles

Protection Plans

Safety & Compliance

Telematics

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Ryder Choice Lease Fleet Leasing

We know that no two businesses are the same, so when it comes to your fleet, you should have options. We have one of the most flexible leasing options in the industry to meet all of your transportation needs, regardless of your size or business.

Protection Plans

Safety & Compliance

Telematics

Flexibility

The most flexible leasing and maintenance solutions in the industry

Reliability

With 95% uptime*

Customize

Keep a branded look for your trucks

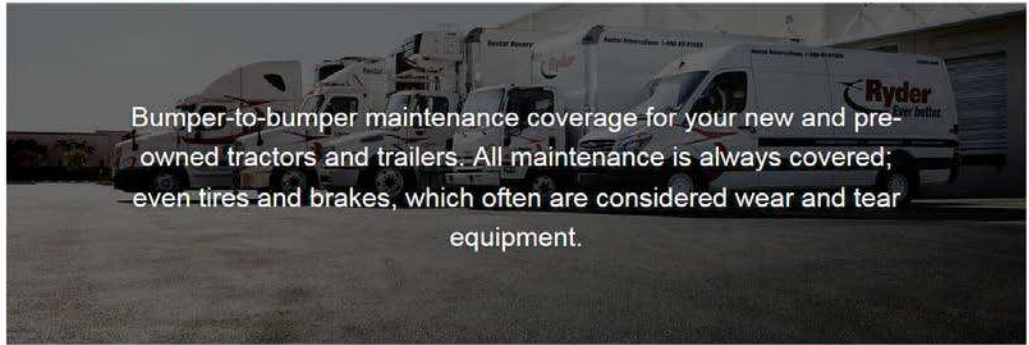
Our Flexible Lease Options

Protection
Plans
Safety &
Compliance
Telematics

Ryder ChoiceLease Full Service

Ryder ChoiceLease Preventive

Ryder ChoiceLease On-Demand



Bumper-to-bumper maintenance coverage for your new and pre-owned tractors and trailers. All maintenance is always covered; even tires and brakes, which often are considered wear and tear equipment.

Protection
Plans
Safety &
Compliance
Telematics

BUILD YOUR LEASE TODAY

We've designed Ryder ChoiceLease to give you the flexibility and control you want, with your choice of maintenance options to best fit your needs.

START BUILDING



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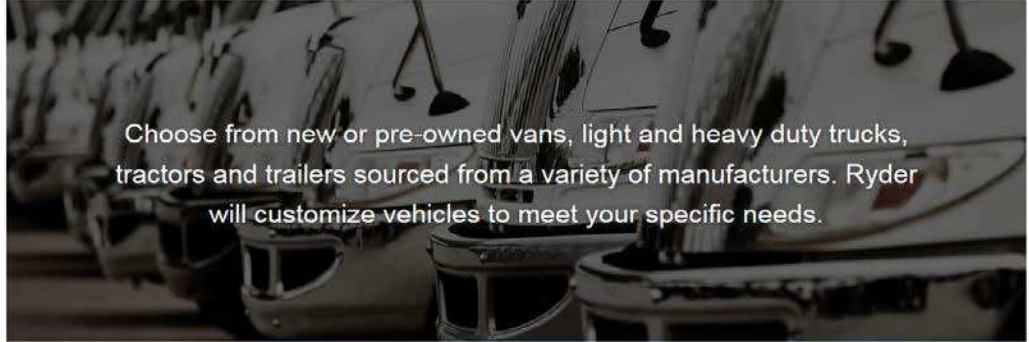
Your Choice of Lease Features

Equipment

Financing

Lease Terms

Maintenance Delivery
Options



Protection
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Telematics



FIND OUT HOW WE CAN HELP YOUR BUSINESS

CONNECT WITH US

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Protection Plans

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Our Fleet Management Solutions:

Protection Plans

Safety & Compliance

Telematics

Ryder SelectCare Maintenance

With three types of maintenance - Ryder SelectCare Full Service, Ryder SelectCare Preventive, and Ryder SelectCare On-Demand — and three delivery methods — a Ryder shop, mobile, and on-site - you choose the maintenance that fits your business best.



Fuel Services

With Ryder fuel services, you can be confident that you'll have a reliable fuel supply, get routine inspections, and experience more accurate fuel reporting and billing.



Protection Plans

We help eliminate business disruptions by offering multiple coverage options, like liability, physical damage, and gap coverage. That way, you keep your vehicles, cargo, and insurance record in the best.



Safety and Compliance

Ryder's employee training, safety products, and related services take the headache out of complex compliance requirements.



condition, without all the worry and pressure.

Protection
Plans

Safety &
Compliance

Telematics

Telematics

RydeSmart telematics technology connects you with real-time information about vehicle location, speed, idle time, and direction, giving you the tracking, location, and performance data you need to keep your fleet safe and your costs under control.

Natural Gas Vehicles

The drive for a more sustainable fleet begins with concerns about volatile fuel prices, emissions regulations, and a smaller carbon footprint. If you are ready to make the move to a greener fleet, we can help.

Truck Rental

With almost 40,000 rentals to choose from, you'll be sure to get the exact vehicles you need.

SPEAK TO A RYDER FLEET LEASING EXPERT

CALL 1-888-292-4757

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Safety &
Compliance

Telematics

Real-World Example: Ice Cream Club



Ryder's relationship with The Ice Cream Club began in 1996 with one leased truck and has since grown along with this successful small business to eight Class B 26-footers. Ryder's ChoiceLease Full Service program solution was a game changer for the company because it provided trucks with customized trucks with unique features suited to ice cream delivery, as well as preventive maintenance.

Protection
Plans
Safety &
Compliance
Telematics



customized trucks with unique features suited to ice cream delivery, as well as preventive maintenance to keep the fleet delivering products without breakdowns or interruptions.

We Offered:

- Heavily insulated trucks that can keep optimum temperature for frozen products
- Trucks with driver-friendly features to support driver comfort and retention
- Maintenance performed on a schedule that works for a busy fleet
- Replacement vehicles when needed in any location and equipped to accommodate frozen products at required temperatures
- 24/7 response time for vehicle emergencies

The Results:

- Successful delivery of \$11 million worth of ice cream per year
- Preventive maintenance performed on slow delivery days maximizes customer service time
- Custom truck features make deliveries easier so drivers can focus on customers
- Nearly immediate access to temporary vehicles eliminates delivery interruptions

[READ CASE STUDY](#)

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Submit a Fleet Management Inquiry

Every business is unique and we would love to talk about how we can help yours. Please tell us a little bit about yourself so we can make sure the right person gives you a call.

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<input type="text" value="First name *"/>	<input type="text" value="Last name *"/>	
<input type="text" value="Email *"/>	<input type="text" value="Phone (mobile preferred) *"/>	<input type="text" value="Zip code *"/>
<input type="text" value="Company *"/>	<input type="text" value="Title (optional)"/>	

What is your fleet size (Class 3-8 trucks)?

- 1-10 Power Units
- 11-30 Power Units
- 31-100 Power Units
- 101-250 Power Units
- 250+ Power Units
- N/A

All fields marked with an asterisk (*) are required.

Questions or comments?

Enter comments *

SUBMIT

- Protection Plans
- Safety & Compliance
- Telematics

Helpful Resources

- Protection Plans
- Safety & Compliance
- Telematics



Re-evaluating the Total Cost of Truck Fleet Ownership



Diaz Foods and Ryder

Diaz Foods, a leading distributor of Hispanic products in the U.S., turned to Ryder and its Full Service Lease solution to operate the



Ryder ChoiceLease

This is a first in the transportation industry. You decide the terms. You choose the lease with the maintenance level and delivery

- Protection Plans
- Safety & Compliance
- Telematics

Escalating costs are causing fleet owners to take a closer look at their total cost of ownership. But are they taking into account the correct expenses? This 2016 KPMG study shows the expenses that need to be looked at and how overlooking them can cost you more than you think. [Learn More](#)

Full Service Lease solution to operate the company's growing commercial fleet. Ryder was also tapped to provide maintenance and fuel services, as well as safety training for its drivers, and substitute vehicles in the event of a breakdown. [Learn More](#)

with the maintenance level and delivery method you prefer. You choose the type of truck you want. And you choose from many financing options. The only commitments you make in this lease are the ones you want – the ones you choose - because they are right for your business. [Learn More](#)

*Applies to full service lease and full service maintenance product lines, on average across a variety of customer-operated applications, and calculated by Ryder's maintenance systems; individual performance may vary.

- Suppliers
- Employees
- Carriers
- Fleet Products
- Global Offices ▾

- Protection Plans
- Safety & Compliance
- Telematics

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RydeSmart

With RydeSmart, Ryder's turnkey telematics program, you benefit from choice and flexibility as well as increased real-time visibility and control. Most importantly, RydeSmart solutions help your fleet ensure compliance to federal regulations, including the Electronic Logging Device (ELD) mandate and driver vehicle inspection reports.

[Protection Plans](#)

[Safety & Compliance](#)

[Telematics](#)



ELD Mandate: What You Need to Know

Do you have everything you need to be in full compliance with the new ELD Mandate before it goes into effect on December 18, 2017? [Learn more](#).



- Protection Plans
- Safety & Compliance
- Telematics**

Through RydeSmart, you benefit from an all-inclusive integrated telematics experience with your Ryder ChoiceLease or SelectCare Maintenance solution. RydeSmart lets you take full advantage of the capabilities of your fleet while streamlining fleet operations. Key benefits include:

- Consolidation of telematics billing into your Ryder bill
- Ability to monitor key vehicle real-time metrics such as location, speed, and heading
- Expand analytics and reporting capabilities
- Convenience of servicing your telematics system at Ryder facilities
- Extended equipment and service warranties

CONTACT YOUR RYDER REPRESENTATIVE TO LEARN MORE

Find out how RydeSmart can take your fleet and your business to the next level.

CALL 1-800-RYDER-56

- Protection Plans
- Safety & Compliance
- Telematics**

RydeSmart Resources

Protection
Plans
Safety &
Compliance
Telematics



Smarter GPS-Based Tracking with Teletrac Navman

RydeSmart has partnered with Teletrac Navman to bring you the award-winning fleet tracking system used by more than 250,000 vehicles in 87 countries. [Learn More](#)



Innovative GPS-Based Tracking from PeopleNet

With a focus on driver safety, customer satisfaction, and fleet efficiency, RydeSmart, powered by PeopleNet, is the simplest way to achieve these goals. [Learn More](#)



Innovative Solutions for Better Fleet Insights

With RydeSmart, Ryder's turnkey telematics program, you can benefit from this extra choice and flexibility as well as increased real-time visibility and control. [Learn More](#)

Protection
Plans
Safety &
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Telematics

LOG INTO YOUR PEOPLENET OR TELETRAC NAVMAN SERVICE

PEOPLENET

TELETRAC NAVMAN

Protection
Plans
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Telematics

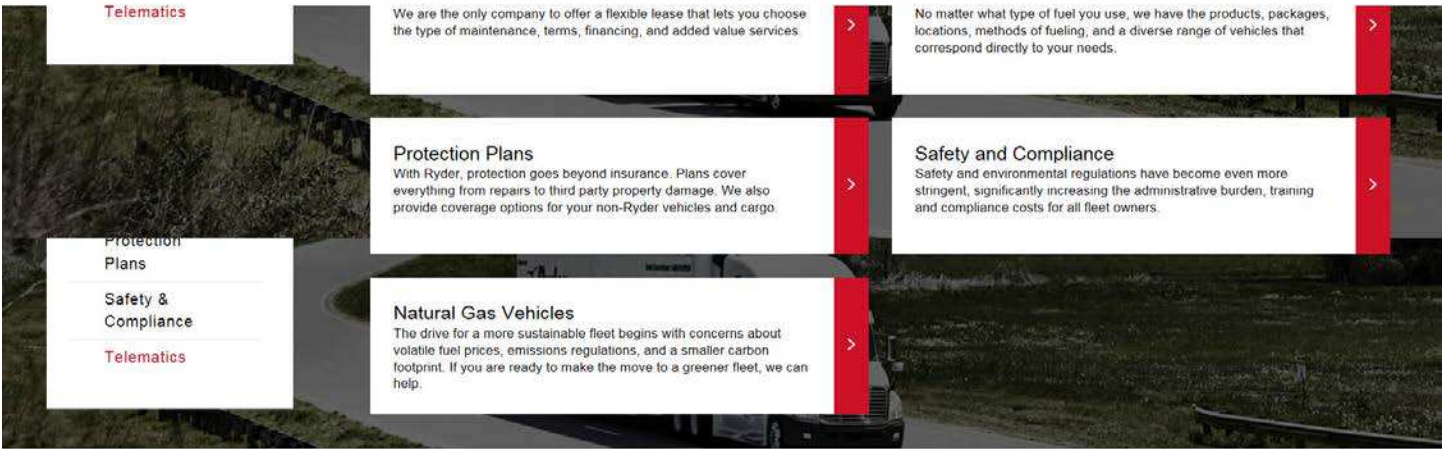
Other Fleet Management Solutions:

Ryder ChoiceLease

We are the only company to offer a flexible lease that lets you choose...

Fuel Services

No matter what type of fuel you use, we have the products, expertise...



- Telematics
- Protection Plans
- Safety & Compliance
- Telematics

Telematics
We are the only company to offer a flexible lease that lets you choose the type of maintenance, terms, financing, and added value services.

No matter what type of fuel you use, we have the products, packages, locations, methods of fueling, and a diverse range of vehicles that correspond directly to your needs.

Protection Plans
With Ryder, protection goes beyond insurance. Plans cover everything from repairs to third party property damage. We also provide coverage options for your non-Ryder vehicles and cargo.

Safety and Compliance
Safety and environmental regulations have become even more stringent, significantly increasing the administrative burden, training and compliance costs for all fleet owners.

Natural Gas Vehicles
The drive for a more sustainable fleet begins with concerns about volatile fuel prices, emissions regulations, and a smaller carbon footprint. If you are ready to make the move to a greener fleet, we can help.

Submit a Fleet Management Inquiry

- Protection Plans
- Safety & Compliance
- Telematics

Every business is unique and we would love to talk about how we can help yours. Please tell us a little bit about yourself so we can make sure the right person gives you a call.

First name *	Last name *		
Email *	Phone (mobile preferred) *	Zip code *	
Company *	Title (optional)		

What is your fleet size (Class 3-8 trucks)?

- 1-10 Power Units
- 11-30 Power Units

Questions or comments?

Enter comments *

Protection
Plans

Safety &
Compliance

Telematics

- 31-100 Power Units
 - 101-250 Power Units
 - 250+ Power Units
 - N/A
- All fields marked with an asterisk (*) are required.*

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Consumer
Packaged
Goods

Food &
Beverage

Healthcare

Industrial
Manufacturing

Metals

Oil & Gas

Retail

Technology &
Electronics

Transportation
& Logistics

Industrial

Customers Investors



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US

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Transportation & Logistics

With consumer demand rising and the speed of commerce increasing, having a well-oiled transportation and logistics operation is paramount. As a strategic partner, Ryder provides a one-stop resource for comprehensive transportation management, distribution management and global logistics services all from a single source.

Customized

Simplicity

Visibility

Manufacturing

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Customized

Solutions that are tailored to your business

Simplicity

Single-source to optimize your transportation, distribution and warehousing with our integrated solution

Visibility

Gain end-to-end visibility of your entire supply chain

FIND OUT HOW WE CAN HELP YOUR BUSINESS

CONNECT WITH US

Ryder's transportation and logistics solution combines logistics, engineering, deep expertise, and technology, providing a total network solution that lets you dynamically plan, procure, execute and streamline product movements as demand and market conditions change.

Our Solutions for Transportation and Logistics:

Supply Chain Optimization

Make your supply chain efficient, optimize your network, and increase sustainability with our total integrated supply chain solutions.

Transportation Management

Manage your goods in the most cost-effective, efficient way possible with our industry-leading transportation management solutions.

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Cross-Docking

Synchronize inbound and outbound shipping so that products flow as efficiently as possible.

Warehousing and Distribution

We have a suite of services to support all of your distribution management needs, including staff hiring and training, inventory management, packaging, value-added services, reverse logistics, and co-located warehouse facilities.

Ryder ChoiceLease

We are the only company to offer a flexible lease that lets you choose the type of maintenance, terms, financing, and added value services.

Cross-Border

Make sure your cross-border operations are seamless and secure with our NAFTA-wide network spanning the U.S., Mexico, and Canada.

Let Us Know How We Can Help

Every business is unique and we would love to talk about how we can help yours. Please tell us a little about yourself so we can make sure the right person gives you a call.

First name *

Last name *

Email *

Phone *

Zip *

Company *

Title (optional)

What is your company's annual sales revenue?

Questions or comments *

Under \$20 million

Enter comments

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Retail

- Under \$20 million
 - \$20 million - \$99.9 million
 - \$100 million - \$499.9 million
 - \$500 million - \$4.9 billion
 - \$5 billion or more
- All fields marked with an asterisk (*) are required.*

Enter comments

SUBMIT

Helpful Resources



Saia LTL

To stay in top shape, your fleet needs to be well-maintained. But that in itself can pose challenges – from managing several local providers to paying inconsistent rates and not



Source to Shelf

Ryder plays a vital role in collecting, processing, packaging and transporting those vegetables from source to shelf. It requires accountability at every step to ensure safety



Saia increases fleet reliability with On-Demand Maintenance

To stay in top shape, your fleet needs to be well-maintained. But that in itself can pose

Technology & Electronics

Transportation & Logistics

Industrial Manufacturing

Metals

Oil & Gas

Retail

Technology & Electronics

Transportation & Logistics

Retail

Technology & Electronics

Transportation & Logistics

being able to get your truck in the shop at a moment's notice. This report showcases how Saia LTL keeps its fleet running on all cylinders with an On-Demand Maintenance solution. [Learn More](#)

and quality—and Ryder has a solution for every stage of the process. [Learn More](#)

well-maintained. But that in itself can pose challenges – from managing several local providers to paying inconsistent rates and not being able to get your truck in the shop at a moment's notice. This report showcases how Saia LTL keeps its fleet running on all cylinders with an On-Demand Maintenance solution. [Learn More](#)

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TRANSPORTATION, TRUCKING & SHIPPING

Our strategic partnerships with United Van Lines, Mayflower Transit and UniGroup Relocation allow us to leverage company-owned assets to deliver against your most demanding timetables.

Contact a Logistics Specialist

SUPPLY CHAIN MANAGEMENT

WAREHOUSING AND DISTRIBUTION

TRANSPORTATION

FULL TRUCKLOAD (FTL)

TRANSPORTATION AND SHIPPING SOLUTIONS



We offer Full Truckload (FTL), Less-Than-Truckload (LTL), Flatbed, Intermodal and Specialty freight shipping options to both domestic and international clients. Our transportation networks allow us to manage regional, long-haul and international truck shipments in and out of most major global markets.

- LESS THAN TRUCKLOAD (LTL)
- FLATBED TRUCKING
- INTERMODAL RAIL
- SPECIALTY TRANSPORTATION
- WHITE GLOVE DELIVERY
- FREIGHT FORWARDING
- 3PL LOGISTICS
- CUSTOMS BROKERAGE
- PROJECT MANAGEMENT

DRIVERS NEEDED

First Name

Last Name

Full Truckload (FTL)

Leveraging company-owned assets and strategic partnerships with the industry's leading transporters, we can arrange for FTL shipping in over 180 countries.

[FTL Transportation >](#)

Flatbed Transportation

With access to a fleet of company-owned flatbed trailers, we provide comprehensive flatbed transportation options to both domestic and international clients.

[Flatbed Transportation >](#)

Intermodal Rail

Our logistics specialists can arrange for flexible intermodal transportation options for containers that require a combination of road, rail or ocean transport.

Less-Than-Truckload (LTL)

Our transportation logistics specialist can arrange for cost-effective less-than-truckload transportation (LTL) to both domestic and international clients.

[LTL Transportation >](#)

Specialty Transportation

We provide several special transportation options for sensitive cryogenic and climate-controlled shipments to safely transport your most sensitive materials.

[Specialty Transportation >](#)

Freight Forwarding

Our global transportation specialists can arrange standard and expedited air and ocean freight services for all of your international shipping needs.

Phone

APPLY NOW

[Intermodal Rail >](#)

[Freight Forwarding >](#)



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Learn more about our supply chain solutions, request information or get started on a service quote.

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EXHIBIT E.2



WAREHOUSE MANAGEMENT SERVICES

UniGroup Logistics offers global inventory, transportation and warehouse management solutions coupled with premium local services like white-glove delivery and installation.

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SUPPLY CHAIN MANAGEMENT

WAREHOUSING AND DISTRIBUTION

INVENTORY MANAGEMENT

TRANSPORTATION

FREIGHT FORWARDING

3PL LOGISTICS

CUSTOMS BROKERAGE

PROJECT MANAGEMENT



WAREHOUSING AND DISTRIBUTION



UniGroup Logistics offers global inventory, transportation and warehouse management solutions coupled with premium local services like white-glove delivery and installation. Our single-source solutions generate mid-stream cost efficiencies and minimize the risks associated with hand-offs between suppliers, carriers, and service providers.

Global Warehousing Network

We offer a variety of storage and distribution solutions through a network of local and regional warehouses. With over 56 million square feet of storage space at 1400 locations worldwide, our agents' warehouses are equipped to handle just about any scale of commercial storage need.

Inventory Management and Distribution

UniGroup Logistics provides best-in-class supply chain visibility through our proprietary warehouse



management system. Our warehouse systems integrate directly with asset tracking and inventory management programs, allowing you to coordinate and manage your entire supply chain from a single interface. [Learn more about Inventory Management >](#)

Custom Distribution Systems

UniGroup Logistics executes upon the custom projects many other large providers avoid. We provide our clients with the most cost-effective, custom solutions by consolidating warehousing, transportation and delivery services. Our logistics specialists analyze and design custom supply chain solutions to meet the demands of an ever-changing market.

Case Study: Retail Warehousing and Distribution

Learn how UniGroup Logistics helped a national convenience store manage warehousing, inventory, delivery and last mile services while coordinating a national expansion. [Learn More >](#)



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3PL LOGISTICS

We provide third-party logistics (3PL) services to clients seeking to source the most cost-effective and efficient procurement and distribution strategies for their supply chain needs.

Contact a Logistics Specialist

SUPPLY CHAIN MANAGEMENT

WAREHOUSING AND DISTRIBUTION

TRANSPORTATION

FREIGHT FORWARDING

3PL LOGISTICS

CUSTOMS BROKERAGE

PROJECT MANAGEMENT

3PL LOGISTICS

While many 3PL companies don't own or manage equipment or inventory, UniGroup Logistics is an asset-based global transportation company with an extensive 3PL partner network. We provide third-party logistics (3PL) services to companies looking to source cost-effective procurement and distribution services.

Freight Forwarding Network

We provide world class international freight service through strategic partnerships with the transportation industry's top carriers including Mayflower Transit, United Van Lines and UniGroup Relocation. With over 1400 partner locations worldwide, our 3PL partner network is equipped to handle just about any scale of supply chain need.



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CUSTOM SOLUTIONS

UniGroup Logistics can create an end-to-end solution with more cost-effective, consolidated warehousing, transportation and delivery services.

Contact a Logistics Specialist

SUPPLY CHAIN MANAGEMENT

WAREHOUSING AND DISTRIBUTION

TRANSPORTATION

FREIGHT FORWARDING

3PL LOGISTICS

CUSTOMS BROKERAGE

CUSTOM SUPPLY CHAIN SOLUTIONS

UniGroup Logistics executes custom supply chain projects many other large providers avoid. As a single-source logistics provider, we can create an end-to-end solutions with more cost-effective, consolidated warehousing, transportation and delivery services.

Areas of Expertise

UniGroup Logistics provides scalable project-based solutions for clients in a number of industries. Our strategic footprint, distribution network and resource pool allows us to offer global supply chain solutions to clients with unique transportation, warehousing and distribution needs.

PROJECT MANAGEMENT

EXPLORE

Download case studies that demonstrate our capabilities and expertise.

LEARN MORE

Supply Chain Analysis

Our logistics analysts and engineers evaluate shipping routes and timelines to model and design a custom logistics plan to fit your unique supply chain needs.

[Supply Chain Analysis >](#)

Retail

Our retail logistics experts can perform simple single-store installations or coordinated multi-store rollouts with white glove set-up and tear-down services.

[Retail Logistics Solutions >](#)

Hospitality

Our hospitality logistics team can coordinate the last-mile transportation, installation, management and warehousing for hotels, restaurants and resorts.

[Hospitality Logistics Solutions >](#)

Healthcare

Our medical logistics specialists can coordinate white-glove transportation and installation for all grades of intricate medical and laboratory equipment.

[Healthcare Logistics Solutions >](#)

Telecommunications

We provide specialized handling and transportation for heavy-duty and over-sized communications, networking and data storage equipment.

[Telecom Logistics Solutions >](#)

Trade Shows

Our trade show and exhibitions team provides industry-leading, white-glove handling and transportation for trade show exhibits, booths and displays.

[Trade Show Logistics >](#)

[View All Solutions >](#)

Office & Industrial

Our commercial and industrial logistics specialists provide coordinated office and industrial relocation solutions focused on business continuity.

[Office Logistics Solutions >](#)

CONTACT A LOGISTICS SPECIALIST

Learn more about our supply chain solutions, request information or get started on a service quote.

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OUR MAIN PRIORITY IS TO FIND YOU THE BEST SHIPPING SOLUTION

Quick Freight Quote

Fill out our online freight quote form so we can respond with our shipping options and rates.

Ship from

Ship to

Live Logistics Help at (877)260-1595

Worry-Free Transportation with Personality. Live Logistics Help

[Secure Online Bill Pay](#)



National Trucking, Freight, and Transportation Logistics Services Expert

GW Transportation can handle your trucking, shipping, and load care needs in

Truckload Freight (TL)

Our truckload freight services are available to small business and large corporations alike.

Partial Truckload (PTL)

Our partial truckload freight services are available coast-to-coast for when the situation calls.

Less Than Truckload (LTL)

Our less than truckload freight services are available to accommodate more specific shipping needs. We are fully coordinated with terminals and hubs in all 50 states to provide the seamless shipping of your item.

- - . .

Special Handling Trucking

We offer specialty shipping, trucking & freight services to extend our focus on your unique business needs

With single source customer service, billing and shipment tracking, we are your logistics and shipping solution.

A Complete Shipping Solution Provider

GW Transportation is a nationwide provider of shipping and freight trucking services for your commercial shipment needs. Our experience and dedicated customer service as a 3rd party logistics broker brings you the best shipping services for your freight needs. Our **freight capabilities** enable us to handle your shipping needs, no matter the freight size or frequency.

Complete logistic solutions and service

Logistics Experts & Customer Service

In all 50 states as well as Canada

Stats of the Day

2.797

EIA Fuel Costs

10:31

Daylight Hours

54

Average High (deg F)

37

Average Low (deg F)

Customers Feedback

EXHIBIT E.3

Clients

GW Transportation

Phone: (877) 260-1595

Logistic company out of the Minneapolis / St. Paul, MN area. With single source customer service, billing and shipment tracking, we are your logistics and shipping solution.

Trucking Capabilities

Complete Capabilities

Truckload Freight (TL)

Partial Truckload Freight (PTL)

Less Than Truckload (LTL)

Specialty Freight & Trucking

Freight Services

Full Service Logistics

3PL Provider

Shipping Experts

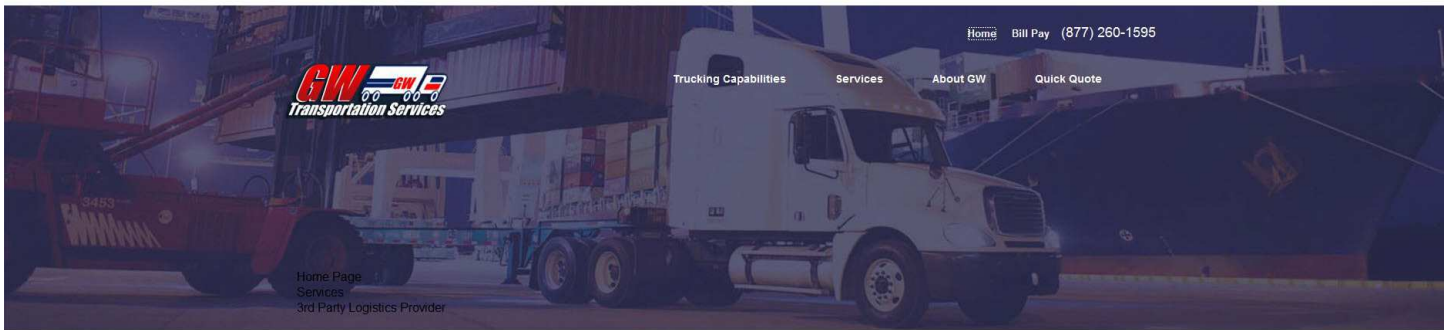
Trucking Certifications

Certs. & Memberships



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3rd Party Logistics Provider For Your Shipping

GW Transportation is a **3rd Party Logistics Provider** based out of the Minneapolis, Minnesota area and providing shipping services to all 50 states and Canada.

What Is A 3rd Party Logistics Provider?

A third-party logistics provider (abbreviated 3PL) is a company that provides outsourced or "third party" logistics services to companies for part, or sometimes all of their supply chain management function. Third party logistics providers typically specialize in integrated operation and freight transportation services that can be scaled and customized to customer's needs based on market conditions and the demands and delivery service requirements for their products and materials shipping.

Why Use A 3rd Party Logistics Provider?

Simply put, a 3PL offers you the best shipping and freight service based on your needs. As a transportation broker, GW Transportation is not tied to fulfilling our own needs but is only tied to finding you the best shipping solution.

As a non-asset based provider, we perform functions such as procurement on packaging and transportation, freight auditing, financial settlement, auditing, tracking, customer service and issue



As a non-asset based provider, we perform functions such as consultation on packaging and transportation, freight quoting, financial settlement, auditing, tracking, customer service and issue resolution.

GW Transportation doesn't employ any truck drivers or warehouse personnel, and we don't own any physical freight distribution assets of our own – no trucks, no storage trailers, no pallets, and no warehousing.

What we offer as a shipping and freight provider is a team of transportation experts with accumulated freight industry expertise and information technology assets. We are a full-service shipping and freight advisor and maintain a significantly higher degree of "hands on" involvement in the transportation of your products.

Fill out our [online quote form](#) or call us at (877) 260-1595

GW Transportation

Phone: (877) 260-1595

Logistic company out of the Minneapolis / St. Paul, MN area. With single source customer service, billing and shipment tracking, we are your logistics and shipping solution.

Trucking Capabilities

Complete Capabilities

Truckload Freight (TL)

Partial Truckload Freight (PTL)

Less Than Truckload (LTL)

Specialty Freight & Trucking

Freight Services

Full Service Logistics

3PL Provider

Shipping Experts

Trucking Certifications

Certs. & Memberships



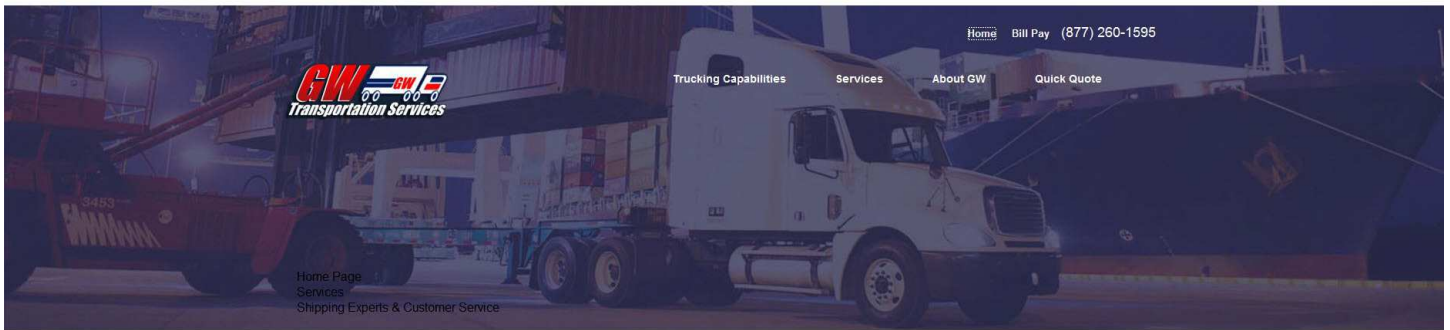
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Wahlberg, Stacy
 Ul numbers
 Hi everyone – could you please send me your Ul number.
 Many thanks! <end>

Wahlberg, Stacy
 Ul numbers
 Hi everyone – could you please send me your Ul number.
 Many thanks! <end>

Wahlberg, Stacy
 Ul numbers
 Hi everyone – could you please send me your Ul number.
 Many thanks! <end>



Shipping Experts & Customer Service

As a logistics company with over 30 years in the freight industry, we understand the top need in commercial shipping is customer service. Our staff of transportation experts has the experience, knowledge and talent to solve your shipping needs.

Regardless of using GW Transportation for a one-time shipment, or if you are in need of a complete, long-term shipping provider, we put your needs first.

Single source contact and daily shipment tracking are key components of making sure your shipment needs are met. We strive to offer LIVE staff on your phone calls and give you access to our experienced staff.





Ready To Provide Shipping Expertise To You

If you are ready to let GW Transportation take care of your shipping needs, complete our [Quick Freight Quote](#), [contact us](#) or call one of our transportation experts at (877) 260-1595.

GW Transportation

Phone: (877) 260-1595

Logistic company out of the Minneapolis / St. Paul, MN area. With single source customer service, billing and shipment tracking, we are your logistics and shipping solution.

Trucking Capabilities

Complete Capabilities

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Partial Truckload Freight (PTL)

Less Than Truckload (LTL)

Specialty Freight & Trucking

Freight Services

Full Service Logistics

3PL Provider

Shipping Experts

Trucking Certifications

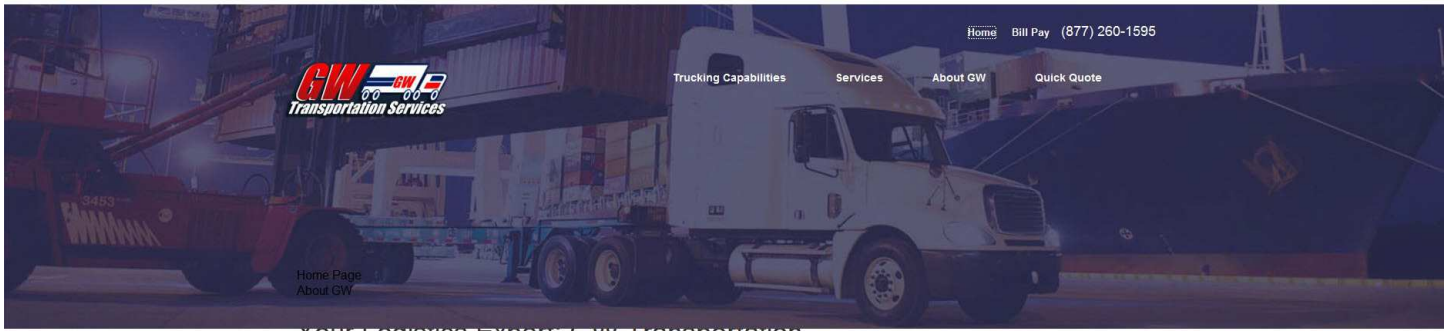
Certs. & Memberships



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Your Logistics Expert. GW Transportation

GW Transportation Services has been serving the Transportation Industry since 1983 with outstanding [freight services](#), [trucking capabilities](#) and [customer service](#).

We are a proud longstanding member of the TIA (Transportation Intermediaries Association) and due to our outstanding business ethics we are also a member of the TIA P3 Platinum Performance Program. [Learn more on our certifications.](#)

Experienced Logistics Staff

Each of our Traffic Coordinators has **over 15 years experience in the transportation industry** including shipping and receiving departments, and dispatching. Our management has over 25 years experience in the transportation industry including fleet management, dispatching, and driving. As a result, we understand our customers freight needs, efficiency expectations, and the desire for every shipment to go smoothly for all people involved.

.....

Communication is our key ingredient in successfully meeting your transportation needs. We ensure that one Traffic Coordinator coordinates EACH AND EVERY SHIPMENT. They communicate with the customer, shipper, consignee, carrier, driver, and where necessary, the general contractor, installer, or subcontractor.

Work with us and know the difference for your commercial trucking and freight needs.

GW Transportation

Phone: (877) 280-1595

Logistic company out of the Minneapolis / St. Paul, MN area. With single source customer service, billing and shipment tracking, we are your logistics and shipping solution.

Trucking Capabilities

Complete Capabilities

Truckload Freight (TL)

Partial Truckload Freight (PTL)

Less Than Truckload (LTL)

Specialty Freight & Trucking

Freight Services

Full Service Logistics

3PL Provider

Shipping Experts

Trucking Certifications

Certs. & Memberships



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DESIGN MARK

Serial Number

86239045

Status

REGISTERED

Word Mark

ARCBEST CORPORATION

Standard Character Mark

No

Registration Number

4852007

Date Registered

2015/11/10

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

ARCBEST IP HOLDINGS, LLC LIMITED LIABILITY COMPANY DELAWARE 3801 OLD GREENWOOD ROAD FORT SMITH ARKANSAS 72903

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:
Transportation logistics services and freight logistics management, namely, arranging the transportation of goods for others as well as planning, scheduling and coordinating shipments for users of transportation services; business management advisory and consultation in the field of transportation logistics; relocation services in the nature of online retail store services featuring boxes and moving supplies; moving and relocation services, namely, planning and implementing moves of homes and offices; relocation services, namely, freight logistics management services related to the provision of labor assistance in the loading and unloading of goods; relocation labor assistance in the loading and unloading of goods, namely, employment staffing for labor assistance in the field of loading and unloading of goods; logistics management consulting services in the field of delivery vehicles; business management consulting services in the field of transportation logistics related to delivery vehicles.
First Use: 2014/05/01. First Use In Commerce: 2014/05/01.

Goods/Services

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Vehicle maintenance and repair services. First Use: 2014/05/01. First Use In Commerce: 2014/05/01.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Freight transportation services by truck, airplane, train, ship or a combination thereof; supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck or a combination thereof; freight transportation brokerage and consultation in the field of transportation by truck, rail, air and ocean; providing global transportation of freight for others by all available means; moving company services for household and commercial purposes, and transportation services which include the freight forwarding of the goods of others by truck, rail, air or ocean; rental of containers for storage and transportation of goods for others; providing a website featuring information in the field of transportation; relocation services, namely, transportation and storage of goods; supply chain logistics consulting services, namely, storage, transportation and delivery of goods for others by delivery vehicle; relocation services, namely, freight loading services in the nature of loading and unloading goods by means of assisted labor. First Use: 2014/05/01. First Use In Commerce: 2014/05/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CORPORATION" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the word "ARCBEST" with a solid line underneath the "ARCB" portion of the word mark; next to the solid line is the word "CORPORATION".

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2014/04/01

Examining Attorney

MCCAULEY, BRENDAN

Attorney of Record

Floyd A. Mandell

ArcBest
Corporation

EXHIBIT E.4

DESIGN MARK

Serial Number

86787857

Status

REGISTERED

Word Mark

CELADON

Standard Character Mark

No

Registration Number

4987683

Date Registered

2016/06/28

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

CELADON GROUP, INC. CORPORATION DELAWARE ONE CELADON DRIVE, 9503 E
33RD ST Indianapolis INDIANA 46235

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management services, namely, supply chain logistics, reverse logistics and liquidation of goods of others; Freight logistics management; Freight management services, namely, shipment processing, preparing shipping documents and invoices, tracking documents, packages and freight over computer networks, intranets and the internet for business purposes; Transportation logistics services, namely, arranging the transportation of goods for others; Transportation logistics services, namely, planning and scheduling shipments for users of transportation services. First Use: 1986/08/01. First Use In Commerce: 1986/08/01.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Delivery of goods by truck; Freight and transport brokerage; Freight brokerage; Freight forwarding; Freight forwarding services; Freight loading services; Freight transportation brokerage; Freight transportation by

truck; Freighting services; Goods warehousing; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck; Transport of goods by truck; Truck hauling; Truck transport; Warehousing services; Warehousing services, namely, storage, distribution, pick-up, and packing for shipment of documents, packages, raw materials, and other freight for others. First Use: 1986/08/01. First Use In Commerce: 1986/08/01.

Description of Mark

The mark consists of the word "CELADON" in stylized blue italics to the right of designs forming a stylized letter "C". The "C" is composed of an outer blue band and an inner light blue band. At the center of the "C" design is a blue circle with line extending from it such that the overall letter design resembles a needle in a gauge meter.

Colors Claimed

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

Filing Date

2015/10/14

Examining Attorney

MURRAY, GEORGE W JR

Attorney of Record

Kristen J. Davee



DESIGN MARK

Serial Number

87052829

Status

REGISTERED

Word Mark

TFW

Standard Character Mark

No

Registration Number

5118910

Date Registered

2017/01/10

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Transforwarding, S.L. LIMITED PARTNERSHIP SPAIN Avda. Drassanes, no 6, planta 17, Oficina 2, Edificio Colón Barcelona SPAIN 08001

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Customs clearance services; Transportation logistics services, namely, arranging the transportation of goods for others; Transportation logistics services, namely, planning and scheduling shipments for users of transportation services; Freight logistics management. First Use: 2015/08/25. First Use In Commerce: 2015/08/25.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Transport of merchandise and cargo by air, sea and road; Transportation and delivery services by air, road, rail and sea; Transportation of goods; Air transportation; Air charter transportation services; Cargo ship transport; Freight transportation consultation in the field of freight transportation by truck, rail, air and ocean; Packing articles for transportation; Providing ocean transportation, storage and delivery services; Sailboat transportation services; Supply chain logistics and reverse logistics services, namely, storage, transportation and

delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck. First Use: 2015/08/25. First Use In Commerce: 2015/08/25.

Description of Mark

The mark consists of an abstract gray design with five blue lines and the letters "TFW" in blue stylized letters at the right side.

Colors Claimed

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

Filing Date

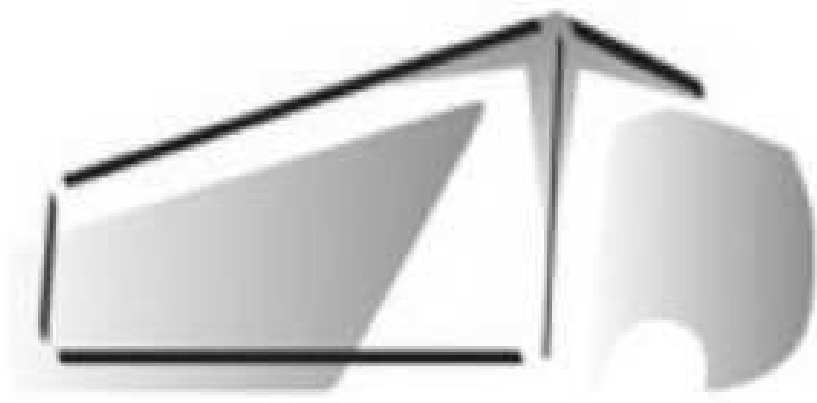
2016/05/27

Examining Attorney

FALK, ERIN

Attorney of Record

Arturo Perez-Guerrero



TFW

DESIGN MARK

Serial Number

87108929

Status

REGISTERED

Word Mark

UNA | ART LOGISTICS

Standard Character Mark

No

Registration Number

5179933

Date Registered

2017/04/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Venn Corporation DBA UNA Art Logistics CORPORATION VIRGINIA 1945 Old Gallows Rd Suite 207 Vienna VIRGINIA 22182

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Transportation logistics services, namely, arranging the transportation of goods for others; Transportation logistics services, namely, planning and scheduling shipments for users of transportation services; Transportation management services, namely, planning and coordinating transportation of people for others; Arranging for pickup, delivery, storage and transportation of documents, packages, freight and parcels via ground and air carriers; Arranging the transport of vehicles of insured parties on behalf of their insurance companies for resolution of insurance claims; Business management consultancy in the field of transport and delivery; Business management consultation in the field of art logistics and transportation; Providing transportation documentation for others. First Use: 2016/04/22. First Use In Commerce: 2016/04/22.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Transport and

delivery of goods; Transport brokerage; Transport by aircraft; Transport by land; Transport of goods; Transport of valuables; Transport of art work by truck, van, train, airplane; Transport services, namely, local, interstate and international moving services; Transport, delivery, packaging, and storage of art work; Transportation and delivery services by air, road, rail and sea; Transportation and delivery services, namely, same day shipment services; Transportation consulting; Transportation consulting services; Transportation information; Transportation of goods; Transportation of household goods of others; Transportation services, namely, providing shuttle services by van, truck; Air transportation; Freight transport by ship; Freight transportation brokerage; Freight transportation by truck, van, train, airplane; Freight transportation consultation in the field of freight transportation by truck, rail, air and ocean; Freight and transport brokerage; Freight brokerage; Guarded transport of valuables; Guarded transportation of valuables; Making reservations and bookings for transportation for museums, art galleries, auction houses, private collections; Moving van transport; Packing articles for transportation; Product container consolidation for transportation purposes; Product palletization services for transportation purposes; Providing ocean transportation, storage and delivery services; Shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck; Truck transport. First Use: 2016/04/22. First Use In Commerce: 2016/04/22.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ART LOGISTICS" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the term "UNA" capitalized and in the color orange; to the right of "UNA" is a vertical pipe in the color dark blue that is tapered on the ends and separates "UNA" from the other terms in the mark. Those term are to the right of the dark blue pipe with the term "ART" in the color dark blue appearing above the wording "LOGISTICS", which is also in the color dark blue.

Colors Claimed

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

Filing Date

2016/07/19

Examining Attorney

Print: Oct 30, 2017

87108929

BLANE, SUZANNE

UNA



**ART
LOGISTICS**

DESIGN MARK

Serial Number

87154271

Status

REGISTERED

Word Mark

MIDWEST CARGO SYSTEMS

Standard Character Mark

Yes

Registration Number

5185320

Date Registered

2017/04/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Midwest Cargo Systems, Inc. CORPORATION ILLINOIS 9750 W. 75th Street
Hodgkins ILLINOIS 60525

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:
Transportation logistics services, namely, arranging the
transportation of goods for others. First Use: 1982/04/06. First Use
In Commerce: 1982/04/06.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Freight
transportation by truck; Transportation and storage of goods in
refrigerated conditions. First Use: 1982/04/06. First Use In
Commerce: 1982/04/06.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARGO SYSTEMS" APART
FROM THE MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Print: Oct 30, 2017

87154271

Filing Date

2016/08/29

Examining Attorney

ALVAREZ, COURTNEY

Attorney of Record

Judith L. Grubner

MIDWEST CARGO SYSTEMS

DESIGN MARK

Serial Number

87544177

Status

NEW APPLICATION - ASSIGNED TO EXAMINER

Word Mark

PRIME INC. HIGHWAY DIAMONDS STRONG. DRIVEN. WOMEN.

Standard Character Mark

No

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

New Prime, Inc. DBA Prime, Inc. CORPORATION MISSOURI 2740 N. Mayfair Avenue Springfield MISSOURI 65803

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Conducting awards, recognition and achievement programs for the promotion and recognition of women in the commercial truck driving and freight shipping industry; awarding excellence in the field of transportation and commercial truck driving. First Use: 2016/01/21. First Use In Commerce: 2016/01/21.

Description of Mark

The mark consists of A stylized diamond outlined in black, having a pink forward facing facet and two partial facets in red on either side of the pink facet, a stylized star at the upper left portion adjacent the left partial facet and front facing facet, the words PRIME inc. at the top right slightly above the diamond shape, the words HIGHWAY DIAMONDS in large font presented horizontally and intersecting the diamond shape with the words STRONG. DRIVEN. WOMEN. in smaller font underneath the words HIGHWAY DIAMONDS.

Colors Claimed

The color(s) black, pink and red is/are claimed as a feature of the mark.

Filing Date

2017/07/26

Print: Oct 30, 2017

87544177

Examining Attorney

COHEN, ROBERT A

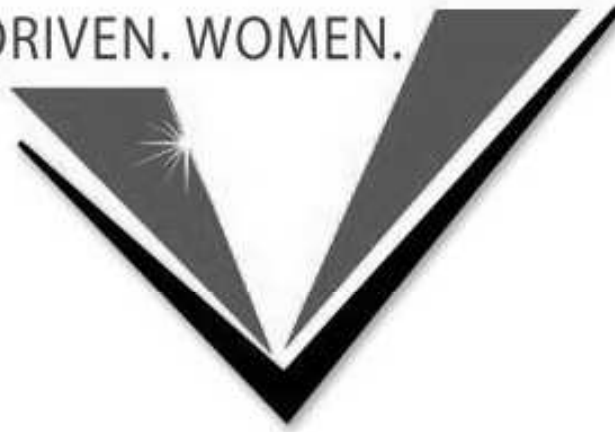
Attorney of Record

Joseph L. Johnson



HIGHWAY DIAMONDS

STRONG. DRIVEN. WOMEN.



DESIGN MARK

Serial Number

87562203

Status

NEW APPLICATION - RECORD INITIALIZED NOT ASSIGNED TO EXAMINER

Word Mark

PRIME INTERMODAL INC

Standard Character Mark

No

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Prime Intermodal Inc CORPORATION CALIFORNIA 5492 Rath Drum Way Antioch CALIFORNIA 94531

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Trucking Service and Transportation.

Description of Mark

The mark consists of the wording PRIME INTERMODAL INC in stylized lettering. The word PRIME appears in red and INTERMODAL in white inside a red rectangle underneath. A red five point star with two red curved lines below it appears to the left. The word INC appears in red with a white border inside the bottom of the right curved line.

Colors Claimed

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

Filing Date

2017/08/09

Examining Attorney

UNKNOWN



DESIGN MARK

Serial Number

87394793

Status

REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITION

Word Mark

PRIME

Standard Character Mark

No

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Amazon Technologies, Inc. CORPORATION NEVADA ATTN: Trademarks 410
Terry Ave N Seattle WASHINGTON 98109

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for streaming, broadcasting, transmitting,
distributing, reproducing, organizing and sharing music, audio, video,
games and other data; computer software for use in authoring,
downloading, transmitting, receiving, editing, extracting, encoding,
decoding, playing, viewing, storing and organizing text, data, images,
and audio and video files; computer software to enable users to view
or listen to audio, video, text and multimedia content; computer
software for creating and providing user access to searchable
databases of information and data; search engine software; computer
software for wireless content delivery; computer software for
accessing online information; computer software for online shopping;
computer software for facilitating payments and online transactions;
computer software that provides retail and ordering services for a
wide variety of consumer goods; computer software for use in
disseminating advertising for others; computer software for
disseminating information regarding consumer product discounts;
computer software for use in sharing information about products,
services, and deals; computer software for use in barcode scanning and
price comparison; computer software for scheduling shipping and
deliveries; computer software for electronic storage of data; computer
software for storing, organizing, editing and sharing photos; computer
software for image and speech recognition; computer software for home

automation; computer software for purchasing, accessing and viewing movies, TV shows, videos, music, and multimedia content; game software; internet browser software; downloadable music files; downloadable films and movies featuring fiction and non-fiction stories on a variety of topics provided via a video-on-demand service; downloadable motion pictures and television shows about featuring fiction and non-fiction stories on a variety of topics, and audio and video recordings featuring fiction and non-fiction stories on a variety of topics; digital media, namely, pre-recorded digital video discs, digital versatile discs; downloadable audio and video recordings, DVDs, and high definition digital discs featuring fiction and non-fiction stories on a variety of topics; downloadable audio files, multimedia files, text files, written documents, audio material, video material and games featuring fiction and non-fiction content on a variety of topics; downloadable fiction books on a variety of topics, downloadable e-books in the field of fiction and non-fiction stories on a variety of topics and audio books in the field of fiction and non-fiction stories on a variety of topics; magnetically encoded gift cards.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Paper gift cards, printed gift certificates; non-magnetically encoded prepaid purchase cards for transferring financial value online via retail computer networks; printed publications, namely, books, magazines, periodicals, brochures, journals, newsletters, and newspapers in fields of general human interest; paper.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Customer loyalty program services featuring rewards in the form of discounted shipping services, early access to retail discounts and offers, access to books and other publications, access to audiobooks, discounted online storage of photos and music, and discounted music, video and game streaming; administration of a discount program enabling participants to obtain discounts on shipping services, early access to retail discounts and offers, access to books and other publications, access to audiobooks, discounted online storage of photos and music, and discounted music, video and game streaming; retail store services and online retail store services featuring books and magazines, computers and electronics, software, power and hand tools, office supplies, furniture, appliances, linens, bags and luggage, housewares, kitchen products, bath products, dining products, lawn and garden products, clothing and accessories, sporting goods, camping goods, baby goods, toys and games, musical instruments, beauty and health products, vitamins and supplements, art, arts and crafts, automotive goods, pet supplies and industrial supplies; retail store and online retail store services featuring a wide array of consumer goods; online retail store services featuring audio and video recordings, spoken word recordings, electronic books and computer games; online retail store services in the field of groceries, fresh and prepared foods,

drug store and general merchandise; retail grocery stores; wholesale distributorship featuring fresh foods and groceries; subscription-based order fulfillment services in the fields of books, audiobooks, music, movies, TV shows, videos and games; advertising services; administration of a discount program enabling participants to obtain discounts on shipping services; expedited shipping services, namely, arranging for freight transportation of packages by means of truck and air.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Video-on-demand transmission; Internet protocol television (IPTV) transmission services; streaming of audio and video material on the Internet; streaming of data; streaming of music, movies, TV shows and games on the Internet; broadcasting services; audio and video broadcasting services; subscription-based audio and video broadcasting services over the Internet; Internet broadcasting services; Internet radio broadcasting services; electronic data transmission; electronic transmission and streaming of digital media content for others via global and local computer networks; telecommunication services, namely, transmission of webcasts; transmission of digital files; electronic transmission of digital photo files among Internet users; providing access to digital music websites on the Internet; providing access to online directories, databases, websites, blogs and reference materials; transmission of news; delivery of messages by electronic transmission; electronic transmission of mail and messages; podcasting services; providing on-line chat rooms for social networking; providing internet chatrooms; providing an on-line forum for transmission of messages among computer users and the transmission of photos, videos, text, data, images and sound; electronic bulletin board services.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Transport of goods; providing a website featuring information in the field of transportation; shipping, delivery, and storage of goods; freight transportation by means of truck, train and air; goods warehousing; packaging articles for transportation; merchandise packaging for others; rental of storage containers; mailbox rental; locating and arranging for reservations for storage space for others; courier services; messenger services; distribution services, namely, providing online services which afford customers the ability to select a distribution point for goods purchased on the Internet; membership-based truck, train, and air shipping programs; coordinating travel arrangements for individuals and for groups; travel booking agencies; providing a web site featuring travel information and commentary.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment services, namely, in the nature of live visual and audio

performances, namely, musical, variety, news and comedy shows; publication of printed matter; book, audiobook, newspaper, magazine and web magazine publishing; publishing of electronic publications; providing non-downloadable electronic publications in the nature of books, magazines, periodicals, brochures, journals, newsletters, and newspapers in the fields of art, biography, business, children and young adults, comedy, comics, drama, economics, education, entertainment, fashion, fiction, finance, food, geography, hobbies, history, law, lifestyle, literature, medicine, music, nature, non-fiction, novels, parenting, politics, religion, romance, science, science fiction, technology, self-help, spirituality, sports, style, technology, and travel; loaning and rental of books, audiobooks and other publications; digital imaging services; provision of non-downloadable videos featuring programs on a wide variety of entertainment topics via a video-on-demand service; provision of non-downloadable films, movies and television shows via a video-on-demand service; film and video rental services; film, movie, TV show and video production and distribution; creating and developing concepts for movies and television programs; audio and video recording services; providing online radio programming; digital audio, video and multimedia publishing services; entertainment services, namely, providing non-downloadable prerecorded music and audio programs featuring fiction and non-fiction stories on a variety of topics, and information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing information, news and commentary in the field of music; providing information, news and commentary in the field of reviews of audiobooks for entertainment purposes; presenting live musical concerts and performances; music production services; music publishing services; providing online video games; providing online non-downloadable game software; multimedia publishing of games; production of video and computer game software; rental of video games; entertainment services, namely, live performances by video game players; entertainment services, namely, providing online non-downloadable videos in the field of video games featuring video games being played by others; entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure or entertainment purposes; entertainment services, namely, providing on-line, non-downloadable virtual clothing, colors, badges, tools and weapons for use in virtual environments created for entertainment purposes; providing an online website portal for consumers to play and participate in on-line gaming and online electronic games for recreational computer games playing purposes; arranging and conducting sports competitions and tournaments for video game players; organizing video gaming leagues; providing information online relating to computer games and enhancements for games; publishing of reviews; providing a web site featuring the ratings, reviews and recommendations of users on events and activities in the fields of entertainment and education; providing a website featuring the ratings and reviews of television, movies, videos, music, screenplays, scripts, books and video game content; entertainment information;

providing online news, information and commentary in the field of entertainment; online journals, namely, blogs featuring information about entertainment; entertainment services, namely, profiling of musicians, artists and bands by providing non-downloadable video clips of musical performances over a global computer network; arranging of contests; sweepstake services; sweepstake services provided over a global computer network hosting online sweepstakes and contests for others.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Leasing and rental of computers and computer software; computer time-sharing services; computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; rental of computing and data storage facilities of variable capacity to third parties; computer diagnostic services; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; application service provider (ASP), namely, hosting computer software applications for others; providing temporary use of non-downloadable computer software for streaming, broadcasting, transmitting, distributing, reproducing, organizing and sharing music, audio, video, games and other data; providing temporary use of non-downloadable computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, viewing, storing and organizing text, data, images, and audio and video files; providing temporary use of non-downloadable computer software to enable users to view or listen to audio, video, text and multimedia content; providing temporary use of non-downloadable computer software for creating and providing user access to searchable databases of information and data; providing temporary use of non-downloadable search engine software; providing temporary use of non-downloadable computer software for wireless content delivery; providing temporary use of non-downloadable computer software for accessing online information; providing temporary use of non-downloadable computer software for online shopping; providing temporary use of non-downloadable computer software for facilitating payments and online transactions; providing temporary use of non-downloadable computer software that provides retail and ordering services for a wide variety of consumer goods; providing temporary use of non-downloadable computer software for use in disseminating advertising for others; providing temporary use of non-downloadable computer software for disseminating information regarding consumer product discounts; providing temporary use of non-downloadable computer software for use in sharing information about products, services, and deals; providing temporary use of non-downloadable computer software for use in barcode scanning and price comparison; providing temporary use of non-downloadable computer software for scheduling shipping and deliveries; providing temporary use of non-downloadable computer software for electronic storage of data; providing temporary use of non-downloadable computer software for storing, organizing, editing and sharing photos; providing temporary

use of non-downloadable computer software for image and speech recognition; providing temporary use of non-downloadable computer software for home automation; providing temporary use of non-downloadable computer software for purchasing, accessing and viewing movies, TV shows, videos, music, and multimedia content; electronic data storage; data backup and recovery services; file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; hosting of digital content on the Internet; hosting, building and maintaining web sites; computer services, namely, cloud hosting provider services; providing search engines for the Internet; computer services, namely, creating computer network-based indexes of information, websites and resources; computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; computer services, namely, uploading music and photos to the Internet for others; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of books, TV shows, films, music, entertainment, video games, fiction, and non-fiction; creating an on-line community for connecting video players, teams and leagues for the purpose of organizing game and sports activities; providing a website featuring technology that creates personalized movie, TV show, video and music channels for listening, viewing, and sharing; providing a subscription based website featuring non-downloadable music, radio, movies, TV shows, videos and information about music, albums, artists and songs; providing an online website featuring technology that enables users to share video game enhancements and game strategies.

Prior Registration(s)

3234643;3419886;4915349

Description of Mark

The mark consists of the word "prime" with a smile or arrow underneath.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2017/03/31

Examining Attorney

KAJUBI, ELIZABETH

Attorney of Record

James F. Struthers

prime



DESIGN MARK

Serial Number

87394812

Status

REQUEST FOR EXTENSION OF TIME TO FILE OPPOSITION

Word Mark

PRIME

Standard Character Mark

No

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Amazon Technologies, Inc. CORPORATION NEVADA ATTN: Trademarks 410
Terry Ave N Seattle WASHINGTON 98109

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for streaming, broadcasting, transmitting,
distributing, reproducing, organizing and sharing music, audio, video,
games and other data; computer software for use in authoring,
downloading, transmitting, receiving, editing, extracting, encoding,
decoding, playing, viewing, storing and organizing text, data, images,
and audio and video files; computer software to enable users to view
or listen to audio, video, text and multimedia content; computer
software for creating and providing user access to searchable
databases of information and data; search engine software; computer
software for wireless content delivery; computer software for
accessing online information; computer software for online shopping;
computer software for facilitating payments and online transactions;
computer software that provides retail and ordering services for a
wide variety of consumer goods; computer software for use in
disseminating advertising for others; computer software for
disseminating information regarding consumer product discounts;
computer software for use in sharing information about products,
services, and deals; computer software for use in barcode scanning and
price comparison; computer software for scheduling shipping and
deliveries; computer software for electronic storage of data; computer
software for storing, organizing, editing and sharing photos; computer
software for image and speech recognition; computer software for home

automation; computer software for purchasing, accessing and viewing movies, TV shows, videos, music, and multimedia content; game software; internet browser software; downloadable music files; downloadable films and movies featuring fiction and non-fiction stories on a variety of topics provided via a video-on-demand service; downloadable motion pictures and television shows about featuring fiction and non-fiction stories on a variety of topics, and audio and video recordings featuring fiction and non-fiction stories on a variety of topics; digital media, namely, pre-recorded digital video discs, digital versatile discs; downloadable audio and video recordings, DVDs, and high definition digital discs featuring fiction and non-fiction stories on a variety of topics; downloadable audio files, multimedia files, text files, written documents, audio material, video material and games featuring fiction and non-fiction content on a variety of topics; downloadable fiction books on a variety of topics, downloadable e-books in the field of fiction and non-fiction stories on a variety of topics and audio books in the field of fiction and non-fiction stories on a variety of topics; magnetically encoded gift cards.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Paper gift cards, printed gift certificates; non-magnetically encoded prepaid purchase cards for transferring financial value online via retail computer networks; printed publications, namely, books, magazines, periodicals, brochures, journals, newsletters, and newspapers in fields of general human interest; paper.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Customer loyalty program services featuring rewards in the form of discounted shipping services, early access to retail discounts and offers, access to books and other publications, access to audiobooks, discounted online storage of photos and music, and discounted music, video and game streaming; administration of a discount program enabling participants to obtain discounts on shipping services, early access to retail discounts and offers, access to books and other publications, access to audiobooks, discounted online storage of photos and music, and discounted music, video and game streaming; retail store services and online retail store services featuring books and magazines, computers and electronics, software, power and hand tools, office supplies, furniture, appliances, linens, bags and luggage, housewares, kitchen products, bath products, dining products, lawn and garden products, clothing and accessories, sporting goods, camping goods, baby goods, toys and games, musical instruments, beauty and health products, vitamins and supplements, art, arts and crafts, automotive goods, pet supplies and industrial supplies; retail store and online retail store services featuring a wide array of consumer goods; online retail store services featuring audio and video recordings, spoken word recordings, electronic books and computer games; online retail store services in the field of groceries, fresh and prepared foods,

drug store and general merchandise; retail grocery stores; wholesale distributorship featuring fresh foods and groceries; subscription-based order fulfillment services in the fields of books, audiobooks, music, movies, TV shows, videos and games; advertising services; administration of a discount program enabling participants to obtain discounts on shipping services; expedited shipping services, namely, arranging for freight transportation of packages by means of truck and air.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Video-on-demand transmission; Internet protocol television (IPTV) transmission services; streaming of audio and video material on the Internet; streaming of data; streaming of music, movies, TV shows and games on the Internet; broadcasting services; audio and video broadcasting services; subscription-based audio and video broadcasting services over the Internet; Internet broadcasting services; Internet radio broadcasting services; electronic data transmission; electronic transmission and streaming of digital media content for others via global and local computer networks; telecommunication services, namely, transmission of webcasts; transmission of digital files; electronic transmission of digital photo files among Internet users; providing access to digital music websites on the Internet; providing access to online directories, databases, websites, blogs and reference materials; transmission of news; delivery of messages by electronic transmission; electronic transmission of mail and messages; podcasting services; providing on-line chat rooms for social networking; providing internet chatrooms; providing an on-line forum for transmission of messages among computer users and the transmission of photos, videos, text, data, images and sound; electronic bulletin board services.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Transport of goods; providing a website featuring information in the field of transportation; shipping, delivery, and storage of goods; freight transportation by means of truck, train and air; goods warehousing; packaging articles for transportation; merchandise packaging for others; rental of storage containers; mailbox rental; locating and arranging for reservations for storage space for others; courier services; messenger services; distribution services, namely, providing online services which afford customers the ability to select a distribution point for goods purchased on the Internet; membership-based truck, train, and air shipping programs; coordinating travel arrangements for individuals and for groups; travel booking agencies; providing a web site featuring travel information and commentary.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment services, namely, in the nature of live visual and audio

performances, namely, musical, variety, news and comedy shows; publication of printed matter; book, audiobook, newspaper, magazine and web magazine publishing; publishing of electronic publications; providing non-downloadable electronic publications in the nature of books, magazines, periodicals, brochures, journals, newsletters, and newspapers in the fields of art, biography, business, children and young adults, comedy, comics, drama, economics, education, entertainment, fashion, fiction, finance, food, geography, hobbies, history, law, lifestyle, literature, medicine, music, nature, non-fiction, novels, parenting, politics, religion, romance, science, science fiction, technology, self-help, spirituality, sports, style, technology, and travel; loaning and rental of books, audiobooks and other publications; digital imaging services; provision of non-downloadable videos featuring programs on a wide variety of entertainment topics via a video-on-demand service; provision of non-downloadable films, movies and television shows via a video-on-demand service; film and video rental services; film, movie, TV show and video production and distribution; creating and developing concepts for movies and television programs; audio and video recording services; providing online radio programming; digital audio, video and multimedia publishing services; entertainment services, namely, providing non-downloadable prerecorded music and audio programs featuring fiction and non-fiction stories on a variety of topics, and information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing information, news and commentary in the field of music; providing information, news and commentary in the field of reviews of audiobooks for entertainment purposes; presenting live musical concerts and performances; music production services; music publishing services; providing online video games; providing online non-downloadable game software; multimedia publishing of games; production of video and computer game software; rental of video games; entertainment services, namely, live performances by video game players; entertainment services, namely, providing online non-downloadable videos in the field of video games featuring video games being played by others; entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure or entertainment purposes; entertainment services, namely, providing on-line, non-downloadable virtual clothing, colors, badges, tools and weapons for use in virtual environments created for entertainment purposes; providing an online website portal for consumers to play and participate in on-line gaming and online electronic games for recreational computer games playing purposes; arranging and conducting sports competitions and tournaments for video game players; organizing video gaming leagues; providing information online relating to computer games and enhancements for games; publishing of reviews; providing a web site featuring the ratings, reviews and recommendations of users on events and activities in the fields of entertainment and education; providing a website featuring the ratings and reviews of television, movies, videos, music, screenplays, scripts, books and video game content; entertainment information;

providing online news, information and commentary in the field of entertainment; online journals, namely, blogs featuring information about entertainment; entertainment services, namely, profiling of musicians, artists and bands by providing non-downloadable video clips of musical performances over a global computer network; arranging of contests; sweepstake services; sweepstake services provided over a global computer network hosting online sweepstakes and contests for others.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Leasing and rental of computers and computer software; computer time-sharing services; computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; rental of computing and data storage facilities of variable capacity to third parties; computer diagnostic services; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; application service provider (ASP), namely, hosting computer software applications for others; providing temporary use of non-downloadable computer software for streaming, broadcasting, transmitting, distributing, reproducing, organizing and sharing music, audio, video, games and other data; providing temporary use of non-downloadable computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, viewing, storing and organizing text, data, images, and audio and video files; providing temporary use of non-downloadable computer software to enable users to view or listen to audio, video, text and multimedia content; providing temporary use of non-downloadable computer software for creating and providing user access to searchable databases of information and data; providing temporary use of non-downloadable search engine software; providing temporary use of non-downloadable computer software for wireless content delivery; providing temporary use of non-downloadable computer software for accessing online information; providing temporary use of non-downloadable computer software for online shopping; providing temporary use of non-downloadable computer software for facilitating payments and online transactions; providing temporary use of non-downloadable computer software that provides retail and ordering services for a wide variety of consumer goods; providing temporary use of non-downloadable computer software for use in disseminating advertising for others; providing temporary use of non-downloadable computer software for disseminating information regarding consumer product discounts; providing temporary use of non-downloadable computer software for use in sharing information about products, services, and deals; providing temporary use of non-downloadable computer software for use in barcode scanning and price comparison; providing temporary use of non-downloadable computer software for scheduling shipping and deliveries; providing temporary use of non-downloadable computer software for electronic storage of data; providing temporary use of non-downloadable computer software for storing, organizing, editing and sharing photos; providing temporary

use of non-downloadable computer software for image and speech recognition; providing temporary use of non-downloadable computer software for home automation; providing temporary use of non-downloadable computer software for purchasing, accessing and viewing movies, TV shows, videos, music, and multimedia content; electronic data storage; data backup and recovery services; file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; hosting of digital content on the Internet; hosting, building and maintaining web sites; computer services, namely, cloud hosting provider services; providing search engines for the Internet; computer services, namely, creating computer network-based indexes of information, websites and resources; computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; computer services, namely, uploading music and photos to the Internet for others; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of books, TV shows, films, music, entertainment, video games, fiction, and non-fiction; creating an on-line community for connecting video players, teams and leagues for the purpose of organizing game and sports activities; providing a website featuring technology that creates personalized movie, TV show, video and music channels for listening, viewing, and sharing; providing a subscription based website featuring non-downloadable music, radio, movies, TV shows, videos and information about music, albums, artists and songs; providing an online website featuring technology that enables users to share video game enhancements and game strategies.

Prior Registration(s)

3234643;3419886;4915349

Description of Mark

The mark consists of the word "PRIME" with a smile or arrow underneath appearing in blue.

Colors Claimed

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

Filing Date

2017/03/31

Examining Attorney

KAJUBI, ELIZABETH

Attorney of Record

James F. Struthers

prime

The image shows the word "prime" in a bold, lowercase, sans-serif font. Below the word is a thick, dark gray arrow that curves upwards from left to right, ending in a hook-like shape, which is the Amazon smile logo.

DESIGN MARK

Serial Number

87033547

Status

PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN

Word Mark

PRIME GT

Standard Character Mark

Yes

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Amazon Technologies, Inc. CORPORATION NEVADA Attn: Trademarks 410
Terry Ave N Seattle WASHINGTON 98109

Goods/Services

Class Status -- ACTIVE. IC 002. US 006 011 016. G & S: Automotive
paints.

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Automotive cleaning and degreasing preparations; automobile wax; soaps
and detergents; shower and bath gel; bubble bath; non-medicated skin
care preparations; hand cream; body lotion; hair care preparations;
perfumes and colognes; deodorants for personal use; cosmetics.

Goods/Services

Class Status -- ACTIVE. IC 004. US 001 006 015. G & S: Automotive
engine oils, greases and lubricants.

Goods/Services

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:
First aid kits; medicated skin care preparations.

Goods/Services

Class Status -- ACTIVE. IC 008. US 023 028 044. G & S:
Hand-operated tools, namely, cutting tools, wrenches, pliers,
screwdrivers, hammers, buffers, wire cutters, utility knives, chisels,
choppers, pumps, riveting tools, lifting jacks, saws, planers, drills

and shovels; hand-operated automotive tools, namely, brake pad spreaders, brake cylinder hones, brake spring removers, disc brake piston cubes, drum brake adjusting tools, engine cylinder hones, ring compressors, magnetic pick-up tools, valve spring depressors, ball joint separators, valve holders and valve spring compressors; tool aprons; tool belts; tool holders; scissors; cutlery, namely, forks, spoons and knives; knives; knife sharpeners; forks; spoons; tableware, namely, forks, spoons and knives; cutters for wine bottle foil.

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable newspapers; game software; computer hardware; computer peripherals; mouse pads; cases for mobile phones; cases for computers; camera cases; CD cases; DVD cases; bags and cases specifically adapted for holding electronic equipment and accessories, namely, printers, computers, mobile phones, portable electronic devices and cameras; jumper cables; warning triangles; battery jump starters; automotive testing equipment, namely, transmission testing equipment, brake testing equipment, battery testing equipment, tire pressure gauges and on-board diagnostic equipment; eyeglass frames; sunglasses.

Goods/Services

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S: Lamps; bicycle lights, electric holiday lights, electric night lights, pen lights, book lights, reading lights; flashlights.

Goods/Services

Class Status -- ACTIVE. IC 012. US 019 021 023 031 035 044. G & S: Land vehicle parts and accessories, namely, differentials, wire harnesses, leaf springs, coil springs, equalizers, connecting rods, drive belts, diesel and non-diesel engines, axles, drive gears, steering units, windshields, running boards, mud guards, wheels, tire chains, fenders and transmissions; bicycle parts and accessories, namely, brakes, chains, handle bars, racing number plates, forks, drive trains, brake shoes, disk wheels, gear wheels, change-speed gears, tubes and connectors for bicycle frames, rims and structural parts for bicycles; carts; tire pumps; air pumps for bicycles and automobiles; spare tire covers; antitheft alarms for vehicles; fitted vehicle seat covers; automobile seat cushions; automobile roof racks; fitted truck bed liners; cargo storage bins especially adapted to fit in cars or trucks; luggage carriers for automobiles; ski carriers for vehicles; tablet computer headrest mounts adapted for use in vehicles.

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: Jewelry; watches; clocks; watch straps and watch bands; watch boxes; jewelry boxes; boxes of precious metal; key rings and key chains of precious metal; cuff-links; trophies of precious metal; medals for use as awards.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Paper; cardboard; newspapers; stickers; calendars; posters; gift wrapping paper; paper gift tags; non-magnetically encoded gift cards; printed gift certificates; pen and pencil cases and boxes; stationery cases; writing instruments, pens, pencils, erasers, markers, crayons, highlighter pens; pencil sharpeners; book marks; pen holders, pen trays, letter trays, letter racks, correspondence holders, bookends; document portfolios; stationery-type portfolios; pouches for writing instruments; binders, maps, address labels, address books, paper labels; appointment books, day planners, calendar desk pads, personal organizers, poster boards; lap desks; pads of paper; desktop business card holders; desktop document racks and organizers; adhesive tape dispensers for stationery, household and office use; napkins and paper bags; paper towels; napkins, disposable wipes not impregnated with chemicals or compounds, paper tablecloths; money clips.

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: Leather and imitation leather; luggage; baggage tags; carrying cases; athletic bags; sports bags; beach bags; briefcases; business card cases; leather key chains; key cases; trunks; travelling bags; handbags; purses; fanny packs; all-purpose carrying bags; tote bags; shoulder bags; backpacks; coin purses; cosmetics bags sold empty; wallets; umbrellas and parasols; beach umbrellas.

Goods/Services

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S: Furniture; picture, painting and art frames; mirrors; corkboards; display cases, boards, racks, and stands; jewelry organizer displays; non-metal award trophies; fitted fabric furniture covers; furniture fittings, not of metal; key chains and key fobs, not of metal or leather; pillows; outdoor holiday decorations, namely, inflatable figures for use as outdoor holiday decorations, plush figures for use as outdoor holiday decorations, and clear or translucent PVC or polypropylene die cut forms having holiday-themed shapes and icons; corkboards; cushions; drawer organizers; nonmetal and non-paper containers for storage or transport; shower curtain hooks, rings, rods; sink mats; sleeping bags.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, blouses, shirts, t-shirts, sweatshirts, pants, denim jeans, slacks, shorts, skirts, tunics, tank tops, dresses, sweaters, scarves, jackets and coats, fashion headbands and hats, belts, socks, gloves and hosiery; footwear; headwear; neckwear; ski wear; rain wear; sleepwear; swimwear; tennis wear; beachwear; infant wear; underwear; loungewear.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Toys

and games, namely, baby and children's multiple activity toys, bath toys, battery-operated action toys, bendable toys, educational toys in the nature of building blocks, puzzles, educational talking toys, stuffed animals, educational card and memory games, educational board games, electronic educational game machines for children, inflatable toys, mechanical action toys, musical toys, non-riding transportation toys, pop-up toys, punching toys, push toys, sand toys, sandbox toys, model kits for making toy vehicles, squeezable squeaking toys, toy and novelty face masks, toy animals and accessories therefor, toy boats, toy building blocks, toy boxes, toy model train sets, toy robots, snow globes, toy tools, jungle gyms, and play money; puzzles; toy figures; toy cars; balloons; party favors in the nature of small toys; play houses and toy accessories therefor; plush toys; squeeze toys; stuffed toys; game machines, namely, ride-on game machines; amusement game machines; arcade games; joysticks for video games; video game consoles; sporting goods, namely, equipment for speed training, athletic wrist and joint supports, and equipment for use in motor sports; balls for games and sports; bags specially adapted for sports equipment; Christmas tree decorations; pet toys.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services featuring a wide variety of consumer and commercial goods and services in the field of vehicles and motorsports; online retail store services featuring a wide variety of consumer and commercial goods and services in the field of vehicles and motorsports; retail and online retail store services featuring a wide variety of consumer and commercial goods and services; customer loyalty program services featuring rewards in the form of discounted shipping services, early access to retail discounts and offers, access to books and other publications, discounted online storage of photos and music, and discounted music and video streaming; retail services, namely, administration of a program enabling participants to obtain discounts on shipping services, early access to retail discounts and offers, access to books and other publications, discounted online storage of photos and music, and discounted music and video streaming; administration of membership-based discounted shipping programs; operating on-line marketplaces for sellers and buyers of goods and services; providing consumer-product information via the Internet or other computer or telecommunication networks; providing an online searchable database in the field of consumer goods; advertising, marketing and promotional services; hosting online promotions, sweepstakes and contests for others, namely, promoting the sale of goods and services of others by means of contests and sweepstakes.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Streaming of audio, visual and audiovisual material via a global computer network; streaming of data; electronic data transmission; transmission of digital files; audio broadcasting; delivery of digital music by electronic transmission; providing access to digital music websites on

the Internet; video broadcasting; electronic transmission and streaming of digital media content for others via global and local computer networks; Internet broadcasting services; Internet protocol television (IPTV) transmission services; transmission of news; video-on-demand transmission services; webcasting services; wireless broadcasting; delivery of messages by electronic transmission; electronic mail and messaging services; podcasting services; providing chat lines utilizing the internet; providing internet chatrooms; providing on-line forums for transmission of messages among computer users; electronic transmission of digital photo files among internet users.

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Transport, storage, shipping and delivery of goods; providing a website featuring information in the field of transportation; rental of storage containers; mailbox rental; travel arrangement for others, namely, travel booking agencies and arranging transport for travel tours; travel clubs; providing a web site featuring travel information and commentary.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment services, namely, production and distribution of ongoing television programs; providing non-downloadable films, movies and television shows via a video-on-demand service; film and video rental services; film and video production and distribution; film and video production consulting services; creating and developing concepts for television programs; audio and video recording services; digital audio, video and multimedia publishing services; providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; entertainment services in the nature of presenting live musical concerts and performances; music production services; music publishing services; providing online video games; providing online non-downloadable game software; multimedia publishing of games; production of video and computer game software; rental of video games; publication of printed matter; book, audio-book, newspaper, magazine and web magazine publishing; publishing of electronic publications; lending of books and other publications; book rental; publishing of reviews; providing a web site featuring the ratings, reviews and recommendations of users on events and activities in the field of entertainment and education; providing ratings and reviews of television, movies, videos, music, screenplays, scripts, books and video game content; entertainment services, namely, making television, music, videos, television, video game, music, comedy, and spoken word recording recommendations based on user generated data; entertainment information; fan clubs; arranging of contests and sweepstakes; providing online news, information and commentary in the field of education, culture, sports, and entertainment; news agencies, namely, gathering and dissemination of news; providing recognition and

incentives in the nature of awards and contests to demonstrate excellence in the field of entertainment; organizing conferences in the fields of education, culture, sports, and entertainment for non-business and non-commercial purposes; arranging of seminars; arranging professional workshop and training courses.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software development; game software development; electronic data storage; electronic storage of video, music and images; providing a website featuring technology enabling users to upload, view, and download videos, digital photos and music.

Goods/Services

Class Status -- ACTIVE. IC 007. US 013 019 021 023 031 034 035. G & S: Power tools, namely, drills, routers, circular saws, screwdrivers, grease guns, cut-off tools, buffers, spray guns, pneumatic wrenches, impact wrenches and air ratchets.

Goods/Services

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: Tableware, namely, coffee services, tea services, disposable serving spoons, scoops for serving or portioning coffee, tea and food.

Filing Date

2016/05/11

Examining Attorney

MARTIN, CHRISTINE

Attorney of Record

James F. Struthers

PRIME GT

DESIGN MARK

Serial Number

87177080

Status

NON-FINAL ACTION - MAILED

Word Mark

PRIME AIR

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Amazon Technologies, Inc. CORPORATION NEVADA 410 Terry Ave N Seattle
WASHINGTON 98109

Goods/Services

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Air transport;
transport of goods; packaging and storage of goods; coordinating
travel arrangements for individuals and for groups; expedited shipping
service of goods for others.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AIR" APART FROM THE
MARK AS SHOWN.

Filing Date

2016/09/20

Examining Attorney

ERVIN, INGA

Attorney of Record

James F. Struthers

PRIME AIR

To: New Prime, Inc. (ipdocketing@lathroppage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87575242 - PRIME INC. - 594085
Sent: 10/31/2017 12:40:12 PM
Sent As: ECOM103@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 10/31/2017 FOR U.S. APPLICATION SERIAL NO. 87575242

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 10/31/2017 (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.

(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.

EXHIBIT F

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87575242 - PRIME INC. - 594085
Sent: 5/22/2018 1:01:14 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

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

**U.S. APPLICATION
SERIAL NO. 87575242**

MARK: PRIME INC.

87575242

**CORRESPONDENT
ADDRESS:**
JOSEPH L. JOHNSON
LATHROP GAGE LLP
910 EAST ST. LOUIS
STREET
SUITE 100
SPRINGFIELD, MO
65806-2523

**GENERAL TRADEMARK
INFORMATION:**
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: New Prime,
Inc.

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

594085

**CORRESPONDENT E-
MAIL ADDRESS:**

ipdocketing@lathropgage.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 5/22/2018

This suspension letter is in response to applicant's communication of April 27, 2018.

The requirement that applicant disclaim "INC." that was set forth in the Office action of October 31, 2017 is *SATISFIED*.

With regard to the mark in Serial No.: 87544177 applicant's assertion of ownership of this prior-filed pending application was not supported by a declaration as required by TMEP §812.01. Thus, this application remains a potential bar to registration. The USPTO's records indicate that that applicant and the owner of the '177 application have different states of incorporation. *Applicant may elect to address this issue upon removal of this matter from suspension.*

SUSPENSION

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 87562203, 87177080, 87544177, and 87033547

PENDING CIVIL PROCEEDING(S): The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant's mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92068470

- Opposition No(s). 91239114

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Robert Andrew Cohen/
Trademark Examining Attorney
Law Office 103
(571) 270-1389
robert.cohen@uspto.gov

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 Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87575242 - PRIME INC. - 594085
Sent: 5/22/2018 1:01:15 PM
Sent As: ECOM103@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 **5/22/2018** FOR U.S. APPLICATION SERIAL NO.87575242

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) 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

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.

EXHIBIT G

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. Trademark Application Serial No. 87575242 - PRIME INC. - 594085
Sent: August 08, 2019 10:59:19 AM
Sent As: ecom103@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No.
87575242

Mark: PRIME INC.

Correspondence Address:
JOSEPH L. JOHNSON
LATHROP GAGE LLP
910 EAST ST. LOUIS
STREET
SUITE 100
SPRINGFIELD, MO
65806-2523

Applicant: New Prime, Inc.

Reference/Docket No.
594085

**Correspondence Email
Address:**

ipdocketing@lathropgage.com

SUSPENSION NOTICE
No Response Required

Issue date: **August 08, 2019**

This suspension notice is in response to applicant's communication of July 22, 2019.

Based on applicant's response, the Section 2(d) refusal based on U.S. Registration No.: 5221886 is hereby *WITHDRAWN*.

Applicant was also previously apprised of a prior-filed application, (U.S. Serial No. 87562203), for the mark "PRIME INC. INTERMODAL". This application has abandoned and is no longer a potential bar to registration of applicant's mark.

Applicant has submitted a verified statement that it is the owner of prior-filed U.S. application Serial No. 87544177. Therefore, this application is no longer a bar to registration of the applicant's mark.

The application is suspended for the reason(s) specified below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

Application suspended until legal proceeding(s) involving the applied-for mark is resolved. The legal proceeding(s) below involves (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052; *see* 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the outcome of this proceeding(s) could directly affect whether applicant's mark can register, action on this application is suspended until proceeding(s) is resolved. *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Opposition No(s). 91239114, 91245113, and 91246273

Suspension process. The USPTO will periodically check this application to determine if it should remain suspended. *See* TMEP §716.04. As needed, the trademark examining attorney will issue a letter to applicant to inquire about the status of the reason for the suspension. TMEP §716.05.

No response required. Applicant may [file a response](#), but is not required to do so.

/Robert Andrew Cohen/
Trademark Examining Attorney
Law Office 103
(571) 270-1389
robert.cohen@uspto.gov

To: New Prime, Inc. (ipdocketing@lathropgage.com)
Subject: U.S. Trademark Application Serial No. 87575242 - PRIME INC. - 594085
Sent: August 08, 2019 10:59:20 AM
Sent As: ecom103@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE_

Office Action (Official Letter) has issued
on **August 08, 2019** for

U.S. Trademark Application Serial No. 87575242

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter. Please follow the steps below.

- (1) [Read the official letter](#). No response is necessary.
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

/Robert Andrew Cohen/
Trademark Examining Attorney
Law Office 103
(571) 270-1389
robert.cohen@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

GENERAL GUIDANCE

- [Check the status of your application periodically](#) in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application](#). Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain “@uspto.gov.”**

EXHIBIT H

To: Amazon Technologies, Inc. (trademarks@beharlawfirm.com)
Subject: U.S. Trademark Application Serial No. 88671191 - BUSINESS PRIME - 15018/0475
Sent: January 22, 2020 05:00:35 PM
Sent As: ecom106@uspto.gov
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No.
88671191

Mark: BUSINESS PRIME

Correspondence Address:
BRAD M. BEHAR
BRAD M. BEHAR &
ASSOCIATES, PLLC
94 SECOND STREET
MINEOLA, NY 11501

Applicant: Amazon
Technologies, Inc.

Reference/Docket No.
15018/0475

**Correspondence Email
Address:**

trademarks@beharlawfirm.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: **January 22, 2020**

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(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Disclaimer Requirement
- Identification of Services: Classes 35 and 39

Search Results

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Disclaimer Requirement

A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

Applicant must provide a disclaimer of the unregistrable part(s) of the applied-for mark even though the mark as a whole appears to be registrable. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). A disclaimer of an unregistrable part of a mark will not affect the mark's appearance. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965).

In this case, applicant must disclaim the word "business" because it is not inherently distinctive. These unregistrable term(s) at best are merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence defines "business" as a commercial or sometimes an industrial enterprise. This term merely describes applicant's services because the purpose of the services is to provide commercial or industrial enterprises.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "BUSINESS" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this issue using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Identification of Services: Classes 35 and 39

In Class 35, the wording "Business services, namely, administrating a product procurement program with product and vendor pre-approvals, budgets or spending restrictions, and payment processing; Business services, namely, administrating an online product procurement membership program for buyers and sellers" in the identification of services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must further clarify the nature of these services by separating out financial services into Class 36 and business services in Class 35.

Applicant may substitute the following wording, if accurate:

- Class 35: On-line retail store services featuring a wide variety of consumer goods of others; Business services, namely, administrating a product procurement program **with product and vendor pre-approvals**; Business services, namely, administrating an online product procurement membership program **for others** for buyers and sellers; Retail services, namely, administration of a membership program enabling participants to sell or purchase business supplies; Retail services, namely, administration of a membership program enabling participants to obtain product and shipping discounts; Membership program services featuring discounted shipping services, early access to retail discounts, and special offers; Administering a discount purchasing program providing discounts on shipping services, access to discounts on retail products and offers, structured purchasing options with preset budgets, and payment terms; Advertising, marketing and promotion services; Administration of a discount program enabling participants to purchase business supplies with expedited delivery
- Class 36: administrating product procurement program with financial budgets or spending restrictions, and electronic payment processing

In Class 39, the wording "coordinating transportation, shipping, and delivery services" in the identification of services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must indicate the type of goods being coordinated.

Next, the services "transportation, shipping, and delivery logistics management services" are classified incorrectly. Applicant must amend the

application to classify the services in International Class 35. See 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

Applicant may substitute the following wording, if accurate:

- Class 35: transportation, shipping, and delivery logistics management services
- Class 39: Coordinating transportation, shipping, and delivery services **of parcel containers and goods of others**; providing transportation, shipping, and delivery information; providing transportation, shipping, and delivery consultancy and advisory services; vehicle rental; truck rental

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

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.

Response Guidelines

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

The term "TMEP" refers to the USPTO's [Trademark Manual of Examining Procedure](#), a manual written by USPTO trademark attorneys that explains the laws and procedures applicable to the trademark application, registration, and post-registration processes. The USPTO updates the TMEP periodically to reflect changes in law, policy, and procedure.

An applicant may check the status of or view documents filed in an application or registration using the [Trademark Status and Document Retrieval \(TSDR\)](#) system. Enter the application serial number or registration number and click on "Status" or "Documents."

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.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

Please note that informal email communication with the Office is not confidential and will be made part of the public record. TMEP §709.04.


How to respond. [Click to file a response to this nonfinal Office action.](#)


/Dannean J Hetzel/
Examining Attorney
Law Office 106

dannean.hetzel@uspto.gov
571-272-8858

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, find [contact information for the supervisor](#) of the office or unit listed in the signature block.


 SINCE 1828

× 



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[DICTIONARY](#) | [THESAURUS](#)



business noun, often attributive


 Save Word

busi-ness | \ 'biz-nəs , -nəz, Southern also 'bid-  \

Definition of *business*

- 1
 - a : a usually commercial or mercantile activity engaged in as a means of livelihood : TRADE, LINE
*// in the restaurant **business***
 - b : a commercial or sometimes an industrial enterprise
also : such enterprises
*// the **business** district*
 - c : dealings or transactions especially of an economic nature : PATRONAGE
*// took their **business** elsewhere*
- 2
 - a : ROLE, FUNCTION
*// how the human mind went about its **business** of learning*
— H. A. Overstreet
 - b : an immediate task or objective : MISSION
*// what is your **business** here*
 - c : a particular field of endeavor

WORD OF THE DAY

nurture 

to help to grow, develop, or succeed


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Your email address

- c** : a particular field of endeavor
// the best in the *business*
- 3** : AFFAIR, MATTER
// the whole *business* got out of hand
// *business* as usual
- 4 a** : personal concern
// none of your *business*
- b** : RIGHT
// you have no *business* speaking to me that way
- 5 a** : serious activity requiring time and effort and usually the avoidance of distractions
// got down to *business*
- b** : maximum effort
- 6** : CREATION, CONCOCTION
- 7** : movement or action (such as lighting a cigarette) by an actor intended especially to establish atmosphere, reveal character, or explain a situation
— called also *stage business*
- 8 a** : a damaging assault
- b** : REBUKE, TONGUE-LASHING
- c** : DOUBLE CROSS
- 9** : a bowel movement —used especially of pets
- 10** *archaic* : purposeful activity : BUSYNESS

TEST YOUR VOCABULARY

Intact Latin Quiz



What did focus mean in Latin?

hearth


diameter

square

boundary

SPELL IT

Can you spell these 10 commonly misspelled words?
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Dictionary

Test Your Knowledge - and learn some interesting things along the way.
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↓ **Synonyms**

↓ **Choose the Right Synonym**

↓ **More Example Sentences**

↓ **Learn More about *business***

Synonyms for *business*

Synonyms

custom, patronage

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Choose the Right Synonym for *business*

BUSINESS, COMMERCE, TRADE, INDUSTRY, TRAFFIC mean activity concerned with the supplying and distribution of commodities. BUSINESS may be an inclusive term but specifically designates the activities of those engaged in the purchase or sale of commodities or in related financial transactions. COMMERCE and TRADE imply the exchange and transportation of commodities. INDUSTRY applies to the producing of commodities, especially by manufacturing or processing, usually on a large scale. TRAFFIC applies to the operation and functioning of public carriers of goods and persons.

synonyms see in addition work

Examples of *business* in a Sentence

// Forever Odd is a direct sequel to 2003's *Odd Thomas*, the book in which we were introduced to the title character, a young man who can see the dead. They can't talk to

introduced to the live character, a young man who can see the dead. They can't talk to him, but they can nudge him in the direction they want, which is usually to help them tidy up some unfinished *business* from when they were alive.

— Charles De Lint, *Fantasy & Science Fiction*, May 2006

// The Sun may never set, but air temperatures can plummet to -4 degrees Fahrenheit, and blinding snowstorms appear without warning. Sunbathing here can be risky *business*: even huddled in our parkas and boots, the members of our expedition live under the constant threat of frostbite and hypothermia.

— Terrie M. Williams, *Natural History*, October 2003

[See More](#) 

Recent Examples on the Web

// Cataldo's family operates Jo-Cat's pub, another Brady Street *business*.

— Carol Deptolla, *Milwaukee Journal Sentinel*, "A new restaurant called St. Bibiana is planned for Brady Street," 10 Jan. 2020

// Neon plans to launch later this year but has not yet landed on a *business* model.

— Samantha Murphy Kelly, *CNN*, "Neon's 'artificial human' is a scary glimpse of the future that's (mostly) still hype," 10 Jan. 2020

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'business.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

[See More](#) 

First Known Use of *business*

14th century, in the meaning defined at sense 10

History and Etymology for *business*

Middle English *bisynesse*, from *bisy* busy + *-nesse* -ness

Learn More about *business*

Share *business*



Time Traveler for *business*



The first known use of *business* was in the 14th century

See more words from the same century

From the Editors at Merriam-Webster



Every Letter Is Silent, Sometimes

When each letter can be seen but not heard

Dictionary Entries near *business*

bushy stunt

bushy-tailed rat

busine

business

business administration

Phrases Related to *business*

all that business

business as usual

business community

business day

business district

business hours

To: Amazon Technologies, Inc. (trademarks@beharlawfirm.com)
Subject: U.S. Trademark Application Serial No. 88671191 - BUSINESS PRIME - 15018/0475
Sent: January 22, 2020 05:00:35 PM
Sent As: ecom106@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **January 22, 2020** for
U.S. Trademark Application Serial No. 88671191

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be [abandoned](#). Please follow the steps below.

(1) [Read the official letter](#).

(2) **Direct questions** about the contents of the Office action to the assigned attorney below.

/Dannean J Hetzel/
Examining Attorney
Law Office 106
dannean.hetzel@uspto.gov
571-272-8858

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

(3) **Respond within 6 months** ([or earlier](#), if required in the Office action) from **January 22, 2020**, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond

GENERAL GUIDANCE

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- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application](#). Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain “@uspto.gov.”**

EXHIBIT I

To: Amazon Technologies, Inc. (trademarks@beharlawfirm.com)
Subject: U.S. Trademark Application Serial No. 88671197 - BUSINESS PRIME - 15018/0477
Sent: January 22, 2020 05:01:44 PM
Sent As: ecom106@uspto.gov
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No.
88671197

Mark: BUSINESS PRIME

Correspondence Address:
BRAD M. BEHAR
BRAD M. BEHAR &
ASSOCIATES, PLLC
94 SECOND STREET
MINEOLA, NY 11501

Applicant: Amazon
Technologies, Inc.

Reference/Docket No.
15018/0477

**Correspondence Email
Address:**

trademarks@beharlawfirm.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: **January 22, 2020**

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(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Disclaimer Requirement
- Identification of Services: Classes 35 and 39

Search Results

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Disclaimer Requirement

A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

Applicant must provide a disclaimer of the unregistrable part(s) of the applied-for mark even though the mark as a whole appears to be registrable. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). A disclaimer of an unregistrable part of a mark will not affect the mark's appearance. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965).

In this case, applicant must disclaim the word "business" because it is not inherently distinctive. These unregistrable term(s) at best are merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence defines "business" as a commercial or sometimes an industrial enterprise. This term merely describes applicant's services because the purpose of the services is to provide commercial or industrial enterprises.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "BUSINESS" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this issue using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Identification of Services: Classes 35 and 39

In Class 35, the wording "Business services, namely, administrating a product procurement program with product and vendor pre-approvals, budgets or spending restrictions, and payment processing; Business services, namely, administrating an online product procurement membership program for buyers and sellers" in the identification of services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must further clarify the nature of these services by separating out financial services into Class 36 and business services in Class 35.

Applicant may substitute the following wording, if accurate:

- Class 35: On-line retail store services featuring a wide variety of consumer goods of others; Business services, namely, administrating a product procurement program **with product and vendor pre-approvals**; Business services, namely, administrating an online product procurement membership program **for others** for buyers and sellers; Retail services, namely, administration of a membership program enabling participants to sell or purchase business supplies; Retail services, namely, administration of a membership program enabling participants to obtain product and shipping discounts; Membership program services featuring discounted shipping services, early access to retail discounts, and special offers; Administering a discount purchasing program providing discounts on shipping services, access to discounts on retail products and offers, structured purchasing options with preset budgets, and payment terms; Advertising, marketing and promotion services; Administration of a discount program enabling participants to purchase business supplies with expedited delivery
- Class 36: administrating product procurement program with financial budgets or spending restrictions, and electronic payment processing

In Class 39, the wording "coordinating transportation, shipping, and delivery services" in the identification of services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must indicate the type of goods being coordinated.

Next, the services "transportation, shipping, and delivery logistics management services" are classified incorrectly. Applicant must amend the

application to classify the services in International Class 35. See 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

Applicant may substitute the following wording, if accurate:

Class 35: transportation, shipping, and delivery logistics management services

Class 39: Coordinating transportation, shipping, and delivery services **of parcel containers and goods of others**; providing transportation, shipping, and delivery information; providing transportation, shipping, and delivery consultancy and advisory services; vehicle rental; truck rental

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

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.

Response Guidelines

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

The term "TMEP" refers to the USPTO's [Trademark Manual of Examining Procedure](#), a manual written by USPTO trademark attorneys that explains the laws and procedures applicable to the trademark application, registration, and post-registration processes. The USPTO updates the TMEP periodically to reflect changes in law, policy, and procedure.

An applicant may check the status of or view documents filed in an application or registration using the [Trademark Status and Document Retrieval \(TSDR\)](#) system. Enter the application serial number or registration number and click on "Status" or "Documents."

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.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although the trademark examining attorney cannot provide legal advice or statements about applicant's rights, the trademark examining attorney can provide applicant with additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06. Although the USPTO does not accept emails as responses to Office actions, emails can be used for informal communications and will be included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

Please note that informal email communication with the Office is not confidential and will be made part of the public record. TMEP §709.04.


How to respond. [Click to file a response to this nonfinal Office action.](#)


/Dannean J Hetzel/
Examining Attorney
Law Office 106

dannean.hetzel@uspto.gov
571-272-8858

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, find [contact information for the supervisor](#) of the office or unit listed in the signature block.


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business noun, often attributive


 Save Word

busi-ness | \ 'biz-nəs , -nəz, Southern also 'bid-  \

Definition of *business*

- 1
 - a : a usually commercial or mercantile activity engaged in as a means of livelihood : TRADE, LINE
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↓ **Choose the Right Synonym**

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Synonyms for *business*

Synonyms

custom, patronage

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Choose the Right Synonym for *business*

BUSINESS, COMMERCE, TRADE, INDUSTRY, TRAFFIC mean activity concerned with the supplying and distribution of commodities. BUSINESS may be an inclusive term but specifically designates the activities of those engaged in the purchase or sale of commodities or in related financial transactions. COMMERCE and TRADE imply the exchange and transportation of commodities. INDUSTRY applies to the producing of commodities, especially by manufacturing or processing, usually on a large scale. TRAFFIC applies to the operation and functioning of public carriers of goods and persons.

synonyms see in addition work

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[See More](#) 

First Known Use of *business*

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