

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86468054
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (current)	
MARK FILE NAME	http://tsdr.uspto.gov/img/86468054/large
LITERAL ELEMENT	VETERINARY STRENGTH LINIMENT DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	The color(s) red yellow black grey white is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of Wording" Veterinary Strength Liniment Draw It Out" above a diamond encompassing the state of Texas with three (3) Running Horses across the center. The bottom to sides of diamond read "Anti-Inflammatory" & "Fast Pain Relief".
MARK SECTION (proposed)	
MARK FILE NAME	\\TICRS\EXPORT16\IMAGEOUT_16\864\680\86468054\xml5\ ROA0002.JPG
LITERAL ELEMENT	DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) white, black, red, and yellow is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the wording DRAW IT OUT in red with black shadow and a white border placed in front of the top corner of a gray diamond with a black border. A white diamond appears in each of the left, right and bottom corners of the black border. The wording ANTI-INFLAMMATORY appears in white in the bottom left-hand border and the wording FAST PAIN RELIEF appears in white in the bottom right-hand border. Encompassed within the gray diamond is a yellow map of the State of Texas with a black and white border behind three black horses outlined in white.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 704
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain	
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 10/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2014
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	005
TRACKED TEXT DESCRIPTION	
Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain; Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain for veterinary purposes	
FINAL DESCRIPTION	
Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain for veterinary purposes	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2014
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2014
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\864\680\86468054\xml5\ ROA0003.JPG
SPECIMEN DESCRIPTION	product label
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use ANTI-INFLAMMATORY, FAST PAIN RELIEF and the pictorial representation of the State of Texas apart from the mark as shown.
NEW ATTORNEY SECTION	
NAME	Christopher J. Day
FIRM NAME	Law Office of Christopher Day
STREET	9977 North 90th Street, Suite 155
CITY	Scottsdale
STATE	Arizona
ZIP/POSTAL CODE	85258
COUNTRY	United States
PHONE	602-258-4440
FAX	602-258-4441
EMAIL	chris@daylawfirm.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
	SELECT EQUINE MERCANTILE SELECT EQUINE MERCANTILE

ORIGINAL ADDRESS	7 798 SANDLIN LN SPRINGTOWN Texas (TX) US 76082
NEW CORRESPONDENCE SECTION	
NAME	Christopher J. Day
FIRM NAME	Law Office of Christopher Day
STREET	9977 North 90th Street, Suite 155
CITY	Scottsdale
STATE	Arizona
ZIP/POSTAL CODE	85258
COUNTRY	United States
PHONE	602-258-4440
FAX	602-258-4441
EMAIL	chris@daylawfirm.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
ORIGINAL PDF FILE	HS_1747960152-122607703_ . ENT DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF_signature.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\864\680\86468054.xml5\ROA0004.JPG
SIGNATORY'S NAME	Jon Conklin
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	n/a
RESPONSE SIGNATURE	/Christopher J. Day/
SIGNATORY'S NAME	Christopher J. Day
SIGNATORY'S POSITION	Attorney of record, Arizona bar member
SIGNATORY'S PHONE NUMBER	602-258-4440
DATE SIGNED	04/10/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 10 13:58:46 EDT 2015
TEAS STAMP	USPTO/ROA-XXX.XX.XX.XXX-2 0150410135846358131-86468 054-530f7703db20662cee525 3492967b42922ff3c6df744a5 acf848987e543a8c6-N/A-N/A -20150410135749312829

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86468054** VETERINARY STRENGTH LINIMENT DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF (Stylized and/or with Design, see <http://tsdr.uspto.gov/img/86468054/large>) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: VETERINARY STRENGTH LINIMENT DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF (Stylized and/or with Design, see <http://tsdr.uspto.gov/img/86468054/large>)

Proposed: DRAW IT OUT ANTI-INFLAMMATORY FAST PAIN RELIEF (Stylized and/or with Design, see [mark](#))

The color(s) white, black, red, and yellow is/are claimed as a feature of the mark.

The mark consists of the wording DRAW IT OUT in red with black shadow and a white border placed in front of the top corner of a gray diamond with a black border. A white diamond appears in each of the left, right and bottom corners of the black border. The wording ANTI-INFLAMMATORY appears in white in the bottom left-hand border and the wording FAST PAIN RELIEF appears in white in the bottom right-hand border. Encompassed within the gray diamond is a yellow map of the State of Texas with a black and white border behind three black horses outlined in white.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain
Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2014 and first used in commerce at least as early as 10/01/2014 , and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain;~~
[Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain for veterinary purposes](#)

Class 005 for Herbal topical creams, gels, salves, sprays, powder, balms, liniment and ointments for the relief of aches and pain for veterinary purposes

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2014 and first used in commerce at least as early as 10/01/2014 , and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 005 . The specimen(s) submitted consists of product label .

"**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application**" [for an application based on Section 1(a), Use in Commerce] OR "**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use**" [for an application based on Section 1(b) Intent-to-Use]. OR "**The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use**" [for an illegible specimen]. [Specimen File1](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Christopher J. Day of Law Office of Christopher Day, having an address of
9977 North 90th Street, Suite 155 Scottsdale, Arizona 85258

United States

chris@daylawfirm.com

602-258-4440

602-258-4441

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

SELECT EQUINE MERCANTILE

SELECT EQUINE MERCANTILE
7
798 SANDLIN LN
SPRINGTOWN
Texas (TX)
US
76082

Proposed:

Christopher J. Day of Law Office of Christopher Day, having an address of
9977 North 90th Street, Suite 155 Scottsdale, Arizona 85258
United States
chris@daylawfirm.com
602-258-4440
602-258-4441

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use ANTI-INFLAMMATORY, FAST PAIN RELIEF and the pictorial representation of the State of Texas apart from the mark as shown.

SIGNATURE(S)

Declaration Signature

Original PDF file:

[HS_1747960152-122607703 . ENT_DRAW_IT_OUT_ANTI-INFLAMMATORY_FAST_PAIN_RELIEF_signature.pdf](#)

Converted PDF file(s) (1 page)

[Signature File1](#)

Signatory's Name: Jon Conklin
Signatory's Position: Owner
Signatory's Phone Number: n/a

Response Signature

Signature: /Christopher J. Day/ Date: 04/10/2015
Signatory's Name: Christopher J. Day
Signatory's Position: Attorney of record, Arizona bar member

Signatory's Phone Number: 602-258-4440

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Christopher J. Day
Law Office of Christopher Day
9977 North 90th Street, Suite 155
Scottsdale, Arizona 85258

Serial Number: 86468054
Internet Transmission Date: Fri Apr 10 13:58:46 EDT 2015
TEAS Stamp: USPTO/ROA-XXX.XX.XX.XXX-2015041013584635
8131-86468054-530f7703db20662cee52534929
67b42922ff3c6df744a5acf848987e543a8c6-N/
A-N/A-20150410135749312829

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