

Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88147115
LAW OFFICE ASSIGNED	LAW OFFICE 106
DATE OF NOTICE OF ABANDONMENT	04/01/2020
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/88147115/large
LITERAL ELEMENT	INSPA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	CMH Partners LLC
STREET	973 Nakata Ave NW
CITY	Bainbridge Island
STATE	Washington
ZIP/POSTAL CODE	98110
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
OWNER SECTION (proposed)	
NAME	CMH Partners LLC
DBA/AKA/TA/Formerly	DBA INSPA
STREET	973 Nakata Ave NW
CITY	Bainbridge Island
STATE	Washington
ZIP/POSTAL CODE	98110
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
ARGUMENT(S)	

Ms. Richards,

I am responding to your office action, issued on September 18, 2019, refusing registration on a 2(d) basis due to the earlier-registered NSPA EVER YOUTHFUL mark, reg. no. 5,667,654 (the "NSPA mark"). I respectfully request that you lift your objection, as we assert that the goods and trade channels for the marks are dissimilar. Applicant's retail shops and claimed services are distinct from the goods described in the NSPA mark, in that the Registrant does not claim retail stores. The claimed goods of Registrant are limited to specific trade channels, namely that they are "sold through retail stores or online retail stores" as distinct from spas. As evidence that the products of Registrant are distinct from the shops and services of Applicant, and travel in separate trade channels, Applicant attaches an agreement between Applicant and Registrant describing the mutual understanding that the NSPA mark and Applicant's mark may coexist without confusion. Applicant and Registrant have agreed to take mutual action to avoid consumer confusion should it arise.

For the reasons given, Applicant requests that you lift your objection and allow the application to proceed to publication.

Sincerely,

Leigh F. Gill

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_9685134221-20200529200545860277_.os-InSpa-CMH_coexistence_agreement - Signed_InSpa_002_copy.pdf
CONVERTED PDF FILE(S) (8 pages)	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0002.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0007.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0008.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\881\471\88147115\xml2\POA0009.JPG

ATTORNEY INFORMATION (current)

NAME	Leigh F. Gill
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	IMMIX LAW GROUP PC
STREET	600 NW NAITO PKWY, SUITE G
CITY	PORTLAND
STATE	Oregon
POSTAL CODE	97209
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	leigh.gill@immixlaw.com

ATTORNEY INFORMATION (proposed)

NAME	Leigh F. Gill
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	IMMIX LAW GROUP PC

STREET	600 NW NAITO PKWY, SUITE G
CITY	PORTLAND
STATE	Oregon
POSTAL CODE	97209
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	leigh.gill@immixlaw.com
OTHER APPOINTED ATTORNEY	Dayna Christian
CORRESPONDENCE INFORMATION (current)	
NAME	LEIGH F. GILL
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	leigh.gill@immixlaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	ashley.lathrop@immixlaw.com; ipdocket@immixlaw.com
CORRESPONDENCE INFORMATION (proposed)	
NAME	Leigh F. Gill
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	leigh.gill@immixlaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	ipdocket@immixlaw.com
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
PETITION SIGNATURE	/Leigh F. Gill/
SIGNATORY'S NAME	Leigh F. Gill
SIGNATORY'S POSITION	Attorney of record
SIGNATORY'S PHONE NUMBER	503-802-5542
DATE SIGNED	05/29/2020
RESPONSE SIGNATURE	/Leigh F. Gill/
SIGNATORY'S NAME	Leigh F. Gill
SIGNATORY'S POSITION	Attorney of record
SIGNATORY'S PHONE NUMBER	503-802-5542
DATE SIGNED	05/29/2020
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 29 20:44:17 ET 2020
TEAS STAMP	USPTO/POA-XX.XX.XXX.XXX-2 0200529204417917675-88147 115-710359412125d0ff2618 e6179c07b1fdda2bbd9c944a8 9a9bb98a29065b75ec2-CC-44 166752-202005292005458602 77

Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action To the Commissioner for Trademarks:

Application serial no. **88147115** INSPA(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/88147115/large>) has been amended as follows:

PETITION

Petition Statement

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Ms. Richards,

I am responding to your office action, issued on September 18, 2019, refusing registration on a 2(d) basis due to the earlier-registered NSPA EVER YOUTHFUL mark, reg. no. 5,667,654 (the "NSPA mark"). I respectfully request that you lift your objection, as we assert that the goods and trade channels for the marks are dissimilar. Applicant's retail shops and claimed services are distinct from the goods described in the NSPA mark, in that the Registrant does not claim retail stores. The claimed goods of Registrant are limited to specific trade channels, namely that they are "sold through retail stores or online retail stores" as distinct from spas. As evidence that the products of Registrant are distinct from the shops and services of Applicant, and travel in separate trade channels, Applicant attaches an agreement between Applicant and Registrant describing the mutual understanding that the NSPA mark and Applicant's mark may coexist without confusion. Applicant and Registrant have agreed to take mutual action to avoid consumer confusion should it arise.

For the reasons given, Applicant requests that you lift your objection and allow the application to proceed to publication.

Sincerely,

Leigh F. Gill

EVIDENCE

Original PDF file:

[evi_9685134221-20200529200545860277_os-InSpa-CMH_coexistence_agreement - Signed InSpa_002_copy.pdf](#)

Converted PDF file(s) (8 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

OWNER AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: CMH Partners LLC, a limited liability company legally organized under the laws of Washington, having an address of
973 Nakata Ave NW
Bainbridge Island, Washington 98110
United States

Proposed: CMH Partners LLC, DBA INSPA, a limited liability company legally organized under the laws of Washington, having an address of
973 Nakata Ave NW
Bainbridge Island, Washington 98110

United States
Email Address: XXXX

The owner's/holder's current attorney information: Leigh F. Gill. Leigh F. Gill of IMMIX LAW GROUP PC, is located at

600 NW NAITO PKWY, SUITE G
PORTLAND, Oregon 97209
United States
The email address is leigh.gill@immixlaw.com

The owner's/holder's proposed attorney information: Leigh F. Gill. Other appointed attorneys are Dayna Christian. Leigh F. Gill of IMMIX LAW GROUP PC, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

600 NW NAITO PKWY, SUITE G
PORTLAND, Oregon 97209
United States
The email address is leigh.gill@immixlaw.com

Leigh F. Gill submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information (current):

LEIGH F. GILL
PRIMARY EMAIL FOR CORRESPONDENCE: leigh.gill@immixlaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ashley.lathrop@immixlaw.com; ipdocket@immixlaw.com

Correspondence Information (proposed):

Leigh F. Gill
PRIMARY EMAIL FOR CORRESPONDENCE: leigh.gill@immixlaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ipdocket@immixlaw.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Signature: /Leigh F. Gill/ Date: 05/29/2020
Signatory's Name: Leigh F. Gill
Signatory's Position: Attorney of record
Signatory's Phone Number: 503-802-5542

Response Signature

Signature: /Leigh F. Gill/ Date: 05/29/2020
Signatory's Name: Leigh F. Gill
Signatory's Position: Attorney of record

Signatory's Phone Number: 503-802-5542

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

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