

To: Hendry, Wendy L (wendyhendry@msn.com)
Subject: U.S. TRADEMARK APPLICATION NO. 88321920 - DRENCH - N/A
Sent: 6/7/2019 4:07:43 PM
Sent As: ECOM113@USPTO.GOV
Attachments:

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

U.S. APPLICATION
SERIAL NO. 88321920

MARK: DRENCH

88321920

CORRESPONDENT
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GENERAL TRADEMARK
INFORMATION:
<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Hendry,
Wendy L

CORRESPONDENT'S
REFERENCE/DOCKET
NO:
N/A

CORRESPONDENT E-
MAIL ADDRESS:

wendyhendry@msn.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: **6/7/2019**

INTRODUCTION

This Office action is in response to applicant's communication filed on May 23, 2019, where applicant:

- Provided substitute specimens

The trademark examining attorney has thoroughly reviewed applicant's response and has determined the following:

- Applicant did not provide arguments against the Section 2(d) refusal, and the refusal is **maintained and continued**
- Applicant's substitute specimens are unacceptable, and the specimen requirement is **maintained and continued**

Preliminary Response to Applicant's Response

Applicant submitted as a substitute specimen (1) a screen shot of a webpage referencing SCF DRENCH Certification Training, and (2) a page featuring the wording SCF DRENCH. Per applicant's May 23, 2019 e-mail to the examining attorney, applicant indicated her design to amend

First, changing the mark drawing to SCF DRENCH is not permissible because the change would materially alter the mark. An additional search would need to be conducted to incorporate SCF-formative marks. As a general rule, the addition of any element that would require a further search will constitute a material alteration. *In re Pierce Foods Corp.*, 230 USPQ 307, 308-09 (TTAB 1986); TMEP § 807.14.

Second, applicant's substitute specimen does not address the specimen issue. The problem with the initial specimen is that it did not show use of the mark with the identified services—personal fitness training services. Like the first specimen, the substitute specimen shows the mark use in connection with certification training.

However, applicant may not amend the identification to certification training because it is outside the scope of the original identification. Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. *See* TMEP §1402.07(e).

For these reasons, applicant's substitute specimen and attempted amended mark drawing are unacceptable.

Action Is Suspended

The trademark examining attorney is suspending action on the application for the reason stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing dates of the pending applications identified below precedes the filing date of applicant's application. If the marks in the referenced applications register, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with those registered marks. *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 applications are either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to these referenced applications was sent previously.

- Application Serial No(s). 87885826 87885843 88311084

REFUSAL(S)/REQUIREMENT(S) CONTINUED AND MAINTAINED: The following refusal(s)/requirement(s) is/are continued and maintained:

- Section 2(d) Refusal
- Specimen Requirement

No Response Required

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>.

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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.isn>.

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

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

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **6/7/2019** FOR U.S. APPLICATION SERIAL NO. 88321920

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.