

Title: GMERICA, and Why the End is Closer than you Think

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Disclaimer: This is a slightly modified version of a post I made to the BoBBY sub two days ago. I also posted an update post there but have just combined the two here. You can check out the thread and comments if you're interested.

8

23

2022

Ryan Cohen grunts with effort, trying to hold in his voice. It's not quite time yet, so he must be quiet. Real G's move in silence like lasagna, after all.

Another push. The veins on his neck pulse with the strain, and he recalls the last two years and the incredible journey it has been to arrive at this singular moment. Sweat rolls off his brow, and for a brief moment he feels as if the effort might overwhelm him.

"Push, Ryan! PUSH!" Millions scream in unison, elated, as they know they are witnessing something incredible, impossible, and yet inevitable.

To Ryan it feels as if time is being compressed, seconds stretching to eons, followed by a sudden clarity in which everything becomes utterly still.

Everything falls away.

The people are frozen and he can see every one of their faces in varied levels of rapturous joy. Celestial bodies remain unmoving, hanging in the void of space like sparkling jewels, all present to bear witness to this momentous occasion.

Ryan's phone pings with a new email, and as he reads the words in the header an almost spiritual wave of ecstasy and relief washes over him:

Notice of Allowance - GMERICA

Rejoice! Sing! For after incubating for just over a year, GMERICA is born!

...

So why do I think August 23rd, 2022 is going to be the birthday of the greatest company the world has ever seen?

To understand that, we need to take a look at something called the United States Patent and Trademark Office, or USPTO. The USPTO is the federal agency responsible for granting US patents and registering trademarks, so I believe understanding how the trademarking process works can give us an accurate timeline on exactly when GMERICA will have the green-light to go 'live', so to speak.

Before we begin, take a look at this chart:

[GMERICA Milestones](https://preview.redd.it/1mdp9gebe9j91.png?width=1280&format=png&auto=webp&s=67f352116783c9f1e88879bba7d0d219f0fe2021)

It's a somewhat simplified overview of the trademark application process GMERICA has been going through, but it fills in the necessary beats for our purposes, so let's sift through the information together.

8.23.2021

GameStop files an application to register the GMERICA trademark, setting a long and mostly boring bureaucratic process in motion. There is, however, a hidden gem in this application, which we'll go over in more detail later. Can you find the clue?

[I Spy...](https://preview.redd.it/wo1l12oee9j91.png?width=1456&format=png&auto=webp&s=876f6e5b9219bfee65d1c565b5104adeac66b9c8)

5.25.2022

The results of a comprehensive trademark search conducted by GameStop are published. According to Gerben Law, a trademark search is a necessary first step in obtaining approval for a new trademark and is defined as any action taken to determine whether a trademark is already used in commerce. This search also evaluates the likelihood of the proposed trademark obtaining a registration by examining marks already in use in the marketplace.

In layman's terms, when a new trademark application is filed, the filer must search a multitude of sources to determine whether the proposed trademark, or one similar to it, is already being used by someone else. If it is, the proposed trademark (in this case, GMERICA) is likely to be rejected.

6.8.2022

A Notice of Publication is released, confirming that the GMERICA trademark has fulfilled the initial filing requirements through the trademark search and application. The mark is scheduled to be published in the Trademark Official Gazette (TMOG).

6.28.2022

The GMERICA trademark is published to the Trademark Official Gazette. According to the USPTO, the TMOG is a bibliographic repository for current trademark applications. Once a trademark is published in the TMOG, a 30-day countdown begins, during which:

"Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue."

This 30-day period is the only time anyone can object to the trademark filing.

Luckily, or rather unsurprisingly, no objection was filed, allowing GMERICA to proceed to the next step, which brings us to our very special date (yes, dates!).

8.23.2022

Now, here's where things get a little speculative, but I'm fairly confident this is how things will shake out.

I believe Tuesday, August 23rd will be when GameStop receives a Notice of Allowance (NOA) for GMERICA, marking the birth of something incredible.

If you've been paying attention, however, I can already hear your protests. BUT HAKKUREDIT, the section you quoted says a NOA is issued ELEVEN weeks after publication, which would be 6.28.2022 >>> 9.18.2022!

Ordinarily, you'd be correct, but remember the clue I said was hidden in the original application?

This is going to make all the difference.

See, timelines for the trademark application process can differ based on something known as a filing basis. Currently, there are five different types of filing bases, which all have different purposes.

For the sake of brevity, we'll only talk about the filing basis GameStop used for GMERICA: Section 1(b)

According to the USPTO, Section 1(b) is for filers who, "have a bona fide intention to use your trademark in commerce with your goods and/or services in the near future." Here is an overview of the Section 1(b) timeline, as presented through the USPTO website:

[Section 1(b)](<https://preview.redd.it/lj22pllhe9j91.png?width=990&format;=png&auto;=webp&s;=fd776823827b080f932ab7739c0258f465b62a58>)

According to the timeline, the last step GameStop completed was 5a and, as there has been no opposition, are now simply waiting for step 8, issuance of the NOA. The USPTO website has this to say:

"USPTO issues Notice of Allowance (NOA). We issue a NOA (pronounced "noah") **within two months** after the trademark publishes in the Trademark Official Gazette. A NOA is not a registration, but means that your trademark made it through the 30-day opposition period and will be allowed to register after you timely file an acceptable Statement of Use (SOU)."

Ok. I don't know about you, but I don't really like the whole 'within two months' wording of this whole thing. There has to be a better way to narrow things down, and I think I've managed to, but I'll save that for the end.

The best part of this theory, though, is that it's easily provable. The USPTO website is updated regularly, so once the NOA is sent to GameStop it will be publicly viewable through the GMERICA trademark application page. I will be checking the application page this week until I see it updated with the Notice of Allowance.

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Great!

So uhhhh.. what exactly does this all mean, then?

As stated above, the Notice of Allowance does not mean the trademark is registered, but it does mean we are at a crucial point, as a NOA begins a 6-month countdown when GameStop has to put their money where their mouth is and show the world what GMERICA is about.

Not only does the NOA give GameStop the green light to release GMERICA goods and/or services, in fact it requires they do so, or risk losing the trademark.

Put simply, GameStop needs to prove they're using the GMERICA mark by submitting a Statement of Use (SOA) with enough proper evidence to convince the USPTO to allow the registration.

DO YOU KNOW WHAT THIS MEANS?

GMERICA T-SHIRTS

GMERICA SHOES

GMERICA HATS

GMERICA GAMES

GMERICA TOYS

GMERICA ON-LINE SERVICES

GMERICA MOTHERF*CKING CHRISTMAS TREE DECORATIONS (I'm not making this up; they could actually, legally do this)

Sure, GameStop has six months from the NOA to put out GMERICA goods, but is there any reason they would wait until the deadline to do so? Do you really think Ryan Cohen isn't chomping at the bit to show the world all the WORK he's been doing?

If the NOA is received when I think it's going to be, and all GameStop is waiting on right now is that go-ahead, then we could see GMERICA goods and services blowing up the market before the end of August.

...

Ok. I mentioned before how I wasn't really satisfied with the vague language associated with the timeline from the Gazette publication to the Notice of Allowance, and I checked the information provided directly by the USPTO but wasn't able to find any concrete answers. I then realized the best way to figure this out would be to check historical precedent. That is, how long has it typically taken for past trademarks with similar filing conditions to GMERICA to receive their Notice of Allowance (NOA)?

The parameters I chose were:

Filing Basis 1(b) (Intent to Use, or ITU)

Primary International Class 025 (clothing)

Number of Classes: Multiple

Perhaps most importantly, I only chose specific publication dates from the Trademark Official Gazette to index. If you recall, this is a catalogue that's released weekly (on Tuesdays) which showcases new trademarks and begins a 30-day period in which parties can oppose a trademark's registration.

Using these parameters pared the results down from the tens of thousands to just under 550 different trademarks that I considered worth checking out, and I'd love to say that I took the time to admire each and every one as I would my own child's fridge-worthy crayon creations, but sheeeit who has time for that? Not to mention this BABY called GMERICA is being born NOW so we don't have time to waste. We got no time, people! No time! Ryan's in LABOR!

I digress.

...

In the end, I took this list of companies and sampled a few dozen at random and LET ME TELL YOU something really cool: every single company I looked at received their NOA like CLOCKWORK.

Publication in Gazette on 6.14.2022 >>> receipt of NOA on 8.9.2022 (8 weeks)

Publication in Gazette on 6.21.2022 >>> receipt of NOA on 8.16.2022 (8 weeks)

Publication in Gazette on 6.28.2022 (the one GMERICA was in) >>> receipt of NOA on ?? 8.23.2022 ?? (8 weeks)

Without fail, every trademark application filer's Notice of Allowance went out on the Tuesday exactly eight weeks after the publication. There were no outliers, no NOAs being sent out on Mondays or Wednesdays or any other day, which leads me to believe they push these out in blocks.

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Now that that's out of the way, I'd like to address what is probably the most important question right now:

Why are you so fixated on the NOA and the date GameStop receives it, Hakkureddit?

Well, I'm fixated, obsessed you might say, because I've just now realized that Ryan Cohen himself was telling us about the NOA all along. Let me explain.

Ryan Cohen tweeted this image on April 4, 2022:

<https://preview.redd.it/9zlrmpqqe9j91.png?width=1079&format=png&auto=webp&s=3521705faa87309a74d15049ba8e09bd13a6adb5>

If you put this image into Google you'll come across this:

<https://preview.redd.it/5nrriksse9j91.png?width=1055&format=png&auto=webp&s=8b6fdb831514d15107b7011afb228614a9dcbfae>

Twenty week ultrasound scan of a healthy fetus.

A typical full-term pregnancy is about 40 weeks, which takes us from 4.4.2022 >>> 8.22.2022

Keep in mind, though, that we've just learned NOAs are released on Tuesdays, which would bring us to 8.23.2022

If you've been following the saga you might already know about this tweet and the tinfoil behind it, but

there was never really any concrete evidence on *why* this would all go down at the end of August. I think most people assumed the timing had to do with some master plan to crush shorts at just the right moment (FTD cycles, swap rollovers, etc.) but what if the answer is simpler? What if GameStop has just been waiting on the USPTO this whole time, waiting for this one little piece of paper from the government that says they can go ham?

So here we are.

The tweet told us the WHEN, but the NOA tells us the WHY.

Ryan Cohen and GameStop can't give birth until they sort out the paperwork! The NOA is the final, necessary piece and marks the BIRTH of GMERICA!

TL;DR – Happy Birthday GMERICA!! 8.23.2022