

**To:** Welles, James([1520630MBhTW2Kv6@relay.trademarkengine.com](mailto:1520630MBhTW2Kv6@relay.trademarkengine.com))  
**Subject:** U.S. Trademark Application Serial No. 97119538 - THE RANCHFINDER  
**Sent:** August 26, 2022 03:33:20 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[screenshot-www-merriam-webster-com-dictionary-finder-16613672126381](#)  
[screenshot-www-merriam-webster-com-dictionary-ranch-16613672504361](#)

**United States Patent and Trademark Office (USPTO)  
Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97119538

**Mark:** THE RANCHFINDER

**Correspondence Address:**

WELLES, JAMES  
10600 EAGLE ROCK AVE NE  
ALBUQUERQUE NM 87122 UNITED STATES

**Applicant:** Welles, James

**Reference/Docket No.** N/A

**Correspondence Email Address:** [1520630MBhTW2Kv6@relay.trademarkengine.com](mailto:1520630MBhTW2Kv6@relay.trademarkengine.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:** August 26, 2022

**Introduction**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a),

2.65(a); TMEP §§711, 718.03.

### **Summary of Issues**

- Search Results - No Conflicting Marks Found
- Section 2(e)(1) – Merely Descriptive Refusal
- Advisory regarding Amendment to the Supplemental Register After Filing an Amendment to Allege Use to Overcome Refusal
- Identification of Services – Amendment Required
- Advisory regarding Hiring a Trademark Attorney

### **Search Results - No Conflicting Marks Found**

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

### **Section 2(e)(1) – Merely Descriptive Refusal**

Registration is refused because the applied-for mark merely describes a characteristic or purpose of applicant's services, namely, that applicant is involved in **finding** farm and **ranch** real estate. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

Here, applicant has applied to register the mark THE RANCHFINDER for use in connection with "Farm and Ranch Real Estate Sales" in Class 36.

Here, the combination of "RANCH", meaning "a large farm for raising horses, beef cattle, or sheep", and "FINDER", meaning "one that finds", immediately conveys that applicant provides services to find large farms for others. See the attached definitions from Merriam Webster Dictionary and applicant's own identification. The addition of the word "THE" does not change the descriptive nature of the mark. Adding the term "the" to a descriptive or generic term generally does not add any source-indicating significance or otherwise affect the term's descriptiveness or genericness. *See, e.g., In re Consumer Prot. Firm PLLC*, 2021 USPQ2d 238, at \*18 (TTAB 2021) (holding THE CONSUMER PROTECTION FIRM generic for legal services; adding the definite article "the" did not affect the term's genericness); *In re Place Inc.*, 76 USPQ2d 1467, 1468 (TTAB 2005) (holding THE GREATEST BAR merely descriptive of restaurant and bar services; "the definite article THE . . . add[s] no source-indicating significance to the mark as a whole"); *Conde Nast Publ'ns Inc. v. Redbook Publ'g Co.*, 217 USPQ 356, 357, 360 (TTAB 1983) (holding THE MAGAZINE FOR YOUNG WOMEN a "common descriptive or 'generic' name of a class or type of magazine" and incapable of indicating source; "[t]he fact that the slogan also includes the article 'The' is insignificant. This word cannot serve as an indication of origin, even if applicant's magazine were the only magazine for young women.").

Generally, if the individual components of a mark retain their descriptive meaning in relation to the services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002)); TMEP §1209.03(d); *see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1255, 103 USPQ2d 1753, 1758 (Fed. Cir. 2012) (holding SNAP SIMPLY SAFER merely descriptive for various medical devices, such as hypodermic, aspiration, and injection needles and syringes); *In re Fallon*, 2020 USPQ2d 11249, at \*12 (TTAB 2020) (holding THERMAL MATRIX merely descriptive of a heat-responsive, malleable liner that is an integral component of an oral dental appliance).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the services is the combined mark registrable. *See In re Omniome, Inc.*, 2020 USPQ2d 3222, at \*4 (TTAB 2019) (citing *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983)); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's services and do not create a unique, incongruous, or nondescriptive meaning in relation to the services. Specifically, applicant's mark, THE RANCHFINDER, immediately conveys that applicant is in the business of providing services in the nature of finding ranches and farms for others.

Ultimately, when purchasers encounter applicant's services using the mark THE RANCHFINDER, they will immediately understand the mark as indicating a characteristic or purpose of the services, and not an indication that applicant is the source of the services. Therefore, the mark is merely descriptive, and registration is refused pursuant to Section 2(e)(1) of the Trademark Act.

**Advisory regarding Amendment to the Supplemental Register After Filing an Amendment to Allege Use to Overcome Refusal**

Although an amendment to the Supplemental Register would be an appropriate response to this refusal in an application based on Trademark Act Section 1(a) or 44, such a response is not appropriate in the present case. The instant application was filed under Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76 has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the application effective filing date will be the date applicant met the minimum filing requirements under 37 C.F.R. §2.76(c) for an amendment to allege use. TMEP §§816.02, 1102.03; *see* 37 C.F.R. §2.75(b). In addition, the undersigned trademark examining attorney will conduct a new search of the USPTO records for conflicting marks based on the later application filing date. TMEP §§206.01, 1102.03.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages to the registrant:

- (1) Use of the registration symbol ® with the registered mark in connection with the designated services, which provides public notice of the registration and potentially deters third parties from using confusingly similar marks.
- (2) Inclusion of the registered mark in the USPTO's database of registered and

pending marks, which will (a) make it easier for third parties to find it in trademark search reports, (b) provide public notice of the registration, and thus (c) potentially deter third parties from using confusingly similar marks.

(3) Use of the registration by a USPTO trademark examining attorney as a bar to registering confusingly similar marks in applications filed by third parties.

(4) Use of the registration as a basis to bring suit for trademark infringement in federal court, which, although more costly than state court, means judges with more trademark experience, often faster adjudications, and the opportunity to seek an injunction, actual damages, and attorneys' fees and costs.

(5) Use of the registration as a filing basis for a trademark application for registration in certain foreign countries, in accordance with international treaties.

*See* 15 U.S.C. §§1052(d), 1091, 1094; J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* §§19:33, 19:37 (rev. 4th ed. Supp. 2017).

### Response Options to Refusal

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal, applicant must also respond to the requirement set forth below.

### Identification of Services – Amendment Required

The wording "Sales" in the identification of services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.11. To be a registrable service, the activity must be primarily for the benefit of someone other than the applicant. *See In re Reichhold Chems., Inc.*, 167 USPQ 376, 377 (TTAB 1970). "Sales" or "selling" normally refers to selling one's own goods or services and is not a registrable service rendered for the benefit of others. *See* TMEP §§1301.01(a)(ii), 1402.11. Therefore, applicant must delete "sales" from the identification and indicate with greater specificity the nature of the service in International Class 36.

Applicant may substitute the following wording, if accurate: "Farm and ranch real estate **brokerage**".

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 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 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.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal and requirement in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

### **Advisory regarding Hiring a Trademark Attorney**

Because of the legal technicalities and strict deadlines of the trademark application process, applicant is encouraged to hire a private attorney who specializes in trademark matters to assist in this process. The assigned trademark examining attorney can provide only limited assistance explaining the content of an Office action and the application process. USPTO staff cannot provide legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. See [Hiring a U.S.-licensed trademark attorney](#) for more information.

**How to respond.** [Click to file a response to this nonfinal Office action.](#)

/Tristan Colyar/  
Tristan Colyar  
Trademark Examining Attorney  
Law Office 306  
(571) 270-3853  
tristan.colyar@uspto.gov

## **RESPONSE GUIDANCE**

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS 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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finder

[Dictionary](#)[Thesaurus](#)

# finder noun

[Save Word](#)

find-er | \ ˈfɪn-dər |

## Definition of *finder*

- 1 : one that finds
- 2 : a small astronomical telescope of low power and wide field attached to a larger telescope for finding an object
- 3 : VIEWFINDER



## Example Sentences

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WORD OF THE DAY

glitch

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Examples of *finder* in a Sentence

Recent Examples on the Web

// Luckily, there are a few simple methods for locating wall studs without a stud *finder*.  
— Kamron Sanders, *Better Homes & Gardens*, 3 Aug. 2022

// The Jackie O's website offers a beer *finder* at [find.jackieos.com](#).  
— Taylor Burnette, *The Enquirer*, 8 July 2022

// Then locate studs in that area by using a stud *finder*.  
— Jeanne Huber, *Washington Post*, 27 June 2022

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Phrases Containing *finder*

[range finder](#)      [direction finder](#)      [fact finder](#)

First Known Use of *finder*

14th century, in the meaning defined at [sense 1](#)

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gregarious

tetchy

superficial

TRUE or FALSE

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### Time Traveler for *finder*

 The first known use of *finder* was in the 14th century

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### Dictionary Entries Near *finder*

[find a way into/to someone's heart](#)

**finder**

[finder's fee](#)

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### Statistics for *finder*

**Last Updated**

14 Aug 2022

**Look-up Popularity**

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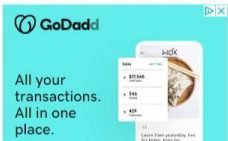
"Finder." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/finder>. Accessed 24 Aug. 2022.

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skyhut · 26 July, 2022

One who searches for property for others

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LynneParkerBechtold · 26 May, 2013

Jack Maggs.....a character is a "finder" and has access to meat..

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## More Definitions for *finder*

### finder noun

find-er

#### Legal Definition of *finder*

- 1 : one that finds  
// the *finder* of lost property has a right to it as against the world, except against the true owner  
— *McDonald v. Railway Express Agency*, 81 S.E.2d 525 (1954)
- 2 : one that for a fee discovers a financial opportunity, passes it on to another, and may act as a go-between for but does not participate in subsequent negotiations between the involved parties  
— compare *BROKER*



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WORDS AT PLAY



'Dunderhead' and Other  
'Nicer' Ways to Say  
Stupid



10 Words from Place  
Names



'Pride': The Word That  
Went From Vice to  
Strength



When Were Words First  
Used?



Literally  
How to use a word that  
(literally) drives some pe...



'All Intensive Purposes'  
or 'All Intents and  
Purposes'?  
We're intent on clearing it up



Lay vs. Lie  
Editor Emily Brewster  
clarifies the difference.



Hot Mess  
"The public is a hot mess"

WORD GAMES





### What Are You Wearing?

Roll up your sleeves and identify these garments

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### Name That Animal: Volume 2

Can you tell a meerkat from a wombat?

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ranch

X

Q

Dictionary

Thesaurus

**State Farm**  
Life insurance can be life-changing  
Call me

Stephanie Hernandez, Agent  
Alhambra, CA  
Get a quote



## ranch noun

Save Word

\ˈranch\

### Definition of *ranch* (Entry 1 of 2)

- 1 : a large farm for raising horses, beef cattle, or sheep
- 2 : a farm or area devoted to a particular specialty
- 3 : RANCH HOUSE

## ranch verb

ranch·ed; ranch·ing; ranches

### Definition of *ranch* (Entry 2 of 2)

*intransitive verb*

: to live or work on a ranch

*transitive verb*

- 1 : to work as a rancher on
- 2 : to raise on a ranch



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WORD OF THE DAY

glitch

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Synonyms: Noun  
estate, farm, farmstead, grange

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**Examples of *ranch* in a Sentence**  
Noun



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Slow

Swift

Unpredictable

Relentless



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// lives on a cattle *ranch* in Texas that's as big as the whole state of Rhode Island

**Verb**

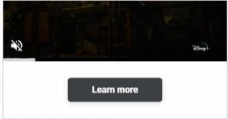
- // My grandfather started *ranching* here 150 years ago.
- // The family has *ranched* 10,000 acres here for the past 150 years.
- // The family has been *ranching* cattle here for 150 years.

**Recent Examples on the Web: Noun**

- // Alexander Gustafsson is an avid hunter, as is the recent UFC retiree Donald Cerrone, who regularly shoots at his BMF *ranch* in New Mexico.  
— Brian Roberts, *Forbes*, 17 Aug. 2022
- // Mandy Moore and Taylor Goldsmith move into their new home After a year-long remodel, Moore and Goldsmith were finally able to move into their retro *ranch* in California at the beginning of 2018.  
— Catherine Santino, *Peplemag*, 15 Aug. 2022
- // Her co-star Theo Rossi would add more donkeys and goats to his *ranch*.  
— Angie Orellana Hernandez, *USA TODAY*, 14 Aug. 2022

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**Phrases Containing *ranch***

- [dude ranch](#)
- [raised ranch](#)
- [ranch dressing](#)
- [ranch house](#)

**First Known Use of *ranch***

**Noun**

1831, in the meaning defined at [sense 1](#)

**Verb**

1851, in the meaning defined at [transitive sense 2](#)

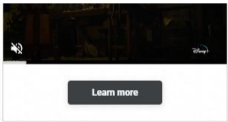




History and Etymology for *ranch*

Noun

Mexican Spanish *rancho* small ranch, from Spanish, camp, hut & Spanish dialect, small farm, from Old Spanish *ranchearse* to take up quarters, from Middle French *se ranger* to take up a position, from *ranger* to set in a row — more at [RANGE](#)



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Time Traveler for *ranch*

**7** The first known use of *ranch* was in 1831

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[ranch dressing](#)

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- TammyMontgomery · 7 October, 2014

This is the definition of "Ranch" so many people refer to a ranch when in reality its a very small farmette !!!

Reply · Share
- DanLevine · 10 September, 2012

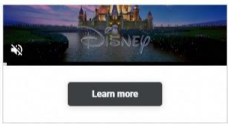
Hahahahaha

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- DanLevine · 10 September, 2012

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## More Definitions for *ranch*

### **ranch** noun

\ ˈranch \

#### Kids Definition of *ranch* (Entry 1 of 2)

- 1** : a large farm for the raising of livestock (as cattle)
- 2** : a farm devoted to a special crop

#### More from Merriam-Webster on *ranch*

Nglish: Translation of *ranch* for Spanish Speakers

Britannica English: Translation of *ranch* for Arabic Speakers

Britannica.com: Encyclopedia article about *ranch*

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#### WORDS AT PLAY



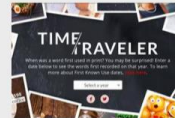
'Dunderhead' and Other  
'Nicer' Ways to Say



10 Words from Place  
Names



'Pride': The Word That  
Went From Vice to



When Were Words First  
Used?

### Stupid

As illustrated by some very smart pups

Bikini, bourbon, and badminton were places first

### Strength

Do you take pride in Pride?

Look up any year to find out



#### Literally

How to use a word that (literally) drives some pe...



#### 'All Intensive Purposes' or 'All Intents and Purposes'?

We're intent on clearing it up



#### Lay vs. Lie

Editor Emily Brewster clarifies the difference.



#### Hot Mess

"The public is a hot mess"

### WORD GAMES



#### What Are You Wearing?

Roll up your sleeves and identify these garments

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#### Name That Animal: Volume 2

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Be Your Adventure Camp



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### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 26, 2022 for  
**U.S. Trademark Application Serial No. 97119538**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### 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](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.