

To: Andrew S. Rapacke(andy@arapackelaw.com)
Subject: U.S. Trademark Application Serial No. 97118896 - MOMENTUM
Sent: August 28, 2022 07:51:15 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[RN 3712416--MOMENTUM SCM--Class 35 Advertising](#)
[RN 5521261 MOMENTUM SCM--Class 36 Insurance](#)
[RN 5355947 MOMENTUM & Design--Class 36 Private equity](#)
[RN 6329832--MOMENTUM FINANCIAL--Class 36](#)
[PP 97056754](#)
[X-search evidence for RN 5521261](#)
[X-search evidence for RN 5521261](#)
[X-search evidence for RN 5521261](#)
[X-search evidence for RN 5355947](#)

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

U.S. Application Serial No. 97118896

Mark: MOMENTUM

Correspondence Address:

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Applicant: Price, Jason Benjamin

Reference/Docket No. N/A

Correspondence Email Address: andy@arapackelaw.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 28, 2022

The referenced application has been reviewed by the assigned trademark examining attorney.

Applicant must respond timely and completely to the issue(s) below to enable further prosecution of the application. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3712416, 5521261, 5355947, and 6329832. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

General Principles

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant(s). *See* 15 U.S.C. §1052(d). Determining likelihood of confusion is made on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). However, “[n]ot all of the [*du Pont*] factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1366, 101 USPQ2d 1713, 1719 (Fed. Cir. 2012) (quoting *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010)).

The USPTO may focus its analysis “on dispositive factors, such as similarity of the marks and relatedness of the goods [and/or services].” *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *see* TMEP §1207.01.

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

When comparing marks, “[t]he proper test is not a side-by-side comparison of the marks, but instead ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that [consumers] who encounter the marks would be likely to assume a connection between the parties.” *In re U.S. Warriors Ice Hockey Program, Inc.*, 122 USPQ2d 1790, 1795 (TTAB 2017) (citing *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who

retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (citing *Spoons Rests, Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); TMEP §1207.01(b).

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Comparison of the Marks

The registrants' marks in the order identified above, i.e. RNs 3712416, 5521261, 5355947, and 6329832 are as follows: MOMENTUM in standard characters, MOMENTUM in standard characters, a stylized word MOMENTUM with a design of several dots preceding the wording, and MOMENTUM FINANCIAL in standard characters.

Applicant's mark in this case is MOMENTUM in standard characters.

Thus, in this case, the marks create substantially similar commercial impressions because each comprises the distinctive wording MOMENTUM. The marks evoke the same commercial impression of force moving forward.

Here, the shared term MOMENTUM appears first. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because "consumers must first notice th[e] identical lead word"); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first"). In other words, the term MOMENTUM dominates the marks.

Applicant's mark as well as those in RNs 3712416, 5521261 and 6329832 are also in standard characters. A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterro Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally

will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterro Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”). All of these marks can visually be depicted in the same font or stylization, making them alike or similar in appearance.

RN 6329832's mark has the addition of the wording FINANCIAL, but such wording is descriptive and is a disclaimable element. And although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant when comparing marks. *In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). In other words, this term is less dominant in the analysis of confusion because consumers would simply understand the term to refer to the type of services.

RN 5355947 mark includes a design of some dots, but it is well settled that when evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Aquitaine Wine USA, LLC*, 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterro Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)). That is, when consumers refer to the mark, they would likely use the literal term MOMENTUM rather than the design.

Thus as stated above, the marks comprise the dominant, non-disclaimed wording MOMENTUM. They would be considered similar within the meaning of Section 2(d) of the Trademark Act because of the similarity in appearance and commercial impression.

Comparison of the services

Applicant's services are currently broadly identified to include advertising, marketing and a host of financial as well as insurance related services. They are specifically as follows:

International Class 035: Advertising services; Marketing services

International Class 036: Financial investment brokerage; Financial investment brokerage services; Insurance brokerage services; Insurance and financial information and consultancy services; Real estate brokerage; Financial customs brokerage services; Insurance brokerage; Investment brokerage

The services in RN 3712416 in relevant part is: Class 035: Advertisement services, namely, preparing and placing advertisements for others in the fields of mountaineering, hiking, climbing, and apparel

Clearly, both parties place ads for others. While registrant's services are limited to a particular field,

applicant's services are not. In this case, the application use(s) broad wording to describe the goods/services, which presumably encompasses all goods and/or services of the type described, including registrant(s)'s more narrow identification. *See, e.g., In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's services are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Similarly, in the cases of RNs 5521261, 5355947, and 6329832, the services clearly are related to applicant's services as shown by the bolding below.

The services in RN 5521261 are: Insurance services, namely, writing property and casualty insurance; Design and development of insurance policies for others

Applicant's specific conflicting services are " Insurance brokerage services and Insurance and financial information and consultancy services." Again, the information and consultancy services would intersect the development services as they are all within the field of insurance.

The trademark examining attorney has also attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the services listed therein are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

The services in RN 5355947 are: Class 36: Private equity consultant services; Private equity fund investment services

Again, the services are conflicting because while registrant's services are limited to private equity, applicant's consultation and investment services are broadly identified and can include private equity as a field.

Again, the trademark examining attorney has also attached evidence from the USPTO's X-Search database showing third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the services listed therein are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

Finally, the services in RN 6329832 are: Class 36: Financial planning, investment advisory services,

and life and long term care insurance consultation services, all provided to individuals

In this case, the registration includes broad terms including "Financial planning, investment advisory services, and life and long term care insurance consultation services." Applicant's information and consultation services as well as its brokerage services are related to the financial planning services as they are all financial in nature. Given that the marks are identical, the likelihood of confusion would increase.

Determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

Additionally, the goods and/or services of the parties in some instances have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant's and registrant's goods and/or services are related.

Thus, applicant's and registrants' services are related within the meaning of Section 2(d) of the Trademark Act.

In sum, the crucial factors supporting the finding of confusion exist here. The factors are that the parties' services bear similar marks and that these services are the types that are offered by the same entities to the same consumers in the same channel of trade. These factors give rise to the consumers' likelihood of confusion as to the source of the services.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Prior pending

The filing date(s) of pending U.S. Application Serial No(s). 97056754 precede(s) applicant's filing date. See attached referenced application(s). If the mark(s) in the referenced application register(s), applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application(s).

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application(s). Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Requirement

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification of services

The **bolded** portion(s) of the identification of services is unacceptable and must be **deleted** because they appear to be duplicative. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may adopt any or all of the suggestions so long as they are accurate. If applicant does not adopt a suggestion, then applicant must amend the identification so that it is as specific as the suggestions or the language found in the U.S. Acceptable Identification of Goods and Services Manual.

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.

The current identification of services is:

International Class 035: Advertising services; Marketing services--acceptable as filed.

International Class 036: Financial investment brokerage; ~~Financial investment brokerage services~~; Insurance brokerage services; Insurance and financial information and consultancy services; Real estate brokerage; Financial customs brokerage services; ~~Insurance brokerage~~; Investment brokerage

Applicant's services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

Response guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of

issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

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

/K. Margaret Le/
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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.

(4) STANDARD CHARACTER MARK

MOMENTUM

Mark Punctuated
MOMENTUM

Translation

Goods/Services

- IC 035. US 100 101 102.G & S: Advertisement services, namely, preparing and placing advertisements for others in the fields of mountaineering, hiking, climbing, and apparel. FIRST USE: 20061001. FIRST USE IN COMMERCE: 20061001
- IC 039. US 100 105.G & S: Tour guide services. FIRST USE: 20061001. FIRST USE IN COMMERCE: 20061001
- IC 041. US 100 101 107.G & S: Rental and leasing of sporting equipment, namely, mountaineering, hiking and climbing equipment and supplies; educational services, namely, conducting classes in the fields of mountaineering, hiking, and climbing, and the distribution of course material in connection therewith; mountaineering, hiking, and climbing instruction; distribution of instructional, entertainment, and educational films, and television and radio shows all in the fields of mountaineering, hiking and climbing; providing a website for the distribution of instructional, entertainment, and educational media in the fields of mountaineering, hiking and climbing. FIRST USE: 20061001. FIRST USE IN COMMERCE: 20061001
- IC 042. US 100 101.G & S: Computer services, namely, creating and maintaining an online website for the distribution of instructional, entertainment, and educational media in the fields of mountaineering, hiking and climbing. FIRST USE: 20061001. FIRST USE IN COMMERCE: 20061001

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Design Code

Serial Number
77040001

Filing Date
20061108

Current Filing Basis
1A

Original Filing Basis
1B

Publication for Opposition Date
20080527

Registration Number
3712416

Date Registered

20091117

Owner

(REGISTRANT) Momentum, LLC LIMITED LIABILITY COMPANY UTAH 220 West 10600 South Sandy
UTAH 84070

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

michael beck

(4) STANDARD CHARACTER MARK

Momentum

Mark Punctuated
MOMENTUM

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: Insurance services, namely, writing property and casualty insurance; Design and development of insurance policies for others. FIRST USE: 20180201. FIRST USE IN COMMERCE: 20180201

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Design Code

Serial Number
87682824

Filing Date
20171113

Current Filing Basis
1A

Original Filing Basis
1B

Publication for Opposition Date
20180130

Registration Number
5521261

Date Registered
20180717

Owner
(REGISTRANT) NAS Insurance Services, LLC LIMITED LIABILITY COMPANY CALIFORNIA 16501 Ventura Blvd, Suite 200 Encino CALIFORNIA 91436 (LAST LISTED OWNER) HCC INSURANCE HOLDINGS, INC. CORPORATION DELAWARE 13403 NORTHWEST FREEWAY HOUSTON TEXAS 77049

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
James F. Struthers

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated
MOMENTUM

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: Private equity consultant services; Private equity fund investment services. FIRST USE: 20091101. FIRST USE IN COMMERCE: 20091101

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

260121 260130

Serial Number

87085551

Filing Date

20160627

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20161129

Registration Number

5355947

Date Registered

20171212

Owner

(REGISTRANT) Momentum Real Estate Partners, LLC LIMITED LIABILITY COMPANY FLORIDA 701 Brickell Ave, Suite 1400 Miami FLORIDA 33131

Priority Date

Disclaimer Statement

Description of Mark

Color is not claimed as a feature of the mark. The mark consists of the word "MOMENTUM" with 4 circles increasing in size from left to right

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Lisa M. Martens

(4) STANDARD CHARACTER MARK

Momentum Financial

Mark Punctuated

MOMENTUM FINANCIAL

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: Financial planning, investment advisory services, and life and long term care insurance consultation services, all provided to individuals. FIRST USE: 20191005. FIRST USE IN COMMERCE: 20191030

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

88706752

Filing Date

20191126

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20201110

Registration Number

6329832

Date Registered

20210420

Owner

(REGISTRANT) Momentum Financial LIMITED LIABILITY COMPANY MICHIGAN Suite 200 4500
Cascade Rd. SE Grand Rapids MICHIGAN 49546

Priority Date

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCIAL" APART FROM THE MARK
AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
Karl T. Ondersma

(4) STANDARD CHARACTER MARK

MOMENTUM FINANCIAL SERVICES

Mark Punctuated

MOMENTUM FINANCIAL SERVICES

Translation

Goods/Services

- IC 009. US 021 023 026 036 038.G & S: Downloadable computer software in the nature of a mobile application for money lending, cash advances, money exchange, cash transactions, check cashing, and sending and distributing cash advance payments; downloadable software in the nature of a mobile application for money financing services, namely, loan origination processing, loan preparation, money exchange, foreign currency exchange, and money transfer services; downloadable computer software in the nature of a mobile application for providing automated and customized personal financial management, namely, customized management of personal financial accounts, monitoring of transactions and account balances, monitoring of future transactions based on algorithmic prediction, pay check advances presentment and payment services; downloadable computer software in the nature of a mobile application for accessing, viewing and managing checking accounts, credit card accounts and savings accounts, paying bills, conducting financial transactions and transferring money; downloadable software allowing users to search, identify, and redeem loyalty reward offers; downloadable software for family financial management, namely, to facilitate financial control, auditing, and to allow communication between users; downloadable software for processing electronic funds transfers and payments made via credit card, debit card, and electronic check; downloadable software to facilitate electronic, mobile and online payments; magnetically encoded debit cards and credit cards
- IC 035. US 100 101 102.G & S: Monitoring of consumer credit reports and providing an alert as to any changes therein for business purposes; financial intermediary services, namely, facilitating the channeling of funds between lenders and borrowers by connecting those with a financial surplus with those having a financial deficit; business advice and business information relating to finance, loans, and credit monitoring; consultancy services regarding business succession, transition, and termination strategies; business administration of user loyalty programs featuring discounts and rebates for the services of others; providing incentive award programs through issuance and processing of points for the purchase of goods and services of others; promoting the sale of goods of others through electronic promotions and discounts; administration of consumer loyalty programs
- IC 036. US 100 101 102.G & S: Loan financing; loan origination and financing services for a wide array of loans, namely, consumer, personal, deferred presentment, payday advance, early pay, cash advance, installment, credit card, commercial, and guarantor loans; providing check cashing, check verification and check processing services; providing first party and third party debt collection services; providing money and currency transfer services; providing money transfer services, namely, remittance services; payment transaction processing services, namely, bill payments services, money order services, money wire transfer services, electronic funds transfer services, and currency transactions in the nature of currency exchange and foreign exchange trading services; exchanging money and providing foreign currency exchange services; issue tokens of value; issuing pre-paid debit cards; debit account services featuring a computer readable card; financial services, namely, electronic remote check deposit services; loyalty

program payment processing services; providing online financial information and advice in the field of financial literacy to consumers regarding payday lender selection, financial glossary reference, check writing guides, and fraud and identity theft; credit-building services; banking services; online banking services; online banking services accessible by means of downloadable mobile applications; telephone calling card services; electronic loan origination services; electronic loan preparation services; financing and loan services; financial services, namely, money lending provided over a computer network such as the Internet; credit card and debit card services; consumer credit consultation; consumer lending services; financial advice for consumers and small business; on-line financial planning services for consumers and small businesses; financial planning and advisory services; financial management; financial analysis; financial analysis and research services; financial asset management; financial planning for retirement; financial counseling services; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; financial advice, namely, budget planning for consumers and small businesses; financial planning, namely, the creation of personalized strategies to achieve financial independence for consumers and small businesses; financial services, namely, microfinance lending services; providing financial assistance for rent and utilities, food, travel, prescription cost and other necessities of life; loan comparison and originating services, namely, proving loan financing, personal loans, peer-to-peer loans, lending products that match investors with borrowers, student loans, credit cards payment processing services, credit card refinancing, personal and small business financial management services; providing information, news, opinions and advice in the fields of banking, financial management, personal budgeting and household budgeting, consumer spending, saving, financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media

- IC 042. US 100 101.G & S: Providing temporary use of on-line non-downloadable software and applications for money lending, cash advances, money exchange, cash transactions, check cashing, and sending and distributing cash advance payments; providing temporary use of on-line non-downloadable software and applications for money financing services, namely, loan origination processing, loan preparation, money exchange, foreign currency exchange, and money transfer services; software as a service (SAAS) allowing users to search, identify, and redeem loyalty reward offers; software as a service (SAAS) for accessing, viewing and managing checking accounts, credit card accounts and savings accounts, paying bills, conducting financial transactions and transferring money; software as a service (SAAS) for family financial management, namely, to facilitate financial control, auditing, and to allow communication between users; software as a service (SAAS) for processing electronic funds transfers and payments made via credit card, debit card, and electronic check; software as a service (SAAS) to facilitate electronic, mobile and online payments; software as a service (SAAS) services featuring software for automated and customized personal financial management of personal financial accounts, monitoring of transactions and account balances, budget and spending reporting and bill presentment and payment; computer services, namely, remote management of information technology (IT) systems of others comprised of providing automated and customized personal financial management via software on the web and/or via a downloadable application on mobile devices, namely, customized management of personal financial accounts, monitoring of transactions and account balances, monitoring of future transactions based on algorithmic prediction, pay check advances presentment and payment services; design and development of computer software for providing automated and customized personal financial management via software on the web and/or via a downloadable application on mobile devices, namely, customized management of personal financial accounts, monitoring of transactions and account balances, monitoring of future transactions based on algorithmic prediction, pay check advances presentment and payment services; providing technology information in the field of providing automated and customized

personal financial management via software on the web and/or via a downloadable application on mobile devices, namely, customized management of personal financial accounts, monitoring of transactions and account balances, monitoring of future transactions based on algorithmic prediction, pay check advances presentment and payment services; computer programming services, namely, providing automated and customized personal financial management via software on the web and/or via a downloadable application on mobile devices, namely, customized management of personal financial accounts, monitoring of transactions and account balances, monitoring of future transactions based on algorithmic prediction, pay check advances presentment and payment services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

97056754

Filing Date

20211001

Current Filing Basis

1B

Original Filing Basis

1B

Publication for Opposition Date**Registration Number****Date Registered****Owner**

(APPLICANT) Dollar Financial Group, Inc. CORPORATION NEW YORK 74 E. Swedesford Road, Suite 150
Malvern PENNSYLVANIA 19355

Priority Date**Disclaimer Statement****Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Bassam N. Ibrahim

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated

GREENWRAP INSURANCE SOLUTIONS

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: Insurance services, namely, **writing insurance** covering commercial general liability, product liability, professional liability, data breach liability, internet liability, pollution liability, workers compensation and employer's liability and liability of directors, officers and employees for employment practices and criminal acts; wholesale insurance agency services; insurance agencies; **insurance brokerage; insurance brokerage** services; insurance services, namely, writing property and casualty insurance; insurance services, namely, writing liability insurance for businesses; development of insurance policies for businesses; development of insurance policies for others; insurance information; providing information in insurance matters; insurance consultancy services, namely, providing advice in the field of commercial business insurance and insurance products and programs for businesses; insurance agency services including selling property and casualty insurance policies to businesses; insurance agency services including selling liability insurance to businesses and selling product liability insurance to businesses; insurance services, namely, insurance agency services including selling insurance to businesses; insurance agency services including selling insurance wholesale to independent brokers and agents; underwriting liability insurance for businesses; underwriting all types of insurance for independent insurance brokers and insurance agents; insurance agency services including selling all types of insurance to businesses. FIRST USE: 20200131. FIRST USE IN COMMERCE: 20200131

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

010701 050325 090104

Serial Number

90337213

Filing Date

20201123

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20210713

Registration Number

6497762

Date Registered

20210928

Owner

(REGISTRANT) CVM Global, LLC LIMITED LIABILITY COMPANY FLORIDA 9564 NW 52nd Court
Coral Cables FLORIDA 33076

Priority Date**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSURANCE SOLUTIONS" APART
FROM THE MARK AS SHOWN

Description of Mark

The color(s) white, green, bronze and gray is/are claimed as a feature of the mark. The mark consists of a globe sitting on top of a stake having a pointed end, leaves partially located behind the globe and radially extending outward, two ribbons wrapped around the stake, the words "GREENWRAP" positioned on the right side of the globe, stake, leaves and ribbon, and the words "INSURANCE SOLUTIONS" positioned beneath the words "GREENWRAP". The globe appears in the colors white and bronze, the stake appears in the color bronze, the leaves and ribbon appear in the color green, the letters "GREEN" appear in the color green, the letters "WRAP" appear in the color bronze and the words "INSURANCE SOLUTIONS" appear in the color gray.

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Raymond A. Nuzzo

Print: Sun Aug 28 2022

73651836

(1) TYPED DRAWING

THE OPTIMUM

Mark Punctuated

THE OPTIMUM

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: [PROPERTY AND CASUALTY **INSURANCE BROKERAGE** SERVICES AND] DEVELOPING AND **WRITING INSURANCE** CONTRACTS

Mark Drawing Code

(1) TYPED DRAWING

Design Code

Serial Number

73651836

Filing Date

19870326

Current Filing Basis

44E

Original Filing Basis

44E

Publication for Opposition Date

19871027

Registration Number

1473487

Date Registered

19880119

Owner

(REGISTRANT) J. MELOCHE INC. CORPORATION CANADA 50 PLACE CREMAZIE MONTREAL, QUEBEC CANADA H2P 1B6 (LAST LISTED OWNER) GROUPE OPTIMUM INC. CORPORATION ASSIGNEE OF CANADA 425 DE MAISONNEUVE BOULEVARD WEST MONTREAL CANADA H3A 3G5

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

James R. Menker

(4) STANDARD CHARACTER MARK

SMART TECH E+O

Mark Punctuated

SMART TECH E+O

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: insurance carrier services; insurance agency services; **insurance brokerage** services; consultation, policy **writing, insurance** underwriting, and claims processing for insurance in the fields of technology and personal services; insurance services, namely, risk mitigation insurance in the fields of technology and personal services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

97333252

Filing Date

20220328

Current Filing Basis

1B

Original Filing Basis

1B

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) Corvus Insurance Holdings, Inc. CORPORATION DELAWARE 100 Summer Street, Suite 1175 Boston MASSACHUSETTS 02110

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Caitlin R. Byczko

(4) STANDARD CHARACTER MARK**BOLD BRAINS****Mark Punctuated****BOLD BRAINS****Translation****Goods/Services**

- IC 016. US 002 005 022 023 029 037 038 050.G & S: Books and magazines and brochures for schools in the field of reading, math, science, and robotics, books and magazines and brochures for education in the field of reading, math, science, and robotics, and books and magazines and brochures for training of teachers and of kids at all ages in the field of reading, math, science, and robotics; learning and teaching equipment for teachers and for kids at all ages, namely, text books, worksheets, posters, blank flip charts, and cloth children's book; office supplies for teachers and for kids at all ages at school and for training at home, namely, pencils, pens, highlighters, erasers, drawing rulers, staplers office requisites, adhesive tape dispensers office requisites, and blank notebooks; learning equipment for teachers and for kids at all ages at home, namely, text books, worksheets, posters, blank flip charts, and cloth children's book; advertising materials for schools, namely, brochures, posters, pens, pencils, letter openers, calendars, banners, and advertising posters for training of teachers and kids of all ages, advertising materials for teaching, namely, brochures, posters, pens, pencils, letter openers, calendars, banners, and advertising posters for training of teachers and kids of all ages, advertising materials for training of teachers and kids of all ages, namely, brochures, posters, pens, pencils, letter openers, calendars, banners, and advertising posters for training of teachers and kids of all ages; pictures and calendars for schools and for teaching; magazines and books and brochures about educational games and about computer games and about virtual reality and about augmented reality; office supplies, namely, calendars, drawing rulers, document files, note pads, desk pads, notice paper, pens, fountain pens, markers, rubber erasers
- IC 025. US 022 039.G & S: Clothing, namely, T-Shirts, school uniforms, student`s uniforms, pullovers, sneakers, baseball caps, jackets, socks, rain coats, rubber boots, caps, belts; clothing for sports, namely, football dresses, tennis clothing, golf clothing other than gloves, namely, shoes, shorts, and caps, swim dresses, basketball dresses, Aikido dresses, horse riding clothing, namely, horse riding boots, horse riding pants, and horse riding tops; ski dresses, skating dresses, ice skating dresses, hockey dresses, surfing dresses, gymnastic dresses, fitness dresses
- IC 028. US 022 023 038 050.G & S: Toys, namely, board games, learning card games, card games, balloons, puzzles, balls for games, paper games being paper printed with regular grid and hexagon patterns for use in playing war games, role playing games and miniature games, labyrinth games being board games, and sports articles, namely, play balls, football balls, soccer balls, tennis balls, golf balls, table tennis balls, basketball balls, tennis equipment, namely, rackets, balls, and nets; soccer equipment, namely, balls and gloves; football equipment, namely, balls and gloves; golf equipment, namely, golf bags, tees, golf balls and gloves; table tennis equipment, namely, rackets, balls and nets; basketball equipment, namely, balls and nets; Aikido equipment, namely, gloves and target pads; ski equipment, namely, ski covers and ski bags; skating equipment, namely, roller skates and in-line skates; ice skating equipment, namely, ice skates; hockey balls, hockey equipment, namely, pucks, balls and nets; surfing equipment, namely, paddles, skis and boards; gymnastic equipment, namely, parallel bars and training stools; fitness equipment, namely, gloves, barbell pads indoor bicycle trainers; water wings, knee protectors for athletic use, protectors, namely, shoulder pads for athletic use; discus, trampoline, toy

flying discs

- IC 035. US 100 101 102.G & S: Advertising; commercial business management; commercial administration; office functions
- IC 036. US 100 101 102.G & S: Consulting in real estate, franchising services, namely, providing **financial information** and advice regarding the establishment and/or operation of real estate agencies, real estate consultation, rental property management, real estate financing, real estate valuation, franchising services, namely, providing **financial information** and advice regarding the establishment and/or operation of schools, chain schools, and private schools, school chain financial valuation, private school chain financial valuation, real estate brokering, real estate brokerage of school buildings; **private equity consulting** in innovative and tech companies, private equity investments in innovative and tech companies, private equity evaluations and assessments in innovative and tech companies
- IC 041. US 100 101 107.G & S: Education and training of pupils at school, namely, teaching at elementary, junior high and senior high schools, education and training of school teachers in the field of media education, bullying, substance abuse, health and social education, didactics, conflict resolution, life skills, teaching methods, class room conflict resolution; education and training of kindergarten kids, education and training of pre-kindergarten kids, namely, pre-schools, supporting training of pre-kindergarten kids, supporting training of kindergarten kids, namely, tutoring in the field of early literacy and early numeracy; hobby and leisure activities, namely, amusement arcades, soccer instruction for school pupils, pre-kindergarten kids, and kindergarteners provide at school; sport activities, namely, dodgeball, relay races, unihockey, basketball, handball, volleyball, capture the flag, dancing, gymnastics, fitness, golf instruction, and tennis tournaments for kids of all ages at school and during their leisure times
- IC 042. US 100 101.G & S: Creation of computer hardware and software; consultancy relating to computer security; services provided technological consultants in the field of energy production, energy use, energy conservation and energy efficiency
- IC 045. US 100 101.G & S: Security services for buildings, namely, security concept designs for physical security in school buildings

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

79196176

Filing Date

20160818

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20180410

Registration Number

5499759

Date Registered

20180626

Owner

(REGISTRANT) BOLD BRAINS CAPITAL AG Aktiengesellschaft SWITZERLAND Sihleggstrasse 17 CH-8832 Wollerau SWITZERLAND

Priority Date

20160222

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

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LIVE

Attorney of Record

Andrew N. Spivak

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 28, 2022 for
U.S. Trademark Application Serial No. 97118896

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.