

**To:** Marc E. Hankin([CourtFiling@HankinPatentLaw.com](mailto:CourtFiling@HankinPatentLaw.com))  
**Subject:** U.S. Trademark Application Serial No. 97118758 - BIASSYNC 8-TOUCHSTONE EQUITY SURVEY - BiasSync-003  
**Sent:** August 22, 2022 09:46:41 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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

**U.S. Application Serial No.** 97118758

**Mark:** BIASSYNC 8-TOUCHSTONE EQUITY SURVEY

**Correspondence Address:**

Marc E. Hankin  
HANKIN PATENT LAW, APC  
12400 WILSHIRE BOULEVARD  
SUITE 1265  
LOS ANGELES CA 90025 UNITED STATES

**Applicant:** BIASsess Strategies, LLC

**Reference/Docket No.** BiasSync-003

**Correspondence Email Address:** [CourtFiling@HankinPatentLaw.com](mailto:CourtFiling@HankinPatentLaw.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 22, 2022

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

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

### **SEARCH OF USPTO DATABASE OF MARKS**

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.

### **DISCLAIMER REQUIRED**

Applicant must disclaim the wording “8-TOUCHSTONE EQUITY SURVEY” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The application on its face is for survey services in the field of equity and related topics. The term touchstone is descriptive of benchmark type measurements. The attached definitions, in addition to applicant's specimen of use and the application itself, make clear the wording is descriptive and must be disclaimed. *See Attached.*

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “8-TOUCHSTONE EQUITY SURVEY”  
apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

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

If the applicant has any questions or needs assistance regarding this action, please telephone the assigned examining attorney.

/Frank Lattuca/  
Frank Lattuca  
(571) 270-1518  
frank.lattuca@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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The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists, diplomats, and others in occupations requiring mastery of language. Annual surveys have gauged the acceptability of particular usages and grammatical constructions.

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#### FOR READERS

#### touch-stone <sup>ˈtʌtʃˈstɒn</sup>

n.

1. A hard black stone, such as Jasper or basalt, formerly used to test the quality of gold or silver by comparing the streak left on the stone by one of these metals with that of a standard alloy.
2. An excellent quality or example that is used to test the excellence or genuineness of others: *"the qualities of courage and vision that are the touchstones of leadership"* (Henry A. Kissinger).

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eq·ui·ty (ĕk'wĭ-tē)

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*n. pl.* **eq·ui·ties**

1. The state or quality of being just and fair.
2. Something that is just and fair.
3. *Law*
  - a. Justice achieved not simply according to the strict letter of the law but in accordance with principles of substantial justice and the unique facts of the case.
  - b. See court of equity.
  - c. An equitable right or claim: *an analysis of the equities and inequities brought about by the current trade bill.*
4.
  - a. Ownership interest in a corporation, property, or other holding, usually calculated as the value of the holding after subtracting any debt or liabilities.
  - b. **equities** Shares of common stock or preferred stock.
5. The value of a brand's reputation.

*adj.*

1. Representing an ownership interest: *an equity stake.*
2. Of or relating to stocks: *an equity mutual fund.*
3. Subordinated to all other claims on income, earnings, or assets: *the equity tranche.*

[Middle English *equite*, from Old French, from Latin *aequitas*, from *aequus*, even, fair.]

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### sur·vey (sɪˈvə, sɜrˈvə)

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**v.** **sur·veyed, sur·vey·ing, sur·veys**  
**v.tr.**

- To look over the parts, features, or contents of; view broadly: *surveyed the neighborhood from a rooftop*; *surveyed the shelves in the pantry*.
  - To look at or examine carefully and appraise: *surveyed the storm damage*. See *Synonyms at see*<sup>1</sup>.
  - To determine the boundaries, area, or elevations of (land or structures on the earth's surface) by means of measuring angles and distances, using the techniques of geometry and trigonometry.
  - Chiefly British To inspect and determine the structural condition of (a building).
- To conduct a statistical survey on: *surveyed the students for music preferences*.

**v.intr.**

To make a survey.

**n.** (sɜrˈvə) **pl. sur·veys**

- A general or comprehensive view: *a survey of the battlefield*.
  - A careful inspection or appraisal: *doing a survey of the literature on the subject*.
  - A gathering of a sample of data or opinions considered to be representative of a whole.
- The act or process of surveying a part of the earth's surface.
  - A map of what has been surveyed.
  - An administrative agency charged with the responsibility of surveying: *the US Geological Survey*.
- A document reporting the results of a survey.

[Middle English *surveien*, from Old French *surveier*, from Medieval Latin *supervidere*: Latin *super-*, *super-* + Latin *videre*, to look; see **weld-** in the Appendix of Indo-European roots.]

**sur·vey'or** **n.**

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Office Action (Official Letter) has issued  
on August 22, 2022 for  
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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.

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10	2 and 3	43	0	43	43	0:14
11	(4 9) and 5	27	0	27	27	0:17
12	6 and 7	1	0	1	1	0:08
13	*e{"iy"}ght* [bi,ti] not dead [ld]	13864	0	0	0	0:00
14	*8* [bi,ti] not dead [ld]	17412	0	0	0	0:01
15	*tou{"csz"}h* [bi,ti] not dead [ld]	4404	0	0	0	0:00
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19	(13 14) and (15 16)	258	0	258	258	0:03
20	(13 14) and 15 and 16	1	0	1	1	0:01
21	15 and 16	91	0	91	91	0:02
22	17 and 18	30	0	30	30	0:02
23	*bias* [bi,ti] not dead [ld] and *sync* [bi,ti] not dead [ld]	4	0	4	4	0:00

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