

To: Ivy McNeill(ivy@canaryandhedge.com)
Subject: U.S. Trademark Application Serial No. 97119271 - AKP CONSULTING GROUP
Sent: August 25, 2022 07:38:21 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[PP 97119262](#)
[screenshot-www-gymglsh-com-en-gymglsh-english-translation-consulting-group-16614262041771](#)

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

U.S. Application Serial No. 97119271

Mark: AKP CONSULTING GROUP

Correspondence Address:

IVY MCNEILL
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1201 WEST PEACHTREE STREET SUITE 2300
ATLANTA GA 30309 UNITED STATES

Applicant: A.K.P. Consulting Group, LLC.

Reference/Docket No. N/A

Correspondence Email Address: ivy@canaryandhedge.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 25, 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.

Summary of Issues

Prior Pending application SN 97119262

Disclaimer

Identification of services in Class 41

Specimen in Class 41

Prior Pending

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending U.S. Application Serial No(s). 97119262 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(s) in the referenced application. 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.

Disclaimer

Applicant must disclaim the wording "CONSULTING GROUP" because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's **services**, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

The applicant's mark comprises, in part, the terms CONSULTING GROUP, each of which immediately informs the purchasers of an aspect of the goods and services and are therefore descriptive. The term CONSULTING GROUP refers to the exact nature of the applicant's services and is therefore generic as shown by the attached definition.

An applicant may not claim exclusive rights to terms that others may need to use to describe its goods and/or services in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Identification of services

The **bolded** portion(s) of the identification of services is unacceptable and must be clarified because it either lacks sufficient specificity and/or is too broad and/or is mis-classified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Generally, applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.* Some suggestions are embedded in the identification and are in *italics*.

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 in Class 41 is:

International Class 041: **Education** and training in the field of business management; **asset management; and credit building**

The "education" is not acceptable as the means must be identified, e.g. classes and seminars. The current identification of services also requires a change in punctuation because as written, the semi-colons separates the "asset management" and "credit building" fields from the training services. Separated, they are not services in Class 41. The following may be adopted, if accurate:

International Class 041: Education in the nature of classes and training in the fields of business management, asset management, and credit building

If the "asset management" is a separate service, it may be amended to "financial asset management" in Class 36. Also, if the credit building services is a separate service, applicant must further describe it, e.g. credit building consulting services in Class 36.

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).

Multiple class application requirements

The application references services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in more classes than those for which fees have been paid. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. [See more information about verified dates of use](#).
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for class(es) 36; and applicant needs a specimen for any additional class(es). [See more information about specimens](#).

Examples of specimens.

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

- (5) **Submit a verified statement** that **“The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.”** [See more information about verification](#).

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

Specimen does not show use of mark with services

Specimen does not show use of the mark in commerce. Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in International Class(es) 41. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a), 1301.04(g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R.

§§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Specifically, there is no reference to any educational services. Nothing on the specimen evidences the association between the mark and the services in Class 41.

Examples of specimens. Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C). Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

(1) Submit a different specimen (a verified [“substitute” specimen](#)) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the services identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

Response Guidelines

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see [“Responding to Office Actions”](#) on the USPTO's website.

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

AKP Acquisitions Group

Mark Punctuated

AKP ACQUISITIONS GROUP

Translation

Goods/Services

- IC 036. US 100 101 102.G & S: Providing real estate consultancy, real estate business management services, and real estate investment services, namely, asset acquisition, consultation, development and management services. FIRST USE: 20140218. FIRST USE IN COMMERCE: 20140218

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

97119262

Filing Date

20211110

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) AKP Acquisitions Group, LLC. LIMITED LIABILITY COMPANY WYOMING 360 N. Pacific Coast Highway, Suite 2000 El Segundo CALIFORNIA 90246

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Ivy McNeill

gymglish

PROGRAM

OFFERS & PRICING

CERTIFICATION

FREE TEST

BUY

« consultation

consulting work »

gymglish

OUR METHOD

OUR COURSES ▾

FOR BUSINESS

FOR EDUCATORS

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📁 GIFT

🌐 EN ▾

👤

TRY OUR LESSONS

gymglish

PROGRAM

OFFERS & PRICING

CERTIFICATION

FREE TEST

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Consulting group

English Vocabulary tips & definition with Gymglish.

Improve your English and try our [online English lessons](#) for free.

TEST YOUR ENGLISH

Free with no obligation to buy.



Definition

a consulting group: an organization of business advisors and consultants

idiom

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TEST YOUR ENGLISH

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idiom

Going deeper...

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[Share it with us!](#)

« consultation

consulting work »

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 25, 2022 for
U.S. Trademark Application Serial No. 97119271

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.

User: Khuong Le

Statistics for Case 97119271						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97119271[sn]	1	0	0	0	0:00
2	("a k p" "a kp" "ak p" *akp*)[bi,ti] not dead[ld]	165	0	12	12	0:06
3	*{"ckq"}onsult*[bi,ti] and live[ld]	4128	0	0	0	0:03
4	*group*[bi,ti] and live[ld]	14711	0	0	0	0:03
5	3 and 4	335	0	0	0	0:03
6	*ak*[bi,ti] and live[ld]	68950	0	0	0	0:01
7	*kp*[bi,ti] and live[ld]	4219	0	0	0	0:03
8	5 and (6 7)	5	0	5	5	0:00

Session started 08/25/2022 7:08 am

Session ended 08/25/2022 7:13 am

Total search duration 19.00

Session duration 4 minutes 5 seconds

Adjacency Level 1

Near Level 1