

To: 5 Star Acuity Notary Services LLC(mmooreford1@gmail.com)
Subject: U.S. Trademark Application Serial No. 97120430 - 5 STAR ACUITY NOTARY SERVICES ANYTIME, ANYWHERE, AT YOUR SERVICE.
Sent: August 25, 2022 09:31:49 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-locations-postnet-com-az-tucson-8110-s-houghton-rd-16612645391611](#)
[screenshot-ipostal1-com-select_plan-php-16612645744381](#)

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

U.S. Application Serial No. 97120430

Mark: 5 STAR ACUITY NOTARY SERVICES ANYTIME, ANYWHERE, AT YOUR SERVICE.

Correspondence Address:

5 STAR ACUITY NOTARY SERVICES LLC
8110 S HOUGHTON RD, STE 158-557
TUCSON AZ 85747 UNITED STATES

Applicant: 5 Star Acuity Notary Services LLC

Reference/Docket No. N/A

Correspondence Email Address: mmooreford1@gmail.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

INTRODUCTION

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 OFFICE'S DATABASE OF MARKS

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

SUMMARY OF ISSUES:

- REQUIREMENT - MARK DESCRIPTION
- REQUIREMENT - DOMICILE ADDRESS
- REQUIREMENT - TEAS PLUS STATUS LOST

REQUIREMENT - MARK DESCRIPTION

Applicant must submit an amended description of the mark that agrees with the mark on the drawing. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. The current description is inconsistent with the mark on the drawing and thus is inaccurate, in particular the drawing shows a depiction of a feather which the mark description describes as a leaf. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Descriptions must be accurate and identify only those literal and design elements appearing in the mark. *See* 37 C.F.R. §2.37; TMEP §§808.02, 808.03(d).

The following description is suggested, if accurate: **The mark consists of the design of a stylized feather with five five-pointed stars positioned above it. Underneath the feather is the wording "5 STAR ACUITY" positioned above the wording "NOTARY SERVICES" with the wording "ANYTIME, ANYWHERE, AT YOUR SERVICE." appearing further below.**

REQUIREMENT - DOMICILE ADDRESS

Applicant must clarify its domicile street address because the attached evidence from the *PostNet Tucson* website indicates that the domicile address of record identifies a post office box or mail forwarding service and does not appear to be applicant's permanent legal place of residence or principal place of business. *See* 37 C.F.R. §§2.11(b), 2.189; TMEP §601.01(b)(1). A domicile address must identify either (1) the permanent legal place of residence, which is the place an individual applicant resides and intends to be the applicant's principal home; or (2) the principal place of business, which is the juristic applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. *See* 37 C.F.R. §2.2(o)-(p); TMEP §803.05(a).

Applications must include an applicant's domicile address because such domicile determines whether an applicant is required to have a U.S.-licensed attorney represent it before the USPTO. *See* 37 C.F.R. §§2.11(a), 2.32(a)(2); TMEP §§601, 803.05. An applicant whose domicile is located outside of the United States or its territories must be represented at the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §2.11(a); TMEP §601.01(a).

In this case, the application record lists applicant as a juristic entity and specifies applicant's domicile as a post office box or mail forwarding service instead of a street address. In most cases, a post office box or mail forwarding service is not acceptable as a domicile address because it does not identify the location of applicant's headquarters where its senior executives or officers ordinarily direct and control

the entity's activities. *See* 37 C.F.R. §2.2(o)-(p); TMEP §601.01(b)(1).

Response options. Applicant must provide its domicile street address. *See* 37 C.F.R. §§2.32(a)(2), 2.189; TMEP §803.05. Alternatively, applicant may provide documentation showing that the listed U.S. domicile address is, in fact, applicant's domicile, or (2) a detailed explanation supporting that applicant has no fixed physical address. *See* 37 C.F.R. §2.11(b); TMEP §§601.01(b)-(b)(1), 803.05(a).

If applicant amends the application to list a domicile street address located outside of the United States or its territories, applicant must appoint a U.S.-licensed attorney under 37 C.F.R. §11.14 as its representative before the application may proceed to registration. *See* 37 C.F.R. §2.11(a); TMEP §601.01(a). *See* [Hiring a U.S.-licensed trademark attorney](#) for more information. However, if applicant establishes its domicile street address is located within the United States or its territories, applicant is not required to appoint a qualified U.S.-licensed attorney. *See* TMEP §601.01(b).

To provide applicant's domicile street address. After opening the correct Trademark Electronic Application System (TEAS) response form and entering the serial number, (1) answer "yes" to question 5 and click "Continue;" (2) on the "Owner Information" page, in the "Domicile Address" field, uncheck the box stating the domicile and mailing address are not the same; and (3) below the checkbox provide applicant's domicile street address. Applicant's domicile street address will be hidden from public view if it is entered into the "Domicile Address" field. However, any street address listed in the "Mailing Address" field will be publicly viewable.

To provide documentation to support applicant's domicile address. Applicant should provide the most recent documentation showing that the address is the applicant's business headquarters, for example one of the following: (1) the most recent final annual or quarterly report or other similar report; or (2) a current, valid signed rental, lease, or mortgage agreement for office space. TMEP §601.01(b)-(b)(1); *see* 37 C.F.R. §2.11(b). Submitted documentation must show the name, listed domicile address, and the date of the document but should redact other personal and financial information.

To provide this documentation, open the correct TEAS response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page, below the "Miscellaneous Statement" field, click the button below the text box to attach documentation to support the U.S. street address.

To provide a detailed explanation that applicant has no fixed physical address. If applicant has no physical headquarters where its senior executives or officers ordinarily direct and control the business (e.g., because the business is conducted virtually), applicant should state for the record that applicant has no fixed physical address and provide a detailed explanation of the circumstances.

To provide this explanation, open the correct TEAS response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page, in the "Miscellaneous Statement" field, enter the referenced explanation in the text box.

To appoint a U.S.-licensed attorney in the application, applicant should submit a completed TEAS [Change Address or Representation](#) form. The newly-appointed attorney must submit a TEAS [Response to Examining Attorney Office Action](#) form indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the

appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. *See* 37 C.F.R. §2.17(b)(1)(ii); TMEP §604.01.

REQUIREMENT - TEAS PLUS STATUS LOST

Processing fee required. Applicant must submit an additional processing fee of \$100 per class because the application as filed did not meet the TEAS Plus application filing requirements. *See* 37 C.F.R. §2.22(a)(20), (c); TMEP §819.03. Applicant is foreign-domiciled and thus the application must designate a U.S.-licensed attorney and include the attorney's name, postal and email addresses, and bar information. 37 C.F.R. §2.22(a)(20). However, applicant provided 8110 S Houghton Rd, Ste 158-557 Tucson, AZ 85747 as the postal address and the evidence of record indicates that this information is not valid because it identifies a post office box or mail forwarding service and does not appear to be applicant's permanent legal place of residence or principal place of business. The additional fee is required even if applicant later satisfies this requirement.

Accordingly, the application will no longer be treated as TEAS Plus; it is now considered a TEAS Standard application.

CONCLUSION

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or 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.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

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

/Stefan Oehrlein/
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stefan.oehrlein@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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With Digital Mailbox plus phone and fax.

Starting at

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Includes everything in Virtual Business Address plus:

- ✔ Local or toll-free phone and fax
- ✔ Call forwarding and voicemail

[Click to Select Plan](#)



* Plan pricing varies by Standard, Select, Premium, or Prestige mailbox locations.

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. 97120430

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:soehrlein ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2	0	2	2	0:01	97120430 97120392
02	3	0	3	3	0:01	"5 Star Acuity Notary Services"[on]
03	4086978	N/A	0	0	0:02	"045"[cc]
04	183701	N/A	0	0	0:02	"045"[ic] ("a" "B" "200")[ic]
05	979309	N/A	0	0	0:02	"042"[ic] ("a" "B" "200")[ic]
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11	19	0	19	18	0:01	((6 7) and 8)
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15	31	0	31	29	0:01	(5 and 13) not (14)
16	60583	N/A	0	0	0:02	(law\$ legal\$ notar\$)[gs] not dead[ld]
17	1	0	1	1	0:01	(16 and 13) not (14 15)
18	228	0	11	228	0:01	(3 and 13) not (14 15)
19	252	0	12	252	0:01	(13) not (14 15 18)
20	10	0	10	10	0:01	(4 and 12)
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24	16	0	16	16	0:01	(16 and 8) not (20 21 22 23)
25	69	0	12	69	0:01	(3 and 12) not (20 21 22 23 24)
26	92	0	16	92	0:01	(12) not (20 21 22 23 24 25)
27	3	0	3	3	0:01	(6 7 8) and 9
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33	454	0	12	454	0:01	(4 and 6) not (13 30 31)
34	1078	N/A	0	0	0:01	(5 and 6) not (13 30 31 33)

Session started 8/25/2022 9:17:09 AM

Session finished 8/25/2022 9:30:18 AM

Total search duration 1 minutes 31 seconds

Session duration 13 minutes 9 seconds

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