

**To:** Southern Sky Realty, LLC([Jeff@southernskyrealtynashville.com](mailto:Jeff@southernskyrealtynashville.com))  
**Subject:** U.S. Trademark Application Serial No. 97118883 - SOUTHERN SKY REALTY LLC  
**Sent:** August 28, 2022 06:54:05 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[REALTY  
LLC](#)

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

**U.S. Application Serial No.** 97118883

**Mark:** SOUTHERN SKY REALTY LLC

**Correspondence Address:**

SOUTHERN SKY REALTY, LLC  
424 CHURCH ST., 2000  
NASHVILLE TN 37219 UNITED STATES

**Applicant:** Southern Sky Realty, LLC

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

**Correspondence Email Address:** [Jeff@southernskyrealtynashville.com](mailto:Jeff@southernskyrealtynashville.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.

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.

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.

#### Disclaimer

Applicant must disclaim the wording “REALTY LLC” 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 examining attorney relies on evidence in the form of the attached dictionary definition and/or web evidence. The evidence shows the wording REALTY means or refers to real estate, which is applicant’s services. In relation to the identified services, the wording is merely descriptive because it designates a feature, quality or characteristic of the services. Specifically, the identified services are sufficiently broad to include or encompass or feature real estate services. Thus, consumers who encounter the wording in relation to the services would immediately understand that the wording refers to a salient aspect. The wording therefore must be disclaimed

Applicant must also disclaim the wording “LLC” because it merely designates the legal character or family business structure of an entity and does not indicate the source of applicant’s goods and/or services. *See* 15 U.S.C. §§1051-1053, 1127; *In re Piano Factory Grp., Inc.*, 85 USPQ2d 1522, 1526 (TTAB 2006); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998); TMEP §1213.03(d).

Business type designations and abbreviations such as “Corporation,” “Inc.,” “Company,” “LLC,” and “Ltd.” or family business designations such as “& Sons” or “Bros.” must be disclaimed, because they merely indicate applicant’s business type or structure and generally have no source-indicating capacity. TMEP §1213.03(d); *see, e.g., Goodyear’s India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Piano Factory Grp., Inc.*, 85 USPQ2d at 1526; *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d at 1539-40.

The attached evidence shows this wording means a legal entity. Therefore, LLC must be disclaimed because it identifies the nature of applicant.

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

**No claim is made to the exclusive right to use “REALTY LLC” 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](#).

#### 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/  
K. Margaret Le  
(571) 272-9456  
margaret.le@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

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.

**re·al·ty** <sup>(rē'al-tē)</sup>

*n. pl. re·al·ties*  
Real estate.

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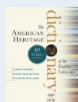
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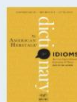
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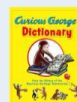
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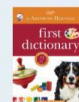
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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 28, 2022 for  
**U.S. Trademark Application Serial No. 97118883**

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 97118883						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97118883[sn]	1	0	0	0	0:00
2	*south*[bi,ti] and live[ld]	6312	0	0	0	0:02
3	*sk{"iye"1:2}*[bi,ti] and live[ld]	25561	0	0	0	0:02
4	*realt*[bi,ti] and live[ld]	2363	0	0	0	0:01
5	2 and 3 and 4	1	0	1	1	0:00
6	2 and 3	34	0	19	19	0:01
7	4 and (2 3)	21	0	18	18	0:01
8	*sky*[bi,ti] and live[ld]	7821	0	0	0	0:01
9	8 and ("036" a b "200")[ic]	324	0	28	28	0:03
10	*southern*[bi,ti] and live[ld]	2561	0	0	0	0:01
11	10 and ("036" a b "200")[ic]	134	0	18	18	0:02

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