

To: Francis John Ciaramella, Esquire(francis@ruzlaw.com)
Subject: U.S. Trademark Application Serial No. 97120651 - RESTAPROS
Sent: August 23, 2022 09:53:24 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[1-16192 Coastal Highway Registered Agent Address.jpg](#)
[2-Registered Agent Services1.jpg](#)
[2-Registered Agent Services2.jpg](#)
[2-Registered Agent Services3.jpg](#)
[3-Google Maps.jpg](#)
[4-Ground View closeup address.jpg](#)
[4-Ground View closeup address2.jpg](#)

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

U.S. Application Serial No. 97120651

Mark: RESTAPROS

Correspondence Address:

FRANCIS JOHN CIARAMELLA, ESQUIRE
RICK RUZ, PLLC
7355 SW 87TH AVE, SUITE 200
MIAMI FL 33173 UNITED STATES

Applicant: RESTAPROS, CORP.

Reference/Docket No. N/A

Correspondence Email Address: francis@ruzlaw.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 23, 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.

DATABASE SEARCH

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.

DOMICILE ADDRESS

Applicant must clarify its domicile street address because the domicile address of record is for a third-party registered agent 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).

In this case, the application record lists applicant as a juristic entity and specifies applicant's domicile address as follows: 16192 Coastal Highway, Lewes, DL 19958. According to the attached webpage evidence, this address is for a registered agent and thus does not appear to be 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). A registered agent identifies the physical location of a private business that accepts service of process on behalf of third parties.

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 (1) 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).

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 U.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.

ASSISTANCE

Please call or email the assigned trademark examining attorney with questions about this Office action.

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

/Karen K. Bush/
Trademark Examining Attorney
Law Office 108
(571) 272-9136
karen.bush@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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Did you know Harvard Business Services, Inc. offers Registered Agent service throughout the United States and Puerto Rico? If not, now you do! And for us to act as the agent in any state other than Delaware our annual Registered Agent fee is just \$99 per year.

GET REGISTERED AGENT SERVICE NOW

What is a Registered Agent?

A Registered Agent is the liaison between your company and the state in which it is incorporated or registered to do business in. The job of the Registered Agent is to receive and forward and lawsuits that may be served against the company and inform you when the Franchise Tax or Annual Report is due. Every state requires that you have a Registered Agent if you do not have a physical address within that state.

In most cases, you have formed your company in the state of Delaware and now need to foreign qualify your business in the state in which you are physically operating (for example, you have an office location, employees or bank account located in that state), to stay in compliance. When applying for Foreign Qualification, also known as Certificate of Authority, you will be required to name a Registered Agent. Harvard Business Services is able to offer this service across the country, so you can manage all of your filings and maintenance through us and focus on the more important matters.

Registered Agent Costs:

Our pricing for Registered Agent service is very straightforward and economical.

Cost for Delaware Registered Agent service: \$50/year

Cost for Registered Agent service in any other state: \$99/year

That's it! No hidden costs or surprises.

Please note: You will still be responsible for any applicable taxes and fees to be paid to each state, but there are no other costs involved with the Registered Agent service.

Why is the cost of Registered Agent service different

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Our Services

Harvard can provide assistance throughout the life of your company. These custom services are the most popular with our clients:

- Order a Delaware Certificate of Good Standing
- Apply for a New Federal Tax ID Number (EIN)
- File Foreign Qualification
- Order a Certified Copy
- Our Delaware Mail Forwarding Services
- Order Apostille Service
- Delaware LLC Operating Agreement Template
- Pay Annual Franchise Tax
- Pay Registered Agent Fee

ADDITIONAL SERVICES

Why is the cost of Registered Agent service different outside of Delaware?

Our headquarters is located in Lewes, Delaware. In this state we offer our Registered Agent service for the very low price of \$50 per year.

The reason our price is \$99 for Registered Agent in other states is because we partner with another vendor to provide this service, as we don't have any physical locations other than our Delaware headquarters. Even at \$99, our price is lower than most other providers and comes with the same level of customer service we're known for.

What happens if you don't have a Registered Agent?

When applying for a Certificate of Authority, your application will be denied if you do not identify your Registered Agent for the state. Once approved, you must maintain a Registered Agent at all times for the life of your company. Failure to do so will likely result in your Foreign Qualification being rescinded and/or not renewable.

However, you can change your Registered Agent at any time without penalty. To appoint us as your new agent, simply contact us: via phone 800-345-2677 or 302-645-7400, email us, live chat or Skype (Delawareinc) and we will help you complete the transaction.

Can I be my own Registered Agent?

You are allowed to be your own Registered Agent if you have a physical address in the state you are doing business. For example, if you live in California and start a Delaware company with a physical office in California, you would need a Registered Agent in both states. You would be permitted to use your home address or office address to serve as your own agent in California, but would still need to appoint a third party to be your Delaware Registered Agent.

In addition, you may opt to use a third party even when you do have a physical address in the state. Appointing another company as your agent can help to ensure you don't miss important correspondence from the state, such as service of process. Additionally, in Delaware, the Registered Agent's name and address is included on the public record. By being your own agent, you negate the benefit of excluding this information from public view.

How to appoint Harvard Business Services as your Registered Agent

If you need Registered Agent service in Delaware, you can appoint us quickly and easily online. If you need service for any other state, please contact us by email, phone, or live chat. You can also complete the form below and we will respond to you as soon as possible to begin your service.

QUESTIONS? LIVE CHAT NOW

REQUEST INFORMATION

Name:

Email:

Get Registered Agent Service for: x

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☆🔍🔧👤⋮

company as your agent will help to ensure your state's most important documents are filed on time, when the state is not in process. Additionally, in Delaware, the Registered Agent's name and address is included on the public record. By being your own agent, you negate the benefit of excluding this information from public view.

How to appoint Harvard Business Services as your Registered Agent

If you need Registered Agent service in Delaware, you can appoint us quickly and easily online. If you need service for any other state, please contact us by email, phone, or live chat. You can also complete the form below and we will respond to you as soon as possible to begin your service.

QUESTIONS? LIVE CHAT NOW

REQUEST INFORMATION


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State where service is needed:


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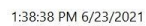
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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97120651

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: Karen Bush

Statistics for Case 97120651						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120651[sn]	1	0	0	0	0:00
2	*re{"sz"}t*[bi,ti]	33841	0	0	0	0:01
3	*pro*[bi,ti]	244869	0	0	0	0:01
4	2 and 3	1054	0	0	0	0:02
5	4 and "009"[cc]	517	0	0	0	0:02
6	5 not dead[ld]	177	0	177	177	0:01
7	*re{"zs"}t{v}pro*[bi,ti]	4	0	4	4	0:00

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