

**To:** Michelle E. Kouba([chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.com))  
**Subject:** U.S. Trademark Application Serial No. 97118743 - MULTI-SOLUTION  
**Sent:** August 28, 2022 11:54:28 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[3017213](#)

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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.** 97118743

**Mark:** MULTI-SOLUTION

**Correspondence Address:**

MICHELLE E. KOUBA  
MICHAEL BEST & FRIEDRICH LLP  
444 W. LAKE STREET, SUITE 3200  
CHICAGO IL 60606 UNITED STATES

**Applicant:** Next Realty, L.L.C.

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

**Correspondence Email Address:** [chiipdocket@michaelbest.com](mailto:chiipdocket@michaelbest.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. 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.

### **SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE**

Registration is refused because the applied-for mark merely describes the purpose of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Here, the applied for mark is MULTI-SOLUTION for "Real estate equity sharing, namely, managing and arranging for co-ownership of real estate; real estate investment; real estate management; real estate syndication" IN CLASS 36. The attached definition of the term MULTI is a prefix meaning multiple, or more than one. SOLUTION is defined a method for dealing with a problem. The wording together, in combination with viewing applicant's specimen of use, describes applicant's investment strategy to diversify investments to ward against exposure in the market. *See Attached.*

The mark is refused as merely descriptive.

### ***Supplemental Register***

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages to the registrant:

- (1) Use of the registration symbol ® with the registered mark in connection

with the designated goods and/or services, which provides public notice of the registration and potentially deters third parties from using confusingly similar marks.

(2) Inclusion of the registered mark in the USPTO's database of registered and pending marks, which will (a) make it easier for third parties to find it in trademark search reports, (b) provide public notice of the registration, and thus (c) potentially deter third parties from using confusingly similar marks.

(3) Use of the registration by a USPTO trademark examining attorney as a bar to registering confusingly similar marks in applications filed by third parties.

(4) Use of the registration as a basis to bring suit for trademark infringement in federal court, which, although more costly than state court, means judges with more trademark experience, often faster adjudications, and the opportunity to seek an injunction, actual damages, and attorneys' fees and costs.

(5) Use of the registration as a filing basis for a trademark application for registration in certain foreign countries, in accordance with international treaties.

*See* 15 U.S.C. §§1052(d), 1091, 1094; J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* §§19:33, 19:37 (rev. 4th ed. Supp. 2017).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

**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.

**Print: Mon Aug 22 2022**

**78230555**

**(1) TYPED DRAWING**

# **MULTIPLE SOLUTIONS**

## **Mark Punctuated**

MULTIPLE SOLUTIONS

## **Translation**

## **Goods/Services**

- IC 036. US 100 101 102.G & S: FINANCIAL SERVICES, NAMELY, FINANCIAL PORTFOLIO MANAGEMENT. FIRST USE: 20010601. FIRST USE IN COMMERCE: 20010601

## **Mark Drawing Code**

(1) TYPED DRAWING

## **Design Code**

## **Serial Number**

78230555

## **Filing Date**

20030327

## **Current Filing Basis**

1A

## **Original Filing Basis**

1A

## **Publication for Opposition Date**

20031216

## **Registration Number**

3017213

## **Date Registered**

20051122

## **Owner**

(REGISTRANT) THE WINTHROP CORPORATION CORPORATION CONNECTICUT 177 West Putnam Ave. Greenwich CONNECTICUT 068305203

## **Priority Date**

## **Disclaimer Statement**

## **Description of Mark**

## **Type of Mark**

SERVICE MARK

## **Register**

PRINCIPAL

## **Live Dead Indicator**

LIVE

**Attorney of Record**

 

#### HOW TO USE THE DICTIONARY

To look up an entry in *The American Heritage Dictionary of the English Language*, use the search window above. For best results, after typing in the word, click on the "Search" button instead of using the "enter" key.

Some compound words (like *bus rapid transit*, *dog whistle*, or *identity theft*) don't appear on the drop-down list when you type them in the search bar. For best results with compound words, place a quotation mark before the compound word in the search window.

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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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#### so·lu·tion (sə-lūshən)

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n.

1.
  - a. A method or process of dealing with a problem: *sought a solution to falling enrollments.*
  - b. The answer to a problem or the explanation for something: *the solution to the mystery.*
2.
  - a. A homogeneous mixture of two or more substances, which may be solids, liquids, gases, or a combination of these.
  - b. The process of forming such a mixture.
  - c. The state of being dissolved: *nitrogen that is in solution in the ocean.*
3. *Archaic* The act of separating or breaking up; dissolution.

[Middle English, from Old French, from Latin *solūtō*, *solūtō*-, from *solūtus*, past participle of *solvere*, to loosen; see *SOLUTE*.]

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Thousands of entries in the dictionary include etymologies that trace their origins back to reconstructed proto-languages. You can obtain more information about these forms in our online appendices:

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The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our Dictionary of Indo-European Roots.

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#### multi-

pref.

1. Many; much; multiple: *multicolored*.
2.
  - a. More than one: *multisparous*.
  - b. More than two: *multilateral*.

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[Middle English, from Old French, from Latin, from *multus*, much, many; see *mel-* in the Appendix of Indo-European roots.]

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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. 97118743**

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 \(TAC\)](#)**.

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