

To: Parlier, Nicholas, R(nick@oregontrailmoving.com)
Subject: U.S. Trademark Application Serial No. 97120382 - OREGON TRAIL GEAR
Sent: August 26, 2022 01:49:53 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[88438231](#)

[screenshot-www-merriam-webster-com-dictionary-gear-1661261517251](#)

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

U.S. Application Serial No. 97120382

Mark: OREGON TRAIL GEAR

Correspondence Address:

PARLIER, NICHOLAS, R
7510 SE MILWAUKIE AVE PORTLAND OR 97202
PORTLAND OR 97202 UNITED STATES

Applicant: Parlier, Nicholas, R

Reference/Docket No. N/A

Correspondence Email Address: nick@oregontrailmoving.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 26, 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 Mark Advisory
- Disclaimer Requirement
- Address Clarification

PRIOR-FILED APPLICATION ADVISORY

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. 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. 88438231 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, 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.

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 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 REQUIREMENT

Applicant must disclaim the wording "GEAR" 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 attached evidence from Merriam-Webster shows this wording refers to clothing, garments. Thus, the wording merely describes applicant's goods because the applicant's goods are clothing goods.

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

No claim is made to the exclusive right to use "GEAR" 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](#).

ADDRESS CLARIFICATION

Applicant is advised to amend the address information in the applicant information section of the application. Applicant's entire address appears in the mailing address section and is duplicative. That is, applicant's address is "7510 SE Milwaukie Ave Portland Or 97202 Portland OR 97202 UNITED STATES OF AMERICA". Applicant should amend the address to the proper format.

RESPONSE GUIDELINES

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.](#)

/Cameron Rocha/
Cameron Rocha
(571) 272-7245
cameron.rocha@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.

(4) STANDARD CHARACTER MARK

THE OREGON TRAIL

Mark Punctuated

THE OREGON TRAIL

Translation

Goods/Services

- IC 025. US 022 039.G & S: Clothing, namely, beachwear; caps being headwear, coats; dresses, ear muffs, footwear; gloves, halloween costumes, hats, headwear; hosiery; infant wear, jackets, lounge ear muffs, mittens, overalls; pants, ponchos; rainwear; scarves; socks; shirts, shorts, skirts, sleepwear, sweaters; sweatpants, sweatshirts, swimwear; t-shirts, underwear, visors being headwear, wristbands as clothing. FIRST USE: 20171231. FIRST USE IN COMMERCE: 20171231

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

88438231

Filing Date

20190520

Current Filing Basis

1B

Original Filing Basis

1B

Publication for Opposition Date

20190730

Registration Number

Date Registered

Owner

(APPLICANT) Houghton Mifflin Harcourt Publishing Company COMPANY MASSACHUSETTS 125 High Street, 9th Floor Boston MASSACHUSETTS 02110

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Mary A. Donovan



SINCE 1828

GAMES & QUIZZES

THESAURUS

WORD OF THE DAY

FEATURES

SHOP

JOIN MWJ

LOG IN

REGISTER

gear

X

Q

Dictionary

Thesaurus

We are for career growth.
We are for *you*.

Join Inova



INOVA

gear noun

Save Word

\ ˈgɪr \

Definition of gear (Entry 1 of 2)

- 1 **a** : CLOTHING, GARMENTS
b : movable property : GOODS
- 2 : EQUIPMENT, PARAPHERNALIA
// fishing gear
- 3 **a** : the rigging of a ship or boat
b : the harness especially of horses
- 4 *dialectal, chiefly British* : absurd talk : NONSENSE
- 5 *dialectal, chiefly British* : DOINGS
- 6 **a** (1) : a mechanism that performs a specific function in a complete machine
// steering gear
(2) : a toothed wheel
(3) : working relation, position, order, or adjustment
// got her career in gear
(4) : a level or pace of functioning
// kicked their performance into high gear
b : one of two or more adjustments of a transmission (as of a bicycle or motor vehicle) that determine mechanical advantage, relative speed, and direction of travel

gear verb

geared; gearing; gears

Definition of gear (Entry 2 of 2)

transitive verb

- 1 **a** : to provide (machinery) with gearing (see [GEARING](#) sense 2)
b : to connect by gearing (see [GEARING](#) sense 1)
- 2 **a** : to make ready for effective operation
b : to adjust so as to match, blend with, or satisfy something
// gearing wages to productivity

intransitive verb

- 1 **a** *British, of machinery* : to be in gear : MESH
b : SHIFT sense 1c
// gear down



WORD OF THE DAY

abrogate

[See Definitions and Examples »](#)

Get Word of the Day daily email!

Your email address

SUBSCRIBE



TEST YOUR VOCABULARY

The Great British Vocabulary Quiz



Named after Sir Robert Peel, what are British police called?

Berties

Peelheads

Robbies

Bobbies



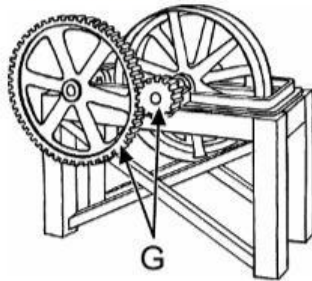
Can you spell these 10 commonly misspelled words?

[TAKE THE QUIZ »](#)

A daily challenge for crossword fanatics.

- 2 : to become adjusted so as to match, blend, or harmonize
// The industry is *geared* to meet growing consumer demand.

Illustration of gear



Noun

G gear 6a(2)

In the meaning defined [above](#)



↓ Learn More About *gear*

Other Words from *gear*

Noun

gearless \ 'gir-las \ adjective

Synonyms for *gear*

Synonyms: Noun

accoutrements (or accouterments), apparatus, equipment, hardware, kit [*chiefly British*], material(s), matériel (or materiel), outfit, paraphernalia, stuff, tackle

Visit the Thesaurus for More



Examples of *gear* in a Sentence



Image: Shutterstock

Noun

// I somehow managed to pack all my *gear* into one suitcase.

// soldiers in full combat *gear*

// a complicated arrangement of *gears* and shafts

// a car with four forward *gears*

// Halfway up the hill, my bike slipped *out of gear*.

Recent Examples on the Web: Noun

// In the military, Mr. Shiffer frequently misplaced equipment and didn't wear his *gear* properly, the soldier who served with him said.

— Ben Kesling, *WSJ*, 17 Aug. 2022

// All your *gear* will be the same power level, and that power will be gained from the artifact and a giant XP pool.

— Paul Tassi, *Forbes*, 16 Aug. 2022

// Don't forget to include the weight of your *gear* when totaling your overall weight.

— Alex Rennie, *Popular Mechanics*, 12 Aug. 2022

[See More](#) ▾

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'gear.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

Phrases Containing *gear*

bevel *gear*

change *gear*

differential *gear*

bottom *gear*

get in *gear*

high *gear*

gear up

gear shift

hit top *gear*

[See More](#) ▾

First Known Use of *gear*

Noun

14th century, in the meaning defined at [sense 1a](#)

Verb

1851, in the meaning defined at [transitive sense 1a](#)



History and Etymology for *gear*

Noun

Middle English *gere*, from Old Norse *gervi*, *gǫrvi*; akin to Old English *gearwe* equipment, clothing, *gearu* ready — more at [YARE](#)

Verb

derivative of [GEAR entry 1](#)

Buying Guide

Our Reviews team has selected the [best commuter bikes](#).

Learn More About *gear*

Share *gear*



Time Traveler for *gear*



The first known use of *gear* was in the 14th century

[See more words from the same century](#)

Dictionary Entries Near *gear*

[geanticline](#)

gear

[gearbox](#)

[See More Nearby Entries](#)

Statistics for *gear*

Last Updated

20 Aug 2022

Look-up Popularity

Top 1% of words

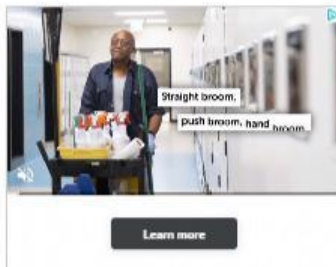
Cite this Entry

"Gear." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/gear>. Accessed 23 Aug. 2022.

Style: MLA

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PeterABurnett · 21 May, 2011

On 'Doctor Who'.

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AkuSika · 29 October, 2011

hooital

Reply · 1 · Share



AntonioBanares · 2 November, 2011

yes ken weel enough that women and gear are at the bottom of a' the mischief in this world, Rob Roy

Reply · 1 · Share

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More Definitions for *gear*

gear noun

\ ˈɡɪr \

Kids Definition of *gear* (Entry 1 of 2)

- 1 : EQUIPMENT
// camping *gear*
- 2 : a group of parts that has a specific function in a machine
// steering *gear*
- 3 : a toothed wheel : [COGWHEEL](#)
- 4 : the position the gears of a machine are in when they are ready to work
// in *gear*
- 5 : one of the adjustments in a motor vehicle that determine the direction of travel and the relative speed between the engine and the motion of the vehicle
// reverse *gear*

More from Merriam-Webster on *gear*

Nglish: Translation of *gear* for Spanish Speakers

Britannica English: Translation of *gear* for Arabic Speakers

Britannica.com: Encyclopedia article about *gear*

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MERRIAM-WEBSTER UNABRIDGED

WORDS AT PLAY



'Dunderhead' and Other
'Nice' Ways to Say



10 Words from Place
Names



'Pride': The Word That
Went From Vice to



When Were Words First
Used?

Stupid

As illustrated by some very smart pups

Bikini, bourbon, and badminton were places first

Strength

Do you take pride in Pride?

Look up any year to find out

ASK THE EDITORS



Literally

How to use a word that (literally) drives some pe...



'All Intensive Purposes' or 'All Intents and Purposes'?

We're intent on clearing it up

We're intent on clearing it up



Lay vs. Lie

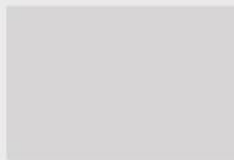
Editor Emily Brewster clarifies the difference.



Hot Mess

"The public is a hot mess"

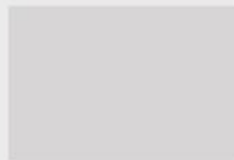
WORD GAMES



What Are You Wearing?

Roll up your sleeves and identify these garments

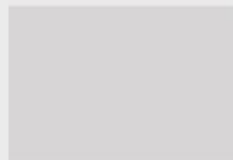
[TAKE THE QUIZ >](#)



Name That Animal: Volume 2

Can you tell a meerkat from a wombat?

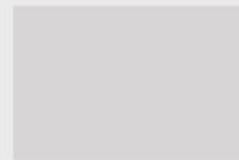
[TAKE THE QUIZ >](#)



Spell It

Can you spell these 10 commonly misspelled

[TAKE THE QUIZ >](#)



Spelling Bee Quiz

Can you outdo past winners of the National

[TAKE THE QUIZ >](#)

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BRITANNICA ENGLISH - ARABIC TRANSLATION

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 26, 2022 for
U.S. Trademark Application Serial No. 97120382

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.