

## LETTER OF PROTEST MEMORANDUM

**DATE:** February 20, 2019

**TO:** Suzanne Blane  
Examining Attorney

**FROM:** Janis Long  
Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy

**SUBJECT:** Letter of protest concerning U.S. Application Serial No. 88/142238  
For the mark

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in ex parte examination. TMEP §1715.02. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest:

Possible refusal under Trademark Act §2(b), because the mark consists of or comprises the flag of a foreign country, namely, Switzerland.

Please see TMEP §1205.01(a) concerning the examination procedures for marks potentially containing the Swiss flag.

**NOTE:** The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.