

## LETTER OF PROTEST MEMORANDUM

**DATE:** June 03, 2019

**TO:** Leslie Richards  
Examining Attorney

**FROM:** Sara Benjamin  
Attorney Advisor  
Office of the Deputy Commissioner  
for Trademark Examination Policy

**SUBJECT:** Letter of protest concerning U.S. Application Serial No. 88/312222  
for the mark THRIVE HYDRATION

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:

- (1) Possible false suggestion of an affiliation or connection with the American National Red Cross and other parties authorized to use the Red Cross emblem pursuant to Trademark Act Section 2(a). 15 U.S.C. §1052(a).
- (2) Possible unlawful use of the Greek red cross in commerce pursuant to Trademark Act Sections 1 and 45. 15 U.S.C. §1051 and 1127.
- (3) Possible likelihood of confusion under Section 2(d) with the following registration:

U.S. Registration No. 2771239 for a cross mark

Please see 18 U.S.C. §706 and TMEP §1205.01 regarding the statutory protection granted to the Red Cross emblem and the X-search database for a copy of the registration.

**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.*