

LETTER OF PROTEST MEMORANDUM

Date: June 17, 2019

To: John Schmidt
Examining Attorney

From: Judy Grundy
Attorney Advisor
Office of the Deputy Commissioner
for Trademark Examination Policy

Subject: Letter of protest concerning U.S. Application Serial No. 88322326
for the mark IMMUNITYAID

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 prohibited use of the Swiss flag as set forth in 15 U.S.C. §1052(b).

Please see the statute noted above and TMEP §1204.01(a).

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.