

## LETTER OF PROTEST MEMORANDUM

**Date:** November 30, 2020

**To:** Examining Attorney

**From:** Jason I. Roth  
Attorney Advisor

Office of the Deputy Commissioner  
for Trademark Examination Policy

**Subject:** Letter of protest concerning U.S. Application Serial No. 90136149  
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:

(1) Potential likelihood of confusion under Section 2(d) with the marks in the following registrations:

U.S. Registration Nos. 2771239 and 4773009 for cross design marks.

(2) 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).

(3) 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.

Please see copies of the registrations in the X-search database and 18 U.S.C. §706 and TMEP §1205.01 regarding the statutory protection granted to the Red Cross emblem.

**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.*