

ESTTA Tracking number: **ESTTA1095800**

Filing date: **11/16/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	88017204
Applicant	The PSYCH Group, LLC
Applied for Mark	THE PSYCH GROUP
Correspondence Address	ROSEZENA J. PIERCE R.J. PIERCE LAW GROUP, P.C. 200 W. MADISON SUITE 2100 CHICAGO, IL 60606 UNITED STATES Primary Email: rosezena@rjpiercelaw.com Secondary Email(s): sakeena@rjpiercelaw.com, jasmine@rjpiercelaw.com 312-217-0799
Submission	Reply Brief
Attachments	THE PSYCH GROUP - Appeal Brief.pdf(244381 bytes )
Filer's Name	Jasmine Jandrlich
Filer's email	rosezena@rjpiercelaw.com, info@rjpiercelaw.com, jasmine@rjpiercelaw.com, jonelle@rjpiercelaw.com
Signature	/Jasmine Jandrlich/
Date	11/16/2020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK  
TRIAL AND APPEAL BOARD**

In re The PSYCH Group, LLC

Mark: The PSYCH Group

Serial No.: 88017204

**Filing Date:** June 27, 2018

Class:

Examining Attorney: Gretta Yao

**APPLICANT'S APPEAL BRIEF**

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

**TABLE OF CONTENTS**

	<b>Page Nos.:</b>
Table of Authorities .....	2
I. Introduction.....	4
II. Statement of the Case.....	4
III. Argument.....	6
IV. Conclusion.....	14

## TABLE OF AUTHORITIES

### CASES:

<i>H. Marvin Ginn Corp. v. Int’l Ass’n of Fire Chiefs, Inc.</i> , 782 F.2d 987, 989-90, (Fed. Cir. 1986)	6
<i>Dep’t of Justice, FBI v. Calspan Corp.</i> , 578 F.2d 295, 299, 198 USPQ 147, 149 (C.C.P.A. 1978)	7
<i>In re Gould Paper Corp.</i> , 834 F.2d 1017, 5 U.S.P.Q.2d 1110, 1111 (Fed. Cir. 1987)	7
<i>In re Dial-A-Mattress</i> , 240 F.3d 1341, 57 U.S.P.Q.2d 1807, 1810 (Fed. Cir. 2001)	7
<i>In re Merrill Lynch, Pierce, Fenner, &amp; Smith, Inc.</i> , 828 F.2d 1567 (Fed. Cir. 1987)	8
<i>In re Nordic Naturals, Inc.</i> , 755 F.3d 1340, 111 U.S.P.Q.2d 1495, 1497 (Fed. Cir. 2014)	8
<i>In re Am. Fertility Soc’y</i> , 188 F.3d at 1348, 51 USPQ2d at 1837	10
<i>Princeton Vanguard</i> , 786 F.3d at 968, 114 USPQ2d at 1832.	10

## I. INTRODUCTION

COMES NOW Applicant, The PSYCH Group, LLC, (hereinafter “Applicant”) provides this Brief of the Applicant in support of its appeal of the examining attorney’s refusal to register the instant mark.

## II. STATEMENT OF THE CASE

On June 27, 2018, Applicant filed the instant trademark with the U.S. Patent and Trademark Office seeking to register the same on in connection with the following services in International Class 044: Psychological assessment services; Psychological assessment services in the field of clinical, educational, neuropsychological, and forensic; Psychological consultation; Psychological counseling; Psychological counseling in the field of trauma, parenting, anxiety, depression, work and career issues, stress management, multicultural issues, conflict resolution, and intimacy concerns; Psychological services, namely, providing diagnostic services to children with special needs and their families; Psychological services, namely, providing therapeutic services to children with special needs and their families; Psychological testing services; Consulting services in the field of forensic psychology; Providing information in the field of psychological counseling and treatment.

On Oct 19, 2018, the Examining Attorney refused registration of the Applicant’s trademark on the grounds of genericism.

On April 19, 2019, Applicant filed a response to the Office Action with arguments in support of registration, requesting that its mark be allowed on the supplemental registry. However,

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.