

**To:** JEROMYE SARTAIN([docketing@masterkeyip.com](mailto:docketing@masterkeyip.com))  
**Subject:** U.S. Trademark Application Serial No. 90717679 - AARON SACHS & ASSOCIATES, P.C. AUTOINJURY.COM - AASA.003.UST  
**Sent:** January 19, 2024 09:58:37 AM EST  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[2024-01-19\\_09-00-44.jpg](#)  
[2024-01-19\\_09-02-37.jpg](#)  
[2024-01-19\\_09-44-39.jpg](#)  
[2024-01-19\\_09-44-51.jpg](#)  
[2024-01-19\\_09-44-57.jpg](#)  
[2024-01-19\\_09-45-12.jpg](#)  
[2024-01-19\\_09-45-25.jpg](#)  
[2024-01-19\\_09-45-35.jpg](#)  
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[2024-01-19\\_09-46-09.jpg](#)  
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[2024-01-19\\_09-47-34.jpg](#)  
[2024-01-19\\_09-47-53.jpg](#)

**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 90717679

**Mark:** AARON SACHS & ASSOCIATES, P.C. AUTOINJURY.COM

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UNITED STATES

**Applicant:** Aaron Sachs and Associates, P.C.

**Reference/Docket No.** AASA.003.UST

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**REQUEST FOR RECONSIDERATION AFTER FINAL ACTION DENIED**

**Issue date:** January 19, 2024

**Applicant's request for reconsideration is denied.** *See* 37 C.F.R. §2.63(b)(3). The trademark examining attorney has carefully reviewed applicant's request and determined the request did not: (1) raise a new issue, (2) resolve all the outstanding issue(s), (3) provide any new or compelling evidence with regard to the outstanding issue(s), or (4) present analysis and arguments that were persuasive or shed new light on the outstanding issue(s). TMEP §§715.03(a)(ii)(B), 715.04(a).

Specifically, applicant's additional Section 2(f) in part evidence failed to meet applicant's burden of showing that the wording AUTOINJURY.COM alone has acquired distinctiveness. Most of the evidence depicted the wording AUTOINJURY.COM shown used with applicant's AARON SACHS & ASSOCIATES mark in a manner that does not show that consumers would perceive this wording alone as a mark. Some of the evidence shows the URL in the mark used next to applicant's phone number, which suggests that consumers would perceive it as informational wording directing them to the URL of applicant's website.

Additionally, the evidence only showed advertising efforts in Missouri and did not reflect the kind of nationwide exposure that supports a claim of acquired distinctiveness in part. The attached evidence and evidence of record in the request for reconsideration showing applicant's website substantiates the local nature of applicant's advertising efforts. Applicant advertises on its website that it serves three areas within Missouri and only accepts cases in the five surrounding states. So applicant's advertising efforts, however extensive they may be locally, do not appear to have the national reach that would support a claim of acquired distinctiveness in U.S. commerce.

Therefore, the request for reconsideration is denied.

Accordingly, the following requirement(s) and/or refusal(s) made final in the Office action dated June 26, 2023 are **maintained and continued**:

- Disclaimer Required

*See* TMEP §§715.03(a)(ii)(B), 715.04(a).

**If applicant has already filed an appeal** with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

**If applicant has not filed an appeal** and time remains in the response period for the final Office action, applicant has the remainder of that time to (1) [file another request for reconsideration](#) that complies with and/or overcomes any outstanding final requirement(s) and/or refusal(s), and/or (2) [file a notice of appeal](#) to the Board. TMEP §715.03(a)(ii)(B).

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