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USPTO Office Actions Explained

The United States Patent and Trademark Office (USPTO) reviews each trademark application that is filed in the United States. The USPTO often issues what are known as "office actions" to applicants that describe the legal status of the applicant's trademark application. It is important for applicants to understand the different types of office action letters and how to respond to them.

There are four different types of office actions that can be issued by the USPTO including:

- **Examiner's Amendment:** an examiner's amendment is written confirmation of an amendment that has been agreed to by both the USPTO attorney and the applicant. Applicants do not have to respond to an examiner's amendment because they have already agreed to the amendment before receiving the USPTO letter.
- **Priority Action:** an applicant who receives a priority action letter is informed of the additional requirements that must be met before an application can be approved. An applicant must respond to the priority action letter within 6 months of the date the letter is mailed. While extensions are not given for response, there is an advantage to responding to a priority action quickly. Responses that are received within 2 months of the date the letter is mailed are given priority in processing by the USPTO.
- **Office Action:** an office action letter describes the legal status of the trademark application. It will reveal if the USPTO found a conflicting mark or if the USPTO is refusing to register the trademark for a substantive or procedural reason. Two types of office action letters may be issued: a final office action and a non-final office action. Typically, a non-final office action is issued first with respect to an issue. Applicants have 6 months to respond to the letter. If issues remain after a non-final office action then a final office action may be issued that gives applicants 6 months to comply with the requests, appeal the requests or abandon the application.
- **Suspension Letters:** a suspension letter stops all USPTO action on the trademark application. The suspension may be temporary and review of the application may proceed at a later time. Trademark applicants so not need to respond to suspension letters.

It is important to provide the USPTO with a timely and professional response to any office action which requires a response. You may not receive a second chance to get the application right. Therefore, it makes sense to consult a trademark attorney prior to issuing your response.

To Learn More About the Way We Handle Office Actions and Our Other Trademark Services Please Visit Our Website:

http://www.lanternlegal.com/tm_office_actions.php

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