

Fwd: RE: Trademark Registration No. 2500525 for the mark CITIZENS FOR A BETTER AMERICA

 **From** <ew@cfaba.org>
To <ROBERT.WALKER@USPTO.GOV>
Cc Robert Colaco, Founder (CFABA.ORG) <EW@CFABA.ORG>
Date 2023-06-06 19:44
Priority Highest

This Open Letter is being finalized on June 6, 2023; at 16:40 (Pacific Military Time, PMT). It is not an automated email or response.

SENT BY EMAIL TO:

"ROBERT.WALKER@USPTO.GOV" <ROBERT.WALKER@USPTO.GOV>

CARBON COPY SENT BY EMAIL TO:

"Robert Colaco, Founder (CFABA.ORG)" <EW@CFABA.ORG>

Subject:

Per our discussion on the phone today I am forwarding to you that e-mail that you and I spoke about today, Tuesday, June 6, 2023

With All Sincerity,
Robert Colaco (RC)
Volunteer National Chairman, Founder
CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG)

P.S. 1:

I am using Accessibility software including but not limited to Speech Recognition Software (SRS).

P.S. 2:

Beginning in June of 2022 I decided to begin the process of keeping track of how much time each document takes to work on from start to finish.

I thought about whether to do what I have accused numerous government agencies of keeping secrets or as I like to put it "These are not top grade military secret issues, you are not running the Pentagon or some other three letter top secret government entity."

So, I am not creating some kind of secret phrasing, codes, etc. Again, one of the main reasons that I am doing this so that I would know how much time each document takes to work on from start to finish.

01. Starting time of working on this document (if any time and dates have an "ATT" after them then it means that it was "About The Time") since I did not use the pull down Time/Date in "Windows Notepad":
16:02 2023-06-06 ATT

01. Ending time of working on this document:
16:40 2023-06-06

DOCUMENT EMAIL TEXT NAME:

20230606_1640_ROBERT.WALKER@USPTO.GOV,-AKA_ROBERT-WALKER@USPTO-GOV-Per our discussion on the phone today

THIS IS THE END OF LETTER FROM CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG).

This was sent to you by:
CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG)
Federal regulatory body and ID number, F.E.C. ID #: C00278333
California regulatory body and ID number, F.P.P.C. ID #: 1265022
Voice: (818)574-8911

Our Contact Page:
cfaba.org/cf01003.htm
<http://www.cfaba.org/cf01003.htm>

Our main website:

CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG).
CFABA.ORG
<http://CFABA.ORG>

Some of our Other websites:

OpenLetters.info

<http://openletters.info/>

Protectmarriage.info

<http://protectmarriage.info/>

Keepthecross.com

<http://keepthecross.com/>

Stateprops.com

<http://stateprops.com/>

E-mail addresses:

"Robert Colaco, Founder (CFABA.ORG)" <EW@CFABA.ORG>

COPYRIGHT INFORMATION:

(c) Copyright, 1992-2023. All Rights Reserved. CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG). This communication has been authorized, paid for and published by CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG). This is not authorized by any candidate or candidate committee.

The (R) after the exact term of "Citizens For A Better America" stands for a Federally Registered Trademark filed with the US Patents & Trademarks Office. To see the latest status of that registered trademark please click on the following link:

tsdr.uspto.gov/#caseNumber=78030621&caseType=SERIAL_NO&searchType=statusSearch

https://tsdr.uspto.gov/#caseNumber=78030621&caseType=SERIAL_NO&searchType=statusSearch

The (TM) after any term means that it is a Trademark. All Trademarks and Registered Trademarks are the property of CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG) or Robert Colaco and may not be used without written permission.

DOCUMENT NAME(S) AND POSTING LINK INFORMATION (IF APPLICABLE):

THIS IS THE END OF OPEN LETTER FROM CITIZENS FOR A BETTER AMERICA(R) (CFABA.ORG).

----- Original Message -----

Subject: RE: Trademark Registration No. 2500525 for the mark CITIZENS FOR A BETTER AMERICA

Date: 2023-06-02 16:23

From: TMPetitionResolution <TMPetitionResolution@uspto.gov>

To: "'ew@cfaba.org'" <ew@cfaba.org>

Dear Robert Colaco,

Thank you for your additional communications with the United States Patent and Trademark Office (USPTO). Your communications with the Office of the Under Secretary and Director, Office of the Commissioner for Trademarks, Office of Policy and International Affairs, Office of Trademark Services, and Trademark Assistance Center (TAC) have been relayed to the Office of the Deputy Commissioner for Trademark Examination Policy for response.

As explained in our email below dated May 11, 2023, and your communications with TAC, your registration cancelled on May 8, 2023, and a notice of cancellation issued on May 9, 2023, for failure to timely respond to the Post Registration Office action that issued on October 28, 2022. In the Office action, you were required to provide your domicile address in accordance with Trademark Rule 2.189. The Office action further stated that a response was due within 6 months from the issuance date of the action, and advised that if no response was received by this date, the registration would be cancelled. Since we have no record that any response was received by April 28, 2023, your registration properly cancelled.

Petitioning to Request Reinstatement of Cancelled Registration and Waiver of Domicile Requirement

--

As noted in the notice of cancellation issued on May 9, 2023, and explained in our email below, a petition to the Director under Trademark Rule 2.146 (petition) can be filed to request reinstatement of a cancelled registration and acceptance of a late response to an outstanding Post Registration Office action. A petition must be filed by

July 9, 2023, two months following the issuance date of the notice of cancellation. 37 C.F.R. §2.146(d)(1); TMEP §§1705.04, 1712.02(b)(i). The petition must include a statement explaining how the failure to respond to the Office action was due to an extraordinary situation. For example, if you did not receive the Office action notification email, you may state this in your petition.

To expedite processing, you should also provide with your petition a response to the October 28, 2022 Office action. In this case, the only requirement in the action was to provide your domicile address. When you spoke to TAC you expressed concerns about providing your domicile address as required by Trademark Rule 2.189. Please note, you can request in your petition to waive the rule if an extraordinary situation exists. For example, if due to personal safety concerns you are requesting a waiver of the rule, you can explain this in your petition. As previously noted, all information provided in the petition becomes part of the publicly-viewable record so you should not provide any information in your petition that you do not want made publicly viewable.

The petition form will require payment of the \$250 petition fee. You may include with your petition a request to refund the fee if, for example, you have evidence that you timely responded to the Post Registration Office action and the USPTO cancelled your registration in error. To file a petition via the Trademark Electronic Application System (TEAS), please visit <https://teas.uspto.gov/office/pgp>.

Filing a New Trademark Application and Request to Make Special

If your failure to timely respond to the Office action was not due to an extraordinary situation, you may file a new application [1] with the USPTO to seek registration for your mark. After filing a new application, you may also submit a Request to Make Special Form #6 [2], and if granted, the application will be immediately assigned to an examining attorney for review. There is no fee required to submit this request. For the USPTO to grant an application "special" status, the mark in the new application must be identical to the mark in the cancelled registration, the goods and/or services must be identical, and the new application must be owned by the prior registrant or its assignee.

--

_Please note that the above options are the only remedies available to a trademark owner following the cancellation of a trademark registration for failure to timely respond to a Post Registration Office action, as provided by the Trademark Rules of Practice. Although it has been brought to our attention that you have contacted multiple offices within the USPTO seeking additional relief following the cancellation of your registration, there are no other means for requesting reinstatement of a cancelled registration. _

Conducting Business with the USPTO

The Trademark Rules require that all requests for relief in a trademark case must be filed electronically using TEAS. 37 C.F.R. §§2.21, 2.23; _Trademark Manual of Examining Procedure_(TMEP) §301.01. A USPTO employee is not authorized to reinstate a cancelled registration based on a request made over the phone. If you believe your registration was cancelled in error, the proper procedure is to file a petition to the Director with a detailed statement of the circumstances. If USPTO error is found, the petition fee will be refunded.

Please note that the Trademark Rules also require an applicant, registrant, attorney, or party to conduct their business before the USPTO with decorum and courtesy. _See_ 37 C.F.R. §2.192; TMEP §709.07. The USPTO will review all oral or written communications received, but may decline to consider or respond to any communication containing abusive, offensive, threatening, or otherwise discourteous remarks directed to the USPTO or any of its staff. Similarly, USPTO staff may terminate any communication or other interaction if the person makes abusive, offensive, or threatening statements or engages in threatening or otherwise inappropriate behavior. _See_ 37 C.F.R. §2.192.

Parties that fail to abide by this rule may be restricted from informally communicating with the USPTO via phone or email and/or required to conduct all business through formal written response, as

required by Trademark Rule 2.191. 37 C.F.R. §2.191.

Hiring a Trademark Attorney

Because of the legal technicalities and strict deadlines involved in maintaining a trademark registration, you may wish to hire a private attorney specializing in trademark matters to represent you in this process and provide legal advice. Although USPTO employees are permitted to help a trademark owner understand the contents of an Office action as well as the registration maintenance process in general, no USPTO staff is permitted to give legal advice or statements about an owner's legal rights. See TMEP §709.06.

For attorney referral information, you may consult the American Bar Association's Consumers' Guide to Legal Help at http://www.americanbar.org/groups/legal_services/flh-home.html; an online directory of legal professionals, such as FindLaw® at <http://lawyers.findlaw.com/>; or a local telephone directory. The USPTO, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

We trust the information provided sheds some additional light on the cancellation of your trademark registration as well as your options moving forward. Please do not reply to this mailbox as it does not accept incoming messages.

Kind regards,

Office of the Deputy Commissioner for Trademark Examination Policy

United States Patent and Trademark Office

From: TMPetitionResolution
Sent: Thursday, May 11, 2023 8:26 PM
To: ew@cfaba.org
Subject: Trademark Registration No. 2500525 for the mark CITIZENS FOR A BETTER AMERICA

Dear Robert Colaco,

Thank you for contacting the United States Patent and Trademark Office (USPTO). Your call to the Trademark Assistance Center (TAC) has been relayed to the Office of the Deputy Commissioner for Trademark Examination Policy to provide additional information regarding how to petition to request reinstatement of your registration and a waiver of the requirement to provide your domicile address. We were sorry to hear about the difficulties you experienced while verifying your identity through ID.me. Please note this system was set up to better protect our customers from scams and fraudulent activities related to the trademark register.

With respect to your registration, a review of Office records indicates that you timely filed a Section 8 declaration and an application for renewal under Section 9 of the Trademark Act (combined filing) on April 22, 2022. On October 28, 2022, a Post Registration Office action issued requiring for you to provide your domicile address since the combined filing lists your address as a PO box. The Office action stated that a response was due within 6 months from the issuance date of the action, and advised that if no response was received, the registration would be cancelled. Since no response was received, the registration was cancelled on May 8, 2023, and a notice of cancellation issued on May 9, 2023.

Petition to Request Reinstatement of Cancelled Trademark Registration and Waiver of Domicile Requirement

--

As noted in the notice of cancellation, a petition to the Director under Trademark Rule 2.146 (petition) can be filed to request reinstatement of a cancelled registration and acceptance of a late response to an outstanding Office action. A petition must be filed within two months from the issuance date of the notice of cancellation. 37 C.F.R. §2.146(d)(1); TMEP §§1705.04, 1712.02(b)(i). Therefore, a petition for reinstatement must be filed by July 9, 2023. The petition must include a statement explaining how the failure to respond to the Office action was due to an extraordinary situation. For example, failure to receive the Office action would constitute an extraordinary situation.

Any details to support the extraordinary situation should be provided in the petition.

To expedite processing, you should also provide with your petition a response to the October 28, 2022 Office action. In this case, the only requirement in the action was to provide your domicile address. When you spoke to TAC you expressed concerns about providing your domicile address. Please note this is a requirement of Trademark Rule 2.189. However, you can request in your petition to waive the rule if an extraordinary situation exists. For example, if due to personal safety concerns you are requesting a waiver of the rule, you can explain this in your petition. Please note that all information provided in the petition becomes part of the publicly-viewable registration record so you should not provide any information in your petition that you do not want made viewable by the public. To file a petition to the Director via the Trademark Electronic Application System (TEAS), please visit <https://teas.uspto.gov/office/pgp>.

Please do not reply to this mailbox as it does not accept incoming messages. As Hilary explained, she will follow-up with you next week to provide assistance if you opt to file a petition requesting reinstatement or a new trademark application.

Sincerely,

Office of the Deputy Commissioner for Trademark Examination Policy

United States Patent and Trademark Office

Links:

[1] <https://www.uspto.gov/trademarks/apply/initial-application-forms>

[2] <https://www.uspto.gov/trademarks/apply/petition-forms>