

**To:** MARINO, MARK([HBEDIKIAN@A2ACCOUNTING.COM](mailto:HBEDIKIAN@A2ACCOUNTING.COM))  
**Subject:** U.S. Trademark Application Serial No. 97675516 - LAWN PHIX INC  
**Sent:** August 30, 2023 04:18:18 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

---

**Attachments**

[4037522](#)  
[4037522](#)  
[6495875](#)  
[4208642](#)  
[4782933](#)  
[5510072](#)  
[6689960](#)  
[6078315](#)  
[7095981](#)  
[screenshot-lawnphix-com-16934247328311](#)

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

**U.S. Application Serial No.** 97675516

**Mark:** LAWN PHIX INC

**Correspondence Address:**  
MARINO, MARK

BELLINGHAM MA 02019  
UNITED STATES

**Applicant:** MARINO, MARK

**Reference/Docket No.** N/A

**Correspondence Email Address:** [HBEDIKIAN@A2ACCOUNTING.COM](mailto:HBEDIKIAN@A2ACCOUNTING.COM)

**NONFINAL OFFICE ACTION**

**Response deadline.** File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

**Request an extension.** For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date”

below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the "Issue date" to avoid abandonment of the application.

**Issue date:** August 30, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

#### SUMMARY OF ISSUES:

- Likelihood of confusion with registered mark
- Identification of services indefinite
- Specimen not acceptable
- Disclaimer of descriptive terms

#### SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4037522. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Applicant applied to register "LAWN PHIX INC." in standard characters for "Lawn phix provides household lawn care services through out the year. this includes preventing pesky pesticides to keeping it green and healthy."

The cited mark is "PHIX" (standard character) for "pesticides."

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "*du Pont* factors"). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, "not all of the *DuPont* factors are relevant or of similar weight in every case." *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

## Similarity of the Marks

Applicant's mark is "LAWN PHIX INC." in standard characters. The registered mark is "PHIX" in standard character form.

The marks create an overall similar commercial impression because they share the highly similar terms "PHIX."

Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (holding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (holding BENGAL LANCER and design and BENGAL confusingly similar); *Double Coin Holdings, Ltd. v. Tru Dev.*, 2019 USPQ2d 377409, at \*6-7 (TTAB 2019) (holding ROAD WARRIOR and WARRIOR (stylized) confusingly similar); *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1090 (TTAB 2016) (holding JAWS DEVOUR YOUR HUNGER and JAWS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

The dominant element of applicant's mark, PHIX, creates a confusingly similar commercial impression with the registered mark because a consumer would likely believe LAWN PHIX INC. and PHIX refer to the same source, namely, that the lawn care services are provided by the maker of the pesticides.

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff'd per curiam*, 777 F. App'x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); TMEP §1207.01(b)(viii), (c)(ii). Matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant in relation to other wording in a mark. *See Anheuser-Busch, LLC v. Innvopak Sys. Pty Ltd.*, 115 USPQ2d 1816, 1824-25 (TTAB 2015) (citing *In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004)).

In the present case, the attached evidence from applicant's website shows that the wording LAWN in the applied-for mark is merely descriptive of or generic for applicant's goods and/or services. Thus, this wording is less significant in terms of affecting the mark's commercial impression, and renders the wording PHIX the more dominant element of the mark.

Thus, the marks are confusingly similar because applicant's mark, "LAWN PHIX INC.", creates an overall similar commercial impression with the registered mark "PHIX."

## Comparison of Goods/Services

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i); *see Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at \*44 (TTAB 2022) (quoting *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006)).

The trademark examining attorney has attached evidence from the USPTO’s X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely pesticides and lawn care services, are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

Thus, a likelihood of confusion exists because the marks create a confusingly similar commercial impression and the goods and services at issue are closely related.

Consumers are likely to be confused by the use of similar marks on or in connection with goods and with services featuring or related to those goods. TMEP §1207.01(a)(ii); *see In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1051 (Fed. Cir. 2018) (finding retail shops featuring sports team related clothing and apparel related to various clothing items, including athletic uniforms); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988) (finding retail grocery and general merchandise store services related to furniture); *In re United Serv. Distribs., Inc.*, 229 USPQ 237 (TTAB 1986) (finding distributorship services in the field of health and beauty aids related to skin cream); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (finding various items of men’s, boys’, girls’ and women’s clothing related to restaurant services and towels); *Steelcase Inc. v. Steelcare Inc.*, 219 USPQ 433 (TTAB 1983) (finding refinishing of furniture, office furniture, and machinery related to office furniture and accessories); *Mack Trucks, Inc. v. Huskie Freightways, Inc.*, 177 USPQ 32 (TTAB 1972) (finding trucking services related to motor trucks and buses).

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

## IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because it is written in a descriptive sentence form as opposed to specifically identifying the services provided. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant may adopt the following wording, if accurate: lawn care; lawn cultivation, in Class 44.

#### SPECIMEN NOT ACCEPTABLE

**Specimen is merely a drawing or depiction of the mark.** Registration is refused because the specimen is merely a photocopy of the drawing or a depiction of the applied-for mark and does not show the applied-for mark as actually used in commerce with the goods and/or services in International Class(es) 44. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (c); *In re Chica*, 84 USPQ2d 1845, 1848 (TTAB 2007); TMEP §§904, 904.07(a), 1301.04(g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods and/or services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

**Examples of specimens.** Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

**Response options.** Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

(1) Submit a different specimen (a verified “**substitute**” specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of

the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

## DISCLAIMER REQUIRED

Applicant must disclaim the wording “LAWN” and “INC.” because it is merely descriptive of a quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a). Business type designations and abbreviations such as “Corporation,” “Inc.,” “Company,” “LLC,” and “Ltd.” or family business designations such as “& Son’s” or “Bros.” merely indicate applicant’s business type or structure and generally have no source-indicating capacity. TMEP §1213.03(d); *see, e.g., Goodyear’s India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Piano Factory Grp., Inc.*, 85 USPQ2d 1522, 1526 (TTAB 2006); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998).

This wording appears in applicant’s identification of goods and/or services. Thus, the wording merely describes applicant’s goods and/or services because it is the name of the type of service provided and the entity type.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “LAWN” and “INC.” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

## RESPONSE TO OFFICE ACTION

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Because of the legal technicalities and strict deadlines of the trademark application process, applicant is encouraged to hire a private attorney who specializes in trademark matters to assist in this process. The assigned trademark examining attorney can provide only limited assistance explaining the content of an

Office action and the application process. USPTO staff cannot provide legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. See [Hiring a U.S.-licensed trademark attorney](#) for more information.

**How to respond.** File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Jill Prater/  
Jill Prater  
Examining Attorney  
LO119--LAW OFFICE 119  
(571) 272-8257  
Jill.Prater1@uspto.gov

## RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov).
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

PHIX

**Mark Punctuated**

PHIX

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Pesticides

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85154844

**Filing Date**

20101018

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20110726

**Registration Number**

4037522

**Date Registered**

20111011

**Owner**

(REGISTRANT) Omex Agriculture Inc. AKA OMEX Agrifluids, Inc. CORPORATION CANADA 290 Agri Park Rd Oak Bluff, Manitoba CANADA R4G0A5

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**



LIVE

**Attorney of Record**

Christopher Bikus

(4) STANDARD CHARACTER MARK

PHIX

**Mark Punctuated**

PHIX

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Pesticides

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85154844

**Filing Date**

20101018

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20110726

**Registration Number**

4037522

**Date Registered**

20111011

**Owner**

(REGISTRANT) Omex Agriculture Inc. AKA OMEX Agrifluids, Inc. CORPORATION CANADA 290 Agri Park Rd Oak Bluff, Manitoba CANADA R4G0A5

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Christopher Bikus

## (2) DESIGN ONLY

**Mark Punctuated****Translation****Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: (Based on Section 44(e)) non-medicated hair and skin care preparations; hair shampoo and conditioner; non-medicated soap for body care; non-medicated skin care lotion; toothpaste; (Based on Use in Commerce) non-medicated hair and skin care preparations; hair shampoo and conditioner; non-medicated soap for body care; non-medicated skin care lotion; toothpaste. FIRST USE: 20170823. FIRST USE IN COMMERCE: 20170823
- IC 005. US 005 006 018 044 046 051 052.G & S: (Based on Section 44(e)) pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for home, garden and lawn use; pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for professional use; pesticide, bio pesticide, insecticide, biocide, acaricide, ovicide, and fungicide impregnated substrates in the nature of pads and sponges for home and commercial use; (Based on Use in Commerce) pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for home, garden and lawn use; pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for professional use; pesticide, bio pesticide, insecticide, biocide, acaricide, ovicide, and fungicide impregnated substrates in the nature of pads and sponges for home and commercial use. FIRST USE: 20131100. FIRST USE IN COMMERCE: 20131100
- IC 037. US 100 103 106.G & S: (Based on Section 44(e)) pest control for residential and commercial buildings; providing a website featuring information on bio pesticides and components of bio pesticides, namely, information about the use of bio pesticides in commercial and residential building pest control applications, and information on methods of controlling pests, including bed bugs, using bio pesticides and naturally-derived pest control products for commercial and residential buildings; residential and commercial application of pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides
- IC 044. US 100 101.G & S: (Based on Section 44(e)) providing a website featuring information on bio pesticides and components of bio pesticides, namely, information about the use of bio pesticides in agricultural pest control applications, and information on methods of controlling pests using bio pesticides and naturally-derived pest control products for agricultural pest control applications

**Mark Drawing Code**

(2) DESIGN ONLY

**Design Code**

050308 050325

**Serial Number**

87797971

**Filing Date**

20180214

**Current Filing Basis**

1A;44E

**Original Filing Basis**

1A;1B;44D

**Publication for Opposition Date**

20210615

**Registration Number**

6495875

**Date Registered**

20210928

**Owner**

(REGISTRANT) Terramera, Inc. British Columbia corporation CANADA 333 Seymour Street Suite 1100  
Vancouver, BC CANADA V6B5A6

**Priority Date**

20180116

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of two leaves with the darker leaf in front of and partially covering the lower portion of the lighter leaf design.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Gina Lupino

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

GROGREEN

**Translation**

**Goods/Services**

- (CANCELLED) IC 005. US 006 018 044 046 051 052.G & S: [ Pesticides and insecticides ]. FIRST USE: 20101100. FIRST USE IN COMMERCE: 20101100
- IC 044. US 100 101.G & S: Lawn care, namely, applying lawn care chemicals; tree and shrub care. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

051303

**Serial Number**

85341515

**Filing Date**

20110608

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20120703

**Registration Number**

4208642

**Date Registered**

20120918

**Owner**

(REGISTRANT) GroGreen, Inc. CORPORATION TEXAS Suite A 1300 Summit Ave. Plano TEXAS 75074

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of the word "GROGREEN" and grass design.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

George R. Schultz

(4) STANDARD CHARACTER MARK

PROGAEA

**Mark Punctuated**

PROGAEA

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Insect repellents; Animal repellents; **Pesticides**; Insecticides; Preparations for controlling insects; Fungicides. FIRST USE: 20140531. FIRST USE IN COMMERCE: 20140531
- IC 037. US 100 103 106.G & S: Pest and insect control services; Spraying or spreading of animal repellant treatments on plants, shrubs, trees, and lawns as a means of animal control. FIRST USE: 20150427. FIRST USE IN COMMERCE: 20150427
- IC 044. US 100 101.G & S: Grounds care services, namely, **lawn**, tree, shrub and ornamental plant care services; Pest control services for agriculture, horticulture or forestry; Spraying or spreading of animal repellant treatments on plants, shrubs, trees, and lawns for agricultural, horticultural or forestry purposes. FIRST USE: 20150427. FIRST USE IN COMMERCE: 20150427

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86241982

**Filing Date**

20140403

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20140902

**Registration Number**

4782933

**Date Registered**

20150728

**Owner**

(REGISTRANT) Pure Pest Management, LLC LIMITED LIABILITY COMPANY DELAWARE 39 Warren Ave. Weston MASSACHUSETTS 02493

**Priority Date**



**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Kathleen M. Burch

**(4) STANDARD CHARACTER MARK**

THIS IS A SCOTTS YARD

**Mark Punctuated**

THIS IS A SCOTTS YARD

**Translation**

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizer, plant food. FIRST USE: 20180401. FIRST USE IN COMMERCE: 20180401
- IC 005. US 006 018 044 046 051 052.G & S: Herbicides, pesticides, insecticides. FIRST USE: 20180401. FIRST USE IN COMMERCE: 20180401
- IC 044. US 100 101.G & S: Providing information and advice on the subjects of lawn care and gardening via the Internet and other means. FIRST USE: 20180410. FIRST USE IN COMMERCE: 20180410

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87977490

**Filing Date**

20170309

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20170829

**Registration Number**

5510072

**Date Registered**

20180703

**Owner**

(REGISTRANT) OMS Investments, Inc. CORPORATION DELAWARE 10250 Constellation Blvd., Suite 2800 Los Angeles CALIFORNIA 90067

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Robert Morgan

(4) STANDARD CHARACTER MARK

PESTIE

**Mark Punctuated**

PESTIE

**Translation**

**Goods/Services**

- IC 005. US 005 006 018 044 046 051 052.G & S: Pest control kits comprised of pesticides, insecticides and related pest control equipment including sprayers, gloves and bags. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 035. US 100 101 102.G & S: Online retail store services featuring pesticides, insecticides and related pest control equipment including sprayers, gloves and bags. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 037. US 100 103 106.G & S: Providing guidance in the nature of consultation in the field of pest control for residential homes, commercial buildings. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 042. US 100 101.G & S: Software as a service, namely, providing online non-downloadable software for collecting, analyzing, and providing pest control data, including product, application and guidance. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 044. US 100 101.G & S: Providing guidance in the nature of consultation in the field of pest control for recreational agriculture in the nature of outdoor landscaping, lawns, plants, bushes, shrubbery, trees, and other household plants. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90597823

**Filing Date**

20210323

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220118

**Registration Number**

6689960

**Date Registered**

20220405

**Owner**

(REGISTRANT) Pestie, Inc. CORPORATION DELAWARE 5159 E Moonlight LN Eagle Mountain UTAH 84005

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

**(4) STANDARD CHARACTER MARK**

VITERRA

**Mark Punctuated**

VITERRA

**Translation**

The wording "VITERRA" has no meaning in a foreign language.

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizers of a dry granular, liquid, biological being inoculants and anhydrous nature; chemical preparations for use in agriculture, horticulture and forestry, namely, chemical preparations for the treatment of seeds
- IC 005. US 006 018 044 046 051 052.G & S: Agricultural chemicals, namely, herbicides, insecticides, and rodenticides being seed treatments
- IC 031. US 001 046.G & S: Livestock supplies, namely, animal feed, protein supplements, animal feed in the nature of grain screening pellets and mill feeds; animal feed featuring seed and grain, namely, registered, commercial and certified cereals, field crop, grass forage, lawn and garden, legume, forage, oilseeds, peas, beans, lentils, mustard, canary seed, sunflower seed, millet, bird seed mixtures
- IC 035. US 100 101 102.G & S: Transportation logistics services, namely, coordinating the transportation of freight by truck; retail stores and wholesale distributorships featuring agricultural commodities and inputs; wholesale distribution and retail store services featuring agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary by-products of agricultural products, animal feeds, namely, complete feeds, concentrated vitamin premix feeds, mineral premix feeds, concentrated vitamin and mineral premix feeds, supplement feeds and feed concentrates, animal feed nutrients and additives, animal feed medications and injectables to treat and prevent disease in animals, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers and compost and soil; business merchandising services, namely, strategic development, advertisement and marketing relating to the production, purchase and sale of agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary by-products of agricultural products; consulting services, namely, business planning, management and record keeping services for agricultural customers and suppliers; business management for others of grain elevators and terminals and crop production centres; business risk management services; business information services, namely, provision of agricultural market information
- IC 036. US 100 101 102.G & S: Contracting in the nature of commodity trading for others and financing of agricultural commodities and inputs; insurance services, namely, underwriting of hail insurance; provision of commodity brokerage information; financial planning for agricultural customers and suppliers; financial risk management services
- IC 039. US 100 105.G & S: Transportation services, namely, transportation of grains, agricultural commodities and inputs and general freight by truck; grain storage services; custom packaging to the order and specification of others
- IC 040. US 100 103 106.G & S: Custom processing of agricultural products and processed foods; provision of seed treating and coating services; custom manufacture and processing of agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary

by-products of agricultural products, animal feeds, namely, complete feeds, concentrated vitamin premix feeds, mineral premix feeds, concentrated vitamin and mineral premix feeds, supplement feeds and feed concentrates, animal feed nutrients and additives, animal feed medications and injectables to treat and prevent disease in animals, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers and compost and soil; grain drying services

- IC 042. US 100 101.G & S: Online informational services, namely, providing agricultural research information via the Internet or in other electronic medium; research and development services in the fields of crop varieties, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers, operation of experimental farm, compost and soil, livestock; agricultural field inspection services; soil testing and seed testing services
- IC 044. US 100 101.G & S: Agronomic consulting services; online informational services, namely, providing agricultural information in the field of fertilization via the Internet or in other electronic medium; application services, namely, custom agricultural chemical and fertilizer application and seeding services

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code****Serial Number**

88569245

**Filing Date**

20190807

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20200331

**Registration Number**

6078315

**Date Registered**

20200616

**Owner**

(REGISTRANT) Viterra Inc. CORPORATION CANADA 2625 Victoria Avenue Regina, Saskatchewan CANADA S4T7T9 (LAST LISTED OWNER) VITERRA CANADA INC. CORPORATION CANADA 2625 VICTORIA AVENUE REGINA, SASKATCHEWAN CANADA S4T7T9

**Priority Date****Disclaimer Statement****Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Molly T. Eichten



(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

ROVENSA - WELL BALANCED AGRICULTURE -

**Translation**

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizers; Chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; Fertilizers for agricultural use; Growing media for plants
- IC 005. US 005 006 018 044 046 051 052.G & S: Agricultural biopesticides; Pesticides for agricultural use; Biocides, germicides, bactericides, virucides, fungicides, insecticides, pesticides and herbicides; Herbicides, insecticides, pesticides and fungicides for home, garden and lawn use and for professional use
- IC 044. US 100 101.G & S: Pest control services for agriculture, aquaculture, horticulture and forestry; Pest control services for aquaculture

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

050308 260109 261701 261705

**Serial Number**

90881313

**Filing Date**

20210813

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20230418

**Registration Number**

7095981

**Date Registered**

20230704

**Owner**

(REGISTRANT) ROVENSA, S.A. CORPORATION PORTUGAL Lote 1.06.1.1D, 3° Alameda Dos Oceanos  
Lisbon PORTUGAL 1990-207

**Priority Date**

**Disclaimer Statement****Description of Mark**

The mark consists of three stylized leaves forming a circle with the word ROVENSA below in capital letters with the words WELL BALANCED AGRICULTURE bracketed by dash signs below the word ROVENSA.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Dennis H. Cavanaugh

BLOG   CALCULATORS



LAWN CARE





PRODUCTS



REVIEWS



SERVICES



Email

Total

\$ 0.00

Terms

Agree to terms

We don't spam! Read our [privacy policy](#) for more info.

Success!

CLOUDFLARE

Privacy • Terms

DOWNLOAD NOW

· Lawn Phix Favorites ·

Three lawn care products are displayed side-by-side. On the left is a white plastic jug with a green label, identified as 'Lawn Phix'. In the center is another white plastic jug with a blue and white label. On the right is a white bag of 'Bayer Dylox 6.2' granular insecticide, featuring the Bayer logo and product name.



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)





[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



[➤ SHOP NOW](#)



## Best Pre-Emergent Herbicides for Crabgrass

and grassy weeds

[➤ READ MORE](#)

### • Crabgrass Resources •



[How To Get Rid of Crabgrass in the Summer \(2023\)](#)



## How to Get Rid of Crabgrass in the Summer (2023)

MARCH 13, 2022

No one wants to ruin their lawn in the summertime by having crabgrass plants popping up throughout. Establishing a thick, [...]



## When Does Crabgrass Die? (The Lifecycle of Crabgrass Explained)

FEBRUARY 20, 2022

Crabgrass is one of the most common and most troublesome lawn weeds in America. A crabgrass infestation can take over [...]



## THE BEST Crabgrass Removal Tools (2023 Reviews)

JANUARY 8, 2022

Crabgrass is a stubborn lawn weed. It gets its name because of its appearance. Crabgrass grows low to the ground [...]



## When to Apply Crabgrass Preventer in 2023 (Pre-emergent Timing)

DECEMBER 28, 2021

One of the first steps in any lawn care plan is applying a crabgrass preventer. Crabgrass is a very common [...]





## · Latest From Our Blog ·



### Kyllinga vs Nutsedge (with Pictures!)



### Month-by-Month Lawn Care Calend...

AUGUST 6, 2023

Kyllinga, also popularly known as green kyllinga, and nutsedge are both perennial sedges that are native to Asia and have [...]



### Methylated Seed Oil vs Surfactant (MSO vs NIS)

AUGUST 6, 2023

Landscapers apply an adjuvant and herbicide spray solution to ensure that a post-emergent herbicide works effectively. Adjuvant spray solutions help [...]



### Stolons vs Rhizomes (and Tillers!)

JULY 19, 2023

Understanding the difference between rhizomes and stolons is important to know how plants and some cool and warm season grasses [...]



### Crabgrass vs Dallisgrass (Identification, Differences & Similarities)

JULY 19, 2023

Difficult to control, both crabgrass and dallisgrass are grassy weeds that can be difficult to identify and manage. Once they [...]



# MEASURE



# YOUR LAWN

Measure precise square footage of your lawn using our new lawn size calculator. Try it today!

► [LAWN SIZE CALCULATOR](#)



## · Lawn Phix Reviews ·



**Steve P**  
**Massachusetts**

I inherited a lawn that was full of weeds when we moved in. I didn't know where to turn and then I found Lawn Phix and the cool season guide, and grateful I did. Following the easy steps with visuals and product links couldn't have made it easier for a beginner like myself. I took my weed infested lawn and turned it into to a nice lush carpet like



**Nick C**  
**Connecticut**

I found Lawn Phix in my quest to better my newly planted lawn that was sparse and full of weeds. With Mark's help, I got it under control and looking great! His guides are easy to follow and they point you in the right direction to purchase. I had some other questions he was able to answer to help further along my progress.



**Derek V**  
**Massachusetts**

The best thing that could've happened to my lawn was for me to find Lawn Phix. I started with bare dirt, no idea what to do and where to start. Mark not only guided me in the right direction, he took my lawn to the next level and taught me so much about grass, weeds, etc. Everyone says that your first year with grass is almost always weeds. Not



lawn that anyone would be proud of, in just one season. Couldn't have done it with our Lawn Phix!! Thanks again



mine! By just following Mark's plan and doing what he recommends, my lawn was instantly the best on the block. One of the most knowledgeable, caring, friendly person I've ever talked...



[About Lawn Phix](#)  
[Advertise](#)  
[Bellingham MA Lawn Care](#)  
[Contact](#)  
[Cookies Policy](#)  
[Lawn Phix Google Reviews](#)  
[Lawn Phix Facebook Reviews](#)  
[Pests](#)  
[Privacy Policy](#)  
[Sitemap](#)  
[Weeds](#)

## Lawn Phix

### HOURS:

Monday, Tuesday, Wednesday, Thursday, Friday,  
Saturday, Sunday  
9:00 am ~ 5:00 pm

**CUSTOMER SERVICE:** (508) 500-8402

As an Amazon Associate, we earn from qualifying purchases at no extra cost to you. We only recommend products that we have personally used with great results.



## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 30, 2023 for  
**U.S. Trademark Application Serial No. 97675516**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

**Print: Tue Aug 29 2023**

**85154844**

**(4) STANDARD CHARACTER MARK**

**PHIX**

**Mark Punctuated**

PHIX

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Pesticides

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85154844

**Filing Date**

20101018

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20110726

**Registration Number**

4037522

**Date Registered**

20111011

**Owner**

(REGISTRANT) Omex Agriculture Inc. AKA OMEX Agrifluids, Inc. CORPORATION CANADA 290 Agri Park Rd Oak Bluff, Manitoba CANADA R4G0A5

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Christopher Bikus



(4) STANDARD CHARACTER MARK

PHIX

**Mark Punctuated**

PHIX

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Pesticides

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

85154844

**Filing Date**

20101018

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20110726

**Registration Number**

4037522

**Date Registered**

20111011

**Owner**

(REGISTRANT) Omex Agriculture Inc. AKA OMEX Agrifluids, Inc. CORPORATION CANADA 290 Agri Park Rd Oak Bluff, Manitoba CANADA R4G0A5

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Christopher Bikus

(2) DESIGN ONLY



**Mark Punctuated**

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: (Based on Section 44(e)) non-medicated hair and skin care preparations; hair shampoo and conditioner; non-medicated soap for body care; non-medicated skin care lotion; toothpaste; (Based on Use in Commerce) non-medicated hair and skin care preparations; hair shampoo and conditioner; non-medicated soap for body care; non-medicated skin care lotion; toothpaste. FIRST USE: 20170823. FIRST USE IN COMMERCE: 20170823
- IC 005. US 005 006 018 044 046 051 052.G & S: (Based on Section 44(e)) pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for home, garden and lawn use; pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for professional use; pesticide, bio pesticide, insecticide, biocide, acaricide, ovicide, and fungicide impregnated substrates in the nature of pads and sponges for home and commercial use; (Based on Use in Commerce) pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for home, garden and lawn use; pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides for professional use; pesticide, bio pesticide, insecticide, biocide, acaricide, ovicide, and fungicide impregnated substrates in the nature of pads and sponges for home and commercial use. FIRST USE: 20131100. FIRST USE IN COMMERCE: 20131100
- IC 037. US 100 103 106.G & S: (Based on Section 44(e)) pest control for residential and commercial buildings; providing a website featuring information on bio pesticides and components of bio pesticides, namely, information about the use of bio pesticides in commercial and residential building pest control applications, and information on methods of controlling pests, including bed bugs, using bio pesticides and naturally-derived pest control products for commercial and residential buildings; residential and commercial application of pesticides, bio pesticides, insecticides, biocides, acaricides, ovicides, and fungicides
- IC 044. US 100 101.G & S: (Based on Section 44(e)) providing a website featuring information on bio pesticides and components of bio pesticides, namely, information about the use of bio pesticides in agricultural pest control applications, and information on methods of controlling pests using bio pesticides and naturally-derived pest control products for agricultural pest control applications

**Mark Drawing Code**

(2) DESIGN ONLY

**Design Code**

050308 050325

**Serial Number**

87797971

**Filing Date**

20180214

**Current Filing Basis**

1A;44E

**Original Filing Basis**

1A;1B;44D

**Publication for Opposition Date**

20210615

**Registration Number**

6495875

**Date Registered**

20210928

**Owner**

(REGISTRANT) Terramera, Inc. British Columbia corporation CANADA 333 Seymour Street Suite 1100  
Vancouver, BC CANADA V6B5A6

**Priority Date**

20180116

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of two leaves with the darker leaf in front of and partially covering the lower portion of the lighter leaf design.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Gina Lupino

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

GROGREEN

**Translation**

**Goods/Services**

- (CANCELLED) IC 005. US 006 018 044 046 051 052.G & S: [ Pesticides and insecticides ]. FIRST USE: 20101100. FIRST USE IN COMMERCE: 20101100
- IC 044. US 100 101.G & S: Lawn care, namely, applying lawn care chemicals; tree and shrub care. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

051303

**Serial Number**

85341515

**Filing Date**

20110608

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20120703

**Registration Number**

4208642

**Date Registered**

20120918

**Owner**

(REGISTRANT) GroGreen, Inc. CORPORATION TEXAS Suite A 1300 Summit Ave. Plano TEXAS 75074

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of the word "GROGREEN" and grass design.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

George R. Schultz

(4) STANDARD CHARACTER MARK

PROGAEA

**Mark Punctuated**

PROGAEA

**Translation**

**Goods/Services**

- IC 005. US 006 018 044 046 051 052.G & S: Insect repellents; Animal repellents; **Pesticides**; Insecticides; Preparations for controlling insects; Fungicides. FIRST USE: 20140531. FIRST USE IN COMMERCE: 20140531
- IC 037. US 100 103 106.G & S: Pest and insect control services; Spraying or spreading of animal repellant treatments on plants, shrubs, trees, and lawns as a means of animal control. FIRST USE: 20150427. FIRST USE IN COMMERCE: 20150427
- IC 044. US 100 101.G & S: Grounds care services, namely, **lawn**, tree, shrub and ornamental plant care services; Pest control services for agriculture, horticulture or forestry; Spraying or spreading of animal repellant treatments on plants, shrubs, trees, and lawns for agricultural, horticultural or forestry purposes. FIRST USE: 20150427. FIRST USE IN COMMERCE: 20150427

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86241982

**Filing Date**

20140403

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20140902

**Registration Number**

4782933

**Date Registered**

20150728

**Owner**

(REGISTRANT) Pure Pest Management, LLC LIMITED LIABILITY COMPANY DELAWARE 39 Warren Ave. Weston MASSACHUSETTS 02493

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Kathleen M. Burch



**(4) STANDARD CHARACTER MARK**

THIS IS A SCOTTS YARD

**Mark Punctuated**

THIS IS A SCOTTS YARD

**Translation**

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizer, plant food. FIRST USE: 20180401. FIRST USE IN COMMERCE: 20180401
- IC 005. US 006 018 044 046 051 052.G & S: Herbicides, pesticides, insecticides. FIRST USE: 20180401. FIRST USE IN COMMERCE: 20180401
- IC 044. US 100 101.G & S: Providing information and advice on the subjects of lawn care and gardening via the Internet and other means. FIRST USE: 20180410. FIRST USE IN COMMERCE: 20180410

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87977490

**Filing Date**

20170309

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20170829

**Registration Number**

5510072

**Date Registered**

20180703

**Owner**

(REGISTRANT) OMS Investments, Inc. CORPORATION DELAWARE 10250 Constellation Blvd., Suite 2800 Los Angeles CALIFORNIA 90067

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Robert Morgan

(4) STANDARD CHARACTER MARK

PESTIE

**Mark Punctuated**

PESTIE

**Translation**

**Goods/Services**

- IC 005. US 005 006 018 044 046 051 052.G & S: Pest control kits comprised of pesticides, insecticides and related pest control equipment including sprayers, gloves and bags. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 035. US 100 101 102.G & S: Online retail store services featuring pesticides, insecticides and related pest control equipment including sprayers, gloves and bags. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 037. US 100 103 106.G & S: Providing guidance in the nature of consultation in the field of pest control for residential homes, commercial buildings. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 042. US 100 101.G & S: Software as a service, namely, providing online non-downloadable software for collecting, analyzing, and providing pest control data, including product, application and guidance. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427
- IC 044. US 100 101.G & S: Providing guidance in the nature of consultation in the field of pest control for recreational agriculture in the nature of outdoor landscaping, lawns, plants, bushes, shrubbery, trees, and other household plants. FIRST USE: 20190427. FIRST USE IN COMMERCE: 20190427

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90597823

**Filing Date**

20210323

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220118

**Registration Number**

6689960

**Date Registered**

20220405

**Owner**

(REGISTRANT) Pestie, Inc. CORPORATION DELAWARE 5159 E Moonlight LN Eagle Mountain UTAH 84005

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

**(4) STANDARD CHARACTER MARK**

VITERRA

**Mark Punctuated**

VITERRA

**Translation**

The wording "VITERRA" has no meaning in a foreign language.

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizers of a dry granular, liquid, biological being inoculants and anhydrous nature; chemical preparations for use in agriculture, horticulture and forestry, namely, chemical preparations for the treatment of seeds
- IC 005. US 006 018 044 046 051 052.G & S: Agricultural chemicals, namely, herbicides, insecticides, and rodenticides being seed treatments
- IC 031. US 001 046.G & S: Livestock supplies, namely, animal feed, protein supplements, animal feed in the nature of grain screening pellets and mill feeds; animal feed featuring seed and grain, namely, registered, commercial and certified cereals, field crop, grass forage, lawn and garden, legume, forage, oilseeds, peas, beans, lentils, mustard, canary seed, sunflower seed, millet, bird seed mixtures
- IC 035. US 100 101 102.G & S: Transportation logistics services, namely, coordinating the transportation of freight by truck; retail stores and wholesale distributorships featuring agricultural commodities and inputs; wholesale distribution and retail store services featuring agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary by-products of agricultural products, animal feeds, namely, complete feeds, concentrated vitamin premix feeds, mineral premix feeds, concentrated vitamin and mineral premix feeds, supplement feeds and feed concentrates, animal feed nutrients and additives, animal feed medications and injectables to treat and prevent disease in animals, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers and compost and soil; business merchandising services, namely, strategic development, advertisement and marketing relating to the production, purchase and sale of agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary by-products of agricultural products; consulting services, namely, business planning, management and record keeping services for agricultural customers and suppliers; business management for others of grain elevators and terminals and crop production centres; business risk management services; business information services, namely, provision of agricultural market information
- IC 036. US 100 101 102.G & S: Contracting in the nature of commodity trading for others and financing of agricultural commodities and inputs; insurance services, namely, underwriting of hail insurance; provision of commodity brokerage information; financial planning for agricultural customers and suppliers; financial risk management services
- IC 039. US 100 105.G & S: Transportation services, namely, transportation of grains, agricultural commodities and inputs and general freight by truck; grain storage services; custom packaging to the order and specification of others
- IC 040. US 100 103 106.G & S: Custom processing of agricultural products and processed foods; provision of seed treating and coating services; custom manufacture and processing of agricultural products, namely, grains, oilseeds, legumes and forages, and seeds of agricultural products and primary

by-products of agricultural products, animal feeds, namely, complete feeds, concentrated vitamin premix feeds, mineral premix feeds, concentrated vitamin and mineral premix feeds, supplement feeds and feed concentrates, animal feed nutrients and additives, animal feed medications and injectables to treat and prevent disease in animals, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers and compost and soil; grain drying services

- IC 042. US 100 101.G & S: Online informational services, namely, providing agricultural research information via the Internet or in other electronic medium; research and development services in the fields of crop varieties, agricultural chemicals, herbicides, pesticides and fungicides, agricultural fertilizers, operation of experimental farm, compost and soil, livestock; agricultural field inspection services; soil testing and seed testing services
- IC 044. US 100 101.G & S: Agronomic consulting services; online informational services, namely, providing agricultural information in the field of fertilization via the Internet or in other electronic medium; application services, namely, custom agricultural chemical and fertilizer application and seeding services

## **Mark Drawing Code**

(4) STANDARD CHARACTER MARK

## **Design Code**

## **Serial Number**

88569245

## **Filing Date**

20190807

## **Current Filing Basis**

44E

## **Original Filing Basis**

44E

## **Publication for Opposition Date**

20200331

## **Registration Number**

6078315

## **Date Registered**

20200616

## **Owner**

(REGISTRANT) Viterra Inc. CORPORATION CANADA 2625 Victoria Avenue Regina, Saskatchewan CANADA S4T7T9 (LAST LISTED OWNER) VITERRA CANADA INC. CORPORATION CANADA 2625 VICTORIA AVENUE REGINA, SASKATCHEWAN CANADA S4T7T9

## **Priority Date**

## **Disclaimer Statement**

## **Description of Mark**

## **Type of Mark**

TRADEMARK. SERVICE MARK

## **Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Molly T. Eichten

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

ROVENSA - WELL BALANCED AGRICULTURE -

**Translation**

**Goods/Services**

- IC 001. US 001 005 006 010 026 046.G & S: Fertilizers; Chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; Fertilizers for agricultural use; Growing media for plants
- IC 005. US 005 006 018 044 046 051 052.G & S: Agricultural biopesticides; Pesticides for agricultural use; Biocides, germicides, bactericides, virucides, fungicides, insecticides, pesticides and herbicides; Herbicides, insecticides, pesticides and fungicides for home, garden and lawn use and for professional use
- IC 044. US 100 101.G & S: Pest control services for agriculture, aquaculture, horticulture and forestry; Pest control services for aquaculture

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

050308 260109 261701 261705

**Serial Number**

90881313

**Filing Date**

20210813

**Current Filing Basis**

44E

**Original Filing Basis**

44E

**Publication for Opposition Date**

20230418

**Registration Number**

7095981

**Date Registered**

20230704

**Owner**

(REGISTRANT) ROVENSA, S.A. CORPORATION PORTUGAL Lote 1.06.1.1D, 3° Alameda Dos Oceanos  
Lisbon PORTUGAL 1990-207

**Priority Date**



**Disclaimer Statement****Description of Mark**

The mark consists of three stylized leaves forming a circle with the word ROVENSA below in capital letters with the words WELL BALANCED AGRICULTURE bracketed by dash signs below the word ROVENSA.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

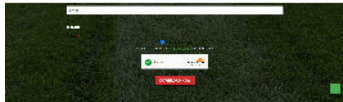
Dennis H. Cavanaugh

## Crabgrass

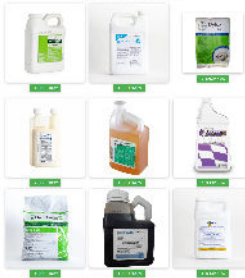


## Crabgrass

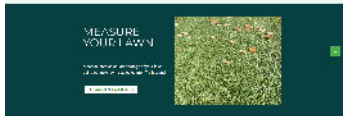
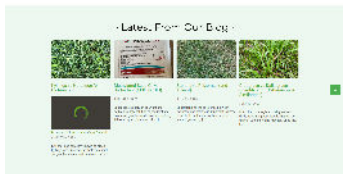
## Crabgrass



### Crabgrass Resources



### Crabgrass Resources



### Crabgrass



User: Jill Prater

Statistics for Case 97675516						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97675516[sn]	1	0	0	0	0:00
2	*lawn*[bi,ti]	2444	0	0	0	0:00
3	*{"hf"}{"iey"}{"ckqx"}*[bi,ti]	151676	0	0	0	0:17
4	2 and 3	29	0	10	10	0:15
5	*lawn*[bi,ti]	2444	0	0	0	0:00
6	*{"hf"}{"iey"}{"ckqx"}*[bi,ti]	151676	0	0	0	0:15
7	2 and 3	29	0	0	0	0:22
8	*phix*[bi,ti]	578	0	0	0	0:15
9	*phix*[bi,ti]	578	0	0	0	0:00
10	9 not dead[ld]	185	0	185	185	0:01

Session started 08/28/2023 6:37 pm

Session ended 08/29/2023 2:03 pm

Total search duration 85.00

Session duration 19 hours 26 minutes 3 seconds

Adjacency Level 1

Near Level 1

User: Jill Prater

Statistics for Case 97675516						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97675516[sn]	1	0	0	0	0:00
2	*lawn*[bi,ti]	2444	0	0	0	0:00
3	*{"hf"}{"iey"}{"ckqx"}*[bi,ti]	151676	0	0	0	0:17
4	2 and 3	29	0	10	10	0:15
5	*lawn*[bi,ti]	2444	0	0	0	0:00
6	*{"hf"}{"iey"}{"ckqx"}*[bi,ti]	151676	0	0	0	0:15
7	2 and 3	29	0	0	0	0:22
8	*phix*[bi,ti]	578	0	0	0	0:15
9	*phix*[bi,ti]	578	0	0	0	0:00
10	9 not dead[ld]	185	0	185	185	0:01

Session started 08/28/2023 6:37 pm

Session ended 08/29/2023 12:57 pm

Total search duration 85.00

Session duration 18 hours 19 minutes 44 seconds

Adjacency Level 1

Near Level 1

Trademark/Service Mark Application, Principal Register

Serial Number: 97675516  
Filing Date: 11/14/2022

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97675516
MARK INFORMATION	
*MARK	<a href="#">LAWN PHIX INC</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	LAWN PHIX INC
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	MARINO, MARK
*MAILING ADDRESS	
*CITY	Bellingham
*STATE (Required for U.S. applicants)	Massachusetts
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	02019
PHONE	818-723-4003
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	031
*IDENTIFICATION	LAWN PHIX PROVIDES HOUSEHOLD LAWN CARE SERVICES THROUGH OUT THE YEAR. THIS INCLUDES PREVENTING PESKY PESTICLES TO KEEPING IT GREEN AND HEALTHY.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/01/2022
FIRST USE IN COMMERCE DATE	

FIRST USE IN COMMERCE DATE	At least as early as 07/01/2022
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT18\976\755\97675516.xml1 \ APP0003.JPG</a>
SPECIMEN DESCRIPTION	Lawn Phix is spelled out in full with a paw print in the letter A.
WEBPAGE URL	<a href="https://lawnphix.com/">https://lawnphix.com/</a>
WEBPAGE DATE OF ACCESS	11/08/2022
<b>CORRESPONDENCE INFORMATION</b>	
NAME	MARINO, MARK
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	HBEDIKIAN@A2ACCOUNTING.COM
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	notifications@trademarkengine.com
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/MARK MARINO/
SIGNATORY'S NAME	MARK MARINO
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	818-723-4003
DATE SIGNED	11/08/2022
SIGNATURE METHOD	Sent to third party for signature

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 97675516**

**Filing Date: 11/14/2022**

### To the Commissioner for Trademarks:

**MARK:** LAWN PHIX INC (Standard Characters, see [mark](#))

The literal element of the mark consists of LAWN PHIX INC. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, MARK MARINO, a citizen of United States, having an address of

[REDACTED]  
Bellingham, Massachusetts 02019

United States

818-723-4003(phone)

XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 031: LAWN PHIX PROVIDES HOUSEHOLD LAWN CARE SERVICES THROUGH OUT THE YEAR. THIS INCLUDES PREVENTING PESKY PESTICLES TO KEEPING IT GREEN AND HEALTHY.

In International Class 031, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 07/01/2022, and first used in commerce at least as early as 07/01/2022, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Lawn Phix is spelled out in full with a paw print in the letter A..

[Specimen File1](#)

Webpage URL: <https://lawnphix.com/>

Webpage Date of Access: 11/08/2022

The applicant's current Correspondence Information:

MARINO, MARK

PRIMARY EMAIL FOR CORRESPONDENCE: HBEDIKIAN@A2ACCOUNTING.COM

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): notifications@trademarkengine.com

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

### Declaration

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /MARK MARINO/ Date: 11/08/2022

Signatory's Name: MARK MARINO

Signatory's Position: Owner

Signatory's Phone Number: 818-723-4003

Signature method: Sent to third party for signature

Payment Sale Number: 97675516

Payment Accounting Date: 11/14/2022

Serial Number: 97675516

Internet Transmission Date: Mon Nov 14 09:24:11 ET 2022

TEAS Stamp: USPTO/BAS-XXXX:XXX:XXXX:XXXX:XXXX:XXXX:X

XXX:XXXX-20221114092412914269-97675516-8

20d6ebdb6b8732ec9cbdd4e29a5f6f285878fa6f

b33b79fd9abfaebf3cc7f697-CC-24112407-202

21108192614528347



LAWN PHIX INC



LAWN PHIX INC

