



## USPTO TRADEMARK SEARCH ANALYSIS

TRADEMARK	STATUS	CLASS(ES)	OWNER	SERIAL# REG #	FILE DATE REG DATE	GOODS & SERVICES	ISSUE
GRO MAX	ABANDONED	001	GRO MAX	SN: 75602837 RN: N/A	12/10/98 N/A	fertilizers, potting soil, manure, and plant food for domestic and agricultural purposes	NONE
GROMAX	ABANDONED	001	PHILIP PERRY	SN: 76515512 RN: N/A	05/19/03 N/A	fertilizers	NONE
GRO-MAX	APPLICATION	001	BIO HUMA NETICS	SN: 86047905 RN: N/A	08/26/13 N/A	Ammonium nitrate fertilizer; Ammonium sulphate fertilizer; Chemical fertilizers; Complex fertilizer; Complex fertilizers; Fertilizers; Fertilizers and manures; Fertilizers for agricultural use; Manganese fertilizer; Mixed fertilizers	SAME NAME, SIMILAR PRODUCT
GRO-MAX	ABANDONED	001	NEW ENGLAND WASTE SERVICES	SN: 85612866 RN: N/A	05/01/12 N/A	chemical-free, soil-based soil amendment and container growing media for plants	NONE
GRO-MAX	ABANDONED	001	GRO-MAX	SN: 75602838 RN: N/A	12/10/98 N/A	fertilizers, potting soil, manure, and plant food for domestic and agricultural purposes; remedial chemicals for usage on flowers, shrubs, trees, fruits and vegetables; flower, shrub, tree, fruit, and vegetable seeds	NONE



### USPTO TRADEMARK SEARCH ANALYSIS (continued)

TRADEMARK	STATUS	CLASS(ES)	OWNER	SERIAL# REG #	FILE DATE REG DATE	GOODS & SERVICES	ISSUE
GRO-MAX	ABANDONED	001	TYLER ENTERPRISES	SN: 73747722 RN: N/A	08/22/88 N/A	fertilizer	NONE
GRO-MAX	CANCELLED	001	PROMAC	SN: 73271725 RN: 1216292	07/24/80 11/16/82	fertilizers	NONE
SAGIMAXX NEFMAXX RISOMAXX GROMAXX	ABANDONED	001	AMERICAN TRADERS BUREAU	SN: 77719159 RN: N/A	04/21/09 N/A	Nutritional supplement in the nature of a nutrient-dense, protein-based drink mix; Protein supplements	NONE



**TRADEMARK SEARCH ANALYSIS – ATTORNEY COMMENTS**

Client's proposed trademark "GRO MAX" will be utilized in the marketing of a potting soil product. Potting soil falls under International Class 001. The parameters of this search found all trademark registrations and applications with the included word mark "GROMAX", "GRO MAX", "GROMAXX", "GRO MAXX", that are within International Class 001. As can be seen in the results, International Class 001 is quite broad in its included goods and services. Prior "GRO MAX" registrations and applications that fall under International Class 001, but whose goods and services do not closely relate to the Client's potting soil product, should not bar registration of Client's mark.

There are no registered marks are directly on point.

Application "GRO-MAX is directly on point. If "GRO-MAX" succeeds in gaining trademark registration, its earlier filing date may supersede the Client's proposed application for "GRO-MAX" or similar variations. The Client's potting soil product may be seen as too closely related to the fertilizer product represented by "GRO-MAX", which may be cause for customer confusion in the marketplace.

All other findings are cancelled registrations or abandoned applications, and should not be factors in determining Client's registration of proposed mark.

Bottom line: there is a moderate risk that the Client's proposed trademark "GRO MAX" will be rejected by the USPTO. Client's risk of rejection would be reduced by adding at least one fanciful or unique word to the mark. Client proposed adding the word "HORTICULTURE", but common use or merely descriptive words would likely be disclaimed (ignored) by the USPTO, and would not increase the likelihood of trademark registration.

Client's proposed "GRO MAXX" is slightly stronger than "GRO MAX". The USPTO will still look at all variations of spelling in determining registration, but "GRO MAXX" is a more unique mark, it is currently less common in the marketplace, and would therefore be more likely to be accepted for trademark registration.