



美国商标简单 OA 知识培训

一、OA 含义： 全称是 Office Action，中文可以理解成商标局发出的审查意见。OA 分为：Non-final Office Action----97034367 和 Final Office Action----90640967，前者答复之后如果不通过的话还会机会进行第二次乃至第三次，后者答复不通过之后会 Abandoned。

二、OA 截止时间

在 OA 原文开头可以看到截止时间，一般 6 个月。

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned. Respond using to the appropriate TEAS response form appears at the end of this Office action.

Issue date: **June 27, 2022**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue. TMEP §§711, 718.03.

但也有特殊情况，具体 OA 具体分析。

三、简单 OA 的类型

(一) 样本拒绝和样本信息 (Digitally Created or Mockup Is Not An Acceptable Specimen: No Acceptable Specimen for Listed Goods; REFUSAL – PREMATURE USE, Additional information/documentation about original specimen(s) required)

- 申请时提交的样本是伪造的，比如 P 图----90422440、链接失效----88206013、货到付款(cash on delivery)----90676789、产品价格过高过低----90412553、没有购物车或者购买键----90564188 等，所以被拒绝
- 申请时提交的样本与申请的小类不符合----97010248, 97077532



REFUSAL to Register Under Trademark Act Sections 1&45 – No Acceptable Specimen for Listed Goods

Specimen does not show use in specific class. Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in connection with any of the goods and/or services specified in International Class 016. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); *In re Keep A Breast Found.*, 123 USPQ2d 1869, 1876-79 (TTAB 2017); TMEP §§904, 904.07(a), 1301.04(d), (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); see *In re Gulf Coast Nutritional, Inc.*, 106 USPQ2d 1243, 1247 (TTAB 2013).

Specifically, the specimen of use documentation of record shows the mark in use on goods described as a "canvas pencil case" and alternatively as a "school stationery bag" and "girls cosmetic bag". Cosmetic bags are classified in International Class 018. While pencil cases are classified in International Class 016, these goods are not listed in the record for this application.

amtwo



Shopping Cart
\$0,00

SHOP > COMPUTER & OFFICE >

POPUFOX PORTABLE CANVAS PENCIL CASE SCHOOL STATIONERY BAG LARGE CAPACITY PENCIL CASES FOR GIRLS COSMETIC BAG STUDENT BIG PEN CASE GIFTS

POPUFOX



POPUFOX Portable canvas pencil case school stationery bag large capacity Pencil cases for girls cosmetic bag student big pen case gifts

★★★★★ (There are no reviews yet.)

\$10.99

CATEGORY: COMPUTER & OFFICE

- 1 + ADD TO CART

For: Aquarelles; Bookmarks; Erasers; Stationery; Art prints on canvas; Blackboard erasers; Blackboards, drawing boards and easels; Canvas for painting; Chalk boards for school and home use; Chalk erasers; Chalk and blackboards; Directory boards; Drawing materials for blackboards; Drawing pens; Dry erase markers; Eraser dusting brushes; Framed paintings; Magnetic boards; Marking pens; Modeling clay; Pictures in the nature of printed photographs; Printed advertising boards of cardboard; Printed maps; Stationery boxes; Stick-on whiteboards and dry-erase boards; Watercolor boards; Watercolour paintings; Wet erase markers; Wet erase writing boards; White paperboard; Whiteboard erasers; Writing board erasers; Writing instruments; Printed almanacs; Printed postcards; Printed posters

● 首次使用时间在申请时间之后----90481243

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 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.



STATUS DOCUMENTS ? Download Print Preview

Generated on: This page was generated by TSDR on 2022-07-27 22:31:25 EDT

Mark: DUNGGLE

DUNGGLE

US Serial Number: 90481243 Application Filing Date: Jan. 22, 2021

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor: LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 01, 2022

Mark Information Collapse All

Product information

Technical Details

Manufacturer	DUNGGLE
Brand	DUNGGLE
Item Weight	1.59 ounces
Package Dimensions	3.66 x 3.5 x 0.83 inches
Manufacturer Part Number	A-1

Additional Information

ASIN	B08VRCHMM7
Customer Reviews	★★★★★ 4.8 out of 5 stars 66 ratings
Date First Available	February 3, 2021

Feedback

Would you like to [tell us about a lower price?](#)

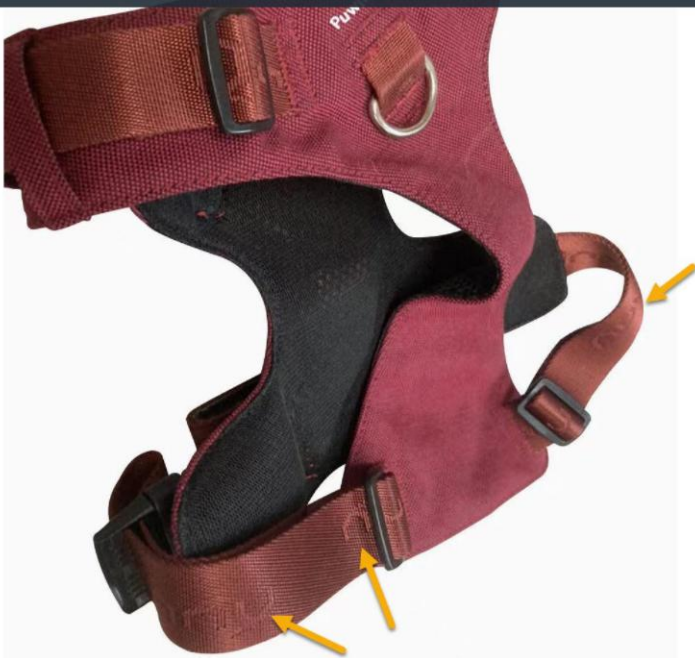
- 样本信息即回答关于样本的信息，一般情况是 5 小问----90583897 或者 6 小问----90545333。

Answer for each specimen/photograph/image previously provided. For any website source, provide a digital copy of the entire webpage from top to bottom, as rendered in an Internet browser, that includes the URL and access or print date. TMEP §710.01(b) (citing *In re I-Coat Co.*, 126 USPQ2d 1730, 1733 (TTAB 2018)).

- (1) Identify the particular good(s) listed in the application for which the specimen(s) was submitted to show use of the mark.
- (2) Explain whether the specimen was created for submission with this application. If so, specify the date each specimen was created. If applicant obtained the content of the webpage or image(s) of the goods shown in the specimen(s) from a third-party website, provide the URL of the website and a digital copy of relevant webpage(s) for each image.
- (3) For each web-based specimen submission, provide the full name of the online retailer or wholesaler whose webpage is shown in the specimen, the website URL, the access or print date, and a digital copy of the complete webpage showing the goods for sale on the named website.
- (4) For each online retailer or wholesaler identified in response to question (3), specify the date the goods bearing the mark were first available for purchase within the United States, the date of the first sale of the goods to or within the United States through that retailer/wholesaler, and whether the goods are still for sale to or within the United States through that retailer/wholesaler. If applicant is the online retailer or wholesaler, **provide at least three invoices or other supporting documentation** that show payments or other consideration made and state the dollar amount of sales with or within the United States, redacting personal or private information of buyers as necessary.
- (5) If the goods identified in response to question (1) are sold in another type of sales environment, identify the environment (e.g. retail stores, catalogs, trade shows) and provide photographs and/or documentation showing the goods for sale with the mark in that environment, such as photographs of the sales displays or goods on shelves. If the information about how the goods appear in the actual sales environment is not available to applicant, describe how applicant's goods are sold or transported to or within the United States and provide photographs and other documentation showing how applicant's mark appears on the goods and/or its packaging when the goods are sold or transported to or within the United States.

如果申请人是在线零售商，请提供至少三张发票或其他证明文件，以显示付款，并说明在美国或在美国境内的销售金额，并根据需要编辑买家的个人或私人信息。

也有特殊情况，比如 90672558，需要提交清晰一点的产品图，并说明带子上的拼写是什么。



解决思路：提交符合要求的样本，回答审查员提出的问题。

(二) 额外样本，代表性样本 (Additional specimens required, Request for Additional Specimen

Submissions, Representative Specimens Required)

- 分组提供，一组提供一个小类的样本即可保留整组。提供不到的组需要删除处理----90676789 & 90553970 & 90757207

REPRESENTATIVE SPECIMENS REQUIRED

The submitted specimen is not acceptable for any of the goods:

Given the wide variety and range of unrelated goods that applicant has listed in the application, applicant must submit additional specimens to allow for assessment of the registrability of the subject mark, in accordance with Rule 2.61(b). 37 C.F.R. §2.61(b); *see* TMEP §904.01(a).

Applicant should submit at least one specimen demonstrating use of the mark on each of the following groups of goods:

1. Beachwear; Bikinis; Swimsuits; Swimwear; Swimming trunks;
2. Bodices; Bras; Brassieres; Underclothes; Underpants; Underwear; Bodies being underclothing; Underwear, namely, boy shorts;
3. T-shirts; Tights; Tracksuits; Trousers; Vests; Denim jackets; Denim jeans; Denim pants; Gym shorts; Running shoes; Vested suits;
4. Footwear; Sandals; Sneakers; Baseball shoes; Beach footwear; Thong footwear; Volleyball shoes; and
5. Turbans.



Applicant should submit specimens demonstrating use of the mark on all of the following goods:

1. Barbecues; Barbecues and grills; or Multi-purpose, electric countertop food preparation apparatus for cooking, baking, broiling, roasting items);
2. Blankets, electric, not for medical purposes;
3. Brackets for gas burners;
4. Cooking stoves; Electric cooking stoves; Gas stoves; Portable stoves; or Stoves being heating apparatus *any one of these items*);
5. Disinfectant apparatus for medical purposes;
6. Electric pocket warmers for warming hands;
7. Fireplaces, domestic; Furnaces, other than for laboratory use; Gas burners; Gas patio heaters (if no substitute specimen is submitted in Radiators, electric *any one of these items*);
8. Germicidal lamps for purifying air; or Sterilizers *any one of these items*);
9. Hair dryers;
10. Heating apparatus for solid, liquid or gaseous fuels;
11. Lighting apparatus, namely, lighting installations; and
12. USB-powered cup heaters

Specifically, the applicant must provide additional specimens demonstrating use of the mark for the goods specified below. Please note that where multiple items are listed together, *only one specimen representative of the listed group is required.*

1. Hygrometers;
2. Pedometers;
3. Scales;
4. Spectacles;
5. Telescopes;
6. Audio speakers;
7. Bags adapted for laptops;
8. Batteries and battery chargers;
9. Battery cases;
10. Breathing apparatus for underwater swimming;
11. Cabinets for loudspeakers;
12. Car video recorders;
13. Cases for smartphones; Covers for smartphones;
14. Cell phone battery chargers; Mobile telephone batteries; Rechargeable batteries;
15. Computer cables;
16. Dust protective masks;
17. Electric door bells;
18. Electric navigational instruments;
19. Electric sockets;

- 不是分组提供，需要提供所有小类的样本。提供不到的小类，需要删除处理----90855453



Applicant should submit specimens demonstrating use of the mark on **all of the following goods:**

1. Basting spoons;Dishers; Dishers for serving or portioning meatballs, cupcake batter; Dishers for ice cream, melon balls; Household utensils, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks; Kitchen utensils, namely, pouring and straining spouts;Scoops for serving or portioning coffee, cookie dough;
2. Brushes for cleaning tanks and containers;
3. Cake decorating sets sold as a unit comprised primarily of pastry bags, decorating tubes, and couplers;
4. Ceramic figurines;
5. Cleaning sponges;Scouring sponges;
6. Collapsible storage containers for domestic use;
7. Containers for household use for enveloping and packaging domestic waste, including diapers and nappies, for storage and disposal, namely, sanitary waste disposal units comprising tubs or bins with or without reels or cassettes containing wrapping materials for enveloping waste;
8. Pet waste management kits comprising scoops for pet waste disposal, plastic bags and liners, and portable dispensers for plastic bags and liners sold as a unit;
9. Plungers for clearing blocked drains;
10. Reusable self-sealing lids for household use for bowls, cups, containers and the storage of food;
11. Reusable glass, stainless steel water bottles sold empty;
12. Synthetic fibers for the manufacture of brushes, namely, toothbrushes, hair brushes and cleaning

- 如果审查员没有列出全部小类，只是要求提供个别小类的样本，那么可以通过删除解决。

一种情况是需要我们提交复审做删除处理----90572531

Additional Specimens Required

Given the wide variety and range of unrelated goods that applicant has listed in the application, applicant must submit additional specimens to allow for a complete and accurate examination of the application and assessment of the registrability of the subject mark, in accordance with Rule 2.61(b). 37 C.F.R. §2.61(b); see TMEP §904.01(a).

Applicant should submit specimens demonstrating use of the mark on all of the following goods: **Cleaning swabs for household purposes; or Detergents for household use.**

If applicant is unable to provide specimens to support use of these items, applicant must delete these entries, or amend the filing basis for those goods that were not in proper use as of the application filing date to an intent to use basis under Section 1(b). This option will later necessitate additional fees and filing requirements such as providing a specimen for these goods at a subsequent date.

Failure to comply with a requirement to furnish additional specimens is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814. Merely stating that evidence is available on applicant's or a third party website or providing a hyperlink of such a website is an insufficient response and will not make the additional specimens of record. See *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06.

一种情况是不做复审的话，到期后商标局会自动删除小类----90747093



ADVISORY - PARTIAL ABANDONMENT

If applicant does not respond to this Office action within the six-month period for response, **the following goods will be deleted from the application:** Dies for use with hand operated tools; Fertilizer scoops; Gardening scissors; Gardening shears and scissors; Gardening tools, namely, a manually operated tool for injecting solid fertilizer spikes into the soil; Gardening tools, namely, trowels, weeding forks, spades, hoes; Hand-operated agricultural implements, namely, chicken pluckers; Hand-operated agricultural implements, namely, cider presses; Hand-operated automotive repair tools, namely, brake cylinder hones; Hand-operated kitchen appliance for dicing, slicing and chopping food; Hand-operated snow pushers; Hand-operated tools for use in installing and removing toggle bolts; Hand tools for repair and maintenance of bicycles; Hand tools, namely, ditch bank blades; Hand tools, namely, weed cutters; Manually-operated winnowers; Swivel drivers; Weeding hoes; Windows openers and closers being hand-operated reaching tools

The application **will then proceed with** the following goods only: Eyebrow razors; Nail clippers.

解决思路：提供能提供的小类样本，删除不能提供的小类。不一定全部小类都要【实拍+链接+订单】，一两个小类有全套，其余的只提供实拍或者链接也行。如果只有额外样本这个问题的话，对样本的首次时间要求不是很高，因为申请时提交的样本已经通过审查了。

(三) 修改小类 (IDENTIFICATION OF GOODS, AMENDED IDENTIFICATION OF GOODS REQUIRED, Multi-Class

Application Requirements, REQUIREMENT for Clarification and Proper Classification of Identification Language)

● 小类重复----90715658

REQUIREMENT - AMEND IDENTIFICATION OF GOODS

Applicant is advised to delete or modify the duplicate entry in the identification of goods in International Class 14 for "Bracelets." See generally TMEP §§1402.01, 1402.01(a). If applicant does not respond to this is be advised that the USPTO will remove duplicate entries from the identification prior to registration.

If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

Applicant may adopt the following identification, *if accurate*:

Class 14: **Bracelets**; Jewellery; Pendants; Bangle bracelets; Bead bracelets; **Bracelets**; Children's jewelry; Choker necklaces; Clocks and watches; Crucifixes as jewellery; Cuff bracelets; Drop earrings; Ear clips; Ear studs; Gold-plated earrings; Gold-plated rings; Neck chains; Necklace and earring combinations that can be worn separately or as one piece; Necklaces; Watches and jewelry

● 小类错误但没有跨类别----90411805 & 90745338



IDENTIFICATION OF GOODS

The wording "buttons" in applicant's identification of goods is an otherwise acceptable entry in the USPTO's *U.S. Acceptable Identification of Goods and Services Manual* (ID Manual); however, applicant must further describe the specialized use of these goods. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.04, 1402.05.

Entries in the ID Manual are presumed to include only those goods and/or services within the ordinary meaning of the words and the ordinary channels of trade for those goods and/or services; further explain specialized types of goods and/or services or specialized trade channels outside the ordinary meaning in identifications. See TMEP §1402.05.

In this case, applicant's wording "buttons" is typically used to identify small items sewn onto an item of clothing that are used as fasteners. However, the specimen of record shows that applicant's findings in the nature of buttons.

Applicant may adopt the following identification, if accurate: arts and crafts findings, namely, buttons

EXAMPLE IDENTIFICATION OF GOODS: The following is an example of an acceptable identification of goods that applicant may adopt, if accurate (additions in **bold**).

Class 20 Bed pillows; Beds, mattresses, pillows and bolsters; Busts of wood, wax, plaster or plastic; Coat stands; Cold cast resin figurines; Combination funerary urns and plant pots; **Combination funerary urns and photo frames**; Fabric figurines; Figurines of resin; Mattresses and pillows; Ornaments of acrylic resins; Picture and photograph frames; Pillows used for cradling, supporting, propping and feeding babies not for medical or therapeutic purposes; Plant racks; Ring bearer pillows; Statuettes made of plaster; Towel racks; Works of art of wood, wax, plaster or plastic; Decorative centerpieces of plaster, plastic, wax, wood; Decorative spheres of plaster, plastic, wax, wood; Desktop statuary made of plaster, plastic, wax, wood; Non-metal storage boxes of wood, plastic, canvas for general use

● 小类错误且跨了类别----97010248 & 97202332

REQUIREMENT for Clarification and Proper Classification of Identification Language

The wording "Magnetic boards" in the identification of goods for International Class 016 must be clarified because it is too broad and could include goods in other international classes. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. In particular, this wording could encompass "magnetic boards being office requisites" in International Class 016 and "Magnetic board games" in International Class 028.

Applicant's goods may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods will further limit scope, and once goods are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

Applicant may address this issue by either (i) Deleting the problematic wording or (ii) Substituting some or all of the following suggested amended wording, if accurate:

INTERNATIONAL CLASS 016

Aquarelles; Bookmarks; Erasers; Stationery; Art prints on canvas; Blackboard erasers; Blackboards, drawing boards and easels; Canvas for painting; Chalk boards for school and home use; Chalk erasers; Chalk and blackboards; Directory boards; Drawing materials for blackboards; Drawing pens; Dry erase markers; Eraser dusting brushes; Framed paintings; Magnetic boards being office requisites; Magnetic boards for scheduling activities and appointments; Marking pens; Modeling clay; Pictures in the nature of printed photographs; Printed advertising boards of cardboard; Printed maps; Stick-on whiteboards and dry-erase boards; Watercolor boards; Watercolour paintings; Wet erase markers; Wet erase writing boards; White paperboards; Whiteboard erasers; Writing board erasers; Writing instruments; Printed almanacs; Printed postcards; Printed posters.

INTERNATIONAL CLASS 028

Magnetic boards in the nature of magnetic board games.

Applicant may substitute the following wording, if accurate:

Class 9:

Access control and alarm monitoring systems; Batteries, electric; Batteries, electric, for vehicles; Battery charge devices; Battery chargers; Battery chargers for use with vehicle batteries, mobile phones; Battery Biometric fingerprint door locks; Burglar alarms; Chargers for batteries; Chargers for electric batteries; Charging appliances for rechargeable equipment; Charging stations for electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronically-operated door latches; Picture projectors; Power adapters; Rechargeable electric batteries; Sports glasses; Transparency projection apparatus (universal serial bus) hardware; Vehicle charging stations for electric bicycles, cars

Class 11:

Emergency auto kits comprised of a hand held spotlight and battery charger;

uspto UNITED STATES PATENT AND TRADEMARK OFFICE							
Emergency auto kits comprised of a hand held spotlight and battery charger							
Displaying all of 1 records for Emergency auto kits comprised of a hand held spotlight and battery charger							
Sort By Relevance Then By (none)							
Term ID	Class	Description	Status	Effective Date	Type	Notes	TMS
009-4203	009	Emergency auto kits comprised of a battery charger and a hand held spotlight	M	08/30/2012	GOODS	On 8-30-2012, this 8-1-2004 entry was amended to list the battery charger first and the hand held spotlight second to clarify that the goods are classified in Class 9, less	

解决思路：按照审查员的建议修改小类或者删除小类，如果错误的小类跨了类别，客户想要增加类别的话，就需要交官



费和新增类别的使用证据。

(四) 地址 (Domicile Requirement, Applicant must clarify its domicile street address, Applicant's Domicile Address Required)

- 地址是用于接收商业邮件的机构，并非申请人的营业地址----90637669

Domicile Requirement

Applicant must clarify its domicile street address because the domicile address of record is for a third-party commercial mail receiving agency and does not appear to be applicant's permanent legal place of residence or principal place of business. See 37 C.F.R. §§2.11(b), 2.189; TMEP §601.01(b)(1). A domicile address must identify either (1) the permanent legal place of residence, which is the place an individual applicant resides and intends to be the applicant's principal home; or (2) the principal place of business, which is the juristic applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. See 37 C.F.R. §2.2(o)-(p); TMEP §803.05(a).

In this case, the application record lists applicant as a juristic entity and specifies applicant's domicile address as follows: 19223 E Colima Rd #920, Rowland Heights, California, 91748. According to the attached webpage evidence, this address is for a commercial mail receiving agency and thus does not appear to be applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. See 37 C.F.R. §2.2(o)-(p); TMEP §601.01(b)(1). A commercial mail receiving agency is a private business that accepts mail from the U.S. Postal Service for recipients, keeps it for collection (usually a private mailbox), or re-mails it to another location.

Applicant must clarify its domicile street address because the domicile address of record identifies "c/o" another party's address and does not appear to be applicant's principal place of business. See 37 C.F.R. §§2.11(b), 2.189; TMEP §601.01(b)(1). A domicile address must identify either (1) the permanent legal place of residence, which is the place an individual applicant resides and intends to be the applicant's principal home; or (2) the principal place of business, which is the juristic applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. See 37 C.F.R. §2.2(o)-(p); TMEP §803.05(a). All applications must include the applicant's domicile address, which is required for a complete application. See 37 C.F.R. §§2.22(a)(1), 2.32(a)(2), 2.189.

In this case, the application record lists applicant as a juristic entity and specifies applicant's domicile as "c/o" or in "care of" another party's address. In most cases, an address that is listed as "c/o" or in "care of" another party's address is not acceptable as a domicile address because it does not identify the location of applicant's headquarters where the entity's senior executives or officers ordinarily direct and control the entity's activities. See 37 C.F.R. §2.2(o)-(p); TMEP §601.01(b)(1).

c/o 是 Care of 的缩写，在这里表示转交的意思。

解决思路：提供正确的营业地址和营业执照、做转让或者提供相关文件证明这个地址就是申请人的营业地址

- 地址翻译有问题----90194987 & 90626347



OWNER SECTION (current)	
NAME	
MAILING ADDRESS	DONGHAIJIEDAOZIXINDASHA3LOU
CITY	QUANZHOU
ZIP/POSTAL CODE	362300
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	China
PHONE	+86-02081890903
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	
INTERNAL ADDRESS	Room 306, Zixin Bldg., No.216 Jinqi Rd.,
MAILING ADDRESS	Donghai Street, Fengze District,
CITY	Quanzhou
ZIP/POSTAL CODE	362300
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	China
PHONE	+86-02081890903
EMAIL	XXXX

解决思路：提供营业执照或者提供正确翻译的地址

(五) 翻译、外文含义、解释商标意义 (ENGLISH TRANSLATION OF FOREIGN WORDING REQUIRED,

Meaning of Mark, EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED)

- 商标有外文含义，但是申请时并没有说明----90323753

ENGLISH TRANSLATION OF FOREIGN WORDING REQUIRED

To permit proper examination of the application, applicant must submit an English translation of the foreign wording in the mark. 37 C.F.R. §2.32(a)(9), 2.61(b); see TMEP §809. The following English translation suggested: **The English translation of "ARCHIVA" in the mark is "ARCHIVE".** TMEP §809.03. See attached translation evidence.

TEAS PLUS STATUS REVOKED: PROCESSING FEE REQUIRED

Processing fee required. Applicant must submit an additional processing fee of \$100 per class because the application as originally filed did not meet the TEAS Plus application filing requirements. See 37 C.F.R. §2.22(c); TMEP §§819.01-01(q), 819.04. Specifically, applicant failed to meet the following requirement(s): a translation of all non-English wording in the mark was not provided.

The additional processing fee is required regardless of whether applicant satisfies these application requirements.

Accordingly, the application will no longer be treated as TEAS Plus; it is now considered a TEAS Standard application. See 37 C.F.R. §2.22(c); TMEP §819.04.

- 商标无外文含义，但是申请时并没有说明----90417773

Meaning of Mark

The applicant must indicate whether the wording "RUJIPO" has any significance in the relevant trade or industry or as applied to the goods. 37 C.F.R. Section 2.61(b).

The applicant must submit an English translation of all foreign wording in the mark, if any.

If the wording found in the mark has no meaning in a foreign language, the applicant should so state for the record. See 37 C.F.R. Section 2.61(b); TMEP section 809.



- 商标没有行业意义、地理意义，不是行业术语等，但申请时没有说明----90766526

EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED

To permit proper examination of the application, applicant must explain whether the wording "FILYNICE" in the mark has any significance in the applicant's trade or industry or as applied to applicant's goods and/or services, or if such wording is a "term of art" within applicant's industry. See 37 C.F.R. §2.61(b); TMEP §814. Failure to comply with a request for information is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814.

解决思路：按照审查员的建议进行修改翻译或者说明商标没有外文含义、没有任何行业意义等。

(六) 免责声明、非人声明 (Requirement - Disclaimer, Name of Individual Inquiry)

- 没有对一些描述性质（描述了商品的成分、质量、特性、功能、特性、用途等）的词进行免责声明----90542980

Applicant must provide a disclaimer of unregistrable parts of an applied-for mark even though the mark as a whole appears to be registrable. See 15 U.S.C. §1056(a); TMEP §§1213, 1213(a). A disclaimer of an unregistrable part of a mark will not affect the mark's appearance. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965).

Applicant must disclaim the wording "ONLINE" because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods. See 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Invivo Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached definitional evidence shows that "ONLINE" refers to being conducted by means of a computer network. Applicant's specimen shows that applicant's goods are sold over a computer network. As such, the wording "ONLINE" in the mark merely refers to the means by which the goods are sold.

Wording does not need to be merely descriptive of all the goods or services specified in an application. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Franklin Cnty. Historical Soc'y*, 104 USPQ2d 1085, 1089 (TTAB 2012). Wording is descriptive if it is descriptive of any of the goods or services for which registration is sought. *In re The Chamber of Commerce of the U.S.*, 675 F.3d at 1300, 102 USPQ2d at 1219; *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005).

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

No claim is made to the exclusive right to use "ONLINE" apart from the mark as shown.

常见需要进行免责声明的词有：CANDY, CRAFT, PEARL, BALANCE, Pro, Good, beauty, best, fulfill 等

解决思路：按照审查员的建议进行免责声明。

当一个商标的文字是不具有显著性且是描述性词语的时候，即使我们对商标的文字做了图形的设计，依旧有可能会被审

查员要求对识别出的文字部分做免责。但是商标的图形设计还是会有其显著性。（90827093-best fulfill 图形，

90682235-SEX DOLL CENTER(图形)-10 类，90682498-SEX DOLL CENTER(图形)-35 类)

- 商标名称可识别成人名，但是申请时并没有做非人声明----97206044

NAME OF INDIVIDUAL INQUIRY

Applicant must clarify whether the name RON YOUNG in the mark identifies a particular living individual. See 37 C.F.R. §2.61(b); TMEP §§813, 1206.03. In this case, the application neither specifies whether the name in the mark identifies a particular living individual nor includes a written consent. See TMEP §§813.01(a)-(b), 1206.04(a), 1206.05.

To register a mark that consists of or comprises the name of a particular living individual, including a first name, pseudonym, stage name, or nickname, an applicant must provide a written consent personally signed by the named individual. 15 U.S.C. §1052(c); TMEP §§813, 1206.04(a).

Accordingly, if the name in the mark does not identify a particular living individual, applicant must submit a statement to that effect (e.g., "The name shown in the mark does not identify a particular living individual.").

However, if the name in the mark does identify a particular living individual, applicant must submit both of the following:

- (1) The following statement: "The name(s) shown in the mark identifies a living individual(s) whose consent(s) to register is made of record." If the name is a pseudonym, stage name, or nickname, applicant must provide the following statement: "<specify assumed name> identifies <specify actual name>, a living individual whose consent is of record."
- (2) A written consent, personally signed by the named individual(s), as follows: "I, <specify name>, consent to the use and registration of my name, RON YOUNG, as a trademark and/or service mark with the USPTO."



解决思路：做非人声明。

(七) 商标仅仅是姓氏 (Section 2(e)(4) surname refusal) -----97034347

解决思路：

- 1. 申请人有同名商标的注册号；**
- 2. 这个标有五年的使用证据，**
- 3. 各种品牌影响力的证据，比如广告、消费者调查报告等。**

以上 3 点都是要证明一个东西：提到这个商标名，消费者第一时间想到这个品牌的产品，而不是某个姓氏。也就是说，要证明这个商标有一定的影响力、知名度。

- 4. 转为副簿注册。**

(八) 图形商标的商标描述 (REQUIREMENT TO AMEND DESCRIPTION OF THE MARK) ----90524075

REQUIREMENT TO AMEND DESCRIPTION OF THE MARK

Applicant must submit an amended description of the mark because the current one is incomplete and does not describe all the significant aspects of the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Descriptions must be accurate and identify all the literal and design elements in the mark. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.*

The following description is suggested, if accurate: **The mark consists of the stylized wording “LIDDY ART”. A line extending from the letter “L” passes through the wording “ART”, and the wording “ART” is under the wording “LIDDY”.**

解决思路：按照审查员的建议进行修改。