

To: Maskaras Mexican Grill LLC(rodolfo1269@yahoo.com)
Subject: U.S. Trademark Application Serial No. 97118925 - MASKARAS MEXICAN GRILL
Sent: August 23, 2022 12:26:43 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

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

U.S. Application Serial No. 97118925

Mark: MASKARAS MEXICAN GRILL

Correspondence Address:

MASKARAS MEXICAN GRILL LLC
9603 CUSTER RD., APT. 1238
PLANO TX 75025 UNITED STATES

Applicant: Maskaras Mexican Grill LLC

Reference/Docket No. N/A

Correspondence Email Address: rodolfo1269@yahoo.com

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 the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

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.

Search Results

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Identification of Goods and Services

The identification of goods and services is indefinite and overly broad and must be clarified because it includes indefinite wording that is broad enough to include goods and services that may be classified in more than one International Class. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant may adopt one or more of the following identifications, if accurate:

Pens, pencils in Class 16;

Cups, plates, tumblers for use as drinking glasses in Class 21

Clothing, namely, shirts, hoodies, t-shirts, hats, pants and shoes in Class 25;

Ornamental novelty pins in Class 26;

Teddy bears, plush toys, hard plastic action figures in Class 28

Entertainment in the nature of wrestling contests; organization of entertainment exhibition events in Class 41;

Restaurant services in Class 43.

Applicant's goods and/or services 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 and/or services 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 and/or services 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 and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

(2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 7 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.

(3) **Submit verified dates of first use of the mark** anywhere and in commerce for each international class. [See more information about verified dates of use.](#)

(4) **Submit a specimen for each international class.** The current specimen is acceptable for class(es) 43; and applicant needs a specimen for class(es) 16, 21, 25, 26, 28 and 41. [See more information about specimens.](#)

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).

(5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification.](#)

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Applicant's Entity Type

The designation “LLC” is included in applicant's name; however, the legal entity is set forth as a “partnership.” Generally, “LLC” identifies a “limited liability company,” and not a partnership. Therefore, applicant must specify whether the legal entity is a limited liability company or a partnership and amend the application accordingly. *See* 37 C.F.R. §§2.32(a)(3)(ii)-(iii), 2.61(b); TMEP §803.03(b), (h).

If applicant is a limited liability company, applicant must amend the entity type and provide the U.S. state under whose laws it is organized. 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.03(h). If applicant is a partnership, applicant must provide the legal name of the partnership and U.S. state or foreign country under whose laws the partnership is organized. *See* 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.03(b). In addition, for a U.S. partnership, applicant must list, if not yet specified, the names, legal entities, and national citizenship (for individuals), or the U.S. state or foreign country of organization or incorporation (for businesses) of all general partners. 37 C.F.R. §2.32(a)(iii); TMEP §803.03(b). For foreign partnerships, the names and citizenships of the general partners are not required. *See* TMEP §803.03(b).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. *See* 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. *See* 37 C.F.R. §2.71(d); TMEP §1201.02(b).

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.

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.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Ronald McMorro
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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97118925

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order 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 must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. 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. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” 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.

User: Ronald McMorrow

Statistics for Case 97118925						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*mas{"c,k,q,x"}* or *maz{"c,k,q,x"}*[bi,ti]	5692	0	0	0	0:03
2	*{v}r{v}{"s,z"}* or *{v}rr{v}{"s,z"}*[bi,ti]	132173	0	0	0	0:36
3	1 and 2 not dead[ld]	22	0	22	22	0:28
4	*mex*[bi,ti]	10763	0	0	0	0:00
5	*grill*[bi,ti]	11144	0	0	0	0:00
6	020119[dc]	10693	0	0	0	0:00
7	020101[dc]	25931	0	0	0	0:00
8	010119[dc]	0	0	0	0	0:00
9	010109[dc]	11341	0	0	0	0:00
10	1 and (4 or 5 or 6 or 7 or 8) not dead[ld]	21	0	21	21	0:00
11	4 and (5 or 6 or 7 or 8) not dead[ld]	202	0	202	202	0:03
12	5 and (6 or 7 or 8) not dead[ld]	27	0	27	27	0:01
13	6 and (7 or 8) not dead[ld]	85	0	0	0	0:01
14	1 and (4 or 5 or 6 or 7 or 9) not dead[ld]	23	0	23	23	0:00
15	4 and (5 or 6 or 7 or 9) not dead[ld]	215	0	215	215	0:00
16	5 and (6 or 7 or 9) not dead[ld]	54	0	54	54	0:00
17	6 and (7 or 9) not dead[ld]	125	0	114	114	0:01
18	7 and 9 not dead[ld]	70	0	70	70	0:01
19	040901[dc]	3322	0	0	0	0:00
20	(1 or 2 or 4 or 5 or 6 or 7 or 9) and 19 not dead[ld]	230	0	230	230	0:29

Session started 08/23/2022 5:56 am

Session ended 08/23/2022 6:24 am

Total search duration 103.00

Session duration 28 minutes 28 seconds

Adjacency Level 1

Near Level 1