

**To:** Henry G. Chow([lawyerchow01@gmail.com](mailto:lawyerchow01@gmail.com))  
**Subject:** U.S. Trademark Application Serial No. 97119055 - FUNMUN  
**Sent:** August 23, 2022 11:02:00 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto: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.** 97119055

**Mark:** FUNMUN

**Correspondence Address:**

HENRY G. CHOW  
2880 ZANKER ROAD, SUITE 203  
SAN JOSE CA 95134 UNITED STATES

**Applicant:** Fengchun Deng

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

**Correspondence Email Address:** [lawyerchow01@gmail.com](mailto:lawyerchow01@gmail.com)

**COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION  
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

**PRIORITY ACTION**

**USPTO database searched; no conflicting marks found.** 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.

**Applicant must address issues shown below.** On August 23, 2022, the examining attorney and Henry Chow, applicant's counsel discussed the issues below. Applicant must timely respond to these issues. *See* 15 U.S.C. §1062(b); 37 C.F.R. §2.62(a); TMEP §708.05.

### **Summary Of Issues:**

- Specimen Does Not Show Use Of The Mark In Commerce

### **Specimen Does Not Show Use Of The Mark In Commerce**

Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in International Class(es) 11. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). 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 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).

Specifically, applicant has submitted a specimen for lighting goods, but these goods have been deleted out of the application per the examiner's amendment below. Accordingly, the specimen fails to show use of the applied for mark with the remaining Class 11 goods in the application.

**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). 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 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](#).

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.

### EXAMINER'S AMENDMENT

**Application has been amended as shown below.** As agreed to by the individual identified in the Priority Action section, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

The identification of goods is amended to read as follows:

International Class 011: Humidifiers; Electric bread cookers; Electric footmuffs; Electric hair dryers; Electric mug warmers; Electric rotisseries; Electric shoe dryers for household purposes; Fruit roasters; Gas-powered deep fat fryers; Microwave ovens for household purposes; Pressure cookers, electric; Steam facial apparatus

*See* TMEP §§1402.01, 1402.01(e).

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

/Amit Shoor/  
(571) 272-7126  
amit.shoor@uspto.gov

### 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. 97119055**

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.

# Note To The File

Serial Number: 97119055  
Date: 08/23/2022 10:55 am  
Created by: Amit Shoor

FUNMUN

---

## Changed

- Issued Examiner's Amendment and Entered Changes
- EA/PA

## Discussed file with Attorney/Applicant

- via E-Mail

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Attorney Shoor:

The applicant agrees to delete all the lighting-related goods as you suggested and only remain below goods:

Humidifiers; Electric bread cookers; Electric footmuffs; Electric hair dryers; Electric mug warmers; Electric rotisseries; Electric shoe dryers for household purposes; Fruit roasters; Gas-powered deep fat fryers; Microwave ovens for household purposes; Pressure cookers, electric; Steam facial apparatus.

Please issue the Official Action for the remaining specimens, and we will provide them.

I appreciate your comment. Thank you.

Best regards,

Henry Chow

On Mon, Aug 22, 2022 at 7:06 AM Shoor, Amit <[Amit.Shoor@uspto.gov](mailto:Amit.Shoor@uspto.gov)> wrote:

Dear Mr. Chow,

I am the examining attorney at the U.S. Patent and Trademark Office assigned to U.S. Trademark Application No. 97119055. I have reviewed the application, and there are a few issues I wanted to discuss.

#### Potential Refusal under Section 2(d) Likelihood of Confusion

To avoid a potential Section 2(d) refusal for likelihood of confusion with a registered mark (Reg. No. 6773251 MOONFUN for goods including light emitting diodes (LEDs)) I propose deleting all the lighting related goods in the identification of goods. The amended identification would read as follows:

Class 11: Humidifiers; Electric bread cookers; Electric footmuffs; Electric hair dryers; Electric mug warmers; Electric rotisseries; Electric shoe dryers for household purposes; Fruit roasters; Gas-powered deep fat fryers; Microwave ovens for household purposes; Pressure cookers, electric; Steam facial apparatus

#### New Specimen Required

If you agree to this change, we would require a new specimen as the lighting goods depicted in the specimen would be removed from the application.

Please let me know by close of business on Wednesday, August 24 if you approve of my suggestionS as described. If you agree, I can issue an examiner's amendment/priority action making the changes and requiring the new specimen.

Best regards,

/Amit K. Shoor/ (he/him)

Trademark Examining Attorney

Trademark Law Office 117

United States Patent and Trademark Office



571-272-7126

[amit.shoor@uspto.gov](mailto:amit.shoor@uspto.gov)