

To: SHERAZ ABBASI(sheraz.abbasi@abbasilawoffice.com)
Subject: U.S. Trademark Application Serial No. 97120159 - INDIAFLIX - 10242021
Sent: August 25, 2022 10:40:12 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screencapture-www-ahdictionary-com-word-search-html-16614373824341](#)
[screencapture-www-merriam-webster-com-dictionary-flick-16614374478151](#)
[screencapture-www-scoopwhoop-com-indian-films-in-worlds-greatest-movies-lists-16614375757941](#)

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

U.S. Application Serial No. 97120159

Mark: INDIAFLIX

Correspondence Address:

SHERAZ ABBASI
ABBASI LAW OFFICE
22503 KATY FREEWAY
KATY TX 77479 UNITED STATES

Applicant: INDIAFLIX INC

Reference/Docket No. 10242021

Correspondence Email Address: sheraz.abbasi@abbasilawoffice.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 25, 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.

SUMMARY OF ISSUES:

- REFUSAL - MARK IS PRIMARILY GEOGRAPHICALLY DESCRIPTIVE
- SUPPLEMENTAL REGISTER ADVISORY
- MARK DESCRIPTION

SEARCH OF OFFICE RECORDS - 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.

Registration is refused, however, for the following reason(s):

REFUSAL - MARK IS PRIMARILY GEOGRAPHICALLY DESCRIPTIVE

Registration is refused because the applied-for mark is primarily geographically descriptive of the origin of applicant's goods and/or services. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); *see TMEP §§1210, 1210.01(a).*

A mark is primarily geographically descriptive when the following is demonstrated:

- (1) The primary significance of the mark to the purchasing public is a generally known location;
- (2) The goods or services originate in the place identified in the mark; and
- (3) The purchasing public would be likely to believe that the goods or services originate in the geographic place identified in the mark; that is, to make a goods-place or services-place association.

*See Spiritline Cruises LLC v. Tour Mgmt. Servs., Inc., 2020 USPQ2d 48324, at *5 (TTAB 2020) (citing *In re Nantucket, Inc.*, 677 F.2d 95, 96-97, 213 USPQ 889, 891 (C.C.P.A. 1982)); see also In re Newbridge Cutlery Co., 776 F.3d 854, 860-61, 113 USPQ2d 1445, 1448-49 (Fed. Cir. 2015); In re Societe Generale des Eaux Minerales de Vittel S.A., 824 F.2d 957, 959, 3 USPQ2d 1450, 1452 (Fed. Cir. 1987); In re JT Tobacconists, 59 USPQ2d 1080, 1081 (TTAB 2001)); TMEP §1210.01(a).*

In this case, the applied-for mark is INDIAFLIX. As the attached dictionary evidence shows, "India" identifies "country of southern Asia covering most of the Indian subcontinent." Thus, the primary significance of the mark is that of a generally-known location. In addition, "flick," the phonetic equivalent of "flix" in the mark, an informal word for "movie." Further, as the attached internet evidence shows, movies from India are well-known, as evidenced by the attached article from SW discussing the top 10 Indian films known throughout the world. Therefore, the mark INDIAFLIX is descriptive of the services in that they relate to streaming of movies, or flicks, from India.

Mmoreover the addition of the rectangle design to the mark does not alter its geographic significance because most common geometric shapes, such as circles, ovals, triangles, diamonds, or stars, when

used as a background for word or letter marks are not considered inherently distinctive. *See In re Benetton Grp. S.p.A.*, 48 USPQ2d 1214, 1216 (TTAB 1998). As the Board explained,

The rationale . . . is that designs of this character have been so commonly employed as background devices for word marks that composite marks of this type create but a single commercial impression with the result that purchasers would normally utilize the word portions of the marks to identify and distinguish the goods sold thereunder

In re Wendy's Int'l, Inc., 227 USPQ 884, 885 (TTAB 1985) (quoting *Permatex Co. v. Cal. Tube Prods., Inc.*, 175 USPQ 764, 766 (TTAB 1972)).

Thus, registration is refused pursuant to Section 2(e)2 of the Trademark Act. Although registration has been refused, applicant may present arguments in support of registration.

SUPPLEMENTAL REGISTER ADVISORY

Although an amendment to the Supplemental Register would be an appropriate response to this refusal in an application based on Trademark Act Section 1(a) or 44, such a response is not appropriate in the present case. The instant application was filed under Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76 has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the application effective filing date will be the date applicant met the minimum filing requirements under 37 C.F.R. §2.76(c) for an amendment to allege use. TMEP §§816.02, 1102.03; *see* 37 C.F.R. §2.75(b). In addition, the undersigned trademark examining attorney will conduct a new search of the USPTO records for conflicting marks based on the later application filing date. TMEP §§206.01, 1102.03.

Applicant may file an Amendment to Allege Use through the following link:

<https://teas.uspto.gov/wna/aou/>

MARK DESCRIPTION

The mark description must amended to change "square" to "rectangle." In addition, applicant must indicate where the color white appears in the mark. The following is suggested:

The mark consists of the wording "INDIAFLIX" in white, wherein the space below the dot in the letter "I" in "FLIX" is a black square. All of the foregoing is within a red rectangle.

See 37 C.F.R. §§2.37, 2.72; TMEP §§808 *et seq.*

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

/Melissa Vallillo/
Trademark Examining Attorney
Law Office 105
(571) 272-5891
melissa.vallillo@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.

THE PANELISTS

The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our [Dictionary of Indo-European Roots](#).

American Heritage Dictionary Products

The American Heritage Dictionary, 5th Edition The American Heritage Dictionary of Idioms The American Heritage Roget's Thesaurus Curious George's Dictionary The American Heritage Children's Dictionary

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flick

Dictionary Thesaurus



flick noun (1)

Save Word

\ 'flik \

Definition of *flick* (Entry 1 of 3)

1 : a light sharp jerky stroke or movement
// a *flick* of the wrist

2 : a sound produced by a flick

3 : FLICKER entry 2 sense 1

flick verb

flicked; flicking; flicks

Definition of *flick* (Entry 2 of 3)



WORD OF THE DAY

overwhelm

[See Definitions and Examples »](#)

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transitive verb

- 1 a : to move or propel with a light quick movement
// flicked her hair back over her shoulder
- b : to activate, deactivate, or change by or as if by flicking a switch
// flick off the radio
- 2 a : to strike lightly with a quick sharp motion
// flicked the horse with a whip
- b : to remove with light blows
// flicked an ash off her sleeve

intransitive verb

- 1 : to go or pass quickly or abruptly
// flicking through some papers
- 2 : to direct flicks at something
// flicked at the spot with his finger

flick noun (2)

Definition of *flick* (Entry 3 of 3)

informal

: MOVIE



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Synonyms for *flick*

Synonyms: Verb

dance, dart, flicker, flirt, flit, flutter, zip

Synonyms: Noun (2)

film, flicker, motion picture, movie, moving picture, picture

[Visit the Thesaurus for More](#) ⓘ



Examples of *flick* in a Sentence

Verb

// The snake *flicked* its tongue in and out.



// a cow *flicking* its tail back and forth
// She *flicked* her hair back over her shoulder.

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Phrases Containing *flick*

[flick-knife](#)

[skin flick](#)

[chick flick](#)

First Known Use of *flick*

Noun (1)

15th century, in the meaning defined at sense 1

Verb

1629, in the meaning defined at transitive sense 1a

Noun (2)

1926, in the meaning defined above



History and Etymology for *flick*

Noun (1)

[View history](#)

imitative

Noun (2)

short for FLICKER entry 2

Learn More About *flick*

Share *flick*



Time Traveler for *flick*



The first known use of *flick* was
in the 15th century

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Dictionary Entries Near *flick*

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Statistics for *flick*

Look-up Popularity

Top 4% of words



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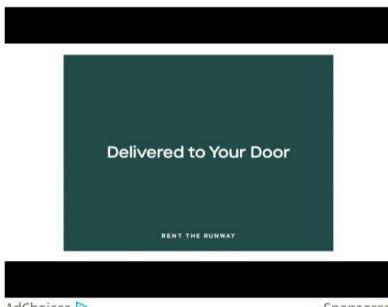
"Flick." Merriam-Webster.com Dictionary,
Merriam-Webster,
<https://www.merriam-webster.com/dictionary/flick>. Accessed
25 Aug. 2022.

Style: [MLA](#)



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 **RichelleOrtega** · 22 August, 2011

Tryna dig the real meaning behind "chick flick" :)

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 **RitaM.Mahler** · 12 August, 2011

I posted the word of the day... fillip...and someone asked me.....is that another word for flick? soooo I wanted to post the definition of flick.....for comparison. Thank You!

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ChuckEmmett · 14 November, 2011

I was looking for another word for "movie" or "cinama."

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More Definitions for *flick*

flick noun

\'flik\

Kids Definition of *flick* (Entry 1 of 2)

: a light snapping stroke

// the *flick* of a switch



flick verb

flicked; flicking

Kids Definition of *flick* (Entry 2 of 2)

: to strike or move with a quick motion

// He *flicked* the bug off his arm.

// The snake *flicked* its tongue.

More from Merriam-Webster on *flick*

Nglisch: Translation of *flick* for Spanish Speakers
Britannica English: Translation of *flick* for Arabic Speakers

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Editor Emily Brewster clarifies the difference.

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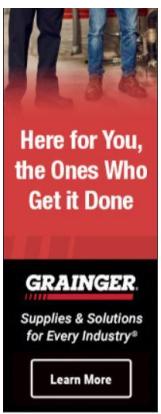
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There's a whole world of homegrown lists about our favourite Indian flicks, ranging from the ones with artistic merit and critical acclaim to the films that



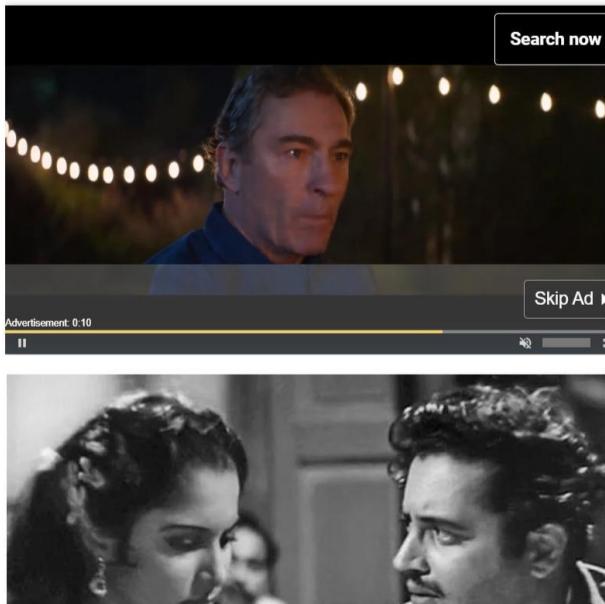
were just ridiculously popular. For an Indian movie to make it onto a list of the all time greatest movies in the world is a very different deal though, one that signals a whole different league of success.

Here are some of those movies!

1. Pyaasa (1957)

Featured on Time Magazine's list of 100 best films of all time

This film by Guru Dutt about a struggling poet in post Independence India. It was a critical success and was rated as one of the 100 best films of all time by Time magazine, which called it "the soulfully romantic of the lot."

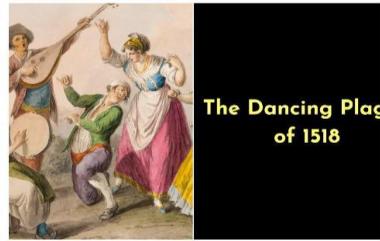


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2. 3 Idiots (2009)

Number 113 on IMDB's top 250 movies of all time



3. Lagaan (2001)

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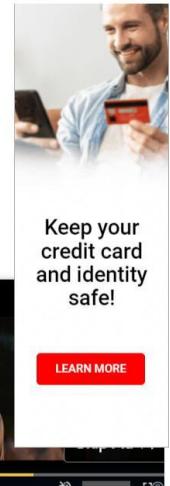
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yet again, Aamir Khan, in a role that would immortalise both the game of cricket and the British Hindi accent in film.



4. Nayakan (1987)

Featured on Time Magazine's All-Time 100 list

This Tamil crime drama was based on the real-life Bombay underworld don Varadaraian Mudaliar, and sympathetically depicts the struggle of South



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5. Pather Panchali (1955)

Featured on The Village Voice's top 250 Best Films of the Century

Satyajit Ray's movie which was also part of the Apu trilogy, Pather Panchali depicts the childhood of Apu and his elder sister and the harsh village life of their poor family. It was featured on The Village Voice top 250 "Best Films of the Century."



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6. Drishyam

Number 6 on IMDB's highest rated crime films list

Drishyam is a Malayalam thriller film directed by Jeethu Joseph. It follows the story of a family that must take desperate measures to save themselves from the clutches of the law after the son of the IG of police goes missing.



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7. Airlift (2016)

Number 53 on IMDB's highest rated drama films list

This film stars Akshay Kumar and Nimrat Kaur. It tells the story of the Indians stuck in Kuwait in 1990 during the Iraq invasion, and their journey home via the largest airlift ever attempted in the world.



8. Apur Sansar (1959)

Apu's adult life and is frequently mentioned in lists of the greatest films of all time.

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9. Jalsaghar (1958)

Number 56 in the 1982 [Sight & Sound](#) critic's poll

A critical and financial hit, this was Ray's fourth feature film. Several critics called it one of Ray's most exquisite films. It follows the story of a zamindar trying to uphold the family's prestige despite facing economic adversity.



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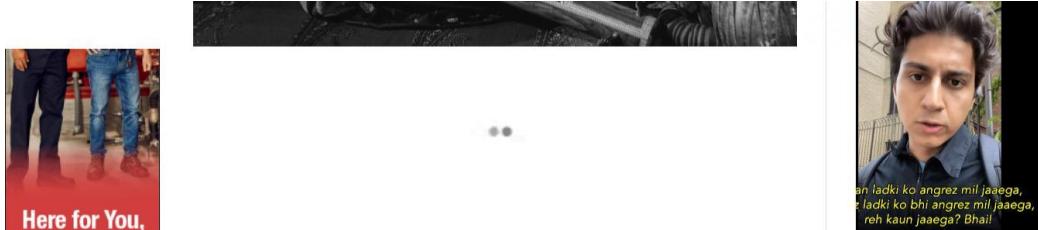
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Ray's won 4 out of the 10 top films. That shows his towering genius.

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virgin across continen

Akash Kumar Jha
@AkashKumarJha14

an ladki ko angrez mil jaega,
t ladki ko bhi angrez mil jaega,
reh kaun jaega? Bhail!

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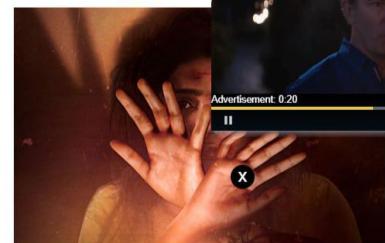
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Ray's won 4 out of the 10 top films. That shows his towering genius.

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Nidhi

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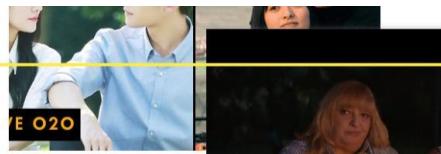


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Sport Pirate



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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 25, 2022 for
U.S. Trademark Application Serial No. 97120159

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.

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- [**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: Melissa Vallillo

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#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*{"ei"}nd{"iey"}a*[bi,ti] not dead[ld]	2359	0	0	0	0:03
2	(*fl{"iy"} {"ckqx"}* *phl{"iy"} {"ckqx"}*)[bi,ti] not dead[ld]	918	0	0	0	0:01
3	1 and 2	1	0	1	1	0:01
4	1 and "038"[cc]	1208	0	0	0	0:02
5	1 nad "009"[cc]	5394329	0	0	0	0:07
6	1 and "009"[cc]	1043	0	0	0	0:01
7	1 and "041"[cc]	1208	0	0	0	0:01
8	{"ei"}nd{"iey"}a[bi,ti] not dead[ld]	639	0	195	195	0:04
9	8 and "038"[cc]	227	0	227	227	0:01
10	8 and "009"[cc]	183	0	183	183	0:01
11	10 not 9	27	0	27	27	0:01
12	2 and "038"[cc]	461	0	461	461	0:01
13	2 and "009"[cc]	620	0	0	0	0:00
14	13 not 12	200	0	200	200	0:01
15	261121[dc]	226399	0	0	0	0:00
16	260921	88803	0	0	0	0:00
17	15 and 16	9362	0	0	0	0:00
18	16270301[dc]	0	0	0	0	0:00
19	270301[dc]	78786	0	0	0	0:00
20	15 and 16 and 19	616	317	200	299	0:04
21	16 and 19	4315	0	0	0	0:02
22	21 and "038"[cc]	2197	0	0	0	0:01
23	21 and ("038" "035" "042" a b 200)[ic]	1365	0	0	0	0:01
24	21 and ("038" a b 200)[ic]	163	80	6	83	0:03
25	21 and "041"[ic]	434	0	0	0	0:02
26	21 and "041"[cc]	2197	0	0	0	0:00
27	21 and ("041" "035" "042" a b 200)[ic]	1574	0	0	0	0:01
28	21 and "041"[ic]	434	193	24	241	0:00

Session started 08/24/2022 3:40 pm

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