

**To:** Michael Markos([docketing@trademarkia.com](mailto:docketing@trademarkia.com))  
**Subject:** U.S. Trademark Application Serial No. 97119192 - MI D SOUNDS W - 2016131  
**Sent:** August 22, 2022 04:43:40 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[Sounds Def.jpg](#)

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

**U.S. Application Serial No.** 97119192

**Mark:** MI D SOUNDS W

**Correspondence Address:**

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**Applicant:** Weatherly, Michael

**Reference/Docket No.** 2016131

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**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 22, 2022

**INTRODUCTION**

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.

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.

#### **SUMMARY OF ISSUES:**

- Disclaimer Requirement

**NOTE: Please call or email the assigned trademark examining attorney to resolve the issues in this Office action. Although the USPTO does not accept emails as responses to Office actions, communication by phone or email is permissible to agree to proposed amendments to the application that will immediately place the application in condition for publication, registration, or suspension. See 37 C.F.R. §2.62(c); TMEP §707.**

#### **DISCLAIMER REQUIRED**

Applicant must disclaim the word “SOUNDS” because it is merely descriptive of a feature of applicant’s services. See 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The word "SOUNDS" is defined as "recorded auditory material," according to the attached dictionary evidence. When used in connection with "production of musical sound recordings," the word "SOUNDS" immediately conveys that applicant is producing recorded auditory materials, which is the nature of applicant's services. Therefore, the word "SOUNDS" is descriptive, if not generic, and must be disclaimed.

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

**No claim is made to the exclusive right to use “SOUNDS” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

#### **RESPONSE GUIDELINES**

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.](#)

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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.



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sound



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# sound noun (1)

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Word

## Definition of *sound* (Entry 1 of 7)

- 1
  - a : a particular auditory impression : [TONE](#)
  - b : the sensation perceived by the sense of hearing
  - c : mechanical radiant energy that is transmitted by longitudinal pressure waves in a material medium (such as air) and is the objective cause of hearing
- 2
  - a : a speech sound  
*//* a peculiar *r-sound*
  - b : value in terms of speech [sounds](#)  
*//* *-cher of teacher* and *-ture of creature* have the same *sound*
- 3
  - a : meaningless noise
  - b : the impression conveyed : [IMPORT](#)
  - c *obsolete* : [MEANING](#)
- 4 : hearing distance : [EARSHOT](#)  
*//* within *sound* of your voice
- 5 : recorded auditory material

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5 : recorded auditory material

6 : a particular musical style characteristic of an individual, a group, or an area  
// the Nashville *sound*

7 *archaic* : RUMOR, FAME

## sound verb (1)

sounded; sounding; sounds

### Definition of *sound* (Entry 2 of 7)

*transitive verb*

1 a : to cause to sound

// *sound* a trumpet

b : PRONOUNCE sense 3a

2 : to put into words : VOICE

3 a : to make known : PROCLAIM

b : to order, signal, or indicate by a sound

// *sound* the alarm

4 : to examine by causing to emit sounds

// *sound* the lungs

5 *chiefly British* : to convey the impression of : sound like

// that *sounds* a logical use of resources

— *Economist*

*intransitive verb*

1 a : to make a sound

b : RESOUND

c : to give a summons by sound

// the bugle *sounds* to battle

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- 2 : to make or convey an impression especially when heard  
// it *sounds* good to me  
// you *sound* just like your mother

## sound adjective


\ 'saʊnd \

### Definition of *sound* (Entry 3 of 7)

- 1 a : free from injury or disease  
// of *sound* mind
- b : free from flaw, defect, or decay  
// *sound* timber
- 2 a : SOLID, FIRM  
// *sound* construction
- b : STABLE  
// a *sound* economy  
also : SECURE, RELIABLE  
// *sound* investments
- 3 a : free from error  
// *sound* advice

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<https://www.merriam-webster.com/dictionary/sound>

## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 22, 2022 for  
**U.S. Trademark Application Serial No. 97119192**

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: Shaila Lewis

Statistics for Case 97119192						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*m{"iy"}*[BI,TI] and live[LD]	195012	0	0	0	0:01
2	*d*[BI,TI] and live[LD]	1573674	0	0	0	0:05
3	m{"iy"}*[BI,TI] and live[LD]	94282	0	0	0	0:01
4	2 and 3	41498	0	0	0	0:01
5	*sound*[BI,TI] and live[LD]	3888	0	0	0	0:01
6	4 and 5	103	0	103	103	0:01
7	*m{"iy"}\$2t{"iey"}*[BI,TI] and live[LD]	14674	0	0	0	0:01
8	7 and 5	12	0	12	12	0:01
9	*w[BI,TI] and live[LD]	103028	0	0	0	0:01
10	9 and (1 2 5)	42748	0	0	0	0:01
11	m{"iy"}\$2d*[BI,TI] and live[LD]	12881	0	0	0	0:03
12	11 and "041"[cc]	7506	0	0	0	0:01
13	7 and ("041" a b 200)[ic]	2315	0	0	0	0:01
14	13 and ("musical" "recording" "recordings" "production" "sound" "audio")[gs]	562	0	400	400	0:03
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16	5 and 15	7	0	7	7	0:00
17	260701[dc]	15264	0	0	0	0:00
18	060303[dc]	16418	0	0	0	0:00
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21	270305[dc] and live[LD]	37858	0	0	0	0:01
22	17 and (18 19 20 21)	246	126	1	120	0:02
23	18 and (19 20 21)	1785	0	0	0	0:01
24	23 and "041"[cc]	869	0	0	0	0:01
25	24 not 22	864	76	1	324	0:00
26	19 and (20 21)	276	0	1	276	0:02
27	20 and 21	170	0	1	170	0:01

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16	5 and 15	7	0	7	7	0:00

Session started 08/22/2022 9:50 am

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