

To: Eric Fingerhut(tm@dykema.com)
Subject: U.S. Trademark Application Serial No. 97119537 - BICE - 066386.0563
Sent: August 22, 2022 07:57:07 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. 97119537

Mark: BICE

Correspondence Address:

ERIC FINGERHUT
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SUITE 1100 WEST
WASHINGTON DC 20005 UNITED STATES

Applicant: Commit Biologics ApS

Reference/Docket No. 066386.0563

Correspondence Email Address: tm@dykema.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 22, 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:

- Identification of goods requires clarification
- Partial abandonment advisory

IDENTIFICATION OF GOODS REQUIRES CLARIFICATION

Applicant must clarify the identification of goods and/or services because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

Please note that suggestions that will render the identification of goods/services definite have been provided below in bold while the reasoning for these suggestions have been provided in brackets.

Applicant may substitute the following wording, if accurate:

Chemical, biochemical, biological and biotechnical preparations, **especially namely**, antibodies, **and** bi- and multispecific antibodies and fragments **thereof, including in the nature of** monoclonal antibodies, their derivatives or conjugates for in vivo or in vitro scientific and industrial research and development related to diseases {replace the ambiguous and open-ended wording "especially" and "including" with more definitive language}; active chemical ingredients for use in the manufacture of pharmaceutical preparations for treating cancer {specify disease or condition being treated} in Class 01

Pharmaceutical and veterinary preparations, ~~including pharmaceutical preparations based on that~~ **contain** antibodies, and bi- and multispecific antibodies and fragments, including monoclonal antibodies, their derivatives or conjugates, for **use in treating heart** diseases {delete the superfluous language and describe the disease or condition being treated} in Class 05

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.

PARTIAL ABANDONMENT ADVISORY

If applicant does not respond to this Office action within the six-month period for response, International Class(es) 01 and 05 will be deleted from the application. The application will then proceed with International Class(es) 42 only. *See* 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).

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

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.

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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 22, 2022 for
U.S. Trademark Application Serial No. 97119537

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: Ahsen Khan

Statistics for Case 97119537						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*bice*[BI,TI]	351	0	0	0	0:02
2	"b ice"[BI,TI]	4	0	0	0	0:00
3	"bi ce"[BI,TI]	0	0	0	0	0:00
4	"bic e"[BI,TI]	0	0	0	0	0:00
5	"bice"[BI,TI]	21	0	0	0	0:00
6	"b ic e"[BI,TI]	0	0	0	0	0:02
7	"bi c e"[BI,TI]	0	0	0	0	0:00
8	"b i c e"[BI,TI]	0	0	0	0	0:00
9	"b i ce"[BI,TI]	0	0	0	0	0:00
10	1 or 2 or 5	355	0	0	0	0:00
11	10 not dead[ld]	93	0	93	93	0:00
12	*b{"yi"}{"sczx"}*[bi,ti] not dead[ld]	9845	0	0	0	0:01
13	*b{"yi"}{"sczx"}e*[bi,ti] not dead[ld]	297	0	0	0	0:01
14	*b{"yi"}{"sczx"}[bi,ti] not dead[ld]	4105	0	0	0	0:01
15	"001"[cc] "005"[cc] "042"[cc]	5355576	0	0	0	0:11
16	13 and 15	152	0	152	152	0:06
17	14 and 15	2541	0	0	0	0:01
18	("001" "003" "005" "042" a b 200)[ic]	2027349	0	0	0	0:03
19	17 and 18	865	0	865	865	0:02

Session started 08/22/2022 2:53 pm

Session ended 08/22/2022 3:04 pm

Total search duration 30.00

Session duration 10 minutes 4 seconds

Adjacency Level 1

Near Level 1