

To: NILE PLATFORM, INC.(sriram.sub@gmail.com)
Subject: U.S. Trademark Application Serial No. 97118749 - NILE
Sent: August 22, 2022 10:27:43 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. 97118749

Mark: NILE

Correspondence Address:
SUBRAMANIAN, SRIRAM
764 KILKENNY COURT
SUNNYVALE CA 94087 UNITED STATES

Applicant: NILE PLATFORM, INC.

Reference/Docket No. N/A

Correspondence Email Address: sriram.sub@gmail.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 issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF USPTO DATABASE OF MARKS

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:

- Request for Information - Foreign Applicant With U.S. Address
- Identification of Services Requires Amendment

REQUEST FOR INFORMATION - FOREIGN APPLICANT WITH U.S. ADDRESS

Applicant must clarify its U.S. domicile address or appoint a qualified U.S.-licensed attorney. TMEP §601.01(b); *see* 37 C.F.R. §§2.11(b), 2.61(b). Clarification is required because an applicant whose domicile is located outside of the United States or its territories must be represented at the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §2.11(a); TMEP §601.01(a). U.S.-domiciled applicants, however, are not required to be represented. TMEP §601.01(b).

A domicile address must identify either (1) the permanent legal place of residence, which is the place an individual applicant resides and intends to be the applicant's principal home; or (2) the principal place of business, which is the juristic applicant's headquarters where its senior executives or officers ordinarily direct and control the entity's activities. *See* 37 C.F.R. §2.2(o)-(p); TMEP §803.05(a).

In this case, the application record lists applicant as an individual of India and specifies a U.S. street address as applicant's domicile. It is unclear from the record whether the U.S. street address provided is the place applicant resides and intends to be applicant's principal home.

Response options. Applicant must (1) provide documentation to support the referenced U.S. street address or (2) appoint a U.S.-licensed attorney qualified to practice under 37 C.F.R. §11.14 as its representative, before the application may proceed to registration. 37 C.F.R. §§2.11(b), 2.61(b); TMEP §601.01(b). *See* [Hiring a U.S.-licensed trademark attorney](#) for more information.

To provide documentation supporting applicant's U.S. domicile. Applicant must provide documentation showing the name and listed domicile address of the individual, for example one of the following: (1) a current, valid signed rental, lease, or mortgage agreement; (2) a current, valid homeowner's, renter's, or motor vehicle insurance policy; or (3) a computer-generated bill issued by a utility company dated no earlier than 60 days before the application filing date. TMEP §601.01(b); *see* 37 C.F.R. §§2.11(b), 2.61(b). Submitted documentation must show the name, listed domicile address, and the date of the document but should redact other personal and financial information.

To provide this documentation, open the correct Trademark Electronic Application System (TEAS) response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page, below the "Miscellaneous Statement" field, click the button below the text box to attach documentation to support the U.S. street address.

To appoint a U.S.-licensed attorney in this application, applicant should submit a completed TEAS [Change Address or Representation](#) form. The newly-appointed attorney must submit a TEAS [Response to Examining Attorney Office Action](#) form indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the

appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. *See* 37 C.F.R. §2.17(b)(1)(ii); TMEP §604.01.

IDENTIFICATION OF SERVICES REQUIRES AMENDMENT

The identification of services is indefinite and must be clarified because the proper nomenclature for specifying software-as-a-service and platform-as-a-service includes the word "services" after the preamble. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may adopt the following identification, if accurate:

Class 42: Software as a service (SaaS) and Platform as a service (PaaS) **services** featuring software for use in software and application development.

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). 7

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.

ASSISTANCE

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 requirements 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.

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. 97118749

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: Daniel Donegan

Statistics for Case 97118749						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	n{"h"0:1}{ "iye"1:3}l{"e"0:1}[bi,ti] NOT dead[ld]	413	0	0	0	0:01
2	1 AND "042"[cc]	156	0	156	156	0:01
3	1 AND software\$[gs]	66	0	66	66	0:01
4	1 AND development\$[gs]	25	0	25	25	0:01
5	1 AND paas\$[gs]	7	0	7	7	0:01
6	1 AND saas\$[gs]	7	0	7	7	0:01
7	nile[bi,ti] NOT dead[ld]	150	0	0	0	0:01
8	7 NOT 1	0	0	0	0	0:00
9	nile[bi,ti]	372	0	0	0	0:01
10	9 AND develop\$[gs]	9	1	8	8	0:01
11	1 AND "009"[cc]	216	0	0	0	0:01
12	11 NOT 2	92	0	92	92	0:01
13	11 NOT 2	92	0	92	92	0:01

Session started 08/22/2022 10:08 pm

Session ended 08/22/2022 10:27 pm

Total search duration 12.00

Session duration 18 minutes 38 seconds

Adjacency Level 1

Near Level 1

User: Daniel Donegan

Statistics for Case 97118749						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	n{"h"0:1}{ "iye"1:3}l{"e"0:1}{bi,ti} NOT dead[ld]	413	0	0	0	0:01
2	1 AND "042"[cc]	156	0	156	156	0:01
3	1 AND software\$[gs]	66	0	66	66	0:01
4	1 AND development\$[gs]	25	0	25	25	0:01
5	1 AND paas\$[gs]	7	0	7	7	0:01
6	1 AND saas\$[gs]	7	0	7	7	0:01
7	nile[bi,ti] NOT dead[ld]	150	0	0	0	0:01
8	7 NOT 1	0	0	0	0	0:00
9	nile[bi,ti]	372	0	0	0	0:01
10	9 AND develop\$[gs]	9	1	8	8	0:01

Session started 08/22/2022 10:08 pm

Session ended 08/22/2022 10:16 pm

Total search duration 9.00

Session duration 7 minutes 36 seconds

Adjacency Level 1

Near Level 1