

To: Andrew D. Bochner(andrew@bochnerip.com)
Subject: U.S. Trademark Application Serial No. 97120511 - TISSUEFOOT - 1088.003TM
Sent: August 24, 2022 02:22:21 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. 97120511

Mark: TISSUEFOOT

Correspondence Address:

ANDREW D. BOCHNER
BOCHNER IP, PLLC
295 MADISON AVE.
12TH FLOOR
NEW YORK NY 10017 UNITED STATES

Applicant: Tissuefoot Inc.

Reference/Docket No. 1088.003TM

Correspondence Email Address: andrew@bochnerip.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 24, 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.

Summary of Issues

- Search Results - No Conflicting Marks Found
- Identification of Goods and Services – Amendment Required
- Foreign Registration Required

Search Results - 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.

Identification of Goods and Services – Amendment Required

The wording “tissue dispensers” and “retail and online store services featuring sale of tissue box holders and tissue dispensers” in the identification of goods and services is indefinite and must be clarified because tissue dispensers does not specify what kind of tissue. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

In addition, the wording “online store services featuring sale of tissue box holders and tissue dispensers” in the identification of services is indefinite and must be clarified because it does not specify the type of online store services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Moreover, applicant must correct the punctuation in the identification to clarify the individual items in the list of goods and/or services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01(a). Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Commas, semicolons, and apostrophes are the only punctuation that should be used in an identification of goods and/or services. TMEP §1402.01(a). An applicant should *not* use colons, periods, exclamation points, and question marks in an identification. *Id.* In addition, applicants should not use symbols in the identification such as asterisks (*), at symbols (@), or carets. *Id.*

In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after “namely,” and (3) between each item in a list of goods or services following “namely” (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.* Thus, applicant should delete the periods that appear in the identification of goods and services.

Applicant may substitute the following wording, if accurate:

- International Class 21: Tissue box holders; **facial** tissue dispensers
- International Class 35: Retail and online *{specify the type of online store services, e.g., retail, wholesale, etc.}* store services featuring sale of tissue box holders and **facial** tissue dispensers

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden

or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* 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.

Foreign Registration Required

The application specifies both an intent to use basis under Trademark Act Section 1(b) and a claim of priority under Section 44(d) based on a foreign application. *See* 15 U.S.C. §§1051(b), 1126(d); 37 C.F.R. §2.34(a)(2), (a)(4). However, no copy of a foreign registration has been provided even though the application indicates applicant's intent to rely on Section 44(e) as an additional basis for registration. *See* 15 U.S.C. §1126(e).

An application with a Section 44(e) basis must include a true copy, photocopy, certification, or certified copy of a foreign registration from an applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §§1004, 1004.01, 1016. In addition, an applicant's country of origin must be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. 15 U.S.C. §1126(b); TMEP §§1002.01, 1004.

Therefore, applicant must provide a copy of the foreign registration from applicant's country of origin when it becomes available. TMEP §1003.04(a). A copy of a foreign registration must consist of a document issued to an applicant by, or certified by, the intellectual property office in applicant's country of origin. TMEP §1004.01. If applicant's country of origin does not issue registrations or Madrid Protocol certificates of extension of protection, applicant may submit a copy of the Madrid Protocol international registration that shows that protection of the international registration has been extended to applicant's country of origin. TMEP §1016. In addition, applicant must also provide an English translation if the foreign registration is not written in English. 37 C.F.R. §2.34(a)(3)(ii); TMEP §1004.01(a)-(b). The translation should be signed by the translator. TMEP §1004.01(b).

If the foreign registration has not yet issued, or applicant requires additional time to procure a copy of the foreign registration (and English translation, as appropriate), applicant should so inform the trademark examining attorney and request that the U.S. application be suspended until a copy of the foreign registration is available. TMEP §§716.02(b), 1003.04(b).

If applicant cannot satisfy the requirements of a Section 44(e) basis, applicant may request that the mark be approved for publication based solely on the Section 1(b) basis. *See* 15 U.S.C. §§1051(b), 1126(e); 37 C.F.R. §2.35(b)(1); TMEP §§806.02(f), 806.04(b), 1003.04(b). Although the mark may be approved for publication on the Section 1(b) basis, it will not register until an acceptable allegation of use has been filed. *See* 15 U.S.C. §1051(c)-(d); 37 C.F.R. §§2.76, 2.88; TMEP §1103. Please note that, if the U.S. application satisfied the requirements of Section 44(d) as of the U.S. application filing date, applicant may retain the priority filing date under Section 44(d) without perfecting the Section 44(e) basis, provided there is a continuing valid basis for registration. *See* 37 C.F.R. §2.35(b)(3)-(4); TMEP §§806.02(f), 806.04(b).

Alternatively, applicant has the option to amend the application to rely solely on the Section 44(e) basis

and request deletion of the Section 1(b) basis. *See* 37 C.F.R. §2.35(b)(1); TMEP §806.04. The foreign registration alone may serve as the basis for obtaining a U.S. registration. *See* 37 C.F.R. §2.34(a)(3); TMEP §806.01(d).

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

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.](#)

/Deborah Sterlin/
Deborah Sterlin
Trademark Examining Attorney
Law Office 305
(571) 272-4529
deborah.sterlin@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 24, 2022 for
U.S. Trademark Application Serial No. 97120511

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.

Statistics for Case 97120511						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120511[sn]	1	0	1	1	0:00
2	"Tissuefoot"[on]	1	0	1	1	0:00
3	*t{v1:2}{ "scz"1:2}{ "h"0:1}{v1:2}* [bi,ti]not dead[ld]	41192	0	0	0	0:02
4	(*f{ "ou":3}t* *p{ "h":2}{ "ou":3}t*) [bi,ti]not dead[ld]	12594	0	0	0	0:01
5	(*t{v1:2}{ "scz"1:2}{ "h"0:1}{v1:2}* [bi,ti]not dead[ld]) and ((*f{ "ou":3}t* *p{ "h":2}{ "ou":3}t*) [bi,ti]not dead[ld])	284	0	284	284	0:03
6	*t{v1:2}{ "scz"1:2}{ "h"0:1}{v1:2}\$ { "fph":2}{ "ou":3}t* [bi,ti]not dead[ld]	12	0	12	12	0:01
7	*t{ "iey"1:2}{ "scz"1:2}{ "h"0:1}{v1:2}* [bi,ti]not dead[ld]	25923	0	0	0	0:02
8	*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]	3595	0	0	0	0:01
9	*t{ "iy"1:2}{ "sc"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]	3444	0	0	0	0:01
10	*tissu* [bi,ti]not dead[ld]	280	0	280	280	0:01
11	(*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]) and "021"[cc]	1140	0	0	0	0:01
12	(*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]) and ("003" "006" "008" "020" "021" "035" "042" "044" "a" "b" "200") [ic]	1174	0	0	0	0:02
13	(*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]) and ("003" "006" "008" "020" "021" "035" "042" "a" "b" "200") [ic]	1031	0	0	0	0:02
14	(*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]) and ("003" "006" "008" "020" "021" "035" "a" "b" "200") [ic]	796	0	0	0	0:02
15	(*t{ "iy"1:2}{ "scz"1:2}{ "h"0:1}{ "ou"1:2}* [bi,ti]not dead[ld]) and ("003" "006" "008" "020" "021" "a" "b" "200") [ic]	413	0	413	413	0:02
16	*phoot* [bi,ti]not dead[ld]	6	0	6	6	0:01
17	*f{ "o":3}t* [bi,ti]not dead[ld]	4196	0	0	0	0:01
18	*foot* [bi,ti]not dead[ld]	3441	0	0	0	0:01
19	17 and "021"[cc]	1244	0	0	0	0:01
20	17 and ("003" "006" "008" "020" "021" "035" "042" "044" "a" "b" "200") [ic]	1280	0	0	0	0:01
21	17 and ("003" "006" "008" "020" "021" "035" "	1129	0	0	0	0:02

Statistics for Case 97120511						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
	042" "a" "b" "200")[ic]					
22	17 and ("003" "006" "008" "020" "021" "035" "a" "b" "200")[ic]	919	0	0	0	0:02
23	17 and ("003" "006" "008" "020" "021" "a" "b" "200")[ic]	463	0	0	0	0:02
24	17 and ("003" "008" "020" "021" "a" "b" "200")[ic]	423	0	423	423	0:01
25	23 not 24	40	0	40	40	0:02
26	8 and 18	4	0	4	4	0:01
27	*t{"iey"1:2}{"sc"1:2}{"h"0:1}{"ue"1:2}\${"f":2}{"o":3}t*[bi,ti]not dead[ld]	1	0	1	1	0:01
28	*tissuefoot*[bi,ti]not dead[ld]	1	0	1	1	0:01
29	"tissue foot"[bi,ti]not dead[ld]	1	0	1	1	0:00

Session started 08/24/2022 9:46 am

Session ended 08/24/2022 10:11 am

Total search duration 38.00

Session duration 25 minutes 3 seconds

Adjacency Level 1

Near Level 1