

To: Jason Gersting(efiling@knobbe.com)
Subject: U.S. Trademark Application Serial No. 97118572 - MOSAICA - ARVTS.002T
Sent: August 23, 2022 05:27:24 PM EDT
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Attachments

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

U.S. Application Serial No. 97118572

Mark: MOSAICA

Correspondence Address:

JASON GERSTING
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE CA 92614 UNITED STATES

Applicant: Arvetas Biosciences, Inc.

Reference/Docket No. ARVTS.002T

Correspondence Email Address: efiling@knobbe.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 23, 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:

- Requirement - Identification of Goods / Recitation of Services
- Requirement - Insufficient Fees
- Requirement - Translation

1. Advisory - Search for References DEFERRED:

The trademark examining attorney will defer a search of the USPTO database of registered and pending marks for potentially conflicting marks until applicant responds to the issues raised in this Office action. TMEP §704.02.

2. Requirement - Identification of Goods / Recitation of Services:

A written application must specify the particular goods and/or services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. 15 U.S.C. §§1051(a)(2) and 1051(b)(2); 37 C.F.R. §2.32(a)(6). To "specify" means to name in an explicit manner. The identification should set forth common names, using terminology that is generally understood. The identification of goods and/or services must be specific, definite, clear, accurate, and concise. *See In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987); *The Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972), *modified without opinion*, 498 F.2d 1406, 181 USPQ 722 (C.C.P.A. 1974); *In re Cardinal Laboratories, Inc.*, 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.*, 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte The A.C. Gilbert Co.*, 99 USPQ 344 (Comm'r Pats. 1953). TMEP §1402.01.

As to International Class 001:

The wording "Diagnostic reagents and diagnostic reagents for analytical, scientific and industrial use" in the identification of goods for International Class 001 must be clarified because it is unclear what goods the applicant is providing. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Specifically, the wording "diagnostic reagents" is repeated in the identification. Please delete the duplicate wording for the record. Additionally, this clause is written broadly enough to be for a medical purpose. Please note that diagnostic reagents for medical use are properly classified in Class 005. Specifically, the wording "analytical" is unclear. Applicant may state, "Diagnostic **reagents for** analytical, scientific and industrial use, **except for medical or veterinary use**" in Class 001, if accurate.

As to International Classes 009 and 042:

The wording "Downloadable or non-downloadable software" in the identification of goods and recitation of services in Classes 009 and 042 must be clarified because it is too broad and could include goods and/or services in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Specifically, software that is downloadable is properly classified in Class 009. If applicant is providing temporary use of on-line non-downloadable software, these services are properly classified in Class 042. For both forms of software, applicant must provide the purpose or function of the software and its content or field of use, if content- or field- specific. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). The USPTO requires such specificity in order for a trademark examining attorney to examine the application properly and make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000); TMEP §1402.03(d).

As to International Class 009:

The wording “imaging devices” in the identification of goods for International Class 009 must be clarified because it is too broad and could include goods in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. For example, "imaging apparatus for the study of proteins for agricultural purposes" are properly classified in Class 009, however, the wording "medical imaging apparatus" is properly classified in Class 010. Please clarify the wording "imaging devices" for the record and classify appropriately.

The wording “imaging devices and related software, peripherals and accessories” in the identification of goods for International Class 009 must be clarified because it is too broad and could include goods in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Specifically, as discussed above, the wording "Imaging devices" is not acceptable. The wording "related software, peripherals and accessories" is also unacceptable. Specifically, applicant must identify the format of the software as well as the function or purpose of the software and classify the software appropriately. Additionally, applicant must identify the peripherals and accessories by common commercial or generic name and classify appropriately.

As to International Class 010:

The wording “medical imaging devices” in the identification of goods for International Class 010 must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Specifically, for proper classification in Class 010, applicant may state, "medical imaging **apparatus**" if accurate.

The wording “medical imaging devices and related software, peripherals and accessories.” in the identification of goods for International Class 010 must be clarified because it is too broad and could include goods in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Specifically, the wording "medical imaging devices" is indefinite. However, applicant may state, "medical imaging apparatus" in Class 010, if accurate. Additionally, the wording "related software, peripherals and accessories" is also unacceptable. Specifically, applicant must identify the format of the software as well as the function or purpose of the software and classify the software appropriately. Additionally, applicant must identify the peripherals and accessories by common commercial or generic name and classify appropriately.

Applicant may substitute the following wording, if accurate:

International Class 001:

Diagnostic **reagents for** analytical, scientific and industrial use, **except for medical or veterinary use**; Diagnostic reagents and preparations, except for medical or veterinary use; Diagnostic reagents for scientific or research use.

International Class 005:

Diagnostic reagents for medical use; chemical reagents for medical diagnosis and analysis.

International Class 009:

Downloadable software **for {please provide the function or purpose of the software, e.g., for processing images, graphics and text; for downloading and organizing music files; for authenticating user identification, etc.}**; imaging apparatus for the study of proteins for agricultural purposes; imaging apparatus for the study of proteins for agricultural purposes and related software, **namely, downloadable software for processing digital images, computer peripherals and accessories, namely, {please identify the accessories by common commercial or generic name}**; Downloadable software for operating medical imaging apparatus.

International Class 010:

Medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing in the fields of cancer or other tissue-based diagnostic testing, cytology and cell-based testing; medical imaging **apparatus**.

International Class 042:

Providing temporary use of online non-downloadable software for {please provide the function or purpose of the software, e.g., for processing images, graphics and text; for downloading and organizing music files; for authenticating user identification, etc.}.

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.

3. Requirement - Insufficient Fee:

The application identifies goods and/or services that are classified in at least five classes; however, applicant submitted a fee(s) sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01. For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

The fee for adding classes to a TEAS Standard application is \$350 per class. *See* 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

4. Requirement - Translation:

To permit proper examination of the application, applicant must submit an English translation of the foreign wording in the mark. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809.

The following is suggested: **The English translation of “MOSAICA” in the mark is “MOSAIC”.**

TMEP §809.03. *See* attached translation evidence. To respond to this requirement for information, open the appropriate Trademark Electronic Application System (TEAS) response form and enter the serial number, answer “yes” to question 3, and provide the information on the “Additional Statement(s)” page in the “Translation” text box(es) in the form.

Applicant has a duty to respond directly and completely to this requirement for information. *See In re Ocean Tech., Inc.*, 2019 USPQ2d 450686, at *2 (TTAB 2019) (citing *In re AOP LLC*, 107 USPQ2d 1644, 1651 (TTAB 2013)); TMEP §814. Failure to comply with a requirement for information is an independent ground for refusing registration. *In re SICPA Holding SA*, 2021 USPQ2d 613, at *6 (TTAB 2021) (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

5. Advisory - Assistance:

Please email the assigned trademark examining attorney at colleen.dombrow@uspto.gov 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.

PLEASE NOTE: If applicant requires assistance navigating the online response form, applicant should contact the Trademark Assistance Center at 571-272-9250. The Examining Attorney cannot assist the applicant with the online response form.

6. Advisory - How to Respond:

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.

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

/Colleen Dombrow/
Trademark Examining Attorney
Law Office 101
(571) 272-8262
colleen.dombrow@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.

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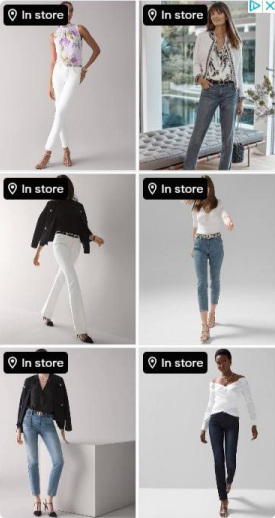
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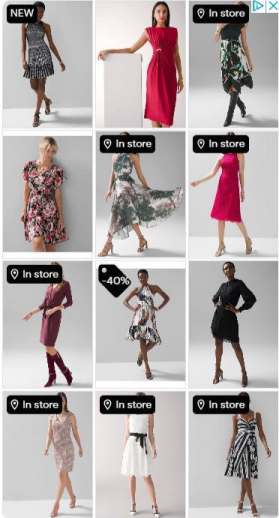
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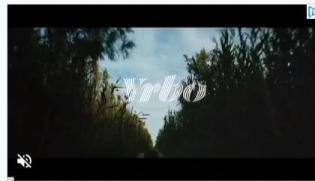
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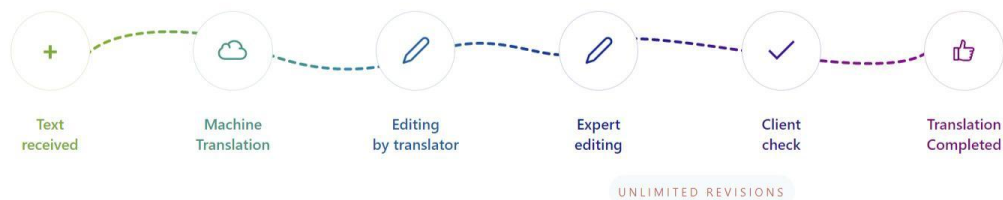
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mosaica

Mosaic

Todas essas explicações artificial dos termos da legislação **mosaica** são legais, ou Halahcic, Midrashim.Não há nenhuma razão determinante para negar a autoria **mosaica** de Génesis.All such artificial explanations of the terms of the **Mosaic** legislation are legal, or Halahcic, Midrashim.There is no conclusive reason to deny the **Mosaic** authorship of Genesis.See more translations and examples in context for "mosaica" or search for more phrases including "mosaica"; "[lei mosaica](#)"

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97118572

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: Colleen Dombrow

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#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97118572[sn]	1	0	1	1	0:00
2	"arvetas biosciences"[on]	1	0	1	1	0:00
3	*mosaica*[bi,ti] and live[ld]	5	0	5	5	0:01
4	*mosaic*[bi,ti] and live[ld]	431	0	431	431	0:01
5	*m{v1:2}{ "szc"1:2}{v1:3}{ "ckqx"}*[bi,ti] and live[ld]	7998	0	0	0	0:02
6	5 not 4	7567	0	0	0	0:01
7	6 and ("001" "005" "009" "010")[cc]	6137	0	0	0	0:01
8	6 and ("001" "005" "009" "010" "042" a b "200")[ic]	2122	0	35	35	0:02
9	6 and ("035" a b "200")[ic]	1151	0	0	0	0:02

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