

To: Zhuoyi Ma(abb.pllc@outlook.com)
Subject: U.S. Trademark Application Serial No. 97119032 - ROBICARE - FH
Sent: August 26, 2022 02:23:17 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. 97119032

Mark: ROBICARE

Correspondence Address:

Zhuoyi Ma
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Chapel Hill NC 27514 UNITED STATES

Applicant: Xiangyixiang Technology (Beijing) Co., Ltd.

Reference/Docket No. FH

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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 26, 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.

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:

- Rule 2.61(b) Request for Additional Specimen Submissions
- Partial Abandonment - Advisory

RULE 2.61(b) REQUEST FOR ADDITIONAL SPECIMEN SUBMISSIONS

Given the wide variety and range of unrelated goods that applicant has listed in the application, applicant must submit additional specimens to allow for a complete and accurate examination of the application and assessment of the registrability of the subject mark, in accordance with Rule 2.61(b). 37 C.F.R. §2.61(b); *see* TMEP §904.01(a).

Applicant should submit specimens demonstrating use of the mark on all of the following goods:

1. Blood glucose meter
2. Blood oxygen monitors
3. Blood pressure and diabetic diagnostic medical devices
4. Blood pressure monitors
5. Blood pressure transducers
6. Devices for measuring blood sugar for medical purposes
7. Devices for monitoring blood glucose for medical purposes
8. Electronic sphygmomanometers
9. Health monitoring devices consisting of blood pressure monitors, thermometers and pedometers
10. Health monitors comprising sensor that monitor the health of the elderly or disabled in their own homes
11. Heart rate monitoring apparatus
12. Heartbeat measuring apparatus
13. Medical devices for monitoring blood oxygen saturation, blood gas concentrations, vital signs and respiratory events, and recorded software for recording, processing and transmitting medical data, for use therewith, sold as a unit
14. Patient medical monitors for monitoring blood pressure
15. Patient medical monitors for monitoring heart rate
16. Patient medical monitors for monitoring lung function

If applicant is unable to provide specimens to support use of these items, applicant must delete these entries, or amend the filing basis for those goods that were not in proper use as of the application filing date to an intent to use basis under Section 1(b). This option will later necessitate additional fees and filing requirements such as providing a specimen for these goods at a subsequent date.

Failure to comply with a requirement to furnish additional specimens is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814. Merely stating that evidence is available on applicant's or a third party website or providing a hyperlink of such a

website is an insufficient response and will not make the additional specimens of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

PARTIAL ABANDONMENT – ADVISORY

If applicant does not respond to this Office action within the six-month period for response, the following goods in International Class(es) 10 will be deleted from the application:

Blood glucose meter; Blood oxygen monitors; Blood pressure and diabetic diagnostic medical devices; Blood pressure monitors; Blood pressure transducers; Devices for measuring blood sugar for medical purposes; Devices for monitoring blood glucose for medical purposes; Electronic sphygmomanometers; Health monitoring devices consisting of blood pressure monitors, thermometers and pedometers; Health monitors comprising sensor that monitor the health of the elderly or disabled in their own homes; Heart rate monitoring apparatus; Heartbeat measuring apparatus; Medical devices for monitoring blood oxygen saturation, blood gas concentrations, vital signs and respiratory events, and recorded software for recording, processing and transmitting medical data, for use therewith, sold as a unit; Patient medical monitors for monitoring blood pressure; Patient medical monitors for monitoring heart rate; Patient medical monitors for monitoring lung function

The application will then proceed with the following goods in International Class(es) 10 only:

Massaging apparatus for personal use

See 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).

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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 26, 2022 for
U.S. Trademark Application Serial No. 97119032

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.