

To: David A.W. Wong(dwong@btlaw.com)
Subject: U.S. Trademark Application Serial No. 97120188 - - BINAH-PEND
Sent: August 23, 2022 12:15:48 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. 97120188

Mark:

Correspondence Address:

David A.W. Wong
BARNES & THORNBURG LLP
11 SOUTH MERIDIAN STREET
INDIANAPOLIS IN 46204-3535 UNITED STATES

Applicant: Binah S.A. SPF

Reference/Docket No. BINAH-PEND

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

NOTICE:

The Office is in receipt of applicant's Preliminary Amendment dated Dec. 2, 2021. The amended ID classification is made of record.

NO CONFLICTING 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.

IDENTIFICATION OF GOODS:

Class 14 -

In Class 14, applicant's identification is: "Watches; clocks; chronometric apparatus and instruments; articles of jewellery, articles of imitation jewellery; cases for watches, cases for clocks, cases for jewellery; bands, boxes, casings, chains, clasps, dials, faces, fobs, hands, movements, pouches, springs, straps, winders, all for watches; boxes, cabinets, dials, faces, hands, housings, mechanisms, movements, all for clocks; boxes and clasps for jewellery; key chains, key fobs, key rings; replacement parts and fittings for all the aforesaid."

The following wording is unacceptable:

"Articles of jewellery, articles of imitation jewellery" are indefinite. The common commercial name of the jewelry and imitation jewelry articles must be stated. *See below for suggestions.*

"Cases for watches, cases for clocks" are indefinite. It is unclear that these cases are clock and watches parts and watch-making and clock-making parts rather than containers for clocks and watches and containers for watch-making and clock-making. Clarification is required. *See below for suggestions.*

"Key fobs" is indefinite and falls in multiple classes. The type of key fobs must be stated. *See below for suggestions.*

"Casings . . for watches" is indefinite for the same reasons as discussed with regard to "cases for watches". *See below for suggestions.*

"Mechanisms" is indefinite. More specificity is required. The common commercial name of the mechanisms must be stated. *See below for suggestion.*

Taking the above together, applicant may adopt the following:

Class 9: Electronic key fobs being remote control apparatus

Class 14: Watches; clocks; chronometric apparatus and instruments; ***articles of jewellery and imitation jewellery, namely, jewelry and imitation jewelry; cases being parts of watches and clocks; cases adapted for holding watches and clocks; cases for jewellery; bands, boxes, chains, clasps, dials, faces, fobs, hands, movements, pouches, springs, straps, and winders, all for watches; boxes, cabinets, dials, faces, hands, housings, mechanism parts, and movements, all for clocks; boxes and clasps for jewellery; key chains; decorative key fobs; key rings; replacement parts and fittings for all the***

aforesaid

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

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.

MULTI-CLASS REQUIREMENTS:

The application identifies goods in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in **at least 2 classes**; however, applicant submitted a fee sufficient **for only 1 class**. Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

FEES FOR ADDITIONAL CLASSES:

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](#).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

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 23, 2022 for
U.S. Trademark Application Serial No. 97120188

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: Simon Teng

Statistics for Case 97120188						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	"Binah"[on]	16	7	9	9	0:00
2	010110[dc] not dead[ld]	10843	0	0	0	0:01
3	010113[dc] not dead[ld]	13741	0	0	0	0:01
4	010525[dc] not dead[ld]	3819	0	0	0	0:01
5	011506[dc] not dead[ld]	5710	0	0	0	0:01
6	260118[dc] not dead[ld]	13308	0	0	0	0:01
7	260121[dc] not dead[ld]	114604	0	0	0	0:01
8	2 and 3 and 4 and 5 and 6 and 7	1	0	0	0	0:00
9	2 and (3 4 5 6 7)	8965	0	0	0	0:00
10	3 and (4 5 6 7)	3432	0	0	0	0:00
11	4 and (5 6 7)	874	0	0	0	0:00
12	5 and (6 7)	755	0	0	0	0:00
13	6 and 7	7685	0	0	0	0:00
14	(8 11 12) not 1	1600	0	1	1600	0:01
15	2 and 3 and 4	35	0	0	0	0:00
16	15 not (14 1)	20	0	2	20	0:00
17	0105\$[dc] not dead[ld]	15609	0	0	0	0:00
18	0115\$[dc] not dead[ld]	68806	0	0	0	0:01
19	17 and 18 and 2 and 3	39	0	0	0	0:01
20	19 not (16 14 1)	24	0	1	24	0:04
21	0101\$[dc] not dead[ld]	42158	0	0	0	0:01
22	21 and 17 and 18	193	0	0	0	0:01
23	22 not (20 16 14 1)	129	0	1	129	0:08
24	2 and ("014" a b "200")[ic]	480	0	0	0	0:01
25	3 and ("014" a b "200")[ic]	643	0	0	0	0:01
26	4 and ("014" a b "200")[ic]	83	0	0	0	0:01
27	5 and ("014" a b "200")[ic]	82	0	0	0	0:01
28	6 and ("014" a b "200")[ic]	560	0	0	0	0:01
29	7 and ("014" a b "200")[ic]	2706	0	0	0	0:01
30	(28 27 26 25 24) not (14 1)	1358	0	1	1358	0:03

Session started 08/23/2022 11:53 am

Session ended 08/23/2022 12:14 pm

Total search duration 32.00

Session duration 21 minutes 15 seconds

Adjacency Level 1

Near Level 1

Note To The File

Serial Number: 97120188
Date: 08/23/2022 11:18 am
Created by: Simon Teng



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- Description of the Mark