To: WHOLE9YARDS USA LLC(ipconsult@lucria.co.uk)

Subject: U.S. Trademark Application Serial No. 97119511 - WHOLE9YARDS

**Sent:** August 23, 2022 06:13:28 PM EDT

**Sent As:** tmng.notices@uspto.gov

### **Attachments**

- 2-Delaware Company House.jpg
- 3-A Registered Agent Inc. Mail Forwarding Services 1.jpg
- 3-A Registered Agent Inc. Mail Forwarding Services2.jpg
- 4-A Registered Agent Inc. Virtual Office1.jpg
- 4-A Registered Agent Inc. Virtual Office2.jpg
- 5-List of Registered Agents1.jpg
- 5-List of Registered Agents2.jpg
- 6-A Registered Agent Inc. Map1.jpg
- 1-A Registered Agent Inc. Registered Agent Services1.jpg
- 1-A Registered Agent Inc. Registered Agent Services2.jpg
- 1-A Registered Agent Inc. Registered Agent Services3.jpg
- 1-A Registered Agent Inc. Registered Agent Services4.jpg

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

U.S. Application Serial No. 97119511

Mark: WHOLE9YARDS

Correspondence Address: WHOLE9YARDS USA LLC

#6624

8 THE GREEN, SUITE

**DOVER DE 19901 UNITED STATES** 

**Applicant:** WHOLE9YARDS USA LLC

Reference/Docket No. N/A

Correspondence Email Address: ipconsult@lucria.co.uk

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. 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

How to respond. Click to file a response to this nonfinal Office action.

\* \* \* \* \*

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 (Advisory)

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.

Applicant must respond to the requirement(s) set forth below.

## **DOMICILE STREET ADDRESS**

**Applicant must clarify its domicile street address** because the domicile address of record is for a third-party registered agent and does not appear to be applicant's permanent legal place of residence or principal place of business. *See* 37 C.F.R. §§2.11(b), 2.189; TMEP §601.01(b)(1). 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).

Applications must include an applicant's domicile address because such domicile determines whether an applicant is required to have a U.S.-licensed attorney represent it before the USPTO. See 37 C.F.R. §§2.11(a), 2.32(a)(2); TMEP §§601, 803.05. 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).

In this case, the application lists applicant as a juristic entity and specifies applicant's domicile address as follows: 8 The Green, Dover, Delaware 19901. According to the attached webpage evidence, this

address is for a registered agent and thus does not appear to be 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 §601.01(b)(1). A registered agent is a person or entity appointed to accept service of process and official mail on behalf of a business.

**Response options.** Applicant must provide its domicile street address. *See* 37 C.F.R. §§2.32(a)(2), 2.189; TMEP §803.05. Alternatively, applicant may provide documentation showing that the listed U.S. domicile address is, in fact, applicant's domicile. TMEP §§601.01(b)-(b)(1), 803.05; *see* 37 C.F.R. §2.11(b).

If applicant amends the application to list a domicile street address located outside of the United States or its territories, applicant must appoint a U.S.-licensed attorney qualified under 37 C.F.R. §11.14 as its representative before the application may proceed to registration. See 37 C.F.R. §2.11(a); TMEP §601.01(a). See Hiring a U.S.-licensed trademark attorney for more information. However, if applicant establishes its domicile street address is located within the United States or its territories, applicant is not required to appoint a qualified U.S.-licensed attorney. See TMEP §601.01(b).

To provide applicant's domicile street address. After opening the correct Trademark Electronic Application System (TEAS) response form and entering the serial number, (1) answer "yes" to wizard question #5 and click "Continue;" (2) on the "Owner Information" page, in the "Domicile Address" field, uncheck the box stating the domicile and mailing address are not the same; and (3) below the checkbox provide applicant's domicile street address. Applicant's domicile street address will be hidden from public view if it is entered into the "Domicile Address" field. However, any street address listed in the "Mailing Address" field will be publicly viewable.

**To provide documentation to support a U.S. domicile address.** Applicant should provide the most recent documentation showing that the address is the applicant's business headquarters, for example one of the following: (1) the most recent final annual or quarterly report or other similar report; or (2) a current certificate of good standing for the corporation or other business entity issued by a federal or state government agency. TMEP §601.01(b)-(b)(1); see 37 C.F.R. §2.11(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 submit the documentation, open the correct TEAS response form and enter the serial number, answer "yes" to wizard 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 the 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.

/Benji Paradewelai/ Trademark Attorney Law Office 101, USPTO Phone and email for informal queries: (571) 272-1658 benji.paradewelai@uspto.gov

## RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> 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.

Home

Concierge Services

Rent Here

We're Hiring

Contact

## The Delaware Company House LLC

The Delaware Company House is located at 8 The Green in Dover, Delaware. If you find us on a map, you'll see we're steps from the Chancery Court and the Old State House, a short walk from most any Delaware State office you may need to transact business with. But looking at where we are on a map doesn't really describe our location.

About a 100 feet from our front door is where the US constitution was first ratified (making Delaware the first state), the very site where some of our country's earliest and most important meetings took place and helped give birth to our great nation. In short, our location is steeped in a rich history, and in Delaware, history means something. Our address on The Green is one of the most recognizable addresses in the state. The Delaware Company House supports international law firms, Wilmington De I law firms, incorporation services, and registered agent companies with their State of Delaware interactions. Our superior knowledge of inner-state workings, proximity to the very heart of Delaware's corporate center, and our solid grounding in our nation's past all blend together to make The Delaware Company House the right choice for your business solutions.

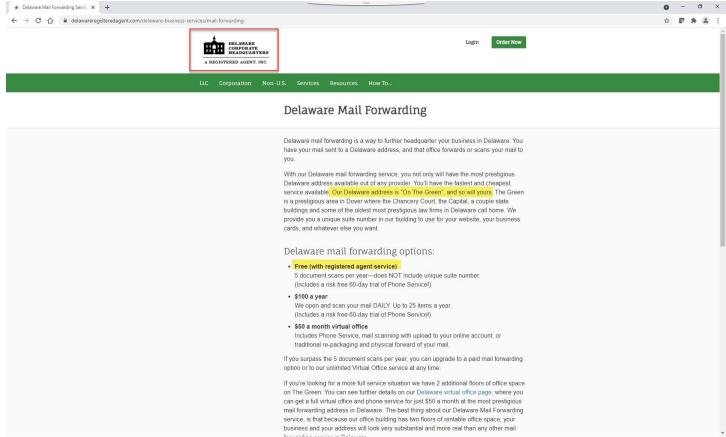
#### What we provide:

- Office rentals from virtual to 3,000 square foot.
- Conference room rental complete with board room, kitchenette, separate office, sofa, recliner, private bathroom, copiers, scanners, workstation computer, wifi, and separate entrance while you litigate at the Chancery Court 50 yards away.
- · Support staff by the hour if needed.
- Corporate office support for corporations, llcs, and any entity types.
- Corporate filing and search support at the state, city, or county level.
- Registered office and registered agent support.
- · Mail forwarding.
- . Evenutive mites

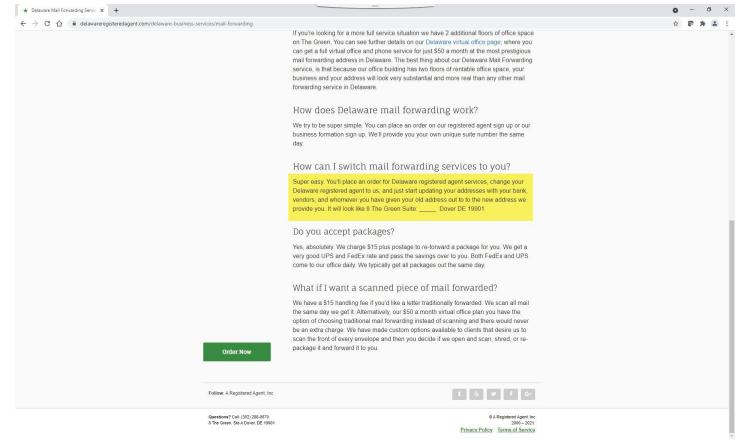
#### Why use The Delaware Company House:

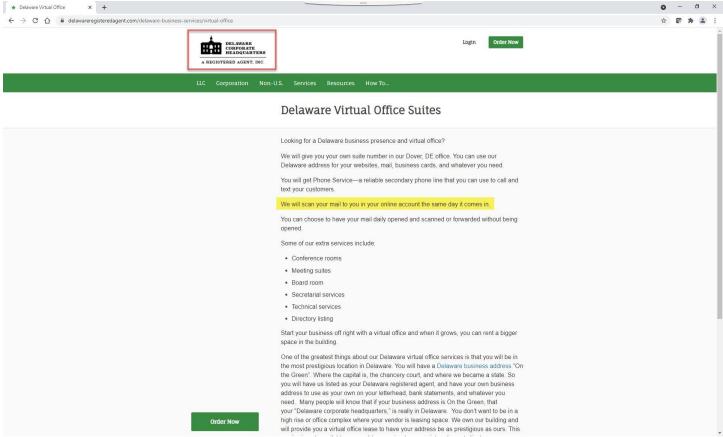
- Extensive knowledge.
- Extensive support available.
- We're behind the scenes. You can run your own operation or completely white label our support services.

	The Delaware Company House LLC 8 The Green Dover DE 19901 302-526-4784				
1:20:11 PM 6/22/2021	https://www.delawarecompanyhouse.com/				

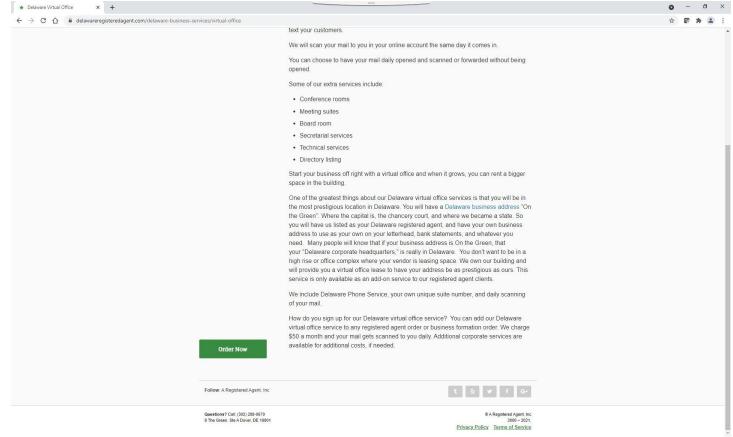


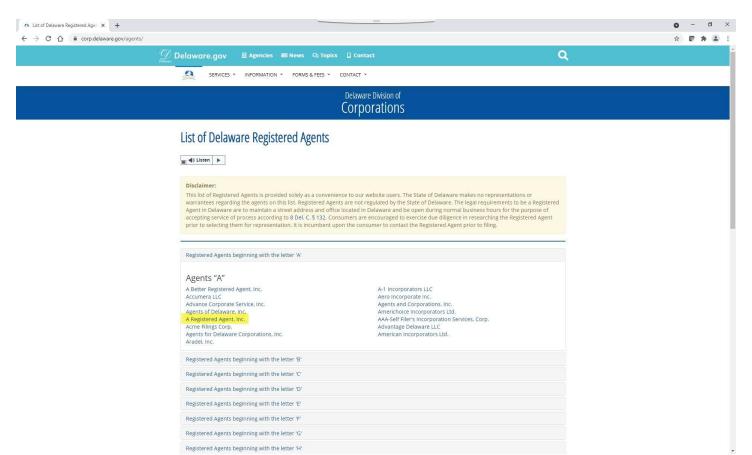
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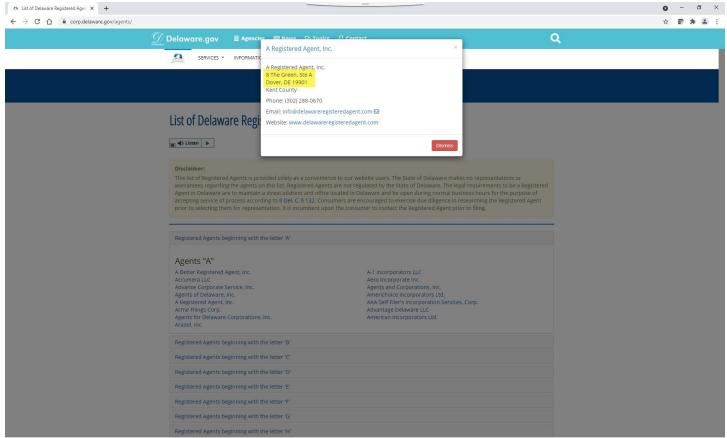




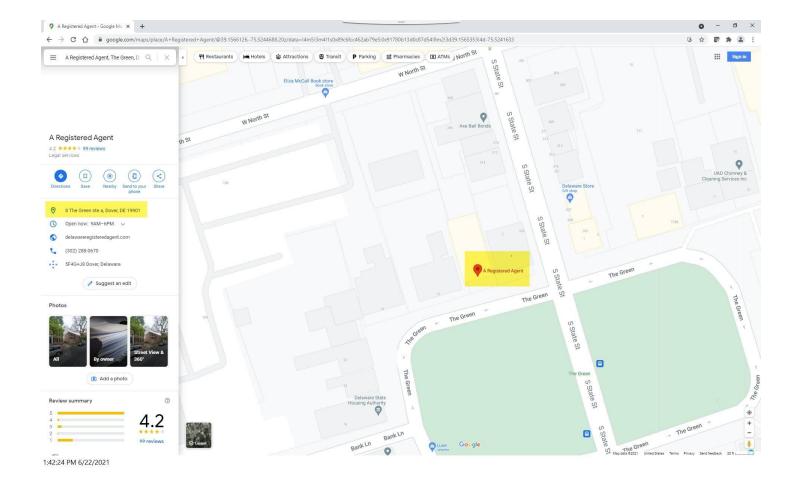
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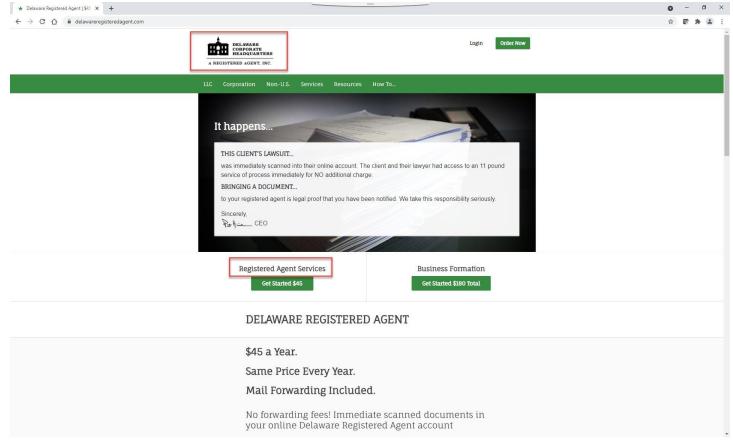




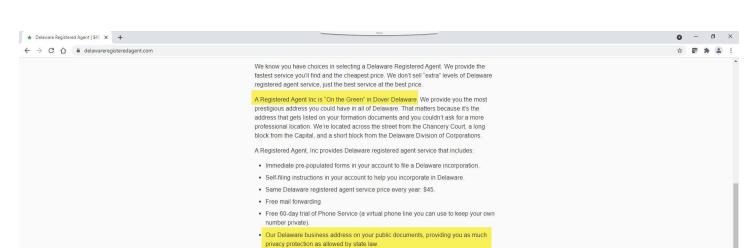


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12:21:54 PM 6/22/2021



No forwarding or hidden fees.

- Multiple annual report and Franchise Tax reminders, and you can always track and manage your due dates in your online account.
- We won't try to sell you some Delaware Franchise Tax and annual report filing service that you don't need.
- We won't try to sell you a weird Delaware incorporation package you don't need.
- We scan service of process and all documents into your online account immediately for no additional cost.

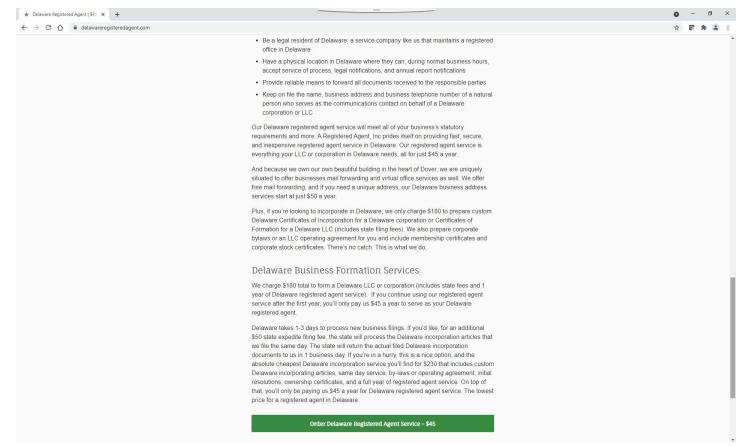
## The Definition of a Delaware Registered Agent

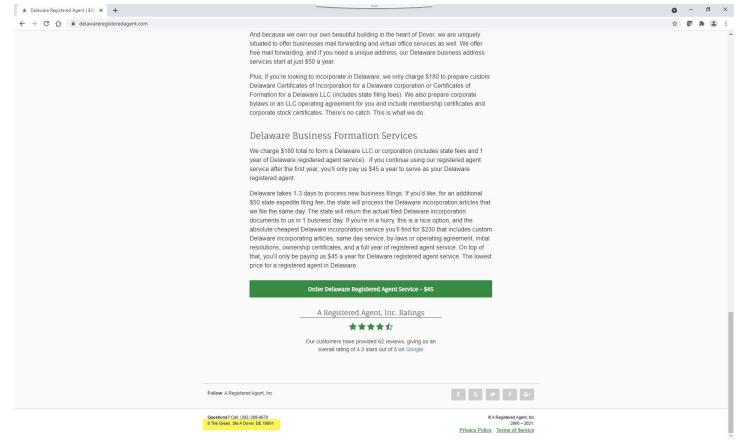
A Delaware registered agent accepts service of process, legal correspondence from the State of Delaware, and other legal notifications on behalf of a business entity, Every LLC and corporation in Delaware is required to appoint a registered agent on its certificate of formation or certificate of incorporation. The proper way to notify a business in Delaware is to send a complaint to that business's Delaware registered agent.

#### Requirements for Delaware Registered Agents

Delaware General Corporation Law (8 Del. C. §131 and §132), requires registered agents to:

Be a legal resident of Delaware; a service company like us that maintains a registered





## **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. 97119511

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 <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

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

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> 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: Benji Paradewelai

Statistics for Case 97119511								
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration		
1	97119511[sn]	1	0	1	1	0:00		
2	("WHOLE9YARDS USA" "KART IT")[ow]	2	0	2	2	0:00		
3	*WHOL*[bi,ti] and live[ld]	2688	0	0	0	0:01		
4	*YARD*[bi,ti] and live[ld]	4371	0	0	0	0:01		
5	("9" *NINE*)[bi,ti] and live[ld]	14663	0	0	0	0:01		
6	3 and 4	5	0	5	5	0:00		
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8	4 and 5	37	0	13	13	0:00		
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13	("9" N{"iy"}N* *N{"iy"}NE*)[bi,ti] and live[l d]	16688	0	0	0	0:02		
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16	10 and 13	37	0	13	13	0:01		

Session started 08/23/2022 3:24 pm Session ended 08/23/2022 4:06 pm Total search duration 14.00 Session duration 41 minutes 29 seconds Adjacency Level 1 Near Level 1