

*** User:ahack ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	13	4	9	9	0:01	"cedar's mediterranean"[on]
02	2	0	2	2	0:01	5109003
03	3610	N/A	0	0	0:03	*{"scz"}{v:2}d{v}r*[bi,ti] and live[ld] not (1 2)
04	408	N/A	0	0	0:02	*m{v}d{v}{ "t":2}{v}{ "r":2}{v:2}n{v:2}n*[bi,ti] and live[ld] not (1 2)
05	12701	N/A	0	0	0:02	(*ph{"ou":2}d* *f{"ou":2}d*)(bi,ti] and live[ld] not (1 2)
06	46	0	46	45	0:01	5 and (4 3)
07	0	0	0	0	0:01	(4 and 3)
08	1785	N/A	0	0	0:01	3 and ("029" "030")[cc] not 6
09	195	0	195	182	0:02	3 and ("029" "030" "a" "b" "200")[ic] not 6

Session started 8/23/2022 1:19:32 PM

Session finished 8/23/2022 6:23:07 PM

Total search duration 0 minutes 14 seconds

Session duration 303 minutes 35 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 97119710

To: Patrick J. Concannon(docket@nutter.com)
Subject: U.S. Trademark Application Serial No. 97119710 - CEDAR'S MEDITERRANEAN FOODS - 119030-51
Sent: August 23, 2022 06:23:27 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-oldwayspt-org-traditional-diets-mediterranean-diet-traditional-med-diet-16612928511181](#)

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

U.S. Application Serial No. 97119710

Mark: CEDAR'S MEDITERRANEAN FOODS

Correspondence Address:

PATRICK J. CONCANNON
NUTTER, MCCLENNEN & FISH, LLP
155 SEAPORT BOULEVARD
SEAPORT WEST
BOSTON MA 02210 UNITED STATES

Applicant: Cedars Mediterranean Foods, Inc.

Reference/Docket No. 119030-51

Correspondence Email Address: docket@nutter.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.

Search Results

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.

However, applicant must address the following requirements:

- Disclaimer; and
- Specimen.

Requirement - Disclaimer

Applicant must provide a disclaimer of unregistrable parts of an applied-for mark even though the mark as a whole appears to be registrable. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213(a). A disclaimer of an unregistrable part of a mark will not affect the mark's appearance. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965).

Wording does not need to be merely descriptive of all the goods or services specified in an application. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Franklin Cnty. Historical Soc'y*, 104 USPQ2d 1085, 1089 (TTAB 2012). Wording is descriptive if it is descriptive of any of the goods or services for which registration is sought. *In re The Chamber of Commerce of the U.S.*, 675 F.3d at 1300, 102 USPQ2d at 1219 (quoting *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005)).

Applicant must disclaim the wording "MEDITERRANEAN FOODS" because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence shows this wording means food that is eaten near the Mediterranean Sea, and the foods denoted to be Mediterranean foods in the attached evidence include foods listed by the applicant in the applicaiton. Thus, the wording merely describes applicant's goods because it indicates the type of cuisine that applicant is providing.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "MEDITERRANEAN FOODS" apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

Requirement - Specimen

Specimen is not an acceptable webpage display. Registration is refused because the specimen in International Class(es) 029 and 030 is not acceptable as a display associated with the goods and does

not show the applied-for mark as actually used in commerce. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §2.56(a), (b)(1); *see* TMEP §§904, 904.03(g)-(i), 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

A webpage or catalog display specimen (1) must show use of the mark directly associated with the goods and (2) such use must be of a point-of-sale nature. 37 C.F.R. §2.56(b)(1). This means that this type of display specimen must include the following:

- (1) A **picture or sufficient textual description of the goods**;
- (2) The **mark associated with the goods**; and
- (3) A **means for ordering the goods** such as a “shopping cart” button/link, an order form, or a telephone number for placing orders.

See In re Sones, 590 F.3d 1282, 1286-89, 93 USPQ2d 1118, 1122-24 (Fed. Cir. 2009); *In re Azteca Sys., Inc.*, 102 USPQ2d 1955, 1957-58 (TTAB 2012); *In re Dell Inc.*, 71 USPQ2d 1725, 1727 (TTAB 2004); *Lands’ End v. Manbeck*, 797 F. Supp. 511, 514, 24 USPQ2d 1314, 1316 (E.D. Va. 1992); TMEP §904.03(h), (i)-.03(i)(D).

In this case, the specimen does not show sufficient means for ordering the goods. Specifically, there is no pricing information shown and there is no ability to add the goods to an online shopping cart or otherwise order them.

Accordingly, such material is mere advertising, which is not acceptable as a specimen for goods. *See In re Yarnell Ice Cream, LLC*, 2019 USPQ2d 265039, at *15-16 (TTAB 2019) (quoting *In re Siny Corp.*, 920 F.3d 1331, 1336, 2019 USPQ2d 127099, at *2-3 (Fed. Cir. 2019)); *see also Avakoff v. S. Pac. Co.*, 765 F.2d 1097, 1098, 226 USPQ 435, 436 (Fed. Cir. 1985); TMEP §904.04(b), (c).

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). As specified above, a webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c). Any webpage printout or screenshot submitted as a specimen must include the webpage’s URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

- (1) Submit a different specimen (a verified “[substitute](#)” specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce

for the goods identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

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.](#)

/Andrea Hack/
Andrea Hack
(571) 272-5413
andrea.hack@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.



A Food And Nutrition Nonprofit
Helping People Live Healthier, Happier Lives

[TRADITIONAL DIETS](#)

[RECIPES](#)

[RESOURCES](#)

[HEALTH STUDIES](#)

[PROGRAMS](#)

[SHOP](#)

[EVENTS & COURSES](#)



Home

TRADITIONAL MED DIET

CHARACTERISTICS OF THE MEDITERRANEAN DIET

Traditional Mediterranean meals feature foods grown all around the Mediterranean Sea, and enjoyed along with lifestyle factors typical of this region. Easily adaptable to today's kitchens and busy lives, they include:



Grains, Vegetables & Fruits

Grains, vegetables, and fruits should be eaten at most meals, because they are important sources of vitamins, minerals, energy, antioxidants, and fiber. An eating pattern high in these foods promotes good health and weight control when consumed wisely.

Grains. The majority of grains should be whole grains, such as wheat, oats, rice, rye, barley, and corn. These grains are best consumed in whole, minimally-processed forms, because refining and processing can remove many valuable nutrients, including vitamins, minerals, and fiber.

Grains and grain products common to the traditional Mediterranean Diet include: barley, buckwheat, **bulgur**, farro, millet, oats, polenta, rice, wheatberries, breads, couscous, and pastas.

Vegetables. Vegetables are an important staple of eating patterns of peoples in all the countries bordering the Mediterranean Sea, providing valuable nutrients and satiety. These benefits are amplified because the vegetables are normally cooked or drizzled with olive oil. Raw vegetables are also a healthy vegetable option.

Vegetables common to the traditional Mediterranean Diet include: artichokes, arugula, beets, broccoli, Brussels sprouts, cabbage, carrots, celery, celeriac, chicory, collard greens, cucumbers, dandelion greens, eggplant, fennel, kale, leeks, lemons, lettuce, mache, mushrooms, mustard greens, nettles, okra, onions (red, sweet, white), peas, peppers, potatoes, pumpkin, purslane, radishes, rutabaga, scallions, shallots, spinach, sweet potatoes, turnips, **zucchini**.

Fruits. Whole fresh fruit is ever-present in the Mediterranean. No-sugar-added fruit juices provide only some of the same nutrition benefits as whole fruit, and attention to portion control and total calories is wise. Fruit "drinks" do not have the benefits of fruit juice.

Fruits common to the traditional Mediterranean Diet include: apples, apricots, avocados, cherries, clementines, dates, figs, grapefruits, grapes, melons, nectarines, olives, oranges, peaches, pears, pomegranates, strawberries, tangerines, **tomatoes**.



OL



ives & Olive Oil

Olives and olive oil are central to the Mediterranean diet. Olives are universally eaten whole, and widely used for cooking and flavoring in the countries that border the Mediterranean Sea. Olive oil is the principal source of dietary fat used for cooking, baking, and for dressing salads and vegetables. Extra virgin olive oil is highest in health-promoting fats, phytonutrients and other important micronutrients.



NUTS, BEANS, LEGUMES & SEEDS

Nuts, beans, legumes and seeds are good sources of healthy fats, protein, and fiber. They add flavor and texture to Mediterranean dishes.

Nuts, seeds, and legumes common to the traditional Mediterranean Diet include: almonds, cannellini beans, chickpeas, cashews, **fava beans**, green beans, hazelnuts, kidney beans, lentils, pine nuts, pistachios, sesame seeds, split peas, tahini sauce, walnuts.



HERBS & SPICES

Herbs and spices add flavors and aromas to foods, reducing the need to add salt or fat when cooking. They are also rich in a broad range of health-promoting antioxidants, and are used liberally in Mediterranean cuisines. Herbs and spices also contribute to the national identities of the various Mediterranean cuisines.

Herbs and spices common to the traditional Mediterranean Diet include: anise, basil, bay leaf, chiles, cloves, cumin, fennel, garlic, lavender, marjoram, mint, oregano, parsley, pepper, pul biber, rosemary, sage, savory, sumac, tarragon, thyme, **za'atar**.



CHEESE & YOGURT

Cheese and yogurt are eaten regularly in the traditional Mediterranean diet, but in low to moderate amounts. The calcium in cheese and yogurt is important for bone and heart health. Low fat and nonfat dairy products ease concerns of adverse consequences of somewhat higher consumption of dairy products.

Dairy products common to the traditional Mediterranean Diet include: brie, chevre, corvo, feta, haloumi, manchego, Parmigiano-

Reggiano, pecorino, ricotta, yogurt (including Greek yogurt).



FISH & SHELLFISH

Fish and shellfish are important sources of healthy protein for Mediterranean populations. Fish such as tuna, herring, sardines, salmon and bream are rich in essential heart-healthy omega-3 fatty acids, and shellfish and crustaceans including mussels, clams and shrimp have similar benefits. Fish and shellfish are not typically battered and fried in Mediterranean countries.

Seafood common to the traditional Mediterranean Diet includes: abalone, clams, cockles, crab, eel, flounder, lobster mackerel, mussels, octopus, oysters, salmon, **sardines**, sea bass, shrimp, squid, tilapia, tuna, whelk, yellowtail.



EGGS

EGGS

Eggs are a good source of high-quality protein, and can be especially beneficial for individuals who do not eat meat. Eggs are regularly used in baking in Mediterranean countries.

Chicken, duck, and quail eggs are all common to the traditional Mediterranean Diet.



MEATS

Meats are eaten in small portions by Mediterranean peoples, who prefer lean cuts. Poultry is a good source of lean protein without the high levels of saturated fat found in some cuts of red meat. With ground meats, 90 percent lean/10 percent fat is a sound choice.

Poultry and red meat common to the traditional Mediterranean Diet include: beef, chicken, duck, goat, guinea fowl, lamb, mutton, pork.





Wine

Wine is consumed regularly but moderately in the Mediterranean, unless discouraged by religious beliefs. "Moderately" means up to one five-ounce glass of wine per day for women and up to two five-ounce glasses for men. Individuals should only drink wine if they are medically able to do so, and should ask their doctors for more information.



WATER

Water is essential for life, and proper hydration during each day makes a positive contribution to health, well being and energy levels. Individual variations in body sizes, metabolic rates and activity levels mean that some people should drink more water every day than others.





PORTION SIZE

Because foods in the bottom section of the pyramid may be eaten in larger amounts and more frequently, portion sizes and frequency of consumption decline in the pyramid's upper sections.



MODERATION

Moderation is a wise approach. A balanced and healthy diet accommodates most foods and drinks, so long as moderation and

wise choices are the key characteristics. For example, enjoying a small piece of birthday cake, savoring a few slices of grilled steak, or relaxing with family and friends with a glass or two of wine or beer are important aspects of being human. As always, moderation is the wise watchword.



HEALTHY LIFESTYLE HABITS

Daily physical activity is important for overall good health. This includes strenuous exercise like running and aerobics, as well as more leisurely activities such as walking and housework or yard-work, or taking the stairs instead of the elevator.



Meals in the Company of Others

The Mediterranean Diet is grounded on the principles of enjoyment and pleasure. Foods, drinks and meals are best eaten with others, when possible, and savored.

As you follow the Mediterranean Diet, keep in mind that weight control is very important for good health. Establish your healthy weight range from your doctor or from reputable web sites, and let this healthy weight range be your guide. If you are above this range, cut back on the food and drink you consume, add more exercise, or both. For most people, counting calories obsessively not only detracts from enjoying foods, drinks, and meals, but also doesn't work very well in the long term. These recommendations and the updated Mediterranean Diet Pyramid are reliable for most adults. However, children and pregnant women and others with special dietary needs may require dietary supplementation. These needs can be accommodated within the Mediterranean Diet in most circumstances.

CONTACT US

OLDWAYS
266 Beacon Street, Suite 1
Boston, MA 02116

TEL 617-421-5500
FAX 617-421-5511
EMAIL info@oldwayspt.org

FOLLOW US



SUBSCRIBE

Get health information, news, & recipes via our program newsletters.

SUBSCRIBE

Website by Digital Loom

This website uses cookies to make your website experience better. By using this site, you agree to the Privacy Policy.

I accept

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. 97119710

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.