

To: Jessica Slomberg(thepastatablenyc@gmail.com)
Subject: U.S. Trademark Application Serial No. 97118708 - THE PASTA TABLE
Sent: August 27, 2022 07:20:36 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[79339014](#)

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

U.S. Application Serial No. 97118708

Mark: THE PASTA TABLE

Correspondence Address:

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Applicant: Jessica Slomberg

Reference/Docket No. N/A

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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 27, 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:

- Prior-Filed Application
- Sections 1 and 45 Refusal - Unacceptable Specimen
- Applicant Must Disclaim the Word "PASTA"

PRIOR-FILED APPLICATION

The filing date of pending U.S. Application Serial No. 79339014 precedes applicant's filing date. *See attached referenced application.* If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

When two or more applications contain marks that are conflicting such that there is a potential likelihood of confusion between the marks under Trademark Act Section 2(d), the mark in the application with the earliest effective filing date will have priority and proceed towards publication or registration, as appropriate, over the other applications. *See* 37 C.F.R. §2.83(a); TMEP §1208.01.

For applications based on Section 1, the effective filing date is the date the application is filed with the USPTO. *See* TMEP §§201, -.01, 1208.01(b). However, for applications claiming a "priority" filing date under Section 44(d) or 67, the effective filing date can be up to six months earlier than the date the application is filed in the United States. *See* 15 U.S.C. §§1126(d), 1141g; TMEP §§206.02, 1003.02, 1208.01(b).

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

SECTIONS 1 AND 45 REFUSAL - UNACCEPTABLE SPECIMEN

Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in connection with any of the goods and/or services specified in International Classes 35 and 43. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); *In re Keep A Breast Found.*, 123 USPQ2d 1869, 1876-79 (TTAB 2017); TMEP §§904, 904.07(a), 1301.04(d), (g)(i). 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 and/or services 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); *see In re Gulf Coast Nutritionals, Inc.*, 106 USPQ2d 1243, 1247 (TTAB 2013).

Specifically, the specimen shows a social media account with the name "THE PASTA TABLE". Although the specimen includes wording such as "ALL THINGS PASTA" and "ASPIRING PASTA GRANNY", there is nothing in the specimen which indicates that the applicant is providing the services identified in Classes 35 or 43. Accordingly, the specimen is not acceptable for these classes.

Examples of specimens. Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business

signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(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 and/or services 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](#).

If applicant responds to the refusal, applicant must also respond to the requirement set forth below.

APPLICANT MUST DISCLAIM THE WORD "PASTA"

Applicant must disclaim the wording “PASTA” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *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).

Here, the applicant's specimen shows a variety of pasta dishes and includes the descriptor "ALL THINGS PASTA". This shows that applicant's services relate to pasta. Accordingly, the word "PASTA" is merely descriptive of a characteristic of the services.

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

No claim is made to the exclusive right to use “PASTA” 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](#).

Please 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.

(4) STANDARD CHARACTER MARK**PASTA TABLE****Mark Punctuated**

PASTA TABLE

Translation**Goods/Services**

- IC 043. US 100 101.G & S: Services for providing food and drink; restaurant services; reservation of meals; serving food and drinks; take-away fast food services; food preparation; preparation of take-away and fast food; preparation of food and beverages; providing food and drink; food and drink catering; arranging for the provision of meals; catering services; hotel catering services; mobile catering services; outside catering services; business catering services; contract catering services; booking of catering services; catering services for schools; catering services for hospitals; catering services for nursing homes; advisory services relating to catering; catering services for retirement homes; catering services for company cafeterias; catering services for conference centers; catering services for hospitality suites; arranging for the provision of food; catering services for educational establishments; arranging for the provision of drink; office catering services for the provision of coffee; catering services for the provision of food and drink; arranging of wedding receptions [provision of food and drinks]; restaurants featuring home delivery; bar services; cafe services; café services; bakery services; bistro services; canteen services; cooking services; brasserie services; cafeteria services; banqueting services; coffee shop services; food cooking services; hotel catering services; take away food services; self-service restaurants; food preparation services; mobile restaurant services; take-out restaurant services; providing restaurant services; self-service cafeteria services; takeaway food and drink services; consultancy services relating to food; consultation services relating to food; providing information about restaurant services; club services for the provision of food and drink; consultancy services relating to food preparation; consulting services in the field of culinary arts; hospitality services [provision of food and drink]; restaurant services for the provision of fast food; reservation and booking services for restaurants and meals; consultancy services in the field of food and drink catering; providing food and drink catering services for convention facilities; providing food and drink catering services for exhibition facilities; providing food and drink catering services for fair and exhibition facilities; consultancy, advisory and information services in relation to the provision of food and drink; restaurant booking or reservation services provided in relation to a customer loyalty or frequent buyer scheme; providing information, including online, about services for providing food and drink, and temporary accommodation; food sculpting; catering of food and drink; providing of food and drink; provision of food and drink; providing food and beverages; preparation of food and drink; provision of food and beverages; catering in fast-food cafeterias; serving food and drink for guests; providing food and drink for guests; providing food and drink in bistros; food and drink catering for banquets; food and drink catering for institutions; serving food and drink in doughnut shops; serving food and drink in internet cafes; providing food and drink in doughnut shops; providing food and drink in internet cafes; provision of food and drink in restaurants; food and drink catering for cocktail parties; serving food and drink in restaurants and bars; catering for the provision of food and beverages; providing food and drink in restaurants and bars; serving food and drink for guests in restaurants; club services for the provision of food and drink; theatre restaurants [provision of food and drink]; providing food and drink for guests in restaurants; food preparation for others on an outsourcing basis; preparation of food and drink for immediate consumption; corporate hospitality services [provision of food and

drink]; preparation and provision of food and drink for immediate consumption; provision of information relating to the preparation of food and drink

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

79339014

Filing Date

20220211

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) TIFFINLABS PTE. LTD. PRIVATE LIMITED COMPANY SINGAPORE 25 NORTH BRIDGE ROAD, #09-00 25 NORTH BRIDGE Singapore 179104 SINGAPORE

Priority Date

20210812

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 27, 2022 for
U.S. Trademark Application Serial No. 97118708

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: Kyle Ingram

Statistics for Case 97118708						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*P{v}{ "sz":2}T{v}* [bi,ti]not dead [ld]	3500	0	0	0	0:01
2	*T{v}B{v0:1}L* [bi,ti] not dead [ld]	12374	0	0	0	0:03
3	1 and 2	73	0	73	73	0:02
4	*PASTA* [bi,ti] not dead [ld]	663	0	0	0	0:02
5	4 and "035" [cc]	285	0	285	285	0:01
6	*TABLE* [bi,ti] not dead [ld]	5537	0	0	0	0:01
7	6 and "035" [cc]	2630	0	0	0	0:00
8	6 and ("035" a b 200) [ic]	829	0	0	0	0:01
9	6 and ("043" a b 200) [ic]	450	0	450	450	0:02
10	8 and ("marketing" "promoting" "promotion") [gs]	258	0	258	258	0:02

Session started 08/27/2022 2:42 pm

Session ended 08/27/2022 3:47 pm

Total search duration 15.00

Session duration 1 hours 5 minutes 29 seconds

Adjacency Level 1

Near Level 1