

To: Jessie Reider Cristo(jreider@buchalter.com)
Subject: U.S. Trademark Application Serial No. 97120888 - QUEENBEEZ - F0381-5043
Sent: August 22, 2022 09:42:12 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. 97120888

Mark: QUEENBEEZ

Correspondence Address:

JESSIE REIDER CRISTO
BUCHALTER, APC
1000 WILSHIRE BLVD., SUITE 1500
LOS ANGELES CA 90017 UNITED STATES

Applicant: FactGem, LLC

Reference/Docket No. F0381-5043

Correspondence Email Address: jreider@buchalter.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 22, 2022

Introduction

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

- Search Results - No Conflicting Marks Found
- Identification of Services – Amendment Required

Search Results - No Conflicting Marks Found

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 Services – Amendment Required

The services are classified incorrectly in International Class 041. Applicant must amend the application to classify the services in International Class 042. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

Additionally, the first word in the identification of services, "roviding," appears to be misspelled and should be corrected. TMEP §1402.01(a).

Finally, the identification for "software; software provider" in International Class 041 is indefinite and too broad and must be clarified because the wording does not make clear the (1) nature or (2) format of the software and could identify goods and/or services in three international classes – as a product in International Class 9 or a service in International Class 41 or 42. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). Specifically, applicant must indicate the purpose or function of the software, and if content- or field-specific, the content or field of use of the software. TMEP §1402.03(d). Additionally, applicant must indicate whether the software's format is downloadable, recorded, or online non-downloadable. *See id.* Downloadable and recorded goods are in International Class 9, whereas providing their temporary, online non-downloadable use is a service in International Class 42; except for non-downloadable game software provided online or for temporary use, which is in International Class 41. *See* TMEP §§1402.03(d), 1402.11(a)(xii).

The USPTO requires such specificity in order for a trademark examining attorney to examine the application properly and make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000); TMEP §1402.03(d).

The following are examples of acceptable identifications in International Class 9: "recorded desktop publishing software" and "downloadable mobile applications for managing bank accounts." Additionally, the following are acceptable identifications in International Class 41: "providing online non-downloadable game software" and "providing temporary use of non-downloadable game software." Finally, the following are acceptable identifications in International Class 42: "providing temporary use of on-line non-downloadable software development tools" and "providing temporary use of non-downloadable cloud-based software for calculating energy costs."

Applicant may substitute the following wording, *if accurate*:

International Class 042: **Providing** on-line non-downloadable software used to search, query,

analyze, retrieve, monitor, manage, maintain, archive, integrate, process, report on, structure, model, present and display content from other computer databases, the internet, and other computer systems; providing on-line temporary use of non-downloadable software for creating searchable databases of information and data; providing on-line temporary use of non-downloadable search engine software; computer services, namely, creating for others computer network-based indices of information; **Providing temporary use of on-line non-downloadable software for {specify purpose of software, e.g., creating searchable databases of information and data, managing bank accounts, calculating energy costs, etc.}**

Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. *See* 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.

Response Guidelines

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 to resolve the issues in this Office action. Although the USPTO does not accept emails as responses to Office actions, communication by phone or email is permissible to agree to proposed amendments to the application that will immediately place the application in condition for publication, registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Abigail Lueken/
Abigail Lueken
Trademark Examining Attorney
Law Office 303
(571) 270-3726
abigail.lueken@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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 22, 2022 for
U.S. Trademark Application Serial No. 97120888

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: Abigail Lueken

Statistics for Case 97120888						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120888[sn]	1	0	1	1	0:00
2	*{"ckqx"}{"uw"}{"ie":2}nb{"ie"}*[bi,ti] not dead[ld]	7	0	7	7	0:14
3	*{"ckqx"}{"uw"}{"ie":2}n*[bi,ti] not dead[ld]	7131	0	0	0	0:02
4	*b{"ie"}*[bi,ti] not dead[ld]	251451	0	0	0	0:01
5	3 and 4	450	0	0	0	0:03
6	*{"ckq"}{"uw"}{"ie":2}n*[bi,ti] not dead[ld]	7057	0	0	0	0:01
7	*be*[bi,ti] not dead[ld]	167476	0	0	0	0:01
8	6 and 7	328	0	0	0	0:02
9	*{"kq"}{"uw"}{"ie":2}n*[bi,ti] not dead[ld]	6852	0	0	0	0:01
10	9 and 7	323	0	0	0	0:01
11	*q{"uw"}een*[bi,ti] not dead[ld]	3326	0	0	0	0:00
12	11 and 7	230	0	230	230	0:01
13	5 and "042"[cc]	188	0	0	0	0:02
14	13 not 12	89	0	89	89	0:02
15	queen*[bi,ti] not dead[ld]	3184	0	0	0	0:01
16	15 and "042"[cc]	1220	0	0	0	0:01
17	15 and ("009" "042" a b "200")[ic]	291	0	291	291	0:02
18	bee*[bi,ti] not dead[ld]	9872	0	0	0	0:01
19	18 and "042"[cc]	3287	0	0	0	0:01
20	18 and ("009" "042" a b "200")[ic]	951	0	0	0	0:02
21	18 and ("042" a b "200")[ic]	404	0	0	0	0:02
22	(bees beez)[bi,ti] not dead[ld]	559	0	0	0	0:01
23	22 and ("009" "042" a b "200")[ic]	53	0	53	53	0:01
24	*queenbee*[bi,ti] not dead[ld]	2	0	2	2	0:01

Session started 08/22/2022 4:39 pm

Session ended 08/22/2022 5:08 pm

Total search duration 44.00

Session duration 28 minutes 8 seconds

Adjacency Level 1

Near Level 1