

To: Anthony McCloud II(anthony@rdlawyers.com)
Subject: U.S. Trademark Application Serial No. 97120862 - CREATIVE CRAYONS WORKSHOP
Sent: August 23, 2022 08:02:09 PM EDT
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Attachments

[screenshot-www-merriam-webster-com-dictionary-creative-16612988427111](#)
[screenshot-www-merriam-webster-com-dictionary-crayons-16612988666271](#)
[screenshot-www-merriam-webster-com-dictionary-workshop-16612989007991](#)

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

U.S. Application Serial No. 97120862

Mark: CREATIVE CRAYONS WORKSHOP

Correspondence Address:

ANTHONY MCCLOUD II
REDA & DES JARDINS, LLC
736 N. WESTERN AVENUE, SUITE 353
LAKE FOREST IL 60045 UNITED STATES

Applicant: SM Bennett LLC

Reference/Docket No. N/A

Correspondence Email Address: anthony@rdlawyers.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 OF USPTO DATABASE OF 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.

SUMMARY OF ISSUES:

- Section 2(e)(1) Refusal - Merely Descriptive

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature, ingredient, characteristic, purpose, function, intended audience of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

The wording "CRAYONS" is contained in the identification of goods. The attached Internet evidence from the Merriam-Webster Dictionary establishes that the wording "CREATIVE" means "marked by the ability or power to create : given to creating", "CRAYONS" means "a stick of white or colored chalk or of colored wax used for writing or drawing" and "WORKSHOP" means "a small establishment where manufacturing or handicrafts are carried on".

Applicant's goods are crayons, posters of paper, and coloring books. Therefore, the proposed mark merely describes a characteristic of applicant's goods, namely, that they include crayons, given to creating, and manufactured in a small establishment devoted to creation and crayons.

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002)); TMEP §1209.03(d); *see, e.g., In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2015) (holding SMART SERIES merely descriptive of metal gun safes); *In re King Koil Licensing Co.*, 79 USPQ2d 1048, 1052 (TTAB 2006) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs, and pillows).

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002)); TMEP §1209.03(d); *see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1255, 103 USPQ2d 1753, 1758 (Fed. Cir. 2012) (holding SNAP SIMPLY SAFER merely descriptive for various medical devices, such as hypodermic, aspiration, and injection needles and syringes); *In re Fallon*, 2020 USPQ2d 11249, at *12 (TTAB 2020) (holding THERMAL MATRIX merely descriptive of a heat-responsive, malleable liner that is an integral component of an oral dental appliance).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods is the combined mark registrable. *See In re Omniome, Inc.*, 2020 USPQ2d 3222, at *4 (TTAB 2019) (citing *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Shutts*, 217 USPQ 363, 364-65 (TTAB 1983)); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods. Specifically, the individual meanings of the words in the mark do not change when they are used in combination in connection with applicant's goods.

Conclusion

Because applicant's proposed mark is descriptive of applicant's goods, registration is refused under Section 2(e)(1) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

Advisory: Supplemental Register

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Applicant is advised that, if the application is amended to seek registration on the Supplemental Register, applicant will be required to disclaim "CRAYONS WORKSHOP" because such wording appears to be generic in the context of applicant's goods. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 144, 196 USPQ 7, 8 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766, 768 (TTAB 1986); TMEP §1213.03(b).

Applicant may submit a disclaimer in the following format:

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

TMEP §1213.08(a)(i).

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

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

/Raymond Harmon/
Raymond Harmon
(571) 272-0386
raymond.harmon@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.
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creative

Dictionary

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creative adjective

Save Word

cre·ative | \ˈkrē-ə-tiv|, ˈkrē-ā-|

Definition of creative (Entry 1 of 2)

- 1 : marked by the ability or power to create : given to creating
// the creative impulse
// a creative genius
- 2 : having the quality of something created rather than imitated : IMAGINATIVE
// the creative arts
// creative writing
- 3 : managed so as to get around legal or conventional limits
// creative financing
also : deceptively arranged so as to conceal or defraud
// creative accounting

creative noun

Definition of creative (Entry 2 of 2)

- 1 : one who is creative
especially : one involved in the creation of advertisements
- 2 : creative activity or the material produced by it especially in advertising

[Other Words from creative](#)[Synonyms & Antonyms](#)[More Example Sentences](#)[Phrases Containing creative](#)[Learn More About creative](#)

Other Words from creative

Adjective

creatively *adverb*creativeness *noun*

Synonyms & Antonyms for creative

Synonyms: Adjective

clever, imaginative, ingenious, innovational, innovative, innovatory, inventive, original, origination, Promethean

Antonyms: Adjective

uncreative, unimaginative, uninventive, unoriginal

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Examples of *creative* in a Sentence

Adjective

// She's a very *creative* person.

// She has one of the most *creative* minds in the business.

// They've come up with some *creative* new ways to make money.

[See More](#) ▾

Recent Examples on the Web: Adjective

// Be *creative* and don't forget to ask customers for input.

— Chris Barbin, *Forbes*, 12 Aug. 2022

// But sales of regular sodas are waning across all soft drink companies, so Coke has to be *creative*.

— Danielle Wiener Bronner, *CNN*, 10 Aug. 2022

// In a space that is so flooded, the C-Suite Coach shared some very comprehensive ways to be *creative* and think outside the box on emerging platforms and digital social media apps that can turn your content into profit.

— Tiyana Jordan, *Esquire*, 5 Aug. 2022

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Phrases Containing *creative*

[creative evolution](#)

First Known Use of *creative*

Adjective

1678, in the meaning

Noun

1938, in the meaning defined at sense 1



History and Etymology for *creative*

Adjective

borrowed from Medieval Latin *creātivus*, from Latin *creātus*, past participle of *creāre* 'to beget, give birth to, CREATE entry.1' + -ivus -IVE

Noun

derivative of [CREATIVE entry.1](#)

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Time Traveler for *creative*

The first known use of *creative* was in 1678

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From the Editors at Merriam-Webster

Can 'Creative' Be a Noun?

When adjectives drift into noun territory

Dictionary Entries Near *creative*

[creation science](#)
creative
[creative evolution](#)

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Statistics for *creative*

Last Updated
19 Aug 2022

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Cite this Entry

"Creative." Merriam-Webster.com
Dictionary. Merriam-Webster,
<https://www.merriam-webster.com/dictionary/creative>.
Accessed 23 Aug. 2022.

Style: MLA

Seen & Heard

[People are talking about](#)

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More Definitions for *creative*

creative adjective

cre·a·tive | \ ˈkrē-ˌā-tiv |

Kids Definition of *creative*

: able to invent or produce new and original things

Other Words from *creative*

creatively adverb

creativity noun

More from Merriam-Webster on *creative*

Nglish: Translation of *creative* for Spanish Speakers

Britannica English: Translation of *creative* for Arabic Speakers

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Bikini, bourbon, and badminton were places first



'Pride': The Word That Went From Vice to Strength

Do you take pride in Pride?



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Literally

How to use a word that (literally) drives some pe...



'All Intensive Purposes' or 'All Intent and Purposes'?

We're intent on clearing it up



Lay vs. Lie

Editor Emily Brewster clarifies the difference.



Hot Mess

"The public is a hot mess"

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crayons

Dictionary

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crayon noun

Save Word

crayon | \ˈkrā-ən|, -ən also ˈkran\

Definition of **crayon** (Entry 1 of 2)

- 1 : a stick of white or colored chalk or of colored wax used for writing or drawing
- 2 : a crayon drawing

crayon verb

crayoned; crayoning; crayons

Definition of **crayon** (Entry 2 of 2)

transitive verb

: to draw with a crayon



↓ Other Words from **crayon**

↓ Example Sentences

↓ Learn More About **crayon**

Other Words from **crayon**

Verb

crayonist | \ˈkrā-ə-nist|, -n\ noun



Examples of **crayon** in a Sentence

Noun

// The drawing is done in **crayon**.

Recent Examples on the Web: **Noun**

// Crayola **crayon** prices have actually trended lower this year.
— Nicole Goodkind, *CNN*, 12 Aug. 2022

// Her **crayon** likeness of the Liberty Bell, its crack intact and with a rainbow overhead, won a \$100 savings bond.
— Mike Klingman, *Baltimore Sun*, 29 June 2022

// The two have partnered on a more efficient laundry product for everything from training kits to kitchen linens and switched products in the Red Café to help get those pesky **crayon** marks off tables without leaving a nasty residue.
— Tim Newcomb, *Forbes*, 7 June 2022



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First Known Use of *crayon*

Noun

1644, in the meaning defined at [sense 1](#)

Verb

1662, in the meaning defined [above](#)

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History and Etymology for *crayon*

Noun

French, *crayon*, pencil, from diminutive of *craie* chalk, from Latin *creta*

Buying Guide

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Time Traveler for *crayon*

The first known use of *crayon* was in 1644

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More than ROY G BIV



The Good, The Bad, & The Semantically Imprecise - 8/3/2018

The words that defined the week of August 3rd, 2018

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crayon

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Statistics for *crayon*

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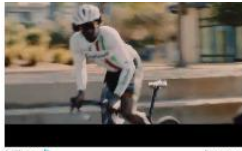
"Crayon." *Merriam-Webster.com Dictionary*. Merriam-Webster, <https://www.merriam-webster.com/dictionary/crayon>. Accessed 23 Aug. 2022.

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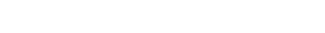
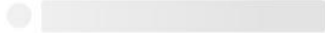
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More Definitions for *crayon*

crayon noun

cray·on | \ 'krā-,ān -ən \

Kids Definition of *crayon* (Entry 1 of 2)

: a stick of colored wax or sometimes chalk used for writing or drawing

crayon verb

crayoned; crayoning

Kids Definition of *crayon* (Entry 2 of 2)

: to draw or color with a crayon

More from Merriam-Webster on *crayon*

Thesaurus: All synonyms and antonyms for *crayon*

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'Pride': The Word That Went From Vice to Strength

Do you take pride in Pride?



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How to use a word that (literally) drives some pe...

'All Intensive Purposes' or 'All Intents and Purposes'?

We're intent on clearing it up

Lay vs. Lie

Editor Emily Brewster clarifies the difference.

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"The public is a hot mess"

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workshop

Dictionary

Thesaurus



workshop noun

Save Word

work·shop | \ˈwɜrkˌʃɑːp\

Definition of workshop

- 1 : a small establishment where manufacturing or handicrafts are carried on
- 2 : **WORKROOM**
- 3 : a usually brief intensive educational program for a relatively small group of people that focuses especially on techniques and skills in a particular field



Synonyms

Example Sentences

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Synonyms for *workshop*

Synonyms

factory, manufactory, mill, plant, shop, works

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Examples of *workshop* in a Sentence

// He's in his *workshop* working on the lawnmower.// a *workshop* for making high-end furniture

Recent Examples on the Web

// The upcoming *workshop* finds Evans highlighting different aspects and price points of exterior lighting.— John Benson, *Cleveland*, 17 Aug. 2022// It should be noted that, at the *workshop*, one topic of discussion was the potential harms of foundation models.— Arun Shastri, *Forbes*, 16 Aug. 2022// Information on how to join the *workshop* by Zoom or phone is posted on the commission website.— Sammy Rothstaff Wilner, *Los Angeles Times*, 12 Aug. 2022
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First Known Use of *workshop*
1556, in the meaning defined at [sense 1](#)

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Time Traveler for *workshop*

The first known use of *workshop* was in 1556

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Statistics for *workshop*

Last Updated
22 Aug. 2022

Look-up Popularity
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Cite this Entry

"Workshop." *Merriam-Webster.com Dictionary*. Merriam-Webster, <https://www.merriam-webster.com/dictionary/workshop>. Accessed 23 Aug. 2022.

Style: MLA

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People are talking about



What made you look up this word?

● _____

● _____



More Definitions for *workshop*

workshop *noun*

work·shop | \ ˈwɜrk-shəp |

Kids Definition of *workshop*

: a shop where work and especially skilled work is carried on

More from Merriam-Webster on *workshop*

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Bikini, bourbon, and badminton were places first



'Pride': The Word That Went From Vice to Strength

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We're intent on clearing it up



Lay vs. Lie

Editor Emily Brewster clarifies the difference.



Hot Mess

"The public is a hot mess"

WORD GAMES



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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. 97120862

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: Raymond Harmon

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#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120862[sn]	1	0	1	1	0:01
2	"sm bennett"[on]	1	0	1	1	0:00
3	*{"ckq"}re{"ea"}t*[bi,ti]not dead[ld]	10469	0	0	0	0:01
4	*{"ckq"}r{"ae"}{"iy"}{v}n*[bi,ti]not dead[ld]	119	0	119	119	0:02
5	*w{v}r{"ckqx"}*[bi,ti]not dead[ld]	26135	0	0	0	0:01
6	*sh{v}p*[bi,ti]not dead[ld]	19886	0	0	0	0:01
7	3 and 4 and 5 and 6	1	0	1	1	0:02
8	3 and 4	1	0	1	1	0:02
9	3 and 5	149	0	149	149	0:02
10	3 and 6	91	0	91	91	0:02
11	4 and 5	1	0	1	1	0:02
12	4 and 6	1	0	1	1	0:01
13	5 and 6	912	0	466	466	0:01
14	13 and "016"[cc]	603	0	603	603	0:01
15	*{"ck"}relativ*[bi,ti]not dead[ld]	3521	0	0	0	0:00
16	*w{v}rk\$shop*[bi,ti]not dead[ld]	663	0	663	663	0:00
17	15 and "016"[cc]	2569	0	0	0	0:00
18	15 and ("016" a b 200)[ic]	360	0	360	360	0:01
19	15 and ("035" a b 200)[ic]	1085	0	0	0	0:01
20	15 and ("042" a b 200)[ic]	663	0	0	0	0:01

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