

To: Jennifer L. Lefere(trademark@weissbrown.com)
Subject: U.S. Trademark Application Serial No. 97120840 - MEDITEO - 3849.0001
Sent: August 24, 2022 09:18:50 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. 97120840

Mark: MEDITEO

Correspondence Address:

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Applicant: Mediteo GmbH

Reference/Docket No. 3849.0001

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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 24, 2022

INTRODUCTION

This Office action is supplemental to and supersedes the previous Office action issued on August 24, 2022, in connection with this application. The assigned trademark examining attorney inadvertently omitted several entries in the identification requirement relevant to the mark in the subject application.

See TMEP §§706, 711.02. Specifically, identification requirement for several entries in International Class 42.

The trademark examining attorney apologizes for any inconvenience caused by the delay in raising this issue(s).

Applicant must address all issue(s) raised in this Office action, in addition to the issues raised in the Office action dated August 24, 2022. The issue(s) raised in the previous August 24, 2022 Office action is/are as follow and is/are maintained: idnetificaiton of goods and services partial amendment requirement, multiple-class application requirements, and mark description amendment requirement.

The following is a SUMMARY OF ISSUES that applicant must address:

SUMMARY OF ISSUES:

- UPDATED: Identification of Goods and Services - Amendment Required (Partial Requirement)
- Multiple-Class Application Requirements
- Mark Description - Amendment Required

Applicant must respond to all issues raised in this Office action and the previous August 24, 2022 Office action, within six (6) months of the date of issuance of this Office action. 37 C.F.R. §2.62(a); *see* TMEP §711.02. If applicant does not respond within this time limit, the application will be abandoned. 37 C.F.R. §2.65(a).

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:

- Identification of Goods and Services - Amendment Required (Partial Requirement)
- Multiple-Class Application Requirements
- Mark Description - Amendment Required

IDENTIFICATION OF GOODS AND SERVICES - AMENDMENT REQUIRED (PARTIAL REQUIREMENT)

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS AND SERVICES SPECIFIED THEREIN

Particular wording in the U.S. application's identification of goods and/or services has been found to exceed the scope of the goods and/or services in the foreign registration upon which the U.S. application relies. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.06 *et seq.*, 1402.07. For a U.S. application based on Trademark Act Section 44(e), an applicant is required to list only goods and/or services that are within the scope of the goods and/or services in the foreign registration. 37 C.F.R. §2.32(a)(6); TMEP §§1012, 1402.01(b). Therefore, this wording is not considered part of the identification of goods and/or services in the U.S. application, and only the remaining wording in the identification is operative

for purposes of future amendment. *See* TMEP §1402.01(b); *cf.* TMEP §1402.07(d).

In this case, the U.S. application identifies the particular goods and/or services as follows: "*Computer operating programs*" and

"*Entertainment services for sharing audio and video recordings.*" However, the foreign registration identifies the following goods and/or services: "*Computer operating programs [recorded]*" and "*Photosharing and video sharing services.*"

These goods and/or services in the U.S. application exceed the scope of the goods and/or services in the foreign registration because the goods do not include the limiting wording "[recorded]" and services include "*sharing audio . . . recordings*" instead of "*photosharing*". Thus, these goods and/or services in the U.S. application are not acceptable.

Applicant may respond to this issue by satisfying one of the following:

- (1) Limiting the identification of goods and/or services in the U.S. application to correspond to the goods and/or services in the foreign registration and not exceeding the scope of the initial or acceptably amended identification in the U.S. application, and/or deleting from the U.S. application all goods and/or services beyond the scope of the foreign registration; or
- (2) Substituting a basis under Section 1(a) or 1(b) for those goods and/or services in the U.S. application that are beyond the scope of the foreign registration. An applicant may assert more than one basis in an application (except Section 1(a) and 1(b) may not be asserted for the same goods and/or services), provided all requirements are satisfied for each claimed basis.

See 15 U.S.C. §§1051(a)-(b), 1126; 37 C.F.R. §§2.32(a)(6), 2.34(b), 2.35(b); *Marmark Ltd. v. Nutrexpa S.A.*, 12 USPQ2d 1843, 1845 (TTAB 1989); TMEP §§806.02, 806.03(h), 1402.01(b).

Additionally, applicant may respond by arguing that these goods and/or services are within the scope of the foreign registration and should remain in the U.S. application.

Applicant must clarify the wording "*telecommunications*" in the identification of goods and/or services in International Class(es) 38 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make sufficiently clear what type of services encompassed, e.g., telecommunications consultation, telecommunication access services, digital network telecommunications services, telecommunications gateway services, etc. Further, this wording could identify goods and/or services in more than one international class. For example, telecommunications consultation are in International Class 38 and telecommunications technology consultancy are in International Class 42.

The identification for *computer programs* in International Class 9 is indefinite and too broad and must be clarified to specify whether the format is downloadable, recorded, or online non-downloadable. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). Downloadable and recorded goods are in International Class 9, whereas providing their temporary, online non-downloadable use is a service in International Class 42. *See* TMEP §1402.03(d).

Applicant must clarify the wording "*entertainment services for sharing video recordings*" in the identification of services in International Class 41, "*computer hardware . . . consultancy*", "*social*

science consultancy", *"provision of technical consultancy"* in International Class 42, *"rehabilitation centres"*, *"dental services"* in International Class 44 because it is indefinite and too broad. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear what the specific services are. Further, this wording could identify services in more than one international class. For example, the wording *"entertainment services for sharing video recordings"* may encompass video-on-demand transmission services in International Class 38, providing non-downloadable films via video-on-demand transmission services in International Class 41, and providing a web site featuring temporary use of non-downloadable software allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes in International Class 42.

The identification for *computer programs/software* in International Class 9 is indefinite and must be clarified to specify the purpose or function of the software and its content or field of use, if content- or field- specific. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). 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 wording *"integrated circuit chips"*, *"compact discs (audio-video)"*, *"data carriers, included in class 9, computer programs and data collections recorded on the aforesaid data carriers"*, *"digital picture frames"*, *"floppy discs"*, *"printers for computers"*, *"cinematographic apparatus"*, *"magnetic tapes"*, *"monitors (computer programs)"*, *"optical data carriers"*, *"optical disc"*, *"disc exchangers (for computers)"*, *"roentgen films, exposed"*, *"radiology screens for industrial purposes"*, *"providing access to computer programs on data networks"*, *"providing access to and transmission of information and providing access to online data services and information on the Internet"*, *"electronic exchange of messages via chat lines, chatrooms and Internet forums"*, *"news agencies"*, *"providing wireless telecommunications connections to global computer networks and other communications networks"*, *"transmission of messages and data via wireless digital networks"*, *"arranging and conducting of conferences; arranging and conducting of seminars"*, *"providing computer, electronic and online databases for educational, recreational and amusement use in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups"*, *"publication of electronic journals and web logs, featuring user generated or specified content"*, *"digital image processing (graphic design)"*, *"computer animation"*, *"scientific reports; technical research"*, *"implementation of computer programs on networks; configuring computer networks by means of software"*, *"maintenance and installation of software"*, *"research in databases and on the Internet for science and research"*, *"out-patient services"*, *"aromatherapy"*, *"pharmacy advice"*, *"public baths; hospices"*, *"services of medical institutions for hospital care"*, *"hospitals"*, *"sanitary services . . . and sanatoriums"*, *"medical and clinical examinations"*, *"conducting technical project studies"*, *"maintenance of software"*, *"computer services, namely, creating virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking"* in the identification of goods/services is indefinite and must be clarified because it does not sufficiently identify the specific type, function or purpose of goods/services encompassed. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. For example, it is unclear whether the wording *"compact discs (audio-video)"* encompasses blank compact discs or compact discs featuring music, etc. Similarly, the wording *"floppy discs"* is indefinite because descriptions of floppy computer discs must indicate that the goods are blank, if accurate, and descriptions of recorded floppy computer discs must indicate the function of the recorded software programs.

The identification of goods and/or services contains parentheses and brackets. Generally, an applicant

should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of incontestability, or (3) guidance to users of the USPTO's [*U.S. Acceptable Identification of Goods and Services Manual*](#) to draft an acceptable identification. See TMEP §§1402.04, 1402.12. The only exception for including parenthetical information in identifications is if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." See TMEP §1402.12. Therefore, applicant must remove the parentheses and brackets from the identification and incorporate any parenthetical or bracketed information into the description of the goods and/or services.

Applicant is advised to delete or modify the duplicate entry in the identification of goods in International Class 9 for "*computers*" and services in International Class 38 for "*transmission of electronic mail*" and International Class 42 for "*computer programming*". See generally TMEP §§1402.01, 1402.01(a). If applicant does not respond to this issue, be advised that the USPTO will remove duplicate entries from the identification prior to registration. If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

Applicant may substitute the following wording, if accurate:

Class 9: Phototelegraphy apparatus; Video telephones; Integrated circuit chips **for {identify use or purpose, e.g., digital video compression and decompression, encoding and decoding digital video}**; Compact discs **for audio-video, namely, {identify type of goods, e.g., blank compact discs, compact discs featuring {indicate subject matter, e.g., music, poetry}}**; Computers; Recorded computer operating programs; Computer screens; Peripherals adapted for use with computers; Downloadable computer software programs **for {specify the function of the programs, e.g., use in database management, use in electronic storage of data, etc.}**; Recorded computer software **for {specify the function of the programs, e.g., use in database management, use in electronic storage of data, etc.}**; Computer keyboards; Data carriers, included in class 9, **namely, {identify type of goods, e.g., prerecorded magnetic data carriers featuring {indicate subject matter}, blank magnetic data carriers, blank optical data carriers} and recorded computer programs featuring data collections recorded on the aforesaid data carriers, sold as a unit**; Data processing apparatus; Digital picture frames, **namely, {identify type of goods, e.g., digital photo frames for displaying {indicate what is being displayed, e.g., digital pictures, video clips, etc.}}**; Floppy discs, **namely, {identify type of goods, e.g., blank floppy computer discs, recorded floppy computer discs for {identify the function of the recorded software programs, e.g., use in database management, use in electronic storage of data, etc.}}**; Floppy discs drives for computers; Printers for computers **for {identify the purpose, e.g., printing documents, printing photos}**; Electronic pens **for visual display units**; Cinematographic apparatus, **namely, {identify type of goods, e.g., cinematographic machines and apparatus, apparatus for editing cinematographic film, sound recording apparatus and instruments}**; Cameras; Interfaces for computers; Readers as data processing equipment, **namely, {identify type of goods, e.g., smart card readers, secure digital (SD) card readers, optical disk readers}**; Magnetic tape units for computers; Magnetic tapes, **namely, {identify type of goods, e.g., blank magnetic computer tapes, blank magnetic tapes for tape recorders}**; Cell phones; Computer hardware monitors; Monitors **for computer programs, namely, {identify type of goods, e.g.,**

computer monitors, touchscreen monitors, tablet monitors, digital signage monitors}; Notebook computers; **Blank** optical data carriers; Optical disc, **namely, {identify type of goods, e.g., blank optical discs, optical discs featuring {indicate content or subject matter}}}**; Disc exchangers for computers, **namely, {identify type of goods, e.g., telecommunication exchangers}**; X-ray apparatus not for medical purposes; X-ray photographs, not for medical purposes; Roentgen films, **namely, exposed camera film**; Radiology screens for industrial purposes **in the nature of {identify type of goods, e.g., X-ray apparatus not for medical purposes}**; Scanners; Memories for data processing equipment; telecopying apparatus; Word processing apparatus; Central processing units for data processing equipment

Class 35: Social science consultancy, **namely, {identify services in Class 35, e.g., providing economic consultation in the field of {specify field, e.g., energy}, public policy consultancy in the field of {specify field, e.g., economics}}}**; Provision of technical consultancy, **namely, {identify services in Class 35, e.g., technical consulting in the field of marketing}**

Class 37: Computer hardware consultancy, **namely, consultancy relating to the installation, maintenance and repair of computer hardware**; Provision of technical consultancy, **namely, {identify services in Class 37, e.g., technical consulting in the field of artificial intelligence (AI) hardware customization}**

Class 38: Providing **user** access to computer programs on data networks; Providing **multi-user** access to **{identify type of access to information, e.g., proprietary collections of information by means of global computer information networks, information on the internet concerning the development and generation of computer software for use in businesses as well as the functions and application of such business software}** and transmission of information **via telecommunications networks** and providing access to online data services and information on the Internet, **namely, {identify specific services, e.g., providing access to the Internet, providing multiple user wireless access to the Internet}**; Transmission of electronic mail; Electronic exchange of messages via chat lines, chatrooms and Internet forums, **namely, {identify specific services, e.g., electronic message transmission, electronic messaging, providing virtual chat rooms established via text messaging, providing on-line chat rooms for transmission of messages among computer users concerning {indicate field or subject of chat room}, providing on-line forums for transmission of messages among computer users}**; Computer aided transmission of messages and images; Radio-paging; News agencies **services for electronic transmission**; Telecommunications, **namely, {identify specific services in Class 42, e.g., telecommunications consultation, telecommunication access services, digital network telecommunications services}**; Providing wireless telecommunications connections to global computer networks and other communications networks, **namely, {identify specific services in Class 42, e.g., wireless telephony and wireless broadband communications services for the transmission of voice and data, providing internet access via broadband optical or wireless networks}**; Web messaging; Data-protected transmission of programs and information for the acquisition and management of a database accessible via online computer networks, **namely, {identify specific services in Class 42, e.g., encrypted electronic transmission and delivery of recovered data, transmission of information by data communications for assisting decision making, electronic transmission of facsimile communications and data featuring encryption and decryption, providing electronic transmission of information stored in a database via interactively communicating computer systems, transmission of database information via telecommunications networks}**; Electronic transmission of messages and data via wireless digital networks; Entertainment services for sharing video recordings, **namely, {identify services in Class 38, e.g., peer-to-peer video sharing services, namely, electronic transmission of video**

recordings among computers, video-on-demand transmission services}

Class 40: Provision of technical consultancy, namely, {identify services in Class 40, e.g., technical consultation in the field of production of solar energy}; dental services, namely, {identify services in Class 40, e.g., dental technician services}

Class 41: Layout services, other than for advertising purposes; Microfilming; Online publication of electronic books and periodicals; Arranging and conducting of conferences in the field of {indicate, e.g., telecommunications technology, science, social studies}; Arranging and conducting of seminars in the field of {indicate, e.g., telecommunications technology, science, social studies}; Providing computer, electronic and online databases for educational, recreational and amusement use in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups, namely, {identify specific subject matter in Class 41, e.g., providing an online interactive database of photos and videos in the field of body art and modification, providing an on-line computer database in the field of virtual vehicle customization for hobby or entertainment purposes, providing an on-line computer database featuring information regarding exercise and fitness, providing a searchable database, focusing on prehistory to the present, featuring bibliographical records, full text journals, reference books, periodical articles, primary source documents, monographs, biographies, images, and abstracts in English of articles published in more than forty languages, related to all aspects of American and Canadian history}; Entertainment services for sharing video recordings, namely, {identify services in Class 41, e.g., providing films, not downloadable, via video-on-demand transmission services, providing on-line videos featuring {indicate subject matter e.g., music, mathematics instruction, etc.}, not downloadable}; Publication of electronic journals and web logs, featuring user generated or specified content, namely, on-line journals, namely, blogs featuring {indicate field or subject matter, e.g., telecommunications technology, science, social studies}; Provision of technical consultancy, namely, {identify services in Class 41, e.g., technical consulting in the field of cybersecurity risk management training}

Class 42: Updating of computer software; Computer software consultancy; Computer hardware and software consultancy, namely, {identify specific services in Class 42, e.g., consulting services in the fields of selection, implementation and use of computer hardware and software systems for others, consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others, consulting in the field of configuration management for computer hardware and software, consultancy in the design and development of computer hardware}; Telecommunications engineering consultancy; Software design for others; Computer programming; Medical laboratory services; graphic design, namely, digital image processing in the nature of {identify specific services encompassed, e.g., digital image correction, restoration and enhancement of {specify media, e.g., videos, photos, etc.}, digital formatting and compression of music and video images into downloadable media}; Computer animation, namely, computer graphics design services in the nature of creating of animations; Scientific reports, namely, {identify specific services in Class 42, e.g., providing scientific information in the field of {indicate field or subject matter, e.g., genetics, pharmaceuticals and clinical trials}, providing information on the subject of scientific research in the field of biochemistry and biotechnology}; Technical research in the field of {indicate field or subject matter, e.g., pharmaceutical studies}; Creating and maintaining web sites for others; Implementation of computer programs on networks, namely, {identify specific services encompassed, e.g., design, development and implementation of software, preparation, update, installation and maintenance of computer software}; Configuring computer networks for others by means of software; Construction drafting; Conversion of computer

programs and data, other than physical alteration; Conversion of data or documents from physical to electronic media; Duplicating computer programs; Maintenance and installation of **{specify type of software, e.g., computer, Internet access, mobile phone}** software; research in databases and on the Internet for science and research, **namely, {identify services in Class 42, e.g., compiling data for research purposes in the field of medical science and medical consultancy}**; Research and development of new products for others; Social science consultancy, **namely, {identify specific services in Class 42, e.g., technical consultancy in the field of environmental science}**; Provision of technical consultancy, **namely, {identify specific services in Class 42, e.g., technical consulting in the field of pharmaceutical studies}**; Conducting technical project studies, **namely, {identify specific services in Class 42, e.g., technical research in the field of pharmaceutical studies}**; Hosting computer websites; Rental of computers and computer software; Rental of data processing equipment; Rental of web servers; Maintenance of **{specify type of software, e.g., computer, Internet access, mobile phone}** software; Recovery of computer data; Computer services, namely, creating **online** communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; Telecommunications, **namely, {identify specific services in Class 42, e.g., telecommunications technology consultancy, telecommunication network security consultancy, telecommunications engineering consultancy}**; Entertainment services for sharing video recordings, **namely, providing a web site featuring temporary use of non-downloadable software allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes}**; dental services, **namely, {identify services in Class 42, e.g., dental research laboratory services}**

Class 44: Out-patient **{identify specific services, e.g., care, health care}** services; Aromatherapy services; Pharmaceutical advice; Public baths, **namely, {identify specific services, e.g., public bath services for hygiene purposes, providing public bath facilities}**; Hospices services; Blood bank services; Services of medical institutions for hospital care, **namely, hospital services**; Medical assistance; Chiropractics; Hospital services; Rehabilitation centres, **namely, {identify specific services, e.g., providing physical rehabilitation facilities, providing mental rehabilitation facilities}**, sanitary services, **namely, {identify specific services, e.g., operation of public baths for sanitary purposes, rental of sanitary installations}**, dental **{identify specific services, e.g., hygienist, care, imaging}** services and sanatorium services; Medical and clinical examinations, **namely, medical examination services**; Massage; Hygienic and beauty care for human beings or animals; Medical services; Telemedicine services

Class 45: Rehabilitation centres, namely, providing spiritual rehabilitation services

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the U.S. application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found in or encompassed by those in the original U.S. application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for U.S. applications filed under Trademark Act Section 44(e), the scope of the identification for purposes of permissible amendments may not exceed the scope of the goods and/or services identified in the foreign registration. 37 C.F.R. §2.32(a)(6); *Marmark, Ltd. v. Nutrexp, S.A.*, 12 USPQ2d 1843, 1845

(TTAB 1989) (citing *In re Löwenbräu München*, 175 USPQ 178, 181 (TTAB 1972)); TMEP §§1012, 1402.01(b).

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.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 44:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least EIGHT classes; however, applicant submitted a fee(s) sufficient for only FIVE class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 44 multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

MARK DESCRIPTION - AMENDMENT REQUIRED

Applicant must provide an amended description of the mark that includes all the colors shown in the mark. Specifically, the following colors have been omitted: blue.

A complete description must identify all the literal and design elements in the mark and specify where the colors appear in those elements. See 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §§807.07(a) *et seq.* If black, white, and/or gray are not being claimed as a color feature of the mark, applicant must exclude them from the color claim and include in the description a statement that black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark. See TMEP §807.07(d).

The following description is suggested, if accurate:

Color claim: **"The color(s) white, light blue, and dark blue is/are claimed as a feature of the mark."**

Description: **"The mark consists of a dark blue and white capsule and light blue and white capsule in the shape of a check mark adjacent to the word "MEDITEO" in lower case letters all in dark blue."**

See 37 C.F.R. §2.61(b); TMEP §§807.07(d) *et seq.*

RESPONSE GUIDELINES

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.](#)

/Maryna Gipsov/
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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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 24, 2022 for
U.S. Trademark Application Serial No. 97120840

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.

To: Jennifer L. Lefere(trademark@weissbrown.com)
Subject: U.S. Trademark Application Serial No. 97120840 - MEDITEO - 3849.0001
Sent: August 24, 2022 05:38:00 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. 97120840

Mark: MEDITEO

Correspondence Address:

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Applicant: Mediteo GmbH

Reference/Docket No. 3849.0001

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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 24, 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:

- Identification of Goods and Services - Amendment Required (Partial Requirement)
- Multiple-Class Application Requirements
- Mark Description - Amendment Required

IDENTIFICATION OF GOODS AND SERVICES - AMENDMENT REQUIRED (PARTIAL REQUIREMENT)

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS AND SERVICES SPECIFIED THEREIN

Particular wording in the U.S. application's identification of goods and/or services has been found to exceed the scope of the goods and/or services in the foreign registration upon which the U.S. application relies. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.06 *et seq.*, 1402.07. For a U.S. application based on Trademark Act Section 44(e), an applicant is required to list only goods and/or services that are within the scope of the goods and/or services in the foreign registration. 37 C.F.R. §2.32(a)(6); TMEP §§1012, 1402.01(b). Therefore, this wording is not considered part of the identification of goods and/or services in the U.S. application, and only the remaining wording in the identification is operative for purposes of future amendment. *See* TMEP §1402.01(b); *cf.* TMEP §1402.07(d).

In this case, the U.S. application identifies the particular goods and/or services as follows: "*Computer operating programs*" and "*Entertainment services for sharing audio and video recordings.*" However, the foreign registration identifies the following goods and/or services: "*Computer operating programs [recorded]*" and "*Photosharing and video sharing services.*"

These goods and/or services in the U.S. application exceed the scope of the goods and/or services in the foreign registration because the goods do not include the limiting wording "*[recorded]*" and services include "*sharing audio . . . recordings*" instead of "*photosharing*". Thus, these goods and/or services in the U.S. application are not acceptable.

Applicant may respond to this issue by satisfying one of the following:

- (1) Limiting the identification of goods and/or services in the U.S. application to correspond to the goods and/or services in the foreign registration and not exceeding the scope of the initial or acceptably amended identification in the U.S. application, and/or deleting from the U.S. application all goods and/or services beyond the scope of the foreign registration; or
- (2) Substituting a basis under Section 1(a) or 1(b) for those goods and/or services in the U.S. application that are beyond the scope of the foreign registration. An applicant may assert more than one basis in an application (except Section 1(a) and 1(b) may not be asserted for the same goods and/or services), provided all requirements are satisfied for each claimed basis.

See 15 U.S.C. §§1051(a)-(b), 1126; 37 C.F.R. §§2.32(a)(6), 2.34(b), 2.35(b); *Marmark Ltd. v. Nutrexpa S.A.*, 12 USPQ2d 1843, 1845 (TTAB 1989); TMEP §§806.02, 806.03(h), 1402.01(b).

Additionally, applicant may respond by arguing that these goods and/or services are within the scope of the foreign registration and should remain in the U.S. application.

Applicant must clarify the wording "*telecommunications*" in the identification of goods and/or services in International Class(es) 38 because it is indefinite and too broad. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make sufficiently clear what type of services encompassed, e.g., telecommunications consultation, telecommunication access services, digital network telecommunications services, telecommunications gateway services, etc. Further, this wording could identify goods and/or services in more than one international class. For example, telecommunications consultation are in International Class 38 and telecommunications technology consultancy are in International Class 42.

The identification for *computer programs* in International Class 9 is indefinite and too broad and must be clarified to specify whether the format is downloadable, recorded, or online non-downloadable. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). Downloadable and recorded goods are in International Class 9, whereas providing their temporary, online non-downloadable use is a service in International Class 42. See TMEP §1402.03(d).

Applicant must clarify the wording "*entertainment services for sharing video recordings*" in the identification of services in International Class 41, "*computer hardware . . . consultancy*", "*social science consultancy*", "*provision of technical consultancy*" in International Class 42, "*rehabilitation centres*", "*dental services*" in International Class 44 because it is indefinite and too broad. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear what the specific services are. Further, this wording could identify services in more than one international class. For example, the wording "*entertainment services for sharing video recordings*" may encompass video-on-demand transmission services in International Class 38, providing non-downloadable films via video-on-demand transmission services in International Class 41, and providing a web site featuring temporary use of non-downloadable software allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes in International Class 42.

The identification for *computer programs/software* in International Class 9 is indefinite and must be clarified to specify the purpose or function of the software and its content or field of use, if content- or field- specific. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). 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 wording "*integrated circuit chips*", "*compact discs (audio-video)*", "*data carriers, included in class 9, computer programs and data collections recorded on the aforesaid data carriers*", "*digital picture frames*", "*floppy discs*", "*printers for computers*", "*cinematographic apparatus*", "*magnetic tapes*", "*monitors (computer programs)*", "*optical data carriers*", "*optical disc*", "*disc exchangers (for computers)*", "*roentgen films, exposed*", "*radiology screens for industrial purposes*", "*providing access to computer programs on data networks*", "*providing access to and transmission of information and providing access to online data services and information on the Internet*", "*electronic exchange of*

messages via chat lines, chatrooms and Internet forums", "news agencies", "providing wireless telecommunications connections to global computer networks and other communications networks", "transmission of messages and data via wireless digital networks", "arranging and conducting of conferences; arranging and conducting of seminars", "providing computer, electronic and online databases for educational, recreational and amusement use in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups", "publication of electronic journals and web logs, featuring user generated or specified content", "digital image processing (graphic design)", "computer animation", "scientific reports; technical research", "implementation of computer programs on networks; configuring computer networks by means of software", "maintenance and installation of software", "research in databases and on the Internet for science and research", "out-patient services", "aromatherapy", "pharmacy advice", "public baths; hospices", "services of medical institutions for hospital care", "hospitals", "sanitary services . . . and sanatoriums", "medical and clinical examinations" in the identification of goods/services is indefinite and must be clarified because it does not sufficiently identify the specific type, function or purpose of goods/services encompassed. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. For example, it is unclear whether the wording *"compact discs (audio-video)"* encompasses blank compact discs or compact discs featuring music, etc. Similarly, the wording *"floppy discs"* is indefinite because descriptions of floppy computer discs must indicate that the goods are blank, if accurate, and descriptions of recorded floppy computer discs must indicate the function of the recorded software programs.

The identification of goods and/or services contains parentheses and brackets. Generally, an applicant should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of incontestability, or (3) guidance to users of the USPTO's [U.S. Acceptable Identification of Goods and Services Manual](#) to draft an acceptable identification. See TMEP §§1402.04, 1402.12. The only exception for including parenthetical information in identifications is if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." See TMEP §1402.12. Therefore, applicant must remove the parentheses and brackets from the identification and incorporate any parenthetical or bracketed information into the description of the goods and/or services.

Applicant is advised to delete or modify the duplicate entry in the identification of goods in International Class 9 for *"computers"* and services in International Class 38 for *"transmission of electronic mail"* and International Class 42 for *"computer programming"*. See generally TMEP §§1402.01, 1402.01(a). If applicant does not respond to this issue, be advised that the USPTO will remove duplicate entries from the identification prior to registration. If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

Applicant may substitute the following wording, if accurate:

Classes 9: Phototelegraphy apparatus; Video telephones; Integrated circuit chips **for {identify use or purpose, e.g., digital video compression and decompression, encoding and decoding digital video}**; Compact discs **for** audio-video, **namely, {identify type of goods, e.g., blank compact discs, compact discs featuring {indicate subject matter, e.g., music, poetry}}**; Computers; **Recorded** computer

operating programs; Computer screens; Peripherals adapted for use with computers; Downloadable computer software programs for **{specify the function of the programs, e.g., use in database management, use in electronic storage of data, etc.}**; Recorded computer software for **{specify the function of the programs, e.g., use in database management, use in electronic storage of data, etc.}**; Computer keyboards; Data carriers, included in class 9, **namely, {identify type of goods, e.g., prerecorded magnetic data carriers featuring {indicate subject matter}, blank magnetic data carriers, blank optical data carriers} and recorded computer programs featuring data collections recorded on the aforesaid data carriers, sold as a unit**; Data processing apparatus; Digital picture frames, **namely, {identify type of goods, e.g., digital photo frames for displaying {indicate what is being displayed, e.g., digital pictures, video clips, etc.}}**; Floppy discs, **namely, {identify type of goods, e.g., blank floppy computer discs, recorded floppy computer discs for {identify the function of the recorded software programs, e.g., use in database management, use in electronic storage of data, etc.}}**; Floppy discs drives for computers; Printers for computers for **{identify the purpose, e.g., printing documents, printing photos}**; Electronic pens for visual display units; Cinematographic apparatus, **namely, {identify type of goods, e.g., cinematographic machines and apparatus, apparatus for editing cinematographic film, sound recording apparatus and instruments}**; Cameras; Interfaces for computers; Readers as data processing equipment, **namely, {identify type of goods, e.g., smart card readers, secure digital (SD) card readers, optical disk readers}**; Magnetic tape units for computers; Magnetic tapes, **namely, {identify type of goods, e.g., blank magnetic computer tapes, blank magnetic tapes for tape recorders}**; Cell phones; Computer hardware monitors; Monitors for computer programs, **namely, {identify type of goods, e.g., computer monitors, touchscreen monitors, tablet monitors, digital signage monitors}**; Notebook computers; **Blank optical data carriers**; Optical disc, **namely, {identify type of goods, e.g., blank optical discs, optical discs featuring {indicate content or subject matter}}**; Disc exchangers for computers, **namely, {identify type of goods, e.g., telecommunication exchangers}**; X-ray apparatus not for medical purposes; X-ray photographs, not for medical purposes; Roentgen films, **namely, exposed camera film**; Radiology screens for industrial purposes **in the nature of {identify type of goods, e.g., X-ray apparatus not for medical purposes}**; Scanners; Memories for data processing equipment; telecopying apparatus; Word processing apparatus; Central processing units for data processing equipment

Class 35: Social science consultancy, **namely, {identify services in Class 35, e.g., providing economic consultation in the field of {specify field, e.g., energy}, public policy consultancy in the field of {specify field, e.g., economics}}**; Provision of technical consultancy, **namely, {identify services in Class 35, e.g., technical consulting in the field of marketing}**

Class 37: Computer hardware consultancy, **namely, consultancy relating to the installation, maintenance and repair of computer hardware**; Provision of technical consultancy, **namely, {identify services in Class 37, e.g., technical consulting in the field of artificial intelligence (AI) hardware customization}**

Class 38: Providing **user** access to computer programs on data networks; Providing **multi-user** access to **{identify type of access to information, e.g., proprietary collections of information by means of global computer information networks, information on the internet concerning the development and generation of computer software for use in businesses as well as the functions and application of such business software}** and transmission of information **via telecommunications networks** and providing access to online data services and information on the Internet, **namely, {identify specific services, e.g., providing access to the Internet, providing multiple user wireless access to the Internet}**; Transmission of electronic mail; Electronic exchange of messages via chat lines, chatrooms

and Internet forums, **namely, {identify specific services, e.g., electronic message transmission, electronic messaging, providing virtual chat rooms established via text messaging, providing on-line chat rooms for transmission of messages among computer users concerning {indicate field or subject of chat room}, providing on-line forums for transmission of messages among computer users}**; Computer aided transmission of messages and images; Radio-paging; News agencies **services for electronic transmission**; Telecommunications, **namely, {identify specific services in Class 42, e.g., telecommunications consultation, telecommunication access services, digital network telecommunications services}**; Providing wireless telecommunications connections to global computer networks and other communications networks, **namely, {identify specific services in Class 42, e.g., wireless telephony and wireless broadband communications services for the transmission of voice and data, providing internet access via broadband optical or wireless networks}**; Web messaging; Data-protected transmission of programs and information for the acquisition and management of a database accessible via online computer networks, **namely, {identify specific services in Class 42, e.g., encrypted electronic transmission and delivery of recovered data, transmission of information by data communications for assisting decision making, electronic transmission of facsimile communications and data featuring encryption and decryption, providing electronic transmission of information stored in a database via interactively communicating computer systems, transmission of database information via telecommunications networks}**; Electronic transmission of messages and data via wireless digital networks; Entertainment services for sharing video recordings, **namely, {identify services in Class 38, e.g., peer-to-peer video sharing services, namely, electronic transmission of video recordings among computers, video-on-demand transmission services}**

Class 40: Provision of technical consultancy, **namely, {identify services in Class 40, e.g., technical consultation in the field of production of solar energy}**; dental services, **namely, {identify services in Class 40, e.g., dental technician services}**

Class 41: Layout services, other than for advertising purposes; Microfilming; Online publication of electronic books and periodicals; Arranging and conducting of conferences **in the field of {indicate, e.g., telecommunications technology, science, social studies}**; Arranging and conducting of seminars **in the field of {indicate, e.g., telecommunications technology, science, social studies}**; Providing computer, electronic and online databases for educational, recreational and amusement use in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups, **namely, {identify specific subject matter in Class 41, e.g., providing an online interactive database of photos and videos in the field of body art and modification, providing an on-line computer database in the field of virtual vehicle customization for hobby or entertainment purposes, providing an on-line computer database featuring information regarding exercise and fitness, providing a searchable database, focusing on prehistory to the present, featuring bibliographical records, full text journals, reference books, periodical articles, primary source documents, monographs, biographies, images, and abstracts in English of articles published in more than forty languages, related to all aspects of American and Canadian history}**; Entertainment services for sharing video recordings, **namely, {identify services in Class 41, e.g., providing films, not downloadable, via video-on-demand transmission services, providing on-line videos featuring {indicate subject matter e.g., music, mathematics instruction, etc.}, not downloadable}**; Publication of electronic journals and web logs, featuring user generated or specified content, **namely, on-line journals, namely, blogs featuring {indicate field or subject matter, e.g., telecommunications technology, science, social studies}**; Provision of technical consultancy, **namely, {identify services in Class 41, e.g., technical consulting in the field of cybersecurity risk management training}**

Class 42: Updating of computer software; Computer software consultancy; Computer hardware and software consultancy, **namely, {identify specific services in Class 42, e.g., consulting services in the fields of selection, implementation and use of computer hardware and software systems for others, consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others, consulting in the field of configuration management for computer hardware and software, consultancy in the design and development of computer hardware}**; Telecommunications engineering consultancy; Software design for others; Computer programming; Medical laboratory services; graphic design, **namely, digital image processing in the nature of {identify specific services encompassed, e.g., digital image correction, restoration and enhancement of {specify media, e.g., videos, photos, etc.}, digital formatting and compression of music and video images into downloadable media}**; Computer animation, **namely, computer graphics design services in the nature of creating of animations**; Scientific reports, **namely, {identify specific services in Class 42, e.g., providing scientific information in the field of {indicate field or subject matter, e.g., genetics, pharmaceuticals and clinical trials}, providing information on the subject of scientific research in the field of biochemistry and biotechnology}**; Technical research in the field of **{indicate field or subject matter, e.g., pharmaceutical studies}**; Creating and maintaining web sites for others; Implementation of computer programs on networks, **namely, {identify specific services encompassed, e.g., design, development and implementation of software, preparation, update, installation and maintenance of computer software}**; Configuring computer networks **for others** by means of software; Construction drafting; Conversion of computer programs and data, other than physical alteration; Conversion of data or documents from physical to electronic media; Duplicating computer programs; Maintenance and installation of **{specify type of software, e.g., computer, Internet access, mobile phone}** software; research in databases and on the Internet for science and research, **namely, {identify services in Class 42. e.g., compiling data for research purposes in the field of medical science and medical consultancy}**; Research and development of new products for others; Social science consultancy, **namely, {identify specific services in Class 42, e.g., technical consultancy in the field of environmental science}**; Provision of technical consultancy, **namely, {identify specific services in Class 42, e.g., technical consulting in the field of pharmaceutical studies}**; Conducting technical project studies; Hosting computer sites (websites); Rental of computers and computer software; Rental of data processing equipment; Rental of web servers; Maintenance of software; Recovery of computer data; Computer services, **namely, creating virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking**; Telecommunications, **namely, {identify specific services in Class 42, e.g., telecommunications technology consultancy, telecommunication network security consultancy, telecommunications engineering consultancy}**; Entertainment services for sharing video recordings, **namely, providing a web site featuring temporary use of non-downloadable software allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes}**; dental services, **namely, {identify services in Class 42, e.g., dental research laboratory services}**

Class 44: Out-patient **{identify specific services, e.g., care, health care}** services; Aromatherapy services; Pharmaceutical advice; Public baths, **namely, {identify specific services, e.g., public bath services for hygiene purposes, providing public bath facilities}**; Hospices services; Blood bank services; Services of medical institutions for hospital care, **namely, hospital services**; Medical assistance; Chiropractics; Hospital services; Rehabilitation centres, **namely, {identify specific services, e.g., providing physical rehabilitation facilities, providing mental rehabilitation facilities}**, sanitary services, **namely, {identify specific services, e.g., operation of public baths for sanitary purposes, rental of sanitary installations}**, dental **{identify specific services, e.g.,**

hygienist, care, imaging} services and sanatorium **services**; Medical and clinical examinations, **namely, medical examination services**; Massage; Hygienic and beauty care for human beings or animals; Medical services; Telemedicine services

Class 45: Rehabilitation centres, namely, providing spiritual rehabilitation services

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the U.S. application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found in or encompassed by those in the original U.S. application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for U.S. applications filed under Trademark Act Section 44(e), the scope of the identification for purposes of permissible amendments may not exceed the scope of the goods and/or services identified in the foreign registration. 37 C.F.R. §2.32(a)(6); *Marmark, Ltd. v. Nutrexpa, S.A.*, 12 USPQ2d 1843, 1845 (TTAB 1989) (citing *In re Löwenbräu München*, 175 USPQ 178, 181 (TTAB 1972)); TMEP §§1012, 1402.01(b).

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.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 44:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least EIGHT classes; however, applicant submitted a fee(s) sufficient for only FIVE class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 44 multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

MARK DESCRIPTION - AMENDMENT REQUIRED

Applicant must provide an amended description of the mark that includes all the colors shown in the mark. Specifically, the following colors have been omitted: blue.

A complete description must identify all the literal and design elements in the mark and specify where the colors appear in those elements. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §§807.07(a) *et seq.* If black, white, and/or gray are not being claimed as a color feature of the mark, applicant must exclude them from the color claim and include in the description a statement that black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark. *See* TMEP §807.07(d).

The following description is suggested, if accurate:

Color claim: "The color(s) white, light blue, and dark blue is/are claimed as a feature of the mark."

Description: "The mark consists of a dark blue and white capsule and light blue and white capsule in the shape of a check mark adjacent to the word "MEDITEO" in lower case letters all in dark blue."

See 37 C.F.R. §2.61(b); TMEP §§807.07(d) *et seq.*

RESPONSE GUIDELINES

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.](#)

/Maryna Gipsov/
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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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 24, 2022 for
U.S. Trademark Application Serial No. 97120840

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: Maryna Gipsov

Statistics for Case 97120840						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120840[sn]	1	0	1	1	0:00
2	*m{v}d{v}t{v:2}*[bi,ti] not dead[ld]	1408	0	0	0	0:01
3	2 and ("045")[cc]	810	0	0	0	0:01
4	2 and ("045" a b "200")[ic]	42	0	42	42	0:01

Session started 08/24/2022 5:14 pm

Session ended 08/24/2022 5:37 pm

Total search duration 3.00

Session duration 22 minutes 35 seconds

Adjacency Level 1

Near Level 1

User: Maryna Gipsov

Statistics for Case 97120840						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120840[sn]	1	0	0	0	0:00
2	*m{v}d{v}t{v:2}*[bi,ti] not dead[ld]	1408	0	0	0	0:02
3	2 and ("035" "037" "040")[cc]	810	0	0	0	0:03
4	2 and ("037" "040" "035" "042" a b "200")[ic]	191	0	191	191	0:03
5	*m{v}d{v}t{v}*[bi,ti] not dead[ld]	1408	0	0	0	0:01
6	5 and ("037" "040" "035" "042" a b "200")[ic]	191	0	191	191	0:02

Session started 08/24/2022 12:41 pm

Session ended 08/24/2022 5:14 pm

Total search duration 11.00

Session duration 4 hours 33 minutes 3 seconds

Adjacency Level 1

Near Level 1

User: Maryna Gipsov

Statistics for Case 97120840						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120840[sn]	1	0	1	1	0:00
2	"Mediteo GmbH"[on]	3	0	3	3	0:00
3	*m{v}d{v}t{v:2}*[bi,ti] not dead[ld]	1408	0	0	0	0:01
4	3 and ("009" "037")[cc]	966	0	0	0	0:01
5	3 and ("009" "037" "038" "041" "044" "035" "042" a b "200")[ic]	629	0	629	629	0:01
6	*mediteo*[bi,ti] not dead[ld]	2	0	2	2	0:01
7	"medi teo"[bi,ti] not dead[ld]	0	0	0	0	0:01
8	("m e d" "m ed" "me d" *med*)[bi,ti] not dead[ld]	27833	0	0	0	0:01
9	("t e o" "t eo" "te o" *teo*)[bi,ti] not dead[ld]	1531	0	0	0	0:01
10	8 and 9	60	0	60	60	0:01
11	*m{v}d{v}teo*[bi,ti] not dead[ld]	2	0	2	2	0:00
12	*m{v}d{v}te*[bi,ti] not dead[ld]	528	0	92	92	0:01
13	12 and ("009" "037" "038" "041" "044" "035" "042" a b "200")[ic]	91	0	91	91	0:01

Session started 08/24/2022 12:34 pm

Session ended 08/24/2022 12:41 pm

Total search duration 10.00

Session duration 6 minutes 59 seconds

Adjacency Level 1

Near Level 1

User: Maryna Gipsov

Statistics for Case 97120840						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120905[sn]	1	0	1	1	0:00
2	"Mediteo GmbH"[on]	3	0	3	3	0:00
3	(100901 Capsules)[dc] not dead[ld]	828	0	0	0	0:01
4	(170102 Clock faces)[dc] not dead[ld]	1479	0	0	0	0:01
5	(241715 Check marks) [dc] not dead[ld]	4131	0	0	0	0:01
6	(260928 Miscellaneous designs with overall square)[dc] not dead[ld]	1917	0	0	0	0:02
7	3 and 4 and 5 and 6	0	0	0	0	0:00
8	3 and (4 5 6)	24	0	3	24	0:00
9	4 and (5 6)	34	0	1	34	0:00
10	5 and 6	8	0	1	8	0:00
11	3 and ("009" "037")[cc]	438	0	3	438	0:01
12	4 and ("009" "037")[cc]	1021	0	0	0	0:00
13	4 and ("009" "037" "038" "041" "044" "035" "042" a b "200")[ic]	806	0	3	806	0:01
14	5 and ("009" "037" "038" "041" "044" "035" "042" a b "200")[ic]	2837	0	0	0	0:01
15	5 and ("009" "037" "038" "041" "044" "042" a b "200")[ic]	2210	0	0	0	0:01
16	6 and ("009" "037" "038" "041" "044" "042" a b "200")[ic]	808	0	1	808	0:01

Session started 08/24/2022 12:11 pm

Session ended 08/24/2022 12:29 pm

Total search duration 10.00

Session duration 18 minutes 29 seconds

Adjacency Level 1

Near Level 1