

To: Eternium Corporation(jared.semik@eterniumaerospace.com)
Subject: U.S. Trademark Application Serial No. 97118865 - ETERNIUM AEROSPACE
Sent: August 24, 2022 01:00:07 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. 97118865

Mark: ETERNIUM AEROSPACE

Correspondence Address:
ETERNIUM CORPORATION
1033 2ND ST UNIT 2
NOVATO CA 94945 UNITED STATES

Applicant: Eternium Corporation

Reference/Docket No. N/A

Correspondence Email Address: jared.semik@eterniumaerospace.com

EXAMINER'S AMENDMENT

Issue date: August 24, 2022

Application has been amended as shown below. As agreed to by Jared Semik on August 24, 2022, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.* In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

Disclaimer:

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use “AEROSPACE” apart from the mark as shown.

Required as the word refers to . Of or relating to the science or technology of flight and applicant has aircraft.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(c), 1213.08(a)(i).

Mark Description:

The following description of the mark replaces the current description of record:

The mark consists of the stylized words "ETERNIUM AEROSPACE" and design featuring a flower design to the left of the wording ETERNIUM AEROSPACE which is divided by a vertical bar.

Color is not claimed as a feature of the mark.

See 37 C.F.R. §§2.37, 2.72; TMEP §§808 et seq.

/Lourdes Ayala/
Lourdes Ayala
Trademark Examining Attorney
Law Office 106
(571) 272-9316
lourdes.ayala@uspto.gov

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. 97118865

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You may be required to respond to this Office action. Follow the steps below.

- (1) **[Read the Office action.](#)** This email is NOT the Office action.
- (2) **Respond to the Office action, if a response is required.** Respond by 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.

Note To The File

Serial Number: 97118865
Date: 08/24/2022 12:57 pm
Created by: Lourdes Ayala



ETERNIUM AEROSPACE

Discussed file with Attorney/Applicant

- via E-Mail

Lourdes,

I've re-read the changes and looked a bit further into allowable provisions and I think we can proceed with the changes.

Jared Semik

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From: Ayala, Lourdes <Lourdes.Ayala@USPTO.GOV>
Sent: Tuesday, August 23, 2022 2:00:23 PM
To: jared semik <jared.semik@eterniumaerospace.com>
Subject: RE: SERIAL NUMBER 97118865- urgent response required.

Hi;

I just tried calling you about the changes. I left a message. Please reach out so we can discuss.

/LDA/

Lourdes Ayala, Attorney at Law

Law Office 106

Telephone Number 571-272-9316

Fax: 571-272-9106

Lourdes.Ayala@uspto.gov

From: jared semik <jared.semik@eterniumaerospace.com>
Sent: Monday, August 22, 2022 5:33 PM
To: Ayala, Lourdes <Lourdes.Ayala@USPTO.GOV>
Subject: Re: SERIAL NUMBER 97118865- urgent response required.

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Is it possible to have a phone discussion about the changes? I'd like to have a better side-by-side comparison of the changes and specifically what is allowable by law. I would tend to agree with the revisions, but I'd like to make sure they're effectively executable for what we need.

Please advise,

Jared Semik

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From: Ayala, Lourdes <Lourdes.Ayala@USPTO.GOV>
Sent: Monday, August 22, 2022 9:46:04 AM
To: jared semik <jared.semik@eterniumaerospace.com>
Subject: SERIAL NUMBER 97118865- urgent response required.

Jared Michael Semik;

I am the official USPTO attorney assigned to this case. The following should be entered into the record before the case can go forward.

Disclaimer:

The following disclaimer statement should be added to the record:

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Required as the word refers to . Of or relating to the science or technology of flight and applicant has aircraft.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(c), 1213.08(a)(i).

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The following description of the mark should replace the current description of record:

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Color is not claimed as a feature of the mark.

See 37 C.F.R. §§2.37, 2.72; TMEP §§808 et seq.

The office likes a specify format and font names can not be used.

May I please enter the changes into the record so I can publish the case? There are no fees associated with the changes and I can enter them if you allow me to do it for you.

Please respond via this email. Thank you.

To: Eternium Corporation(jared.semik@eterniumaerospace.com)
Subject: U.S. Trademark Application Serial No. 97118865 - ETERNIUM AEROSPACE
Sent: August 24, 2022 08:05:21 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-www-merriam-webster-com-dictionary-aerospace-16613421260611](#)

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U.S. Application Serial No. 97118865

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Correspondence Address:

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1033 2ND ST UNIT 2
NOVATO CA 94945 UNITED STATES

Applicant: Eternium Corporation

Reference/Docket No. N/A

Correspondence Email Address: jared.semik@eterniumaerospace.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 24, 2022

Introduction:

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search:

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:

- Disclaimer
- Mark Description

Disclaimer:

Applicant must disclaim the wording “AEROSPACE” because it is merely descriptive of a characteristic, function, and feature of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from Bing shows this wording refers to relating to aerospace, to vehicles used in aerospace or the manufacture of such vehicles, or to travel in aerospace. Thus, the wording merely describes applicant’s goods and/or services because applicant features aircraft may be used in aerospace or relates to craft that travels in aerospace. See attached definition.

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

No claim is made to the exclusive right to use “AEROSPACE” apart from the mark as shown.

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

A “disclaimer” is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

Mark Description:

Applicant must submit an amended description of the mark because the current one is incomplete and does not describe all the significant aspects of the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Descriptions must be accurate and identify all the literal and design elements in the mark. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.*

The following description is suggested, if accurate:

The mark consists of the stylized words "ETERNIUM AEROSPACE" and design featuring a flower design to the left of the wording ETERNIUM AEROSPACE which is divided by a vertical bar.

Color is not claimed as a feature of the mark.

Questions:

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.](#)

/Lourdes Ayala/
Lourdes Ayala
Trademark Examining Attorney
Law Office 106
(571) 272-9316
lourdes.ayala@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.



SINCE 1828

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THESAURUS

WORD OF THE DAY

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aerospace



Dictionary

Thesaurus



aerospace noun



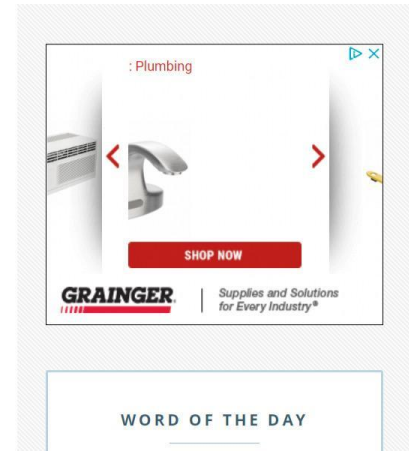
Save Word

aero·space | \ 'er-ō-,spās \

Definition of *aerospace* (Entry 1 of 2)

- 1 : space comprising the earth's atmosphere and the space beyond
- 2 : a physical science that deals with aerospace
- 3 : the aerospace industry

aerospace adjective



Definition of *aerospace* (Entry 2 of 2)

: of or relating to aerospace, to vehicles used in aerospace or the manufacture of such vehicles, or to travel in aerospace

// *aerospace* research

// *aerospace* profits

// *aerospace* medicine



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↓ Phrases Containing *aerospace*

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glitch

[See Definitions and Examples »](#)

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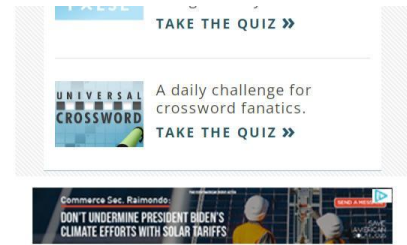
I went to the ____ store to buy a birthday card.

stationary

stationery

TRUE
or
FALSE

Test your knowledge - and maybe learn something along the way.



Examples of *aerospace* in a Sentence

Recent Examples on the Web: Noun

// The International Association of Machinists and Aerospace Workers said that the *aerospace* company made a new contract offer after an overnight bargaining session between the two sides.

— Drew Fitzgerald, *WSJ*, 30 July 2022

// Yet the alliance with Elon Musk's *aerospace* company is likely something that consumers did not expect.

— Chiara Grimes, *CNN*, 21 July 2022

// The massive *aerospace* company, which recently moved its headquarters to Arlington, Virginia, faced a wave of order cancellations stemming from the tragic 2018/2019 crashes involving the 737 MAX, but orders look to be picking up again.

— Frank Holmes, *Forbes*, 18 July 2022

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These example sentences are selected automatically from various online news sources to reflect current usage of the word 'aerospace.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

Phrases Containing *aerospace*

[aerospace plane](#)

First Known Use of *aerospace*

Noun

1959, in the meaning defined at [sense 1](#)

Adjective

1955, in the meaning defined [above](#)



History and Etymology for *aerospace*

Noun

derivative of [AEROSPACE](#) entry 2

Adjective

[AERO-](#) + [SPACE](#) entry 1

Learn More About *aerospace*

Share *aerospace*



Time Traveler for *aerospace*

7 The first known use of *aerospace* was in 1955

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Dictionary Entries Near *aerospace*

[aerosonde](#)

aerospace

[aerospace plane](#)

Statistics for *aerospace*

Last Updated

10 Aug 2022

Look-up Popularity

Top 9% of words

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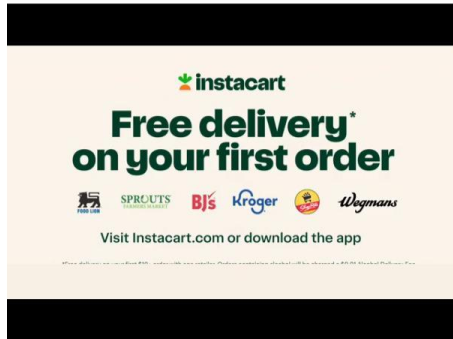
"Aerospace." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/aerospace>. Accessed 24 Aug. 2022.

Style: MLA



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PbGorton · 19 February, 2012



Aerospace & Defense Supplier Summit Seattle is an opportunity for leaders in the

aerospace industry to meet with potential industry partners. AEROSPACE STATISTICS IN DECEMBER 2010 SUPPLIED BY AIA.

Total Aerospace Sales (2010): \$216.5B.
Profit (2010): \$15.9B.

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LuluFisher · 27 February, 2012

...

HAAA HAAA!

Reply ·  ·  · Share



AlldelightMudzamiri · 23 September, 2016

...

it was jx an assignment

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More Definitions for *aerospace*

aerospace **noun**

aero·space | \ ˈer-ō-,spās  \

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

1 : the earth's atmosphere and the space beyond

... the earth's atmosphere and the space beyond

✎ : a science dealing with aerospace

aerospace adjective

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

: relating to aerospace, to the vehicles used in aerospace or their manufacture, or to travel in aerospace

// *aerospace* research

// an *aerospace* museum

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English: [Translation of *aerospace* for Spanish Speakers](#)

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'Dunderhead' and Other 'Nicer' Ways to Say Stupid

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10 Words from Place Names

Bikini, bourbon, and
badminton were places first



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

Do you take pride in Pride?



When Were Words First Used?

Look up any year to find out

ASK THE EDITORS



Literally

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.



Hot Mess

"The public is a hot mess"

WORD GAMES



What Are You Wearing?

Roll up your sleeves and
identify these garments

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**Name That Animal:
Volume 2**

Can you tell a meerkat from a
wombat?

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Note To The File

Serial Number: 97118865
Date: 08/24/2022 7:59 am
Created by: Lourdes Ayala



ETERNIUM AEROSPACE

no response from 2nd email and call.