

To: Bin Zhou(binzhou@binzhouattorneys.com)
Subject: U.S. Trademark Application Serial No. 97120710 - AMAYA LABS - 015182007
Sent: August 24, 2022 12:13:27 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[90746511](#)
[2022-08-24_12-03-08.jpg](#)
[2022-08-24_12-04-47.jpg](#)

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

U.S. Application Serial No. 97120710

Mark: AMAYA LABS

Correspondence Address:

BIN ZHOU
140-75 ASH AVENUE, SUITE 2C
FLUSHING NY 11355 UNITED STATES

Applicant: AMAYA Labs LLC

Reference/Docket No. 015182007

Correspondence Email Address: binzhou@binzhouattorneys.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

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 registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

SUMMARY OF ISSUES:

- Prior-Filed Application
- Explanation of Mark's Significance
- Disclaimer Required

PRIOR-FILED APPLICATION

The filing date of pending U.S. Application Serial No. 90746511 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

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

EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED

To permit proper examination of the application, applicant must clarify whether wording in the mark has any particular significance, as follows:

- (1) **Industry significance.** Explain whether the wording "AMAYA" in the mark has any meaning or significance in the trade or industry in which applicant's goods and/or services are manufactured or provided, any meaning or significance as applied to applicant's goods and/or services, or if such wording is a term of art within applicant's industry.
- (2) **Geographical significance.** Explain whether the wording "AMAYA" in the mark identifies a geographic place.

See 37 C.F.R. §2.61(b); TMEP §814. If the wording has no significance and is not a term of art in the relevant trade or industry or as used with applicant's goods and/or services, and does not have any geographical or other significance, applicant must provide a statement to that effect. *See* 37 C.F.R. §2.61(b); TMEP §814.

To respond to the above requirement for information, open the appropriate Trademark Electronic Application System (TEAS) response form and enter the serial number, answer "yes" to question 3, and on the "Additional Statement(s)" page in either the "Significance of Wording, Letter(s), or Numeral(s)"

text box(es) and/or the “Miscellaneous Statement” text box(es), enter the information and/or explain documentation being submitted with such information and attach it by clicking the button below the text box.

Applicant has a duty to respond directly and completely to this requirement for information. *See In re Ocean Tech., Inc.*, 2019 USPQ2d 450686, at *2 (TTAB 2019) (citing *In re AOP LLC*, 107 USPQ2d 1644, 1651 (TTAB 2013)); TMEP §814. Failure to comply with a requirement for information is an independent ground for refusing registration. *In re SICPA Holding SA*, 2021 USPQ2d 613, at *6 (TTAB 2021) (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

DISCLAIMER REQUIRED

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

The attached evidence from Merriam-Webster shows this wording means "a place equipped for experimental study in a science or for testing and analysis." Thus, the wording merely describes applicant’s goods and/or services because they are created in and originate from laboratories.

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

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

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

/Cynthia Rinaldi Smith/
(571) 272-4685
cynthia.smith@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.

(4) STANDARD CHARACTER MARK

AMAYA

Mark Punctuated

AMAYA

Translation

Goods/Services

- IC 005. US 005 006 018 044 046 051 052.G & S: pharmaceutical and biological preparations used in the treatment of spinal cord injuries, multiple sclerosis and other neurological disorders and conditions

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90746511

Filing Date

20210601

Current Filing Basis

1B

Original Filing Basis

1B

Publication for Opposition Date

20220830

Registration Number

Date Registered

Owner

(APPLICANT) ACORDA THERAPEUTICS, INC. CORPORATION DELAWARE 420 Saw Mill River Road
Ardsley NEW YORK 10502

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Joseph C. Guagliardo



SINCE 1828

GAMES & QUIZZES

THESAURUS

WORD OF THE DAY

FEATURES

SHOP

JOIN MWU

LOG IN

REGISTER

labs



Dictionary

Thesaurus

lab noun (1)



\ 'lab \

Definition of *lab* (Entry 1 of 3)

: LABORATORY

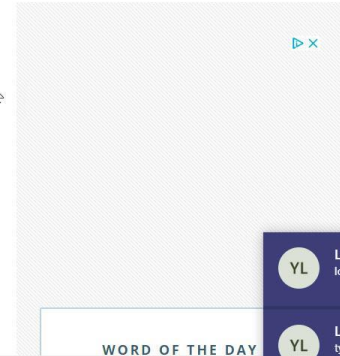
Lab noun (2)

\ 'lab \

Definition of *Lab* (Entry 2 of 3)

: LABRAI

Connecting...



WORD OF THE DAY

See More

Ad by Sponsor

YL

Lee, Yat Sye (Isadora)
lol

YL

Lee, Yat Sye (Isadora)
type something in and backspace it

Reply



SINCE 1828

GAMES & QUIZZES

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JOIN MWU

LOG IN

REGISTER

laboratory



Dictionary

Thesaurus

Save Word

lab-ō-rā-tō-ry | \ 'lā-b(ə-)rā-,tōr-ē , sometimes 'lā-bār-,tōr- or 'lā-bā-,tōr- or lā-'bōr-
ə-,tōr- \

plural laboratories

Definition of *laboratory*

- 1 a : a place equipped for experimental study in a science or for testing and analysis
// a research *laboratory*
broadly : a place providing opportunity for experimentation, observation, or practice in a field of study
- b : a place like a laboratory for testing, experimentation, or practice
// That area is a *laboratory* for cultivating the germ of terrorism.
- 2 : an academic period set aside for laboratory work
// a course of study requiring two lectures and one *laboratory* per week

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SALES EVENT
FINAL DAYS



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LOOKED IN RATE FOR 2023 CUSTOM RETAIL ORDER*

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*Offer disclosure

WORD OF THE DAY

glitch

[See Definitions and Examples »](#)

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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. 97120710

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:csmith12 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	9051	N/A	0	0	T/0:02	*AM\${"IYE"}*[bi,ti] and live[ld]
02	10616	N/A	0	0	T/0:02	*AM\${"IYE"}{V}*[bi,ti] and live[ld]
03	5594	N/A	0	0	0:02	*LAB[bi,ti] and live[ld]
04	15802	N/A	0	0	0:02	*LAB*[bi,ti] and live[ld]
05	28	0	26	26	0:01	2 AND 4
06	72	0	72	69	0:02	*AMAYA*[bi,ti] and live[ld]
07	241	0	7	7	0:01	44e[CB] and "new zealand"[on] and live[ld] and registrant[on]
08	21	0	21	21	0:01	6 and "005"[cc]
09	79	N/A	0	0	0:02	*A{"M":2}A{"IYE":2}A*[bi,ti] and live[ld]
10	25	0	25	25	0:01	9 and "005"[cc]
11	2494	N/A	0	0	0:03	*A{"M":2}{V:2}{ "IYE":2}*[bi,ti] and live[ld]
12	509	N/A	0	0	0:02	11 and "005"[cc]
13	308	N/A	0	0	0:02	11 and ("005" "035" "042" a b 200)[ic]
14	249	N/A	0	0	0:01	11 and ("005" "035" a b 200)[ic]
15	76	0	76	69	0:01	11 and ("005" a b 200)[ic]

Session started 8/23/2022 1:24:00 PM

Session finished 8/24/2022 10:59:06 AM

Total search duration 0 minutes 25 seconds

Session duration 1295 minutes 6 seconds

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Sent to TICRS as Serial Number: 97120710