

**To:** Huntley, Thomas E([tom@dustopper.com](mailto:tom@dustopper.com))  
**Subject:** U.S. Trademark Application Serial No. 97119560 - THE FUTURE OF DUST COLLECTION IS NOW  
**Sent:** August 26, 2022 12:52:52 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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

**U.S. Application Serial No.** 97119560

**Mark:** THE FUTURE OF DUST COLLECTION IS NOW

**Correspondence Address:**

Huntley, Thomas E  
260 Engelwood Drive Suite C  
Orion Township MI 48371 UNITED STATES

**Applicant:** Huntley, Thomas E

**Reference/Docket No.** N/A

**Correspondence Email Address:** [tom@dustopper.com](mailto:tom@dustopper.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 26, 2022

This Office action responds to applicant's Amendment to Allege Use filed on 08/24/2022.

**Legal Counsel Suggested**

Because of the legal technicalities and strict deadlines of the trademark application process, applicant is

encouraged to hire a private attorney who specializes in trademark matters to assist in this process. The assigned trademark examining attorney can provide only limited assistance explaining the content of an Office action and the application process. USPTO staff cannot provide legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. See [Hiring a U.S.-licensed trademark attorney](#) for more information.

In a previous first Office action dated 12/17/2021 and 07/08/2022 Final Office action, the trademark examining attorney refused registration of the applied-for mark based on the following: Broad/indefinite Identification of Goods.

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

- NEW ISSUE: Specimen is a Drawing of the Mark Only
- Maintained and Continued: Broad/Indefinite Identification of Goods

Applicant must respond to all issues raised in this Office action and the previous 07/08/2022 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).

### **NEW ISSUE: Specimen is a Drawing of the Mark Only**

Registration is refused because the specimen is merely a photocopy of the drawing or a depiction of the applied-for mark and does not show the applied-for mark as actually used in commerce with the goods and/or services in International Class(es) 017. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (c); *In re Chica*, 84 USPQ2d 1845, 1848 (TTAB 2007); TMEP §§904, 904.07(a), 1301.04(g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods and/or services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

**Examples of specimens.** Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

**Response options.** Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

(1) Submit a different specimen (a verified “[substitute](#)” [specimen](#)) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

#### **Maintained and Continued: Broad/Indefinite Identification of Goods**

##### **Applicant did not respond to this issue.**

The following amended wording in bold in the identification of goods must be clarified because it is too broad or indefinite and could include goods in other international classes. *See* TMEP §§1402.01, 1402.03.

International Class 017: **“The Future of Dust Collection is Now with Dustopper”**

Applicant must specify the generic name for the type of goods used for dust collection, and not merely insert the name of the applied-for trademark and/or a slogan for the goods. An applicant should not use its own registered or unregistered mark in an identification of goods and/or services. TMEP §1402.09. Identifications of goods and/or services should generally be comprised of generic everyday wording for the goods and/or services, and exclude proprietary or potentially-proprietary wording, such as a registered term. *See* TMEP §§1402.01, 1402.09. The misspelling or phonetic equivalent of a registered mark should similarly be excluded, unless it is the common name of the goods and/or services. TMEP §1402.09.

In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant uses indefinite words such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems” or “products,” such words must be followed by “namely,” followed by a list of the specific goods identified by their common commercial or generic names. *See* TMEP §§1402.01, 1402.03(a).

Applicant may change this wording to following if accurate.

International Class **007**: “Dust **separators for use with dust collecting vacuums**”  
*See* TMEP §1402.01.

If applicant adopts the suggested amendment of the identification of goods and/or services, then applicant must amend the classification to International Class 007. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§805, 1401.

Applicant’s goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the 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 or encompassed by those in the original 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).

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.

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

/Anthony Rinker/  
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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 26, 2022 for  
**U.S. Trademark Application Serial No. 97119560**

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.

**Trademark Snap Shot AAU Processing Stylesheet**  
(Table presents the data on AAU Processing Complete)

**OVERVIEW**

SERIAL NUMBER	97119560	FILING DATE	11/11/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RINKER, ANTHONY MICHAEL	L.O. ASSIGNED	102

**PUB INFORMATION**

RUN DATE	08/26/2022		
PUB DATE	N/A		
STATUS	645-FINAL REFUSAL - MAILED		
STATUS DATE	07/08/2022		
LITERAL MARK ELEMENT	THE FUTURE OF DUST COLLECTION IS NOW		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	THE FUTURE OF DUST COLLECTION IS NOW
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
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NAME	Huntley, Thomas E
ADDRESS	260 Engelwood Drive Suite C Orion Township, MI 48371
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Michigan
DBA/AKA	DBA Faster Better Easier, LLC

### GOODS AND SERVICES

INTERNATIONAL CLASS	017
DESCRIPTION TEXT	The Future of Dust Collection is Now with Dustopper

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	017	FIRST USE DATE	06/20/2022	FIRST USE IN COMMERCE DATE	06/20/2022	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/25/2022	AUPC	I	AMENDMENT TO USE PROCESSING COMPLETE	016
08/25/2022	IUAF	S	USE AMENDMENT FILED	015
08/24/2022	EAAU	I	TEAS AMENDMENT OF USE RECEIVED	014
07/08/2022	GNFN	O	NOTIFICATION OF FINAL REFUSAL EMAILED	013
07/08/2022	GNFR	O	FINAL REFUSAL E-MAILED	012
07/08/2022	CNFR	R	FINAL REFUSAL WRITTEN	011
06/23/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
06/23/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
06/21/2022	ALIE	A	ASSIGNED TO LIE	008
06/09/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/16/2021	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
12/16/2021	GNRT	F	NON-FINAL ACTION E-MAILED	005
12/16/2021	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/15/2021	DOCK	D	ASSIGNED TO EXAMINER	003
11/18/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
11/15/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	Huntley, Thomas E 260 Engelwood Drive Suite C Orion Township MI 48371

DOMESTIC REPRESENTATIVE

NONE

The Future of Dust  
Collection is Now