

To: Brendan J. Hughes(trademarks@cooley.com)
Subject: U.S. Trademark Application Serial No. 97119832 - POPLAR - 341340-20003
Sent: August 23, 2022 04:19:04 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. 97119832

Mark: POPLAR

Correspondence Address:

BRENDAN J. HUGHES
COOLEY LLP
1299 PENNSYLVANIA AVENUE, NW, SUITE 700
WASHINGTON DC 20004 UNITED STATES

Applicant: Mr. Fusion, Inc.

Reference/Docket No. 341340-20003

Correspondence Email Address: trademarks@cooley.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be [abandoned](#). Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

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

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

SUMMARY OF ISSUES:

- Identification of goods and services must be clarified
- Partial abandonment advisory

IDENTIFICATION OF GOODS AND SERVICES MUST BE CLARIFIED

The identification of goods and services is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. In particular, applicant must clarify that the "active chemical ingredients" are for use in "the manufacture of" fertilizers and must make clear that the "proteins" are for use in "the food" industry. Additionally, applicant must specify the nature of the "carbon capture equipment" as indicated below. To the extent that this carbon capture equipment is a type of machinery, then it is properly classified in Class 7, rather than Class 11. Further, applicant must clarify the service it is providing with respect to "gas capture credits," as indicated below in bold.

Applicant may adopt the following identification, if accurate:

International Class 001: Active chemical ingredients for use in **the manufacture of** fertilizers; proteins for use in **the food** industry; protein for food for human consumption in raw material form for the food industry

International Class 004: Renewable fuels using at least one electrochemically derived reactant such as CO and/or H₂ derived from electrochemically reducing CO₂ in water

International Class 007: Organic waste compost machines

International Class 011: Carbon capture equipment **in the nature of** [*specify the common commercial name of the goods. See TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product. See id.*] for home applications using electrochemical cells to pull CO₂ from the air; carbon capture equipment **in the nature of** [*specify the common commercial name of the goods. See TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product. See id.*]

for home applications using solid sorbents to pull CO₂ from the air

International Class 036: **Brokerage of** gas capture credits based on amounts of gas captured directly from atmospheric air, namely, carbon dioxide capture credits, methane

capture credits and/or nitrous oxide capture credits **on behalf of others**

International Class 040: Treatment of materials, namely, treatment of carbon dioxide for use in manufacturing into consumer goods; processing of raw materials from carbon dioxide for the manufacture of consumer goods; providing a website that features information in the field of the processing of raw materials for manufacturing consumer goods

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.

Applicant should note the following advisory.

PARTIAL ABANDONMENT ADVISORY

If applicant does not respond to this Office action within the six-month period for response, the following goods and/or services will be deleted from the application:

International Class 001: Active chemical ingredients for use in fertilizers; proteins for use in industry

International Class 011: Carbon capture equipment for home applications using electrochemical cells to pull CO₂ from the air; carbon capture equipment for home applications using solid sorbents to pull CO₂ from the air

International Class 036: Selling of gas capture credits based on amounts of gas captured directly from atmospheric air, namely, carbon dioxide capture credits, methane capture credits and/or nitrous oxide capture credits

The application will then proceed with the following goods and/or services only:

International Class 001: protein for food for human consumption in raw material form for

the food industry

International Class 004: Renewable fuels using at least one electrochemically derived reactant such as CO and/or H₂ derived from electrochemically reducing CO₂ in water

International Class 007: Organic waste compost machines

International Class 040: Treatment of materials, namely, treatment of carbon dioxide for use in manufacturing into consumer goods; processing of raw materials from carbon dioxide for the manufacture of consumer goods; providing a website that features information in the field of the processing of raw materials for manufacturing consumer goods

See 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).

RESPONSE

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.](#)

/Miah LaMont/
Trademark Examining Attorney
Law Office 117
(571) 272-6170
miah.lamont@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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97119832

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:mrosenberg ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	97119832[SN]
02	2	1	1	1	0:01	"mr fusion"[on]
03	73	26	47	44	0:01	"poplar"[bi,ti]
04	24	N/A	0	0	0:01	*poplar*[bi,ti] not (dead)[ld] not 4
05	6	0	6	6	0:01	*poplar*[bi,ti] not (dead)[ld] not 3
06	2	0	2	2	0:02	*popl{v1:2}r*[bi,ti] not (dead)[ld] not (3 5)
07	13	0	9	9	0:02	*p{v1:2}pl{v1:2}r*[bi,ti] not (dead)[ld] not (3 5 6)
08	95	0	73	71	0:01	*pop*[bi,ti] and *lar*[bi,ti] not (dead)[ld] not "popular"[bi,ti]
09	36	0	21	21	0:01	*pop*[bi,ti] and *lar*[bi,ti] not (dead)[ld] not "popular"[bi,ti] not (3 5 6) not *popularity*[bi,ti]

Session started 8/23/2022 2:28:32 PM

Session finished 8/23/2022 3:02:59 PM

Total search duration 0 minutes 11 seconds

Session duration 34 minutes 27 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 97119832

Note To The File

Serial Number: 97119832
Date: 08/23/2022 3:37 pm
Created by: Miah LaMont

POPLAR

Searched

- Google
- OneLook