

Response to Office Action

The table below presents the data as entered.

| Input Field | Entered |
|--|--|
| SERIAL NUMBER | 97118563 |
| LAW OFFICE ASSIGNED | LAW OFFICE 101 |
| MARK SECTION | |
| MARK FILE NAME | https://tmng-al.uspto.gov/resting2/api/img/97118563/large |
| LITERAL ELEMENT | NAZIRA BABY |
| STANDARD CHARACTERS | NO |
| USPTO-GENERATED IMAGE | NO |
| COLOR(S) CLAIMED (If applicable) | The color(s) PANTONE 7477 & PANTONE 331 is/are claimed as a feature of the mark. |
| DESCRIPTION OF THE MARK (and Color Location, if applicable) | The mark consists of THE LITERAL ELEMENTS OF THE MARK ARE IN PANTONE 331 WITH THE BACKGROUND IN PANTONE 7477 OR WHITE. ABOVE THE LITERAL ELEMENT, IS THE IMAGE OF A BLANKET COMMONLY USED TO COVER A NEWBORN BABY. |
| ADDITIONAL STATEMENTS SECTION | |
| DISCLAIMER | No claim is made to the exclusive right to use BABY apart from the mark as shown. |
| COLOR(S) CLAIMED (If applicable) | The color(s) PANTONE 7477, PANTONE 331 AND WHITE is/are claimed as a feature of the mark. |
| DESCRIPTION OF THE MARK (and Color Location, if applicable) | The mark consists of The mark consists of a stylized design of a baby swaddled in a blanket above the word "NAZIRA" which appears above the word "BABY". The stylized design of the baby and the blanket are in the colors Pantone 7477, Pantone 331 and white. The words "NAZIRA BABY" appear in the colors Pantone 7477 and Pantone 331. |
| CORRESPONDENCE INFORMATION (current) | |
| NAME | LALYROX CORP. |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE | abdallyfattal@gmail.com |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | NOT PROVIDED |
| CORRESPONDENCE INFORMATION (proposed) | |
| NAME | LALYROX CORP. |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE | abdallyfattal@gmail.com |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | alejandro.loveras@gmail.com |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /ABDALLY FATTAL MARIN/ |
| SIGNATORY'S NAME | ABDALLY FATTAL MARIN |
| SIGNATORY'S POSITION | PRESIDENT |

| | |
|-------------------------------------|--|
| SIGNATORY'S PHONE NUMBER | 3473012791 |
| DATE SIGNED | 08/26/2022 |
| ROLE OF AUTHORIZED SIGNATORY | Owner/Holder not represented by an attorney |
| SIGNATURE METHOD | Signed directly within the form |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Aug 26 19:39:42 ET 2022 |
| TEAS STAMP | USPTO/ROA-XX.XXX.XXX.XX-2 0220826193942747923-97118 563-800962ecbdb33c3f382e1 147c1d2bfac7093f263ba228a 3a3914439d6aea4e2c3-N/A-N /A-20220826192536146878 |

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **97118563** NAZIRA BABY (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/97118563/large>) has been amended as follows:

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use BABY apart from the mark as shown.

Color Claim

The color(s) PANTONE 7477, PANTONE 331 AND WHITE is/are claimed as a feature of the mark.

Description of mark

The mark consists of The mark consists of a stylized design of a baby swaddled in a blanket above the word "NAZIRA" which appears above the word "BABY". The stylized design of the baby and the blanket are in the colors Pantone 7477, Pantone 331 and white. The words "NAZIRA BABY" appear in the colors Pantone 7477 and Pantone 331.

Correspondence Information (current):

LALYROX CORP.

PRIMARY EMAIL FOR CORRESPONDENCE: abdallyfattal@gmail.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Correspondence Information (proposed):

LALYROX CORP.

PRIMARY EMAIL FOR CORRESPONDENCE: abdallyfattal@gmail.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): alejandro.loveras@gmail.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Response Signature

Signature: /ABDALLY FATTAL MARIN/ Date: 08/26/2022

Signatory's Name: ABDALLY FATTAL MARIN

Signatory's Position: PRESIDENT

Signatory's Phone Number: 3473012791 Signature method: Signed directly within the form

The signatory has confirmed that he/she is not represented by an authorized attorney, and that he/she is either: (1) the owner/holder; or (2) a person or persons with legal authority to bind the owner/holder; and if he/she had previously been represented by an attorney in this matter, either he/she revoked their power of attorney by filing a signed revocation with the USPTO or the USPTO has granted this attorney's withdrawal request.

Mailing Address: LALYROX CORP.

P.O. BOX 1602

SOUTH HACKENSACK, New Jersey 07606-0202

Mailing Address: LALYROX CORP.

P.O. BOX 1602

SOUTH HACKENSACK, New Jersey 07606-0202

Serial Number: 97118563

Internet Transmission Date: Fri Aug 26 19:39:42 ET 2022

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XX-2022082619394274

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N/A-N/A-20220826192536146878

To: LALYROX CORP.(abdallyfattal@gmail.com)
Subject: U.S. Trademark Application Serial No. 97118563 - NAZIRA BABY
Sent: August 26, 2022 05:00:12 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-www-ahdictionary-com-word-search-html-16615451957791](#)

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

U.S. Application Serial No. 97118563

Mark: NAZIRA BABY

Correspondence Address:

LALYROX CORP.
P.O. BOX 1602
SOUTH HACKENSACK NJ 07606-0202 UNITED STATES

Applicant: LALYROX CORP.

Reference/Docket No. N/A

Correspondence Email Address: abdallyfattal@gmail.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

If the applicant agrees with the requirements below and would like to resolve the issue via an Examiner's Amendment, please e-mail the examining attorney at: colleen.dombrow@uspto.gov

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.

Summary of Issues:

- Requirement - Disclaimer
- Requirement - Color Claim and Mark Description

1. Advisory - Search Results:

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.

2. Requirement - Disclaimer:

Applicant must disclaim the wording “BABY” 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 the dictionary shows this wording means “A very young child; an infant”. Consumers encountering the word BABY in connection with the applied-for goods, “cribs for babies” will immediately understand that the intended user of the applicant’s cribs are babies. Accordingly, because the word BABY immediately describes a feature of or characteristic of the applied-for goods, this word must be disclaimed.

PLEASE NOTE: 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.

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

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

3. Requirement - Color Claim and Mark Description:

Applicant must amend the color claim and description to identify all the colors in the drawing of the mark. *See* 37 C.F.R. §2.52(b)(1); TMEP §807.07(a)-(a)(ii). In this case, the applicant claims the colors Pantone 7477 and Pantone 331. However, as this wording does not appear in connection with a color identifier it is unclear. TMEP §808.02. Please clarify the colors being claimed as a feature of the mark.

A complete color claim must reference all the colors appearing in the drawing of the mark. *See* 37 C.F.R. §2.52(b)(1); TMEP §§807.07(a) *et seq.* Similarly, a complete description of a mark depicted in color must specify where the colors appear in the literal and design elements of the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §§807.07(a) *et seq.* If black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark, applicant must so specify in the description. *See* TMEP §807.07(d).

The following color claim and description are suggested, if accurate:

Color claim: **“The colors blue and white are claimed as a feature of the mark.”**

Description: **“The mark consists of a stylized design of a baby swaddled in a blanket above the word “NAZIRA” which appears above the word “BABY”. The stylized design of the baby and the blanket are in the colors blue and white. The words “NAZIRA BABY” appear in the color blue.”**

4. Advisory - Assistance:

Please email the assigned trademark examining attorney at colleen.dombrow@uspto.gov 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.

PLEASE NOTE: If applicant requires assistance navigating the online response form, applicant should contact the Trademark Assistance Center at 571-272-9250. The Examining Attorney cannot assist the applicant with the online response form.

5. Advisory - How to Respond:

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see [“Responding to Office Actions”](#) and the informational [video “Response to Office Action”](#) for more information and tips on responding.

How to respond via email. If the applicant agrees with the requirements above and would like to resolve the issue via an Examiner’s Amendment, please e-mail the examining attorney at: colleen.dombrow@uspto.gov

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

/Colleen Dombrow/
Trademark Examining Attorney
Law Office 101
(571) 272-8262
colleen.dombrow@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.



The AMERICAN HERITAGE dictionary of the English Language



HOW TO USE THE DICTIONARY

To look up an entry in *The American Heritage Dictionary of the English Language*, use the search window above. For best results, after typing in the word, click on the "Search" button instead of using the "enter" key.

Some compound words (like *bus rapid transit*, *dog whistle*, or *identity theft*) don't appear on the drop-down list when you type them in the search bar. For best results with compound words, place a quotation mark before the compound word in the search window.

[GUIDE TO THE DICTIONARY](#)



THE USAGE PANEL

The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists, diplomats, and others in occupations requiring mastery of language. Annual surveys have gauged the acceptability of particular usages and grammatical constructions.

ba·by (bə'bē)

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n. pl. **ba·bies**

1.

- a. A very young child; an infant.
- b. An unborn child; a fetus.
- c. The youngest member of a family or group.
- d. A very young animal.

2. An adult or young person who behaves in an infantile way.

3. *Informal*

- a. A lover or sweetheart.
- b. Sweetheart; dear. Used as a term of endearment.

4. *Slang* An object of personal concern or interest: *Keeping the boat in good repair is your baby.*

adj. **bab·i·er, bab·i·est**

- 1. Of or having to do with a baby.
- 2. Infantile or childish.
- 3. Small in comparison with others of the same kind: *baby vegetables.*

tr. v. **ba·bied, ba·by·ing, ba·bies**

To pamper like a baby; coddle. See Synonyms at **pamper**.

[Middle English : *babe*, *babe*; see *BABE* + *-y*, diminutive suffix.]

ba'by·hood *n.*

ba'by·ish *adj.*

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Thousands of entries in the dictionary include etymologies that trace their origins back to reconstructed proto-languages. You can obtain more information about these forms in our online appendices:

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THE PANELISTS

Semitic Roots

The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our [Dictionary of Indo-European Roots](#).

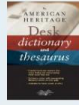
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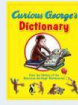
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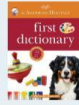
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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 26, 2022 for
U.S. Trademark Application Serial No. 97118563

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.