

To: Vianna, Rock(15197660JCfimasT@relay.trademarkengine.com)
Subject: U.S. Trademark Application Serial No. 97120475 - JOE DELIVERY
Sent: August 24, 2022 10:54:21 AM 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. 97120475

Mark: JOE DELIVERY

Correspondence Address:

VIANNA, ROCK
101 MEADOWVIEW PL
WHISPERING PINES NC 28327 UNITED STATES

Applicant: Vianna, Rock

Reference/Docket No. N/A

Correspondence Email Address: 15197660JCfimasT@relay.trademarkengine.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 OF OFFICE'S DATABASE OF MARKS

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

SUMMARY OF ISSUES:

- REQUIREMENT - IDENTIFICATION OF SERVICES
- REQUIREMENT - DISCLAIMER

REQUIREMENT - IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the "delivery" service must specify what is actually being delivered, for example, message delivery or food delivery. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The suggested amendment below substitutes in the expansive but definite wording "delivery of goods," however, other amendments narrowing identification would also be acceptable. For additional 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 that any wording in **bold**, in *italics*, underlined and/or in ALL CAPS below offers guidance and/or shows the changes being proposed for the identification of goods and/or services. If there is wording in the applicant's version of the identification of goods and/or services which should be removed, it will be shown with a line through it such as this: ~~striketrough~~. When making its amendments, applicant should enter them in standard font, not in **bold**, in *italics*, underlined or in ALL CAPS.

Applicant may substitute the following wording, if accurate:

Class 39: Delivery of goods

See TMEP §§1402.01, 1402.03.

An applicant may only amend an identification to clarify or limit the services, but not to add to or broaden the scope of the services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Generally, any deleted services may not later be reinserted. *See* TMEP §1402.07(e).

REQUIREMENT - DISCLAIMER

Applicant must disclaim the wording "DELIVERY" because it is merely descriptive of applicant's 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).

This wording is directly set forth within the identification of services submitted with the application which simply identifies the services as "delivery." Thus, the wording merely describes that applicant's services are delivery services.

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

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

CONCLUSION

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.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

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

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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 24, 2022 for
U.S. Trademark Application Serial No. 97120475

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:soehrlein ***

#	Total	Dead	Live	Live	Status/	Search
	Marks	Marks	Viewed	Viewed	Search	
			Docs	Images	Duration	
01	1	0	1	1	0:01	97120475[SN]
02	1	0	1	1	0:02	Vianna and Rock
03	4086649	N/A	0	0	0:02	"039"[cc]
04	183474	N/A	0	0	0:02	"039"[ic] ("a" "B" "200")[ic]
05	34288	N/A	0	0	0:02	*JO*[bi,ti] not dead[ld]
06	2518	N/A	0	0	0:02	*d{v0:3}{ "L"1:2}{V0:3}{ "V"1:2}{V0:3}R*[bi,ti] not dead[ld]
07	16	0	16	16	0:01	5 and 6
08	2091	N/A	0	0	0:01	*JOe*[bi,ti] not dead[ld]
09	19	0	19	19	0:01	(4 and 8)
10	839	0	91	839	0:01	(3 and 8) not (9)
11	41930	N/A	0	0	0:02	(*JO* *j{"E"0:1}{ "AE"}{"uW"}* *giO{"AEW"0:1}{ "oEuh"0:1}* *gi{"E"0:1}{ "AE"}{"uW"}*)[bi,ti] not dead[ld]
12	18	0	18	17	0:01	6 and 11
13	514	0	20	514	0:01	(4 and 5) not (9 10)
14	173	0	14	173	0:01	(4 and 11) not (9 10 13)
15	26701	N/A	0	0	0:02	JO*[bi,ti] not dead[ld]
16	0	0	0	0	0:01	(4 and 15) not (9 10 13)
17	9409	N/A	0	0	0:01	(3 and 15) not (9 10 13 14)
18	2415	N/A	0	0	0:02	(JO{"AEW"0:1}{ "oEuh"0:1} j{"E"0:1}{ "AE"}{"uW"} giO{"AEW"0:1}{ "oEuh"0:1} gi{"E"0:1}{ "AE"}{"uW"})[bi,ti] not dead[ld]
19	255	0	15	255	0:01	(3 and 18) not (9 10 13 14)
20	613	0	14	613	0:01	4 and 6

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Session finished 8/24/2022 10:52:52 AM

Total search duration 0 minutes 28 seconds

Session duration 36 minutes 58 seconds

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