

To: Marek Krizka(office@tramatm.com)
Subject: U.S. Trademark Application Serial No. 97119500 - TERRAWELL
Sent: August 24, 2022 11:38:07 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. 97119500

Mark: TERRAWELL

Correspondence Address:

MAREK KRIZKA
477 MADISSON AVENUE, 6TH FLOOR
NEW YORK NY 10022 UNITED STATES

Applicant: Praem Capital Gmbh

Reference/Docket No. N/A

Correspondence Email Address: office@tramatm.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 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:

- Entity Clarification Required

ENTITY CLARIFICATION REQUIRED

Applicant's business name includes the foreign business designation "GmbH"; however, applicant set forth "corporation" as the legal entity in the application. This business designation is generally considered the equivalent of a "Limited Liability Company." *See* TMEP app. D. Therefore, applicant must clarify the entity type in the application. *See* 37 C.F.R. §§2.32(a)(3), 2.61(b); TMEP §803.03(i). Applicant may satisfy this requirement by amending the legal entity to one of those immediately listed above from Appendix D of the *Trademark Manual of Examining Procedure* (TMEP) for this business designation, as appropriate. *See* TMEP §803.03(i).

Alternatively, if applicant maintains that the legal entity in the application properly identifies applicant's entity type, applicant must provide an explanation as to why the identified entity type is more similar to a "corporation" in this instance than to the legal entities listed in TMEP Appendix D. *See id.*

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. *See* 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. *See* 37 C.F.R. §2.71(d); TMEP §1201.02(b).

QUESTIONS

Please call or email the assigned trademark examining attorney to resolve the issues in this Office action. Although the USPTO does not accept emails as responses to Office actions, communication by phone or email is permissible to agree to proposed amendments to the application that will immediately place the application in condition for publication, registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

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. 97119500

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.

Note To The File

Serial Number: 97119500

TERRAWELL

Date: 08/24/2022 11:36 am

Created by: Andrew Crowder-Schaefer

Searched

- Google
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Statistics for Case 97119500						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97119500[sn]	1	0	1	1	0:00
2	*t{v}{ "r":2}{v}*[bi,ti] not dead[ld]	126458	0	0	0	0:04
3	*w{v}l*[bi,ti] not dead[ld]	50228	0	0	0	0:01
4	2 and 3	1659	0	0	0	0:02
5	4 and "001"[cc]	503	0	503	503	0:02
6	*t{ "iey" }{ "r":2}a*[bi,ti] not dead[ld]	34510	0	0	0	0:01
7	*t{ "iey" }rra*[bi,ti] not dead[ld]	3403	0	0	0	0:00
8	*terra*[bi,ti] not dead[ld]	3400	0	0	0	0:01
9	terra*[bi,ti] not dead[ld]	2185	0	0	0	0:01
10	9 and "001"[cc]	633	0	633	633	0:01
11	*well*[bi,ti] not dead[ld]	14656	0	0	0	0:01
12	*well{ "sz"0:2}[bi,ti] not dead[ld]	9161	0	0	0	0:00
13	12 and "001"[cc]	3252	0	0	0	0:00
14	12 and ("001" "005" "035" a b "200")[ic]	1926	0	0	0	0:01
15	12 and ("001" a b "200")[ic]	114	0	114	114	0:01
16	*terra*[bi,ti] and *well*[bi,ti] not dead[ld]	7	0	7	7	0:00
17	"praem capital"[on]	1	0	1	1	0:01

Session started 08/24/2022 11:17 am

Session ended 08/24/2022 11:30 am

Total search duration 17.00

Session duration 12 minutes 33 seconds

Adjacency Level 1

Near Level 1