

To: Gene S. Winter(tm-pto@ssjr.com)
Subject: U.S. Trademark Application Serial No. 97118620 - PROFESSOR BADASS - 03877-T0038B
Sent: August 22, 2022 03:56:26 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. 97118620

Mark: PROFESSOR BADASS

Correspondence Address:

GENE S. WINTER
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT 06905 UNITED STATES

Applicant: Ars Nova PGM, LLC

Reference/Docket No. 03877-T0038B

Correspondence Email Address: tm-pto@ssjr.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 22, 2022

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

NO CONFLICTING 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.

IDENTIFICATION OF GOODS:

Class 16 -

In Class 16, applicant's identification is: "Comic books; graphic novels; graphic prints and representations; novels; series of fiction works, namely, novels and books."

The following wording is unacceptable:

"Comic books" is indefinite and falls in multiple classes. The format of the comic books must be stated. Effective 01-01-2021, identifications for publications that are goods must indicate if the publications are "printed," "downloadable," or "recorded on computer media" (or equivalent wording) for proper classification. Publications are classified in Class 16, if printed, and in Class 9, if downloadable or recorded on computer media. Providing online non-downloadable publications belong in Class 41. Please see TMEP §1402.03(e). *See below for suggestions.*

Classification of goods and services is a purely administrative matter within the sole discretion of the USPTO. *See In re Faucher Indus. Inc.*, 107 USPQ2d 1355, 1357 (TTAB 2013) (quoting *In re Tee-Pak, Inc.*, 164 USPQ 88, 89 (TTAB 1969)).

For the same reasons as discussed above, "graphic novels" is unacceptable. The format must be stated. *See below for suggestions.*

For the same reasons as discussed above, "novels" is unacceptable. The format must be stated. *See below for suggestions.*

For the same reasons as discussed above, "series of fiction works, namely, novels and books" is unacceptable. The format must be stated. *See below for suggestions.*

Taking the above together, applicant may adopt the following:

Class 9: Downloadable comic books; downloadable graphic novels; downloadable novels; series of downloadable fiction works, namely, novels and books

Class 16: ***Printed*** comic books; ***printed*** graphic novels; graphic prints and representations; ***printed*** novels; series of ***printed*** fiction works, namely, novels and books

Class 41: Providing online non-downloadable comic books, graphic novels, and novels; providing online non-downloadable series of fiction works, namely, novels and books

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Class 25 -

In Class 25, applicant's identification is: "Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; baseball caps and hats; belts; gloves as clothing; headbands for clothing; hoods; infant and toddler one piece clothing; jackets; jerseys; pants; shoes; short-sleeved or long-sleeved t-shirts; sports caps and hats; stretch pants; sweat pants; t-shirts; ties; tops; track pants; wearable garments and clothing, namely, shirts."

The following wording is unacceptable:

"Headbands for clothing" is unacceptable. On 09-26-2019, this 07-30-2009 entry was deleted because it was causing confusion. This wording is no longer acceptable. *See below for suggestion.*

"Ties" is indefinite and falls in multiple classes. The type of ties must be stated. *See below for suggestions.*

"Tops" is not acceptable alone. However, "tops" is acceptable to identify specific clothing in Class 25, e.g., "athletic tops" or when included in a list of clothing items prefaced with the lead-in wording of "Clothing, namely," e.g., "Clothing, namely, tops.". *See below for suggestion.*

Taking the above together, applicant may adopt the following:

Class 25: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; baseball caps and hats; belts; gloves as clothing; **clothing, namely, headbands**; hoods; infant and toddler one piece clothing; jackets; jerseys; pants; shoes; short-sleeved or long-sleeved t-shirts; sports caps and hats; stretch pants; sweat pants; t-shirts; **ties as clothing; clothing, namely, tops**; track pants; wearable garments and clothing, namely, shirts

Class 26: Hair ties

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

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.

MULTI-CLASS REQUIREMENTS:

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act

Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fees already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in **at least 6 classes**; however, applicant submitted fees sufficient **for only 5 classes**. Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

FEES FOR ADDITIONAL CLASSES:

The fee for adding classes to a TEAS Standard application is \$350 per class. *See* 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

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

/Simon Teng/
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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 22, 2022 for
U.S. Trademark Application Serial No. 97118620

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: 97118620
Date: 08/22/2022 3:34 pm
Created by: Simon Teng

PROFESSOR BADASS

Searched

- Google

Statistics for Case 97118620						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	"Ars Nova PGM"[on]	18	11	7	7	0:01
2	*p{"r"1:2}{v1:2}f*[bi,ti] not dead[ld]	11638	0	0	0	0:02
3	*p{"r"1:2}{v1:2}ph*[bi,ti] not dead[ld]	361	0	361	361	0:01
4	(2 3)	11987	0	0	0	0:01
5	*b{v1:2}d*[bi,ti] not dead[ld]	23876	0	0	0	0:02
6	*{v}{"Szc"}*[bi,ti] not dead[ld]	2010435	0	0	0	0:29
7	4 and 5 and 6	50	0	0	0	0:16
8	7 not 1	49	0	49	49	0:16
9	*badas*[bi,ti] not dead[ld]	277	0	0	0	0:02
10	9 not (8 1)	276	0	276	276	0:15
11	*b{v1:3}{ "D"1:2}{v1:2}{ "Szc"}*[bi,ti] not de ad[ld]	1954	0	0	0	0:02
12	*b{"a"1:3}{ "D"1:2}{v1:2}{ "Szc"}*[bi,ti] not dead[ld]	384	0	0	0	0:01
13	*b{v1:3}{ "D"1:2}{ "a"1:2}{ "Szc"}*[bi,ti] not dead[ld]	387	0	0	0	0:01
14	(12 13) not (10 8 1)	200	0	200	200	0:30
15	*p{"r"1:2}{ "o"1:2}f*[bi,ti] not dead[ld]	10578	0	0	0	0:01
16	(3 15)	10927	0	0	0	0:01
17	16 and (5 6)	8262	0	0	0	0:17
18	*a{"sz"}*[bi,ti] not dead[ld]	661829	0	0	0	0:02
19	16 and (18 5)	1503	0	0	0	0:04
20	*b{"a"1:3}d*[bi,ti] not dead[ld]	3501	0	0	0	0:01
21	16 and (18 20)	1473	0	0	0	0:02
22	*p{"r"1:2}{V1:3}\${ "Szc"1:2}{v1:2}r*[bi,ti] n ot dead[ld]	3748	0	0	0	0:03
23	22 and (18 5)	403	0	0	0	0:04
24	23 not (14 10 8 1)	402	0	402	402	0:36
25	19 not (24 14 10 8 1)	1431	0	205	205	0:43
26	*p{"r"1:2}{v1:2}{ "f"1:2}{V1:3}{ "Szc"1:2}{v 1:2}r*[bi,ti] not dead[ld]	301	0	0	0	0:02
27	(3 26) not 1	661	0	661	661	0:01
28	*b{"a"1:2}d* and *a{"Sz"}*[bi,ti] not dead[ld]	734	0	0	0	0:03
29	28 not (27 1)	733	0	733	733	0:02
30	28 not (27 24 14 10 8 1)	423	0	423	423	0:47

Session started 08/22/2022 2:59 pm

Session ended 08/22/2022 3:33 pm

Total search duration 288.00

Session duration 34 minutes 46 seconds

Adjacency Level 1

Near Level 1