To: Michelle J. Milleer(mjmlaw2018@gmail.com)

Subject: U.S. Trademark Application Serial No. 97120291 - DIGIMOMPRENEUR - 01-

RG-2021

**Sent:** August 23, 2022 10:08:21 AM EDT

**Sent As:** tmng.notices@uspto.gov

#### **Attachments**

screencapture-www-collinsdictionary-com-dictionary-english-mumpreneur-16612619488851

screencapture-en-wikipedia-org-wiki-Mompreneur-16612619712611

screencapture-en-wikipedia-org-wiki-Digi-16612620563441

screencapture-www-merriam-webster-com-dictionary-digital-16612620776401

screencapture-www-lexico-com-en-definition-digital-16612621401181

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

U.S. Application Serial No. 97120291

Mark: DIGIMOMPRENEUR

Correspondence Address:
MICHELLE J. MILLEER
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SUITE 5100
CHICAGO IL 60601 UNITED STATES

**Applicant:** Green, Rasheeda

Reference/Docket No. 01-RG-2021

Correspondence Email Address: mjmlaw2018@gmail.com

# NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. 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.

### **SUMMARY OF ISSUES:**

- Mark is merely descriptive
- Option to overcome refusal

# **SEARCH RESULT**

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.

### SECTION 2(e)(1) REFUSAL--MARK IS MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes the applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); see, e.g., In re TriVita, Inc., 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting In re Oppedahl & Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing Estate of P.D. Beckwith, Inc. v. Comm'r of Patents, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). Determining the descriptiveness of a mark is done in relation to an applicant's goods and/or services, the context in which the mark is being used, and the possible significance the mark would have to the average purchaser because of the manner of its use or intended use. *See In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (citing *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963-64, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); TMEP §1209.01(b). Descriptiveness of a mark is not considered in the abstract. *In re Bayer Aktiengesellschaft*, 488 F.3d at 963-64, 82 USPQ2d at 1831.

"A mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if a mark describes only one significant function, attribute, or property. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see In re Oppedahl & Larson LLP*, 373 F.3d at 1173, 71 USPQ2d at 1371.

The mark is DIGIMOMPRENEUR for marketing and online retail store services and educational services, podcasts, and coaching services. The mark is merely descriptive of the services. DIGI is the abbreviation for "digital" or electronic means and MOMPRENEUR refers to a woman who is a mother and an entrepreneur. Please see the attached definitions. The applicant's services are provided electronically or digitally for mompreneurs.

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001). Others providing the same or similar services would require the use of the wording(s) without fear of infringement suit.

Accordingly, the mark is not registrable on the Principal Register.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

### OPTION TO OVERCOME REFUSAL--SUPPLEMENTAL REGISTER

Although an amendment to the Supplemental Register would normally be an appropriate response to this refusal(s), such a response is not appropriate in the present case. The instant application was filed under Trademark Act Section 1(b) and is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use meeting the requirements of 37 C.F.R. §2.76 has been timely filed. 37 C.F.R. §2.47(d); TMEP §§816.02, 1102.03.

If applicant files an acceptable allegation of use and also amends to the Supplemental Register, the application effective filing date will be the date applicant met the minimum filing requirements under 37 C.F.R. §2.76(c) for an amendment to allege use. TMEP §§816.02, 1102.03; *see* 37 C.F.R. §2.75(b). In addition, the undersigned trademark examining attorney will conduct a new search of the USPTO records for conflicting marks based on the later application filing date. TMEP §§206.01, 1102.03.

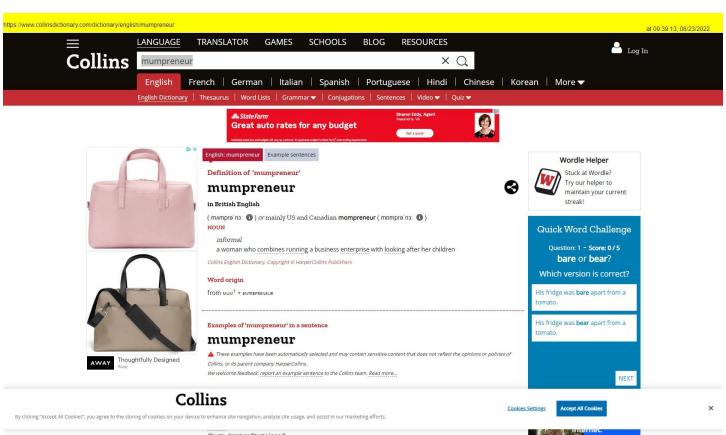
Please note that applications on the Supplemental Register are not subject to opposition under 15 U.S.C. §1063; TMEP § 815. Upon approval of the mark for registration, the record will indicate that the mark has been "Allowed for Supplemental Registration" rather than that the mark has been approved for publication. Marks on the Supplemental Register are not published for opposition, but are issued as **registered marks** on the date that they are printed in the *Official Gazette*. TMEP § 815.

How to respond. Click to file a response to this nonfinal Office action.

/Alex Seong Keam/ Attorney-Advisor U.S. Patent and Trademark Office Law Office 114 (571) 272-9176 alex.keam@uspto.gov

# RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> 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.



TIMES, SUNDAY TIMES (2008)







What's the difference between boot and trunk?

mumpishly mumpishness mumpreneur

mumps mumpsimus mumsier

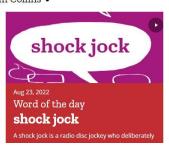
All ENGLISH words that begin with 'M'

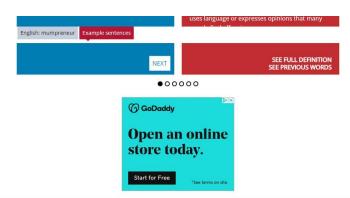
#### Sourc

Definition of mumpreneur from the Collins English Dictionary Read about the team of authors behind Collins Dictionaries.

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https://en.wikipedia.org/wiki/Mompreneur at 09:39:33, 08/23/2022



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#### From Wikipedia, the free encyclopedia

Mompreneur

This article is about the catchphrase. For a full discussion of the social, economic, and political phenomena to which the phrase refers, see Work at home parent.

A mompreneur is a female business owner who actively balances the roles of mother and of entrepreneur. [1] The term was introduced in about 1994. [2]

The term has a dedicated section on Entrepreneur magazine's website [3] There is also a Canadian magazine devoted to the topic, The MOMpreneur Magazine [4] A 2011 MSNBC article declared the rise of the mompreneur to be a hot topic in the small business sector.<sup>[1]</sup> investopedia adds that "mompreneurs are a relatively new trend in entrepreneurship, and have come to increased prominence in the internet age, with the internet allowing entrepreneurs to sell products out of their homes" rather than relying on foot traffic to brick-and-montar business.[5]

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A 2010 article in U.S. News & World Report tried to dispel the myths about the mompreneur movement, including the belief that an innovative product idea will lead to easy money.[6]

Other examples of mompreneur coverage by major news outlets include the nationally syndicated weekly advice column "Ask the Mompreneur" published by The Charlotte Observer website, the city's largest daily publication.

#### Notable mompreneurs [edit]

- Tina Brown
- Arianna Huffington
- J. K. Rowling
   Jin Sook Chang
- Diane von Fürstenberg Cher Wang
- Zhang Xin
- Julie Aigner-Clark
- Dame Stephanie Shirley

#### See also [edit]

- Working Mother
   Work-life balance

- Notes [edit]
- Oftes [ edit]

  1. \* a \* D\*5 successful "mompreneurs" g. NBC News. Retrieved 2011-06-09.

  2. \* Barban Kay Turner, The Very Best Book of Baby Names. Barkley Publishing Group

  3. \* "Mompreneur Center" g. Entrepreneur Media, Inc. Retrieved 2011-06-09.

  4. \* "The MOMpreneur Magazine" g. Retrieved 2011-06-09.

  5. \* "Investopeda explains Mompreneur" g. Retrieved 2011-06-09.

  6. \* Palmer, Kimberly, "Behind the "Mompreneur" Myth" g. U.S. News & World Report. Retrieved 2011-06-09.

  7. \* Wong, Jennie. "Ask the Mompreneur" g. The Charlotte Observer, Archived from the original g on 2012-04-18. Retrieved 2011-06-09.

- Casserly, Meghan (2011-08-30). "DIY Power Women: The World's Most Powerful Mompreneurs" @. Forbes. Retrieved 2018-11-20.
- Druxman, Lisa (2006-09-01). "Famous Mompreneurs Speak Out!" . Entrepreneur. Retrieved 2018-11-20.

This parenting article is a stub. You can help Wikipedia by expanding it.

Categories: Entrepreneurship | Motherhood | Family stubs

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at 09:40:57, 08/23/2022

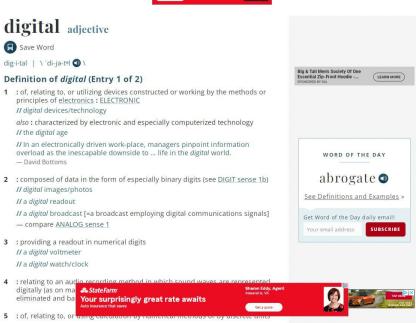
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**6** : of or relating to the fingers or toes // digital dexterity ×

7 : done with a finger

// a digital rectal examination

### digital noun

plural digitals

#### Definition of digital (Entry 2 of 2)

1 a : media (such as a photograph) in a digital format

// This writer spent a frightfully snowy day stumbling around a snow-covered lawn among the downpour of snowflake clusters. Something black and cold became an impromptu netting device to capture digitals of individual snowflakes.

- Alan Daugherty
- **b** : digital media as an industry or sector of an industry

 $\emph{II}$  ... radio advertising was up 6.8%, TV advertising was up 9.4%, and  $\emph{digital}$  was up 16.8%.

- News Bites US Markets
- 2 : something (such as a device) characterized or operated by digital technology // Unlike analog quartz watches, which had a conventional dial and hands, digitals were totally electronic, with no moving parts at all.

// The analog thermometers usually register from 0°F to 220°F and cost about \$12; the *digitals* register from -58°F to 302°F and go for around \$15.

— Dorie Greenspan

- 3 : a finger or toe

// ... critical ischemia of the digitals of upper and lower limbs ...

— Nadjib Schahab et al.

also: an artery or nerve that supplies the fingers or toes

 ${\it II}$  ... the doctor reported that ulnar palmar and radial palmar  $\it digitals'$  decreased sensation had a maximum upper extremity impairment of 9 percent ...

— US Fed News







- ↓ Other Words from digital
- ↓ More Example Sentences
- ↓ Phrases Containing digital
- ↓ Learn More About digital

#### Other Words from digital

Adjective digitally \'di-jə-təl-ē 🜒 \ adverb



#### Examples of digital in a Sentence

#### Adjective

 ${\it II}$  You can transfer  ${\it digital}$  images from your camera to your computer.

// a digital recording of a sound

 ${\it II}$  In this new  ${\it digital}$  age, computers and the Internet are part of our everyday lives.

#### Recent Examples on the Web: Adjective

// New York-10: Nuestro PAC is spending \$500,000 on new TV and *digital* ads in English and Spanish to boost New York City Councilmember Carlina Rivera.

— Ben Kamisar, *NBC News*, 19 Aug. 2022

// Finally Enough Love: 50 Number Ones are now available on streaming services, and both digital and physical copies are available on Madonna's website along with a brand-new merchandise collection.

— lack Irvin, Peoplemag. 19 Aug. 2022

//The film will have a limited theatrical and digital release this December.
— Brent Lang, Variety, 19 Aug. 2022

#### See More v

These example sentences are selected automatically from various online news sources to reflect current usage of the world 'digital: 'Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

#### Phrases Containing digital

asymmetrical digital subscriber line asymmetric digital subscriber line

digital blackface

digital camera digital nomad digital subscriber line

personal digital assistant digital video disc

digital versatile disc

See More v

### First Known Use of digital

#### Adjective

15th century, in the meaning defined at sense 5

#### Noun

1822, in the meaning defined at sense 3



History and Etymology for digital



Our Reviews team has selected the <u>best 4K monitors</u>.

# Learn More About digital

# Share digital





#### Time Traveler for digital

The first known use of digital was in the 15th century

See more words from the same century

#### From the Editors at Merriam-Webster



'Whole Milk', 'British English', and 16 More Retronyms

New(er) words for old things



How 'Punk Rock' Got Its Name Top 10 Words of the '70s

#### Dictionary Entries Near digital

digital

digital blackface

See More Nearby Entries 🏵

#### Statistics for digital

Last Updated 23 Aug 2022

Look-up Popularity Top 1% of words

#### Cite this Entry

"Digital." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriamwebster.com/dictionary/digital. Accessed 23 Aug. 2022.



### Seen & Heard



### What made you look up this word?





# More Definitions for digital

### digital adjective

dig·i·tal | \ 'di-jə-təl 🕥 \

#### Kids Definition of digital

- 1 : relating to or using calculation directly with digits rather than through measurable physical quantities
- 2 : of or relating to data in the form of numerical digits

  " digital images

  " digital broadcasting
- 3 : providing displayed or recorded information in numerical digits from an automatic device

  // a digital watch

#### Other Words from digital

digitally \-tel-ē\ adverb

# digital adjective

### Medical Definition of digital (Entry 1 of 2)

1 + of relating to or cumplying one or more fingers or toes

- . or, relating to, or supplying one or more imgers or toes // a digital branch of an artery

2 : done with a finger sensation nag a maximum upper extremity impairment of 9 percent ... — US Fed News

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Nglish: Translation of digital for Spanish Speakers Britannica English: Translation of digital for Arabic Speakers

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#### WORDS AT PLAY



'Dunderhead' and Other 'Nicer' Ways to Say Stupid



10 Words from Place



'Pride': The Word That Went From Vice to Strength



When Were Words First Used?

ASK THE EDITORS









#### Literally

How to use a word that (literally) drives some pe...



We're intent on clearing it up



Editor Emily Brewster clarifies the difference.

#### Hot Mess

"The public is a hot mess"

#### WORD GAMES



What Are You Wearing?
Roll up your sleeves and identify these garments
TAKE THE QUIZ >

TAKE THE QUIZ >



Name That Animal:
Volume 2

Can you tell a meerkat from a wombat?
TAKE THE QUIZ >

a wombat?

OTHER MERRIAM-WEBSTER DICTIONARIES
MERRIAM-WEBSTER'S UNABRIDGED DICTIONARY
SCRABBLE'S WORD FINDER
MERRIAM-WEBSTER DICTIONARY API

NGLISH - SPANISH-ENGLISH TRANSLATION BRITANNICA ENGLISH - ARABIC TRANSLATION



#### Spell It

Can you spell these 10 commonly misspelled TAKE THE QUIZ >

TAKE THE QUIZ >



#### Spelling Bee Quiz

Can you outdo past winners of the National Spelli...
TAKE THE QUIZ >

TAKE THE QUIZ >



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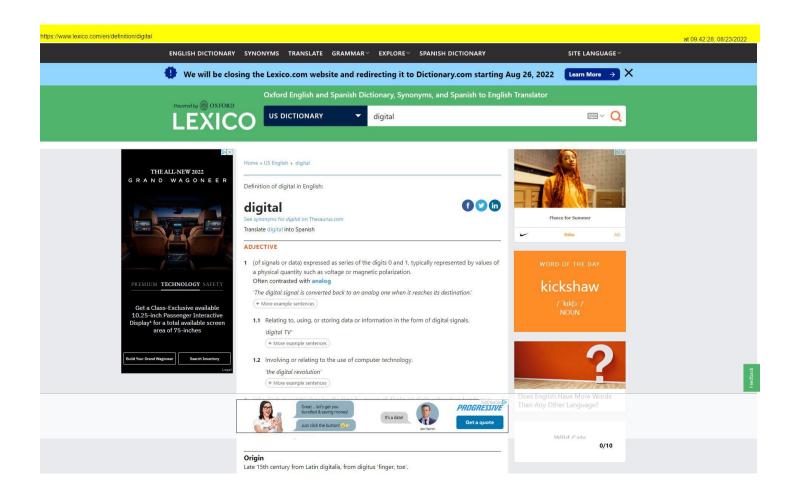






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# **United States Patent and Trademark Office (USPTO)**

# USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued on August 23, 2022 for U.S. Trademark Application Serial No. 97120291

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 <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

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

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> 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: Alex Keam

Statistics for Case 97120291						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120291[sn]	1	0	1	1	0:00
2	$\label{eq:continuous} $$ d{"iy"}{"gj"}{"iy"}$ mompreneur*[bi,ti] and live[ld]$	1	0	1	1	0:00
3	$d{"iy"}{"gj"}{"iy"}$mompren*[bi,ti] and live [ld]$	1	0	1	1	0:00
4	*d{"iy"}{"gj"}{"iy"}\$mompre*[bi,ti] and live[ld]	1	0	1	1	0:01
5	*d{"iy"}{"gj"}{"iy"}\$mompr*[bi,ti] and live[l d]	1	0	1	1	0:00
6	*d{"iy"}{"gj"}{"iy"}\$momp*[bi,ti] and live[l d]	1	0	1	1	0:00
7	*d{"iy"}{"gj"}{"iy"}\$mom*[bi,ti] and live[ld]	1	0	1	1	0:00
8	*d{"iy"}{"gj"}{"iy"}*[bi,ti] and live[ld]	6022	0	0	0	0:01
9	*mom*[bi,ti] and live[ld]	6338	0	0	0	0:01
10	*mompreneur*[bi,ti] and live[ld]	20	0	20	20	0:01
11	8 and 9	2	0	2	2	0:01
12	8 and "035"[cc]	4099	0	0	0	0:01
13	8 and ("035" or "a" or "b" or "200")[ic]	1520	0	24	24	0:02
14	8 and ("041" or "a" or "b" or "200")[ic]	987	0	30	30	0:02
15	9 and "035"[cc]	3112	0	0	0	0:00
16	9 and ("035" or "a" or "b" or "200")[ic]	918	0	0	0	0:01
17	9 and ("041" or "a" or "b" or "200")[ic]	1465	0	0	0	0:01
18	9 and ("042" or "a" or "b" or "200")[ic]	330	0	38	38	0:02

Session started 08/23/2022 9:38 am
Session ended 08/23/2022 10:02 am
Total search duration 14.00
Session duration 23 minutes 16 seconds
Adjacency Level 1
Near Level 1