

To: Shay M Lawson(shay@lawsonmckinley.com)
Subject: U.S. Trademark Application Serial No. 97119971 - KING MATTA
Sent: August 25, 2022 01:55:45 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. 97119971

Mark: KING MATTA

Correspondence Address:

SHAY M LAWSON
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SUITE 530-211
ROSWELL GA 30076 UNITED STATES

Applicant: Beyond the Limits LLC

Reference/Docket No. N/A

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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 25, 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.

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:

- Written Consent - Name of Individual
- Identification of Goods and/or Services

Written Consent - Clarification

In the application as filed, the applicant provides a written consent that consents to the use and registration of applicant's professional name "for the goods in the application." However, it appears that the identification may also include services that applicant seeks to register. *If applicant is providing services, then a new written consent must be submitted.*

To register a mark that consists of or comprises the name of a particular living individual, including a first name, pseudonym, stage name, or nickname, an applicant must provide a written consent personally signed by the named individual. 15 U.S.C. §1052(c); TMEP §§813, 1206.04(a).

The applicant may use the following in submitting a new consent:

(1) A **written consent**, personally signed by the named individual(s), as follows:
“I, Matthew Bell, consent to the use and registration of my name, KING MATTA, as a trademark and/or service mark with the USPTO.”

For an overview of the requirements for names appearing in marks, and instructions on how to satisfy this requirement using the online Trademark Electronic Application System (TEAS) response form, see the [Name/Portrait/Signature of Particular Living Individual in Mark webpage](#).

Applicant has a duty to respond directly and completely to this requirement for information. *See In re Ocean Tech., Inc.*, 2019 USPQ2d 450686, at *2 (TTAB 2019) (citing *In re AOP LLC*, 107 USPQ2d 1644, 1651 (TTAB 2013)); TMEP §814. Failure to comply with a requirement for information is an independent ground for refusing registration. *In re SICPA Holding SA*, 2021 USPQ2d 613, at *6 (TTAB 2021) (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814).

Identification of Goods and/or Services - Clarification Required - Class 009

Applicant must clarify the wording “Entertainment services in the nature of online musical performances by a professional entertainer, namely a musical artist; Entertainment services in the nature of non-downloadable musical performances by a professional entertainer, namely a musical artist” in the identification of goods and/or services in International Class 009 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear what the goods and/or services are. Further, this wording could identify goods and/or services in more than one international class. For example, digital music downloadable

from the Internet is in International Class 009 and entertainment services in the nature of live musical performances are in International Class 041.

Applicant may substitute the following wording, if accurate:

*"[insert clarification of "Entertainment services in the nature of online musical performances by a professional entertainer, namely a musical artist," e.g., Digital music downloadable from the Internet featuring musical performances by a musical artist], in **International Class 009**."*

*"Entertainment services in the nature of live musical performances by a professional entertainer, namely a musical artist; [insert clarification of "Entertainment services in the nature of online musical performances by a professional entertainer, namely a musical artist," e.g., Entertainment services in the nature of providing a website featuring non-downloadable audio recordings by a musical artist in the field of musical performances]; Entertainment services in the nature of [insert clarification of "non-downloadable musical performances by a professional entertainer, namely a musical artist," e.g., providing online non-downloadable visual and audio recordings by a musical artist in the field of musical performances], in **International Class 041**."*

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.

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. See TMEP §1402.07(e).

Additional Classes

The application identifies goods and/or services that are classified in at least two (2) classes; however, applicant submitted a fee(s) sufficient for only one (1) class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01. For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

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](#).

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

(2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)).

(3) **Submit verified dates of first use of the mark** anywhere and in commerce for each international class. [See more information about verified dates of use.](#)

(4) **Submit a specimen for each international class.** The current specimen is acceptable for class 041; and applicant needs a specimen for class 009. [See more information about specimens.](#)

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification.](#)

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

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

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 25, 2022 for
U.S. Trademark Application Serial No. 97119971

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: 97119971
Date: 08/25/2022 1:52 pm
Created by: Andrew Rhim

KING MATTA

Searched

- Google
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User: Andrew Rhim

Statistics for Case 97119971						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97119971[sn]	1	0	1	1	0:00
2	"king matta"[bi,ti]	1	0	1	1	0:00
3	*k{v}ng*[bi,ti]	73220	0	0	0	0:01
4	*mat\$1a*[bi,ti]	2121	0	0	0	0:01
5	*m{v}tta*[bi,ti]	513	0	0	0	0:01
6	3 and (4 or 5)	5	3	2	2	0:00
7	5 not dead	182	0	0	0	0:01
8	5 not dead	182	0	182	182	0:00
9	4 and "009"[cc]	813	0	0	0	0:01
10	4 and ("009" or a or b or "200")[ic]	272	0	0	0	0:02
11	4 and ("041" or a or b or "200")[ic]	187	0	0	0	0:01
12	9 not dead	282	0	282	282	0:00
13	12 not 7	266	0	266	266	0:00
14	*k{"iy"}ng*[bi,ti]	69055	0	0	0	0:00
15	k{"iy"}ng*[bi,ti]	23574	0	0	0	0:00
16	k{"iy"}ng[bi,ti]	16263	0	0	0	0:02
17	16 and ("009" or a or b or "200")[ic]	1733	0	0	0	0:02
18	16 and ("041" or a or b or "200")[ic]	1565	0	0	0	0:01
19	17 not dead	753	0	0	0	0:01
20	18 not dead	691	0	0	0	0:01
21	king[fm]	200	0	0	0	0:03
22	21 not dead	67	0	67	67	0:00

Session started 08/25/2022 1:44 pm

Session ended 08/25/2022 1:50 pm

Total search duration 18.00

Session duration 6 minutes 35 seconds

Adjacency Level 1

Near Level 1