

To: Christopher D. Casavale(ip@nelsonmullins.com)
Subject: U.S. Trademark Application Serial No. 97119512 - A
Sent: August 24, 2022 07:31:33 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. 97119512

Mark: A

Correspondence Address:

CHRISTOPHER D. CASAVALE
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IP DEPARTMENT
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CHARLOTTE NC 28202 UNITED STATES

Applicant: ZETA GLOBAL CORP.

Reference/Docket No. N/A

Correspondence Email Address: ip@nelsonmullins.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

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

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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 USPTO DATABASE OF MARKS (Advisory)

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.

Applicant must respond to the requirement(s) set forth below.

DESCRIPTION WITH COLOR REQUIRED

Although applicant submitted a drawing showing the mark in color with a color claim, applicant did not provide the required description that specifies where each color appears in the literal and design elements in the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(ii). Therefore, applicant must provide this description. *See* TMEP §807.07(a)(ii).

Generic color names must be used to describe the colors in the mark, e.g., red, yellow, blue. TMEP §807.07(a)(i)-(ii). If black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark, applicant must so specify in the description. *See* TMEP §807.07(d).

The following description is suggested, if accurate: **"The mark consists of a white stylized letter "A" inside a red square with shades of red."**

IDENTIFICATION AND CLASSIFICATION

Applicant has provided the following identification and classification of goods and/ or services in its application:

International Class 041: Publishing of electronic publications; Providing a website featuring blogs and non-downloadable publications in the nature of articles and newsletters in the fields of news and current events; **Providing an Internet website portal featuring news and current events**; Publication of editorial content accessible via a global computer network

The wording shown above in bolded text in the identification of services is unacceptable as indefinite because it is too broad and could include services in other international classes, specifically, "Providing an Internet website portal featuring news and current events" must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. The subject matter of the information being provided determines classification of these services. TMEP §1402.11(a)(ii). For example, "Providing an Internet website portal featuring business news" is classified in International Class 35; "Providing an

Internet website portal featuring financial news" is classified in International Class 36. Applicant must amend the identification to specify the common commercial or generic name of the services. See TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. See *id.*

Applicant may adopt the following identification, if accurate:

- Publishing of electronic publications; Providing a website featuring blogs and non-downloadable publications in the nature of articles and newsletters in the fields of news and current events; **Providing an Internet website portal featuring news about current events** ; Publication of editorial content accessible via a global computer network (INT. CLASS 41)

Scope Advisory: 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.

MULTIPLE – CLASS APPLICATION REQUIREMENTS -- Requirements for a Combined Application under Trademark Act Section 1(a)

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](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (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(es) 41**. Applicant must submit additional specimens if other classes are added to the application. [See more information about specimens.](#)

Examples of specimens. 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 multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

CLOSING

To expedite prosecution of this application, if the mark description and suggested identification is acceptable to applicant, then applicant may phone or e-mail the undersigned attorney to resolve the outstanding issues in this Office action by examiner's amendment, instead of submitting a written response. 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.

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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. 97119512

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: Benji Paradowelai

| Statistics for Case 97119512 | | | | | | |
|---------------------------------|---|----------------|---------------|---------------------|-----------------------|---------------------------|
| # | Search | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/Search Duration |
| 1 | 97119512[sn] | 1 | 0 | 0 | 0 | 0:00 |
| 2 | "Publication of editorial content accessible"[gs] | 9 | 1 | 5 | 5 | 0:01 |

Session started 08/24/2022 7:03 pm

Session ended 08/24/2022 7:30 pm

Total search duration 1.00

Session duration 26 minutes 40 seconds

Adjacency Level 1

Near Level 1

User: Benji Paradowelai

| Statistics for Case 97119512 | | | | | | |
|---------------------------------|---|----------------|---------------|---------------------|-----------------------|---------------------------|
| # | Search | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/Search Duration |
| 1 | 97119512[sn] | 1 | 0 | 1 | 1 | 0:00 |
| 2 | "A"[fm] and live[ld] | 3121 | 0 | 0 | 0 | 0:01 |
| 3 | "041"[cc] | 4086651 | 0 | 0 | 0 | 0:05 |
| 4 | 2 and 3 | 1715 | 0 | 0 | 0 | 0:01 |
| 5 | ("041" "200" "a" "b")[ic] and live[ld] | 467976 | 0 | 0 | 0 | 0:02 |
| 6 | 4 and 5 | 438 | 0 | 5 | 438 | 0:03 |
| 7 | ("1" "4")[md] and 6 | 3 | 0 | 3 | 3 | 0:01 |
| 8 | (publication\$ article newsletter\$ news current)[gs] and 2 | 191 | 0 | 1 | 191 | 0:02 |

Session started 08/24/2022 2:49 pm

Session ended 08/24/2022 3:07 pm

Total search duration 15.00

Session duration 17 minutes 8 seconds

Adjacency Level 1

Near Level 1