

**To:** Adedamola Ito Fakunle([dfakunle@damolalegal.com](mailto:dfakunle@damolalegal.com))  
**Subject:** U.S. Trademark Application Serial No. 97119553 - PCGPCYE  
**Sent:** August 26, 2022 10:22:38 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[screenshot-www-merriam-webster-com-dictionary-china-16614633495201](#)

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

**U.S. Application Serial No.** 97119553

**Mark:** PCGPCYE

**Correspondence Address:**

ADEDAMOLA ITORO FAKUNLE  
12234 SHADOW CREEK PKWY BLDG 5 UNIT 110  
PEARLAND TX 77584 UNITED STATES

**Applicant:** Dongguan Pengshuo Plastic Hardware Products Co., Ltd.

**Reference/Docket No.** N/A

**Correspondence Email Address:** [dfakunle@damolalegal.com](mailto:dfakunle@damolalegal.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 26, 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.

**SUMMARY OF ISSUES:**

- Specimen

## **SPECIMEN**

**Specimen does not show use of the mark in commerce.** Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in International Class 021. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Specifically, the specimen shows use of the mark in commerce in association with ornaments made of red rope. However, the ornaments specified in the identification of goods are "china ornaments," or ornaments made from china (please see the attached definition of "china"). As a result, the specimen does not depict use of the applied-for mark in commerce in connection with any of the identified goods in the application. Therefore, the specimen does not show acceptable use of the mark in commerce.

**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). 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).

**Response options.** Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

(1) Submit a different specimen (a verified [“substitute” specimen](#)) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these

options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

## RESPONSE GUIDELINES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

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

/Shana McNamara/  
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shana.mcnamara@uspto.gov

## 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.

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china

Dictionary Thesaurus

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Still Over to Expect?

# china noun

Save Word

chī-nā | \ˈchī-nā\

## Definition of *china*

1 : PORCELAIN

also : vitreous porcelain wares (such as dishes, vases, or ornaments) for domestic use

2 : earthenware or porcelain tableware



↓ Example Sentences

↓ Phrases Containing *china*

↓ Learn More About *china*

Stay at-the-ready when you're on-the-go with

Digital Wallets Helping to make it easier to pay on-the-go. PNC BANK

## WORD OF THE DAY

# overwhelm

[See Definitions and Examples »](#)

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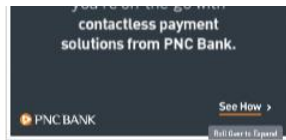
Digital Wallets Helping to make it easier to pay on-the-go. PNC BANK

## TEST YOUR VOCABULARY

The Great British Vocabulary Quiz



Named after Sir Robert Peel, what are British police called?



## Examples of *china* in a Sentence

// She uses her good *china* when she has company for dinner.

### Recent Examples on the Web

// Those looking to go cottagecore at home can shop teas by Palais des Thes, cocktail napkins from Kim Seybert, fine *china* by Juliksa, bedding by Sky, colorful party supplies by Meri Meri and more.

— Danielle Directo-meston, *The Hollywood Reporter*, 10 Mar. 2022

// The tea and small bites are served on Christian Lacroix *china*, a pattern with butterflies, the store's longtime signature symbol.

— Maria Halkias, *Dallas News*, 5 Mar. 2020

// In the bottom of a *china* cabinet, behind some plates, the officers found a semiautomatic handgun that had been bought in pieces and assembled into a working weapon.

— *BostonGlobe.com*, 20 Oct. 2019

[See More](#) ▾

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'china.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

## Phrases Containing *china*

[a bull in a china shop](#)    [bone china](#)    [china closet](#)  
[china clay](#)    [ironstone china](#)    [stone china](#)

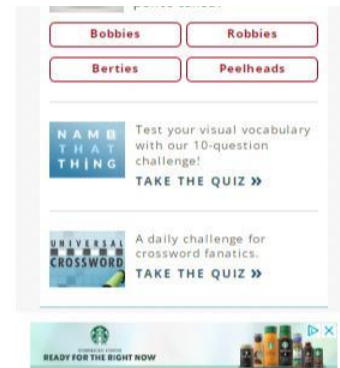
## First Known Use of *china*

1579, in the meaning defined at [sense 1](#)



## History and Etymology for *china*

Persian *chīnī* Chinese porcelain



# Learn More About china

### Share china



### Time Traveler for china

**T** The first known use of *china* was in 1579

[See more words from the same year](#)

### Dictionary Entries Near china

[chin](#)  
[china](#)  
[China](#)

### Statistics for china

**Look-up Popularity**  
Top 5% of words

[See More Nearby Entries](#)

### Cite this Entry

"China." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/china>. Accessed 25 Aug. 2022.

Style: [MLA](#)

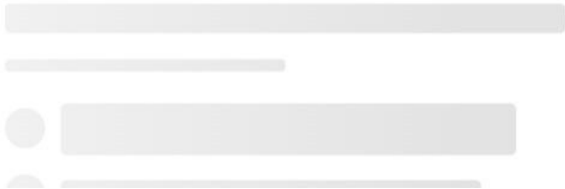
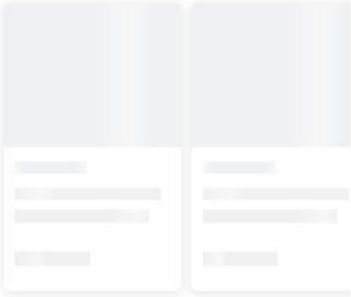
## Seen & Heard

People are talking about



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## More Definitions for *china*

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### **china** noun

chī-nā | \ ˈchī-nə  \

#### Kids Definition of *china*

**1** : PORCELAIN

**2** : dishes of pottery or porcelain for use as tableware

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### **China** geographical name

Chī-nā | \ ˈchī-nə  \

variants: *or officially* **People's Republic of China**

#### Definition of *China*

country of eastern Asia bordering on the Pacific; the most populous country in the world; a republic whose capital is Beijing *area* 3,705,407 square miles (9,596,960 square kilometers), *population* 1,384,689,000

— see also [CHINESE](#)

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#### More from Merriam-Webster on *china*

Thesaurus: All synonyms and antonyms for *china*

Nglish: Translation of *china* for Spanish Speakers

Britannica English: Translation of *china* for Arabic Speakers

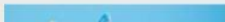
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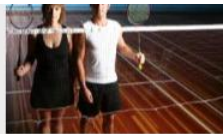






### 'Dunderhead' and Other 'Nicer' Ways to Say Stupid

As illustrated by some very smart pups



### 10 Words from Place Names

Bikini, bourbon, and badminton were places first



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

Do you take pride in Pride?



### When Were Words First Used?

Look up any year to find out

#### ASK THE EDITORS



### Literally

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



### 'All Intensive Purposes' or 'All Intents and Purposes'?

We're intent on clearing it up



### Lay vs. Lie

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 >](#)



### Name That Animal: Volume 2

Can you tell a meerkat from a wombat?

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### Name That Thing

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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 26, 2022 for  
**U.S. Trademark Application Serial No. 97119553**

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.

Statistics for Case 97119553						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	("p c g p c y e" "p c g p c ye" "p c g p cy e" "p c g p cye" "p c g pc y e" "p c g pc ye" "p c g pcy e" "p c g pcye" "p c gp c y e" "p c gp c ye" "p c gp cy e" "p c gp cye" "p c gpc y e" "p c gpc ye" "p c gpcy e" "p c gpcye")[bi,ti] not dead[ld]	0	0	0	0	0:02
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7	(*pcg*[bi,ti] not dead[ld]) and (*p\${"iey"}*[bi,ti] not dead[ld])	8	0	0	0	T/0:27
8	(*pcg*[bi,ti] not dead[ld]) and (*pc{"iey"}*[bi,ti] not dead[ld])	1	0	1	1	0:00
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Session started 08/26/2022 9:25 am

Session ended 08/26/2022 10:01 am

Total search duration 0.00

Session duration 35 minutes 10 seconds

Adjacency Level 1

## Near Level 1