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

U.S. Application Serial No. 97120488

Mark: 150 DAYS

Correspondence Address:
LIANG, DAWEN
12044 SLATER AVE NE N12
KIRKLAND WA 98034 UNITED STATES

Applicant: Liang, Dawen

Reference/Docket No. N/A

Correspondence Email Address: dawendbd@me.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 25, 2022

INTRODUCTION

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 OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

REQUIREMENT - CLASSIFCATION AND IDENTIFICATION OF GOODS

The goods "Tonic Chicken soup" are classified incorrectly. Applicant must amend the application to classify the goods in International Class 29. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b). The suggested amendment below rearranges the wording to read as "chicken tonic soup."

Applicant must clarify the wording "chicken related products" in the identification of goods in International Class 43 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 are. Further, this wording could identify goods and/or services in more than one international class. For example, chicken and chicken stock are in International Class 29 while chicken wing sauce and chicken salad are in International Class 30. For additional assistance with identifying and classifying chicken related products, please please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

Applicant should note that any wording in **bold**, in *italics*, underlined and/or in ALL CAPS below offers guidance and/or shows the changes being proposed for the identification of goods and/or services. If there is wording in the applicant's version of the identification of goods and/or services which should be removed, it will be shown with a line through it such as this: ~~strikethrough~~. When making its amendments, applicant should enter them in standard font, not in **bold**, in *italics*, underlined or in ALL CAPS.

Applicant may substitute the following wording, if accurate:

Class **29**: **Chicken tonic soup; chicken related products, namely, ___** {*indicate particular goods belonging in International Class 29, e.g., chicken, chicken stock*}

Class **30**: **Chicken related products, namely, ___** {*indicate particular goods belonging in International Class 30, e.g., chicken wing sauce, chicken salad*}

See TMEP §§1402.01, 1402.03.

An applicant may only amend an identification to clarify or limit the goods, but not to add to or broaden the scope of the goods. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Generally, any deleted goods may not later be reinserted. *See* TMEP §1402.07(e).

Advisory – Multiple Class Application

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 fee(s) already paid (view the USPTO's current fee schedule). The application identifies goods and/or services that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). 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.

CONCLUSION

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Action" for more information and tips on responding.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

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

/Stefan Oehrlein/
Trademark Examining Attorney
Law Office 115
(571) 272-1308
stefan.oehrlein@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.

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. 97120488

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.

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	97120488[SN]
02	5	2	2	2	0:01	(Liang AND Dawen)[OW]
03	3674568	N/A	0	0	0:02	("029" "030")[CC]
04	247166	N/A	0	0	0:02	("029")[IC] ("a" "B" "200")[ic]
05	388240	N/A	0	0	0:02	("030")[IC] ("a" "B" "200")[ic]
06	1195551	N/A	0	0	0:02	"035"[IC]("a" "B" "200")[ic]
07	263	N/A	0	0	0:03	("1 5 0" "1 50" "15 0" *150*)[bi,ti] not dead[ld]
08	8	0	8	8	0:02	((*D{"A"}{"aeiy"0:1}{"G"0:1}{"h"0:1}* *D{"e"}{"iyah"}{"G"0:1}{"h"0:1}*)[bi,ti] not dead[ld]) AND 7
09	3	0	3	3	0:01	(4 AND 7)
10	10	0	10	10	0:02	(5 AND 7) NOT (9)
11	53	0	26	53	0:01	(3 AND 7) NOT (9 10)
12	0	0	0	0	0:01	(5 AND 7) NOT (9 10)
13	15	0	15	15	0:01	(6 AND 7) NOT (9 10)
14	38	0	11	38	0:01	(3 AND 7) NOT (9 10 13)
15	197	0	15	197	0:01	7 NOT (9 10 13 14)
16	113194	N/A	0	1	0:02	(*1* *ONE* *W{"UO"}{"u"0:1}N*)[bi,ti] not dead[ld]
17	6418	N/A	0	0	0:02	(*50* *F{"IY"}{"iy"0:1}FT{"iye"}* *PH{"IY"}{"iy"0:1}FT{"iye"}* *F{"IY"}{"iy"0:1}PHT{"iye"}* *PH{"IY"}{"iy"0:1}PHT{"iye"}*)[bi,ti] not dead[ld]
18	2723	N/A	0	0	0:01	16 AND 17
19	194	0	20	194	0:02	((*D{"A"}{"aeiy"0:1}{"G"0:1}{"h"0:1}* *D{"e"}{"iyah"}{"G"0:1}{"h"0:1}*)[bi,ti] not dead[ld]) AND 18
20	959	N/A	0	0	0:02	18 AND (*H{V0:2}ndr{V0:3}d*[bi,ti] not dead[ld])
21	51	0	17	51	0:02	(4 AND 20) NOT (7 19)
22	49	0	11	49	0:01	(5 AND 20) NOT (7 19 21)
23	2516	N/A	0	3	0:02	*days*[bi,ti] not dead[ld]
24	17429	N/A	0	14	0:02	*day*[bi,ti] not dead[ld]
25	52	0	16	52	0:01	(4 AND 23)
26	76	0	25	76	0:01	(5 AND 23) NOT (25)
27	784	N/A	0	0	0:01	(3 AND 23) NOT (25 26)
28	376	0	15	376	0:01	(6 AND 23) NOT (25 26)
29	408	0	15	408	0:02	(3 AND 23) NOT (25 26 28)
30	270	0	19	270	0:01	(3 AND 20) NOT (7 19 21 22)
31	278	0	14	278	0:01	(4 AND 24) NOT (25 26 28 29)
32	446	0	16	446	0:01	(5 AND 24) NOT (25 26 28 29 31)
33	1209	N/A	0	0	0:01	((4 5) AND (*Da{"EIY"}*[bi,ti] not dead[ld])) NOT (25 26 28 29 31)
34	507	0	33	507	0:01	((4 5) AND (*Da{"EIY"}{"SZ"0:1}[bi,ti] not dead[ld])) NOT (25 26 28 29 31)
35	87	0	17	87	0:02	((4 5) AND (*Da{"EIY"}{"SZ"0:1}[bi,ti] not dead[ld])) NOT (25 26 28 29 31 32)
36	676	0	17	676	0:01	((4 5) AND (*Da{"EIY"}*[bi,ti] not dead[ld])) NOT (25 26 28 29 31 32 35)
37	704	N/A	0	0	0:01	(3 AND 18) NOT (7 19 21 22 30)
38	365	0	18	365	0:01	((4 5 6) AND 18) NOT (7 19 21 22 30)
39	7790	N/A	0	0	0:02	chicken$[gs] not dead[ld]
40	21281	N/A	0	0	0:01	(*5* *ph{"IY"1:2}{"E"0:1}V* *f{"IY"1:2}{"E"0:1}V*)[bi,ti] not dead[ld]
41	39812	N/A	0	0	0:02	(*0* *{"SZ"}{"C"0:1}{"i"0:1}{"E"1:3}{"iyeah"0:1}ro* *{"SZ"}{"C"0:1}{"E"1:2}{"IY"1:2}{"iye"0:2}ro* *{"SZ"}{"C"0:1}{"E"0:2}{"IY"1:2}{"iye"1:2}ro*)[bi,ti] not dead[ld]
42	2157	N/A	0	0	0:01	16 and 40 and 41
43	210	0	15	210	0:01	((4 5 6) AND 42) NOT (7 19 21 22 30 38)
44	59	0	10	59	0:01	39 and (42 18 24)

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Session finished 8/25/2022 2:07:49 PM

Total search duration 1 minutes 3 seconds

Session duration 24 minutes 12 seconds

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