

**To:** Maren C. Perry([nytrademarks@kslaw.com](mailto:nytrademarks@kslaw.com))  
**Subject:** U.S. Trademark Application Serial No. 97118809 - LOL AUDIO  
**Sent:** August 24, 2022 11:07:02 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[screenshot-www-merriam-webster-com-dictionary-audio-16613943895091](#)

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

**U.S. Application Serial No.** 97118809

**Mark:** LOL AUDIO

**Correspondence Address:**

Maren C. Perry  
King & Spalding LLP  
1185 Avenue of the Americas  
New York NY 10036 UNITED STATES

**Applicant:** HARTBEAT, LLC

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

**Correspondence Email Address:** [nytrademarks@kslaw.com](mailto:nytrademarks@kslaw.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

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**

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.

## **DISCLAIMER REQUIRED**

Applicant must disclaim the wording “AUDIO” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from The Merriam-Webster Dictionary shows this wording means "b: relating to or used in the transmission or reception of sound c: of, relating to, or utilizing recorded sound."

Thus, the wording merely describes applicant’s services because it describes the function of the applicant's services, namely, the transmission or reception of sound or utilizing sound. Specifically, the applicant's services relate to transmission of sound through internet, audio books, and radio broadcasts.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “AUDIO” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

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

/R.M. Herrera/  
Roselle M. Herrera  
(571) 272-1909  
roselle.herrera@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.



SINCE 1



SINCE 1828

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audio

x

Q

Dictionary

Thesaurus

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# audio adjective

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Word

au·di·o | \ ˈɑ-dē-ō \

## Definition of *audio* (Entry 1 of 3)

- 1 : of or relating to acoustic, mechanical, or electrical frequencies corresponding to normally audible sound waves which are of frequencies approximately from 15 to 20,000 hertz
- 2
  - a : of or relating to sound or its reproduction and especially high-fidelity reproduction
  - b : relating to or used in the transmission or reception of sound — compare VIDEO
  - c : of, relating to, or utilizing recorded sound

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**WORD OF THE DAY**

**glitch**

[See Definitions and Examples »](#)



1 : an  
brod ntrv 1

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OLD ENOUGH TO DRINK? **BAC/LIMITVA**

[GET A SAFE RIDE HOME »](#)

**amv** NEW FOR 2022

**SAFER DRIVING**

- 2 : the section of television or motion-picture equipment that deals with sound
- 3 : the transmission, reception, or reproduction of sound

audio- combining form

Definition of *audio*- (Entry 3 of 3)

- 1 : hearing  
// *audiometer*
- 2 : sound  
// *audiophile*
- 3 : auditory and  
// *audiovisual*







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- ↓ Example Sentences
- ↓ Phrases Containing *audio*
- ↓ Learn More About *audio*



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Example in a Sentence

Adjective

- // The *audio* portion of the broadcast was fine but the picture was poor.
- // They listened to an *audio* recording of the speech.

Noun

- // The picture was clear but the *audio* was very poor.

Recent Examples on the Web: Adjective

- // Burrell was accused of stealing the box, which also contained letters from Prince Philip, *audio* tapes and a resignation letter from Diana's former secretary Patrick Jephson.  
— Jessica Sager, *Peoplemag*, 12 Aug. 2022
- // House wants to become a singer and is interested in *audio* engineering.  
— Roxanne De La Rosa, *The Arizona Republic*, 12 Aug. 2022
- // The vehicles were manufactured without an Audio Amplifier Module (AAM), and therefore will not provide *audio* safety features, such as seat belt reminders, turn signal sounds, and Advanced Driver Assistance System (ADAS) warnings.  
— *Detroit Free Press*, 12 Aug. 2022



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These examples were selected automatically from various online sources.  
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### Phrases Containing *audio*

[audio-lingual](#) [audio-animatronic](#)

### First Known Use of *audio*

#### Adjective

1907, in the meaning defined at [sense 1](#)

#### Noun

1926, in the meaning defined at [sense 1](#)

T.Rowe Price

by investing in equity



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### History and Etymology for *audio*

#### Adjective

independent use of AUDIO- as adjective

#### Noun

derivative of [AUDIO entry 1](#), or by shortening of words formed with AUDIO- (as



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audio-signal)

Combining form

Latin *audire* "to hear" + -O- — more at [AUDIBLE](#) entry 1

NOTE: Probably first in [AUDIOMETER](#)—see etymology note there.

Buying Guide

Our Reviews team has selected the [best headphones](#).

Learn More About *audio*

Share *audio*



Time Traveler for *audio*

 The first known use of *audio* was in 1907


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

Dictionary Entries Near *audio*

auding

**audio**

audio-

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Statistics for *audio*

Last Updated

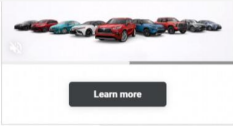
17 Aug 2022

Look-up Popularity

Top 2% of words

Cite this Entry

"Audio." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam->





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Danny Saputra Nst

· 30 September, 2014

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Jonathan Souza


· 16 June, 2020

...

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## More Definitions for *audio*

### audio adjective

au·dio | \ ˈɑ-dē-ō \


#### Kids Definition of *audio* (Entry 1 of 2)

- 1 : of or relating to sound or its reproduction
- 2 : relating to or used in the transmitting or receiving of sound (as in radio or television)

### audio noun

#### Kids Definition of *audio* (Entry 2 of 2)

- 1 : the transmitting, receiving, or reproducing of sound
- 2 : the section of television equipment that deals with sound



Learn more

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

Nglish: Translation of *audio* for Spanish Speakers

Britannica English: Translation of *audio* for Arabic Speakers

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MERRIAM-WEBSTER UNABRIDGED

#### WORDS AT PLAY



#### '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



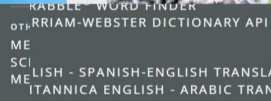
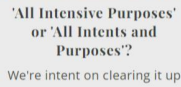
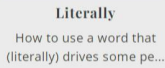
#### 'Pride': The Word That Went From Vice to Strength

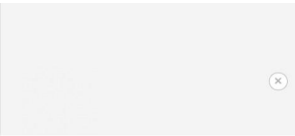
Do you take pride in Pride?



#### When Were Words First Used?

Look up any year to find out





## 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. 97118809**

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: Roselle Herrera

Statistics for Case 97118809						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97118809[sn]	1	0	0	0	0:00
2	("l o l" "l ol" "lo l" *lol* )[bi,ti] not dead[ld]	1697	0	0	0	0:01
3	2 and "041"[cc]	405	0	405	405	0:01
4	"laugh out loud"[bi,ti] not dead[ld]	37	0	37	37	0:01
5	"laff out loud"[bi,ti] not dead[ld]	0	0	0	0	0:00
6	(*laugh* *laf* )[bi,ti] not dead[ld]	1839	0	0	0	0:01
7	*audio*[bi,ti] not dead[ld]	1913	0	0	0	0:01
8	(2 4 6) and 7	2	0	2	2	0:00

Session started 08/24/2022 8:35 pm

Session ended 08/24/2022 10:23 pm

Total search duration 5.00

Session duration 1 hours 48 minutes 8 seconds

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