

**To:** Carlos M. Carvajal([carlos@cmcesq.com](mailto:carlos@cmcesq.com))  
**Subject:** U.S. Trademark Application Serial No. 97118522 - SMOKING LUXURY  
**Sent:** August 22, 2022 10:23:29 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

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

**U.S. Application Serial No.** 97118522

**Mark:** SMOKING LUXURY

**Correspondence Address:**

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NEW YORK NY 10119 UNITED STATES

**Applicant:** Leo Plourde

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

**Correspondence Email Address:** [carlos@cmcesq.com](mailto:carlos@cmcesq.com)

**COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION  
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 22, 2022

**PRIORITY ACTION**

**USPTO database searched; no conflicting marks found.** 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 address issues shown below.** On August 22, 2022, the examining attorney and Carlos Carvajal discussed the issues below. Applicant must timely respond to these issues. *See* 15 U.S.C. §1062(b); 37 C.F.R. §2.62(a); TMEP §708.05.

### **Drawing of the Mark Requirement—On a White Background**

The applicant is required to submit a new drawing of the mark on a white background. A “special form drawing” of a mark includes or consists of special characteristics such as elements of design or color, style(s) of lettering, and unusual symbols and forms of punctuation. TMEP §807.04(a). The requirements for a special form drawing are as follows:

- (1) Shows the mark in black on a white background.
- (2) Is of sufficient quality that will reproduce well.
- (3) Includes in the application a description of all literal and design elements in the mark.

37 C.F.R. §§2.37, 2.52(b), 2.53(b)-(c), 2.54(e); *see* TMEP §§807.04-.04(a), 808.01-.02.

For more information about special form drawings and drawings in general, and instructions on how to submit a drawing, see the [Drawing webpage](#)

### **EXAMINER’S AMENDMENT**

**Application has been amended as shown below.** As agreed to by the individual identified in the Priority Action section, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

### **DISCLAIMER**

The following disclaimer statement is added to the record:

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

*See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

### **DESCRIPTION OF THE MARK**

The following description of the mark is added to the record:

The mark consists of the letters “SL” within a broken line circle as part of concentric circles in the middle of multiple, connected fleur-de-lis designs which are above the stacked and stylized wording “SMOKING LUXURY”.

*See* 37 C.F.R. §2.37; TMEP §§808 *et seq.*

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

/William Verhosek/  
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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 22, 2022 for  
**U.S. Trademark Application Serial No. 97118522**

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: William Verhosek

Statistics for Case 97118522						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97118522[sn]	1	0	1	1	0:00
2	*{"sz"}mo{"ckq"}*[bi,ti] and live[ld]	3000	0	0	0	0:13
3	*lu{"ckqx"}*[bi,ti] and live[ld]	16700	0	0	0	0:00
4	2 and 3	9	0	9	9	0:13
5	2 and "034"[cc]	872	0	0	0	0:13
6	3 and "034"[cc]	2319	0	0	0	0:00
7	*{"sz"}mo{"kq"}{"ei"}*[bi,ti] and live[ld]	2661	0	0	0	0:13
8	7 and "034"[cc]	811	0	0	0	0:13
9	(smoke smokes smokin smoking)[bi,ti] and live[ld]	1827	0	0	0	0:01
10	9 and "034"[cc]	632	0	0	0	0:01
11	(smokin smoking)[bi,ti] and live[ld]	415	0	415	415	0:02
12	*lux*[bi,ti] and live[ld]	8540	0	0	0	0:01
13	12 and "034"[cc]	1336	0	0	0	0:00
14	*lux{v}r{"iye"}*[bi,ti] and live[ld]	2356	0	0	0	0:00
15	14 and "034"[cc]	511	0	511	511	0:01
16	lux[bi,ti] and live[ld]	1146	0	0	0	0:01
17	16 and "034"[cc]	172	0	172	172	0:01
18	(*sl*"s l")[bi,ti] and live[ld]	172952	0	0	0	0:01
19	18 and (2 3)	1685	0	0	0	0:14
20	19 and "034"[cc]	251	0	68	251	0:14
21	18 and "034"[cc]	25551	0	0	0	0:01
22	(sl "s l")[bi,ti] and live[ld]	464	0	1	464	0:02
23	050503[dc] and live[ld]	1739	0	0	0	0:01
24	260105[dc] and live[ld]	3637	0	0	0	0:01
25	260118[dc] and live[ld]	13314	0	0	0	0:01
26	18 and (23 24 25)	1678	0	0	0	0:01
27	26 and "034"[cc]	253	0	1	253	0:02
28	23 and (24 25)	78	0	2	78	0:01
29	24 and 25	576	0	0	0	0:01
30	29 and "034"[cc]	166	0	2	166	0:01
31	23 and "034"[cc]	321	0	3	321	0:01

Session started 08/22/2022 8:57 am

Session ended 08/22/2022 9:19 am

Total search duration 115.00

Session duration 22 minutes 17 seconds

Adjacency Level 1

Near Level 1