

To: Guardian Computer(omar@gcit.net)
Subject: U.S. Trademark Application Serial No. 97118909 - GUARDIAN COMPUTER
Sent: August 26, 2022 09:07:45 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[Computer](#)

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

U.S. Application Serial No. 97118909

Mark: GUARDIAN COMPUTER

Correspondence Address:
GUARDIAN COMPUTER
3500 CAUSEWAY SUITE #435
METAIRIE LA 70002 UNITED STATES

Applicant: Guardian Computer

Reference/Docket No. N/A

Correspondence Email Address: omar@gcit.net

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.

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 timely and completely to the issue(s) below to enable further prosecution of the application. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Disclaimer

Applicant must disclaim the wording “COMPUTER” 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 examining attorney relies on evidence in the form of the attached dictionary definition and/or web evidence. The evidence shows the wording means or refers to a computing device. In relation to the identified services, the wording is merely descriptive because it designates a feature, quality or characteristic of the services. Specifically, the identified services are sufficiently broad to include or encompass or feature consultation relating to the functions and designs of the computer system and environment. Thus, consumers who encounter the wording in relation to the services would immediately understand that the wording refers to a salient aspect. The wording therefore must be disclaimed

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

No claim is made to the exclusive right to use “COMPUTER” 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](#).

Entity

The designation "LLC" is **not** included in applicant's name; however, the legal entity is set forth as a "limited liability company." Generally, "LLC" identifies a "limited liability company," and the LLC or its equivalent is required to be in the name of the company. Therefore, applicant must confirm the name of the applicant, which currently does not include the LLC or its equivalent. TMEP §803.03(h); *see* 37 C.F.R. §§2.32(a)(2), (a)(3)(ii), 2.61(b).

The issue renders applicant's entity designation uncertain. Therefore, applicant must amend to add the LLC, if appropriate, or specify the particular type of legal entity applying, e.g., corporation, association, partnership, or joint venture, limited liability company and provide the additional information explained below about that entity. *See* 37 C.F.R. §§2.32(a)(3)(ii)-(v), 2.61(b); TMEP §803.03.

If applicant is a corporation or LLC applicant must specify the U.S. state or foreign country under which it is incorporated. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(c).

If applicant is an association, applicant must specify the U.S. state or foreign country under whose laws the applicant is organized or exists, and indicate whether the association is incorporated or unincorporated. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(c).

If applicant is a partnership, applicant must specify the U.S. state or foreign country under whose laws

the partnership is organized. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(b). In addition, for a U.S. partnership, applicant must list, if not yet specified, the names, legal entities, and national citizenship (for individuals), or the U.S. state or foreign country of organization or incorporation (for businesses) of all general partners. 37 C.F.R. §2.32(a)(iii). For foreign partnerships, the names and citizenships of the general partners are not required. *See* TMEP §803.03(b).

If applicant is a joint venture, applicant must specify the U.S. state or foreign country under whose laws the joint venture is organized. 37 C.F.R. §2.32(a)(ii); TMEP §803.03(b). In addition, for a U.S. joint venture, applicant must list the names, legal entities, and national citizenship (for individuals) or the U.S. state or foreign country of organization or incorporation (for businesses) of all active members of the joint venture. 37 C.F.R. §2.32(a)(iv); TMEP §803.03(b). For foreign joint ventures, the names and citizenships of the active members are not required. TMEP §803.03(b).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused because the application was void as filed. *See* 37 C.F.R. §2.71(d); TMEP §§803.06, 1201.02(b). An application must be filed by the party who owns or is entitled to use the mark as of the application filing date. *See* 37 C.F.R. §2.71(d); TMEP §1201.02(b).

Response guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant does not respond to this Office action within six months of the issue/mailed date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

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

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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.



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HOW TO USE THE DICTIONARY

To look up an entry in *The American Heritage Dictionary of the English Language*, use the search window above. For best results, after typing in the word, click on the "Search" button instead of using the "enter" key.

Some compound words (like *bus rapid transit*, *dog whistle*, or *identity theft*) don't appear on the drop-down list when you type them in the search bar. For best results with compound words, place a quotation mark before the compound word in the search window.

[GUIDE TO THE DICTIONARY](#)



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com·put·er ^(kəm-pyoo'tər)

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n.

1.
 - a. A device that computes, especially a programmable electronic machine that performs high-speed mathematical or logical operations or that assembles, stores, correlates, or otherwise processes information.
 - b. Such a device along with peripherals, especially a monitor, keyboard, and mouse.
2. One who computes.

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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. 97118909

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: Khuong Le

| Statistics for Case 97118909 | | | | | | |
|---------------------------------|---|----------------|---------------|---------------------|-----------------------|---------------------------|
| # | Search | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/Search Duration |
| 1 | 97118909[sn] | 1 | 0 | 0 | 0 | 0:00 |
| 2 | *g{"ua"1:2}rd*[bi,ti] and live[ld] | 15000 | 0 | 0 | 0 | 0:01 |
| 3 | *{"ckq"}omput*[bi,ti] and live[ld] | 1405 | 0 | 0 | 0 | 0:02 |
| 4 | 2 and 3 | 3 | 0 | 3 | 3 | 0:00 |
| 5 | *g{"ua"1:2}rd{"iy"1:2}an*[bi,ti] and live[ld] | 1457 | 0 | 17 | 17 | 0:01 |
| 6 | 5 and "009"[cc] | 873 | 0 | 0 | 0 | 0:00 |
| 7 | 6 and ("042" a b "200")[ic] | 185 | 0 | 64 | 64 | 0:02 |
| 8 | 6 and ("009")[ic] | 323 | 0 | 0 | 0 | 0:01 |
| 9 | consult\$[gs] | 627812 | 0 | 0 | 0 | 0:03 |
| 10 | 2 and 9 | 652 | 0 | 0 | 0 | 0:01 |
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