

To: Jack Baldini Esq.,(jack@baldinilaw.com)
Subject: U.S. Trademark Application Serial No. 97120051 - ELEVEN SPORTS
Sent: August 24, 2022 05:15:09 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[79336946](#)
[79316941](#)
[1.jpg](#)
[2.jpg](#)
[3.jpg](#)

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

U.S. Application Serial No. 97120051

Mark: ELEVEN SPORTS

Correspondence Address:

JACK BALDINI ESQ.,
BALDINI LAW LLC
12557 LEATHERLEAF DRIVE
TAMPA FL 33626 UNITED STATES

Applicant: HappyFeet Legends Tampa Bay, Inc.

Reference/Docket No. N/A

Correspondence Email Address: jack@baldinilaw.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.

SUMMARY OF ISSUES:

- PRIOR-FILED PENDING APPLICATIONS
- DISCLAIMER REQUIRED

PRIOR-FILED PENDING APPLICATION

The filing dates of pending U.S. Application Serial Nos. 79316941 and 79336946 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

DISCLAIMER REQUIRED

Applicant must disclaim the wording "SPORTS" 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 websites of third parties shows this wording is commonly used in connection with similar goods to mean clothing for use during sports. Thus, the wording merely describes applicant's goods because applicant offers clothing items for use in sports including sports jerseys.

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

No claim is made to the exclusive right to use "SPORTS" 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](#).

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(s) and/or requirement(s) 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.](#)

/Katie Foss/
(571) 272-4067
katherine.foss@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.

(4) STANDARD CHARACTER MARK

11teamsports

Mark Punctuated

11TEAMSPORTS

Translation

Goods/Services

- IC 016. US 002 005 022 023 029 037 038 050.G & S: Iron-on transfers; silk screen prints; printed matter; labels of paper or cardboard
- IC 018. US 001 002 003 022 041.G & S: Travelling bags; pouches; bags; rucksacks; garment carriers; bags for sports; hipsacks
- IC 025. US 022 039.G & S: Clothing; footwear; headgear; sportswear; sports jackets; sports pants; sports caps; sports shoes; sports singlets; headbands [clothing]; stockings; sweat-absorbent stockings; sweaters; tee-shirts; gym suits; knitwear [clothing]; sports jerseys
- IC 026. US 037 039 040 042 050.G & S: Heat adhesive patches; heat adhesive patches for decoration of textile articles [haberdashery]; heat adhesive patches for repairing textile articles; patches (textile -) for ironing-on; embroidery
- IC 028. US 022 023 038 050.G & S: Games and playthings; gymnastic and sporting articles
- IC 035. US 100 101 102.G & S: Cost price analysis; business inquiries; business management consultancy; professional business consultancy, in particular for franchise concepts; book-keeping; services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises; advisory services (business -) relating to the operation of franchises; office functions; computerized file management; advertising agency services; wholesaling and retailing, including via the internet, in relation to the following goods: heat transfers, silk-screen-prints, printed matter, labels, not of textile, travelling bags, bags, bags, rucksacks, bags for clothes, sport bags, bumbags, clothing foot wear, sportswear, sports bibs, sports pants, sports caps, footwear for sports, sports singlets, headbands (clothing), stockings, sweat-absorbent stockings, sweaters, t-shirts, tracksuits, knitwear (clothing), singlets; wholesaling and retailing, including via the internet, in relation to the following goods: iron-on decorative patches, heat adhesive patches for decoration of textile articles, heat adhesive patches for repair and decoration of textile articles, textile iron-on pictures, embroidery; compilation of statistics; preparation of accounts; business expertise services; invoicing; publication of publicity texts; layout services for advertising purposes; marketing; market research; opinion polling; merchandising; public relations services; online retail or mail order catalogue retail services in relation to the following goods: travelling bags, handbags, bags, bags, pouches of leather, rucksacks, bags for clothes, sport bags, clothing foot wear, sportswear, sports bibs, sports pants, sports caps, footwear for sports, sports singlets, headbands (clothing), stockings, sweat-absorbent stockings, sweaters, t-shirts, tracksuits, knitwear (clothing), singlets, games and playthings, gymnastic and sporting articles; business organization consultancy; presentation of goods on communications media, in particular for retail; planning services for advertising; business consultancy and advisory services; business administration; dissemination of advertising matter; writing of publicity texts; sales promotion; arranging of contracts for the buying and selling of goods for others, in particular clothing, footwear, headwear and sporting articles; distribution of advertising material; demonstration of goods; publicity columns preparation; providing an online marketplace for the sale of sportswear, sporting articles, footwear and bags for sports
- IC 040. US 100 103 106.G & S: Printing on clothing; textile printing; pattern printing on fabric; dyeing of

clothing; transfer of photographic prints; silkscreen printing; flocking for clothing; flocking for headwear; treating of textiles, treatment of fabric and leather working; embroidering; embroidering; laminating; laser scribing services; engraving; providing information relating to embroidery services

- IC 045. US 100 101.G & S: Licensing of industrial property rights, in particular for franchises; industrial property rights management

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

79336946

Filing Date

20211129

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) eleven teamsports GmbH GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG (G FED REP GERMANY Im Winkel 1-3 74589 Satteldorf FED REP GERMANY

Priority Date

20210629

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Mark Punctuated**

11TEAMSPO RTS

Translation**Goods/Services**

- IC 018. US 001 002 003 022 041.G & S: Travelling bags; handbags; bags; bags, pouches of leather; backpacks; bags for clothes; bags for sports
- IC 025. US 022 039.G & S: Clothing, footwear, headgear; heels; heelpieces for footwear; suits; babies' pants [clothing]; layettes [clothing]; swimsuits; bathing trunks; bath robes; bathing caps; bath sandals; bath slippers; bandanas [neckerchiefs]; berets; leg warmers; clothing of imitations of leather; motorists' clothing; clothing; paper clothing; boas [necklets]; teddies [undergarments]; brassieres; chasubles; dresses; shower caps; inner soles; pocket squares; masquerade costumes; mittens; fishing vests; football boots; footmuffs, not electrically heated; gabardines [clothing]; galoshes; spats; money belts [clothing]; non-slipping devices for footwear; belts [clothing]; clothing for gymnastics; gymnastic shoes; half-boots; scarfs; gloves [clothing]; slips [undergarments]; shirt yokes; shirts; shirt fronts; wooden shoes; trousers; gaiter straps; suspenders; girdles; hats; hat frames [skeletons]; jackets [clothing]; jerseys [clothing]; stuff jackets [clothing]; bodices [lingerie]; skull caps; hoods [clothing]; ready-made linings [parts of clothing]; pockets for clothing; ready-made clothing; headgear for wear; camisoles; corsets [underclothing]; shoulder wraps; detachable collars; neckties; ascots; short-sleeve shirts; bibs, not of paper; clothing of leather; leggings [trousers]; underwear; liveries; maniples; cuffs; coats; pelisses; mantillas; corselets; miters [hats]; dressing gowns; muffs [clothing]; caps [headwear]; cap peaks; outerclothing; ear muffs [clothing]; combinations [clothing]; slippers; paper hats [clothing]; parkas; pelerines; furs [clothing]; petticoats; ponchos; pullovers; pyjamas; cyclists' clothing; welts for footwear; waterproof clothing; skirts; sandals; saris; sarongs; collar protectors; sashes for wear; sleep masks; veils [clothing]; wimples; breeches for wear; lace boots; fittings of metal for footwear; shoes; soles for footwear; footwear uppers; tips for footwear; footwear; smocks; aprons [clothing]; dress shields; ski gloves; ski boots; skorts; underpants; socks; sock suspenders; boots for sports; sports shoes; boots; boot uppers; headbands [clothing]; esparto shoes or sandals; shawls; fur stoles; studs for football boots; beach clothes; beach shoes; garters; stockings; sweat-absorbent stockings; heelpieces for stockings; stocking suspenders; tights; sweaters; tee-shirts; togas; jumper dresses; knitwear [clothing]; singlets; turbans; topcoats; uniforms; anti-sweat underwear; pants; wet suits for water-skiing; vests; hosiery; top hats
- IC 028. US 022 023 038 050.G & S: Games and playthings; gymnastic and sporting articles not included in other classes
- IC 035. US 100 101 102.G & S: Cost price analysis; business inquiries; business management consultancy; professional business consultancy, in particular for franchise concepts; accounting; services rendered by a franchisor, namely, assistance in the running or management of industrial or commercial enterprises; business advisory services relating to the operation of franchises; office functions; computerised file management; publicity agencies; wholesaling and retailing, including via the internet, of travelling bags, handbags, bags, holdalls, pouches of leather, rucksacks, bags for clothes, sports bags, clothing, footwear, headgear, nets for sports, bags adapted for carrying sporting equipment, bags adapted for sports equipment, gymnastic and sporting articles, diving equipment; compilation of statistics; billing; efficiency experts; invoicing; publication of publicity texts; compilation of statistics; layout

services for advertising purposes; marketing; marketing studies; opinion polling; merchandising; public relation services; online or catalogue mail order of travelling bags, handbags, bags, holdalls, pouches of leather, rucksacks, bags for clothes, sports bags, clothing, footwear, headgear, nets for sports, bags adapted for carrying sporting equipment, bags adapted for sports equipment, gymnastic and and sporting articles, diving equipment; business organization consultancy; presentation of goods, in particular on communications media, for retail purposes; planning of advertising initiatives; business advice and consultancy; business administration; dissemination of advertising matter; writing of publicity texts; sales promotion; arranging of contracts for the buying and selling of goods, for others, in particular of sporting articles; distribution of promotional matter; presentation of goods; publicity columns preparation

- IC 045. US 100 101.G & S: Licensing of industrial property rights, in particular for franchises; industrial property management

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

090307 260121 270301

Serial Number

79316941

Filing Date

20210629

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date**Registration Number****Date Registered****Owner**

(APPLICANT) eleven teamsports GmbH GmbH FED REP GERMANY Im Winkel 1-3 74589 Satteldorf FED REP GERMANY

Priority Date**Disclaimer Statement****Description of Mark**

The color(s) white, red and black is/are claimed as a feature of the mark.

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

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BOYS' APPAREL

MEN'S APPAREL

WOMEN'S APPAREL

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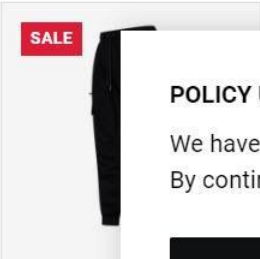
Men's • Black/Black

\$130.00



CSG Mixer T-Shirt

Men's • Sky Blue/Sky Blue



CSG Cargo

Men's • Black

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Processing request...

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. 97120051

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.