

**To:** Jonathan A Menkes([efiling@knobbe.com](mailto:efiling@knobbe.com))  
**Subject:** U.S. Trademark Application Serial No. 97120875 - SOUNDER GOLF - HGF029.001TU  
**Sent:** August 24, 2022 09:01:06 PM 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.** 97120875

**Mark:** SOUNDER GOLF

**Correspondence Address:**

JONATHAN A MENKES  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 MAIN STREET, 14TH FLOOR  
IRVINE CA 92614 UNITED STATES

**Applicant:** Sounder Community Ltd

**Reference/Docket No.** HGF029.001TU

**Correspondence Email Address:** [efiling@knobbe.com](mailto:efiling@knobbe.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

This Office action is supplemental to and supersedes the previous Office action issued on 08/24/2022 in connection with this application. The assigned trademark examining attorney inadvertently omitted a requirement relevant to the mark in the subject application. *See* TMEP §§706, 711.02. Specifically, the application was not signed.

The trademark examining attorney apologizes for any inconvenience caused by the delay in raising this issue.

Applicant must address all issues raised in this Office action, in addition to the issues raised in the Office action dated 08/24/2022. The issues raised in the previous 08/24/2022 Office action are listed below.

#### SUMMARY OF ISSUES:

- FOREIGN REGISTRATION CERTIFICATE REQUIRED
- IDENTIFICATION OF GOODS
- DISCLAIMER REQUIRED
- UNSIGNED APPLICATION - DECLARATION REQUIRED

#### 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.

#### **FOREIGN REGISTRATION CERTIFICATE REQUIRED**

The application specifies both an intent to use basis under Trademark Act Section 1(b) and a claim of priority under Section 44(d) based on a foreign application. *See* 15 U.S.C. §§1051(b), 1126(d); 37 C.F.R. §2.34(a)(2), (a)(4). However, no copy of a foreign registration has been provided even though the application indicates applicant's intent to rely on Section 44(e) as an additional basis for registration. *See* 15 U.S.C. §1126(e).

An application with a Section 44(e) basis must include a true copy, photocopy, certification, or certified copy of a foreign registration from an applicant's country of origin. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii); TMEP §§1004, 1004.01, 1016. In addition, an applicant's country of origin must be a party to a convention or treaty relating to trademarks to which the United States is also a party, or must extend reciprocal registration rights to nationals of the United States by law. 15 U.S.C. §1126(b); TMEP §§1002.01, 1004.

Therefore, applicant must provide a copy of the foreign registration from applicant's country of origin when it becomes available. TMEP §1003.04(a). A copy of a foreign registration must consist of a document issued to an applicant by, or certified by, the intellectual property office in applicant's country of origin. TMEP §1004.01. If applicant's country of origin does not issue registrations or Madrid Protocol certificates of extension of protection, applicant may submit a copy of the Madrid Protocol international registration that shows that protection of the international registration has been extended to applicant's country of origin. TMEP §1016. In addition, applicant must also provide an English translation if the foreign registration is not written in English. 37 C.F.R. §2.34(a)(3)(ii); TMEP §1004.01(a)-(b). The translation should be signed by the translator. TMEP §1004.01(b).

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If applicant cannot satisfy the requirements of a Section 44(e) basis, applicant may request that the mark be approved for publication based solely on the Section 1(b) basis. *See* 15 U.S.C. §§1051(b), 1126(e); 37 C.F.R. §2.35(b)(1); TMEP §§806.02(f), 806.04(b), 1003.04(b). Although the mark may be approved for publication on the Section 1(b) basis, it will not register until an acceptable allegation of use has been filed. *See* 15 U.S.C. §1051(c)-(d); 37 C.F.R. §§2.76, 2.88; TMEP §1103. Please note that, if the U.S. application satisfied the requirements of Section 44(d) as of the U.S. application filing date, applicant may retain the priority filing date under Section 44(d) without perfecting the Section 44(e) basis, provided there is a continuing valid basis for registration. *See* 37 C.F.R. §2.35(b)(3)-(4); TMEP §§806.02(f), 806.04(b).

Alternatively, applicant has the option to amend the application to rely solely on the Section 44(e) basis and request deletion of the Section 1(b) basis. *See* 37 C.F.R. §2.35(b)(1); TMEP §806.04. The foreign registration alone may serve as the basis for obtaining a U.S. registration. *See* 37 C.F.R. §2.34(a)(3); TMEP §806.01(d).

## **IDENTIFICATION OF GOODS**

Particular wording in the identification of goods and/or services is indefinite/too broad or misclassified and must be clarified for reasons explained below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Please see specific requirements explained below in italicized lettering and suggested wording below in bold lettering.

The following substitute wording is suggested, if accurate:

International Class 025: *{This entry is indefinite, applicant must specify the articles of clothing, e.g.}* Clothing, **namely, tops, bottoms, underwear; footwear;***{This entry is indefinite and overbroad, applicant must clarify the nature of the headgear, e.g.}* **headwear;***This entry is indefinite, applicant must specify the articles of clothing, e.g.}*clothing for golf players, **namely, shirts, pants, jackets, footwear, hats and caps;** headwear for golf players; golf shoes;*This entry is indefinite, applicant must specify the articles of clothing, e.g.}*sports clothing, **namely, uniforms, t-shirts, sweatshirts, sweatpants**

International Class 028:*{This entry is indefinite, applicant must specify the sports apparatus and equipment, e.g.}* Sporting apparatus and equipment, **namely, {specify apparatus and equipment};***{This is misclassified and indefinite, applicant may add equipment for gold mining or gold working but likely a typographical error so deletion is suggested if applicant wishes to maintain section 44e basis}* ~~gold-equipment;~~ Golf bag carts; Golf bag trolleys; Golf bags; Golf bags with or without wheels; Golf bags, with or without wheels; Golf ball markers; Golf ball retrievers; Golf balls; Golf club bags; Golf club covers; Golf club grips; Golf club head covers; Golf club heads; Golf club shafts; Golf clubs; Golf divot repair tools; Golf flags; *{duplicate entry}* ~~Golf flags (sports articles);~~ Golf gloves; Golf irons; *{This entry is indefinite, applicant must specify the nature of the mats, e.g.}* Golf **driving practice** mats;*{This entry is indefinite, applicant must specify the nature of the practice apparatus, e.g.}*Golf practice apparatus, **namely, a golf training cage, golf practice platforms;** Golf practice nets; Golf putters; Golf swing alignment apparatus; Golf tee bags; *{This entry is indefinite, applicant must specify the articles for playing golf, e.g.}*Articles for playing golf, **namely, golf tees;** Bag stands **specially adapted for** golf bags; Caddie bags for golf clubs; **Golf club hoods being golf club head covers;** Golf clubs; shaped covers **specially adapted** for golf bags; shaped covers for golf club heads; Shaped Covers for golf clubs; Covers for golf clubs; Divot repair tools **being golf**

**accessories**; Divot repair tools being golf accessories; Fitted head covers for golf clubs; Fitted protective covers specially adapted for golf clubs; **Golf gloves**; Gloves for golf; **Hand Grip** tapes for golf clubs; Grips for golf clubs; Handles for golf clubs **being grips for golf clubs**; Head covers for golf clubs; Headcovers for golf clubs; Pitch mark repair tools **being golf accessories**; Golf tees; Golf training aids, **namely, a golf training cage, golf practice platforms**; Golfing gloves; Putting practice mats **being golf implements**; Shafts for golf clubs; Shaped covers for golf clubs; Shaped covers for golf putters; Stands for golf bags; Stands specially adapted for holding golf clubs; **Divot repair Tools being golf accessories**; Trolley bags for golf equipment

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

### **DISCLAIMER REQUIRED**

Applicant must disclaim the wording “GOLF” 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).

This wording appears in applicant's identification of goods.

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

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

### **UNSIGNED APPLICATION - DECLARATION REQUIRED**

The application was unsigned, resulting in the application not being properly verified. *See* TMEP §804. Applicant must properly sign and therefore verify the application in an affidavit or signed declaration under 37 C.F.R. §2.20. *See* 37 C.F.R. §§2.2(n), 2.33(a)-(c), 2.34(a)(1)(i), (a)(2), (a)(3)(i), (a)(4)(ii); TMEP §804.02.

The following statements must be verified: That applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; that applicant believes applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; that applicant believes applicant is the owner of the mark; that the mark is in use in commerce and was in use in commerce as of the application filing date; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such

near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services as of the application filing date; and that the facts set forth in the application are true. 37 C.F.R. §§2.33(b), (c), 2.34(a)(1)(i), (a)(2), (a)(3)(i), (a)(4)(ii), 2.59(a).

For more information about the verified statement and instructions on providing one using the online Trademark Electronic Application System (TEAS) response form, see the [Verified statement](#) webpage.

## **RESPONSE GUIDELINES**

Please 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.](#)

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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 24, 2022 for  
**U.S. Trademark Application Serial No. 97120875**

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

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- **[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.

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**Subject:** U.S. Trademark Application Serial No. 97120875 - SOUNDER GOLF - HGF029.001TU  
**Sent:** August 24, 2022 08:54:25 PM EDT  
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**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 issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SUMMARY OF ISSUES:**



- FOREIGN REGISTRATION CERTIFICATE REQUIRED
- IDENTIFICATION OF GOODS
- DISCLAIMER REQUIRED

## 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.

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§§806.02(f), 806.04(b).

Alternatively, applicant has the option to amend the application to rely solely on the Section 44(e) basis and request deletion of the Section 1(b) basis. *See* 37 C.F.R. §2.35(b)(1); TMEP §806.04. The foreign registration alone may serve as the basis for obtaining a U.S. registration. *See* 37 C.F.R. §2.34(a)(3); TMEP §806.01(d).

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Particular wording in the identification of goods and/or services is indefinite/too broad or misclassified and must be clarified for reasons explained below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Please see specific requirements explained below in italicized lettering and suggested wording below in bold lettering.

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

/John Salcido/  
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Trademark Examining Attorney  
Law Office 122  
(571) 272-7549  
john.salcido@uspto.gov

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- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

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User: John Salcido

Statistics for Case 97120875						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*{"scz":2}{"o":2}{"uw":2}{"n":2}{"d":2}{v0:2}r*[bi,ti]not dead[ld]	67	0	67	67	0:02

Session started 08/24/2022 7:35 pm

Session ended 08/24/2022 7:39 pm

Total search duration 2.00

Session duration 3 minutes 59 seconds

Adjacency Level 1

Near Level 1