

To: Sidney Dimanche(Dimanche92@gmail.com)
Subject: U.S. Trademark Application Serial No. 97118929 - MELANINS BLEND
Sent: August 25, 2022 01:47:53 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

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

U.S. Application Serial No. 97118929

Mark: MELANINS BLEND

Correspondence Address:

SIDNEY DIMANCHE
DIMANCHE92@GMAIL.COM
SNELLVILLE GA 30078 UNITED STATES

Applicant: Sidney Dimanche

Reference/Docket No. N/A

Correspondence Email Address: Dimanche92@gmail.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 25, 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 Results

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's Entity Type

The names of at least two different individuals appear in the section of the application intended for the trademark owner's name; however, the legal entity is set forth as a limited liability company. Applicant must clarify this inconsistency. *See* 37 C.F.R. §§2.32(a)(2), (a)(3)(i)-(ii), 2.61(b); TMEP §803.03(d), (h).

If these individuals are applying together as joint owners/applicants, they must amend the legal entity from "limited liability company" to "individual" and each joint applicant must indicate his or her country of citizenship. *See* 37 C.F.R. §2.32(a)(3)(i); TMEP §803.03(d). Alternatively, if applicant is a limited liability company, applicant must set forth its correct name and U.S. state or foreign country under whose laws it was established. 37 C.F.R. §2.32(a)(3)(ii); TMEP §803.03(h).

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).

Color Claim Required

Although applicant submitted a color drawing with a description referencing colors in the mark, applicant did not provide a list of all the colors claimed as a feature of the mark, known as a color claim. Therefore, applicant must provide this required color claim. 37 C.F.R. §2.52(b)(1); *see* TMEP §§807.07(a) *et seq.*

The following color claim is suggested, if accurate: **"The colors brown and green are claimed as a feature of the mark."** TMEP §807.07(a)(i).

Unnecessary 2(f) Claim as to the Entire Mark

Applicant claims that the entire applied-for mark has acquired distinctiveness under Trademark Act Section 2(f); however, the mark appears to be inherently distinctive and is eligible for registration on the Principal Register without proof of acquired distinctiveness. *See* 15 U.S.C. §1052(f); TMEP §1212.02(d). As this Section 2(f) claim appears to be unnecessary, applicant has the option to withdraw this claim. *See* TMEP §1212.02(d).

Applicant may withdraw this claim by instructing the trademark examining attorney to delete it from the application record. *See id.* If applicant does not withdraw the claim, it will remain in the application record and be published on the registration certificate. *See* TMEP §1212.10.

A claim of acquired distinctiveness may be construed as a concession by applicant that the entire applied-for mark is not inherently distinctive. *See Cold War Museum, Inc. v. Cold War Air Museum, Inc.*, 586 F.3d 1352, 1358, 92 USPQ2d 1626, 1629 (Fed. Cir. 2009) (citing *Yamaha Int'l Corp. v. Hoshino Gakki Co.*, 840 F.2d 1572, 1577, 6 USPQ2d 1001, 1005 (Fed. Cir. 1988)); TMEP §1212.02(b).

Name of an Individual

Applicant's statement regarding the name, portrait or signature of a living individual identified in the mark will not be published on any registration that may issue from this application. The statement is unnecessary because the mark on its face would not reasonably be perceived as the name or likeness of a specific living individual. TMEP §§813.01(b), 1206.05.

Translation

Applicant's English translation of MELANINS BLEND in the application is unnecessary because these terms appear in an English dictionary. TMEP §809.01(b)(i); *see* 37 C.F.R. §2.32(a)(9). The USPTO will disregard the translation; it will not be published on any registration certificate that may issue from this application. TMEP §809.03.

Transliteration

The transliteration statement is unnecessary and will be deleted.

Stippling

The stippling statement is unnecessary and will be deleted.

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

Because of the legal technicalities and strict deadlines of the trademark application process, applicant is encouraged to hire a private attorney who specializes in trademark matters to assist in this process. The assigned trademark examining attorney can provide only limited assistance explaining the content of an Office action and the application process. USPTO staff cannot provide legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. See [Hiring a U.S.-licensed trademark attorney](#) for more information.

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.](#)

/Ronald McMorro
Ronald McMorro
(571) 272-9306
ronald.mcmorrow@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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 25, 2022 for
U.S. Trademark Application Serial No. 97118929

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.