

To: Shouse, Jaylon(jaylonlee11@gmail.com)
Subject: U.S. Trademark Application Serial No. 97119631 - VIOLENT DAWN
Sent: August 26, 2022 06:41:56 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. 97119631

Mark: VIOLENT DAWN

Correspondence Address:
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Applicant: Shouse, Jaylon

Reference/Docket No. N/A

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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

Introduction

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

- Search Results - No Conflicting Marks Found
- Identification of Goods and Services – Amendment Required
- Multiple Class Application Requirements for a Section 1(b) Application
- Mark Description -- Amendment Required
- Advisory Regarding Hiring a Trademark Attorney

Search Results - 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.

Identification of Goods and Services – Amendment Required

Applicant must clarify the wording in the identification of goods and services in International Class 041 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it is unclear what the underlying nature of the goods and services are. For example, it is unclear whether "*music creation*" refers to production or composition. Further, the wording in the identification could identify goods and services in more than one international class. For example, the wording "*merchandise such as*" could include items ranging from CDs in International Class 009 to ornamental novelty buttons in International Class 026.

Applicant may substitute the following wording, if accurate:

- International Class 009: Compact discs featuring music; Pre-recorded vinyl records featuring music
- International Class 014: Ornamental lapel pins
- International Class 016: Posters made of paper
- International Class 025: Clothing, namely, _____ {applicant to specify here clothing type; e.g., shirts, hats, shoes, etc.}
- International Class 026: Ornamental novelty buttons
- International Class 041: Music production services; music composition for others; Entertainment services in the nature of recording, production and post-production services in the field of music; Entertainment, namely, live music concerts; Entertainment services by a musical artist and producer, namely, musical composition for others and production of musical sound recordings; Entertainment services in the nature of live visual and audio performances by a musical artist

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.

Multiple Class Application Requirements for a Section 1(b) Application

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least six classes; however, applicant submitted a fee sufficient for only one class. Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Applicant should note the following additional requirement.

Mark Description -- Amendment Required

Applicant must submit an amended description of the mark because the current one uses broad, vague language that does not accurately describe the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Descriptions must be accurate and identify all the literal and design elements in the mark. *See* 37 C.F.R. §2.37; TMEP §808.02. In this case, the description is vague because it is unclear what "written on stack" means and whether the hand forming the letter "V" is in addition to or part of the stylized literal elements.

Additionally, applicant must submit an amended description of the mark because the current one is incomplete and does not describe all the significant aspects of the mark. 37 C.F.R. §2.37; *see* TMEP §§808.01, 808.02. Descriptions must be accurate and identify all the literal and design elements in the mark. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.*

The following description is suggested, if accurate: **The mark consists of a skeletal hand forming the letter "V" beside the stylized lettering "IOLENT DAWN". "IOLENT" is presented stacked above "DAWN". Inside the letter "D" is a crescent moon.**

Response Guidelines

For this application to proceed, applicant must explicitly address each requirement in this Office action. 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.

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 requirement 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.

Advisory Regarding Hiring a Trademark Attorney

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.

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 26, 2022 for
U.S. Trademark Application Serial No. 97119631

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.

Statistics for Case 97119631						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*v{v:3}{ "l":2}{v0:2}n*[bi,ti] not dead [ld]	5084	0	0	0	0:01
2	*d{v:2}{ "w"0:2}n*[bi,ti] not dead [ld]	501713	0	0	0	0:01
3	(0211\$ hand)[dc] not dead [ld]	58202	0	7	27	0:00
4	(0111\$ moon)[dc] not dead [ld]	6463	0	0	0	0:00
5	1 and 2 and 3 and 4	0	0	0	0	0:02
6	1 and 2	475	0	475	475	0:01
7	3 and 4	429	0	2	429	0:01
8	1 and 3	102	0	32	102	0:01
9	2 and 3	4604	0	0	0	0:01
10	2 and 4	700	0	4	700	0:01
11	*dawn*[bi,ti] not dead [ld]	653	0	653	653	0:02
12	11 and 3	7	0	7	7	0:01
13	9 and ("025" "041")[cc]	2352	0	0	0	0:02
14	9 and ("025" "041" a b "200")[ic]	910	0	9	910	0:03
15	2 and ("025" "041" a b "200")[ic]	78507	0	0	0	0:02
16	1 and ("025" "041")[cc]	3073	0	0	0	0:01
17	1 and ("025" "041" a b "200")[ic]	1405	0	0	0	0:02
18	*v{ "eyi":2}o{ "l":2}{v0:2}n*[bi,ti] not dead [ld]	339	0	339	339	0:01
19	(021107 021110 270302 hand)[dc] not dead [ld]	18002	0	0	0	0:00
20	19 and ("025" "041" a b "200")[ic]	6184	0	0	0	0:01
21	(021110 270302 hand)[dc] not dead [ld]	8032	0	0	0	0:00
22	21 and ("025" "041" a b "200")[ic]	2914	0	0	0	0:01
23	(021110hand)[dc] not dead [ld]	0	0	0	0	0:00
24	(021110 hand)[dc] not dead [ld]	3073	0	0	0	0:00
25	21 and ("025" "041")[cc]	5131	0	0	0	0:00
26	24 and ("025" "041")[cc]	2043	0	0	0	0:00
27	24 and ("025" "041" a b "200")[ic]	1365	0	4	1365	0:01
28	"violent dawn"[bi,ti] not dead [ld]	1	0	1	1	0:00
29	(021114 hand supp)[dc] not dead [ld]	2814	0	0	0	0:00
30	29 and ("025" "041")[cc]	2000	0	0	0	0:00
31	29 and ("025" "041" a b "200")[ic]	844	0	4	844	0:01
32	v[bi,ti] not dead [ld]	8853	0	0	0	0:01
33	3 and 32	208	0	1	208	0:02

Session started 08/26/2022 3:40 pm

Session ended 08/26/2022 5:43 pm

Total search duration 30.00

Session duration 2 hours 2 minutes 34 seconds

Adjacency Level 1

Near Level 1

User: Kennina Ip

Statistics for Case 97119631						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*v{v:3}{ "l":2}{v0:2}n*[bi,ti] not dead [ld]	5084	0	0	0	0:01
2	*d{v:2}{ "w"0:2}n*[bi,ti] not dead [ld]	501713	0	0	0	0:01
3	(0211\$ hand)[dc] not dead [ld]	58202	0	5	22	0:00
4	(0111\$ moon)[dc] not dead [ld]	6463	0	0	0	0:00
5	1 and 2 and 3 and 4	0	0	0	0	0:02
6	1 and 2	475	0	475	475	0:01
7	3 and 4	429	0	2	429	0:01
8	1 and 3	102	0	32	102	0:01
9	2 and 3	4604	0	0	0	0:01
10	2 and 4	700	0	4	700	0:01
11	*dawn*[bi,ti] not dead [ld]	653	0	653	653	0:02
12	11 and 3	7	0	7	7	0:01
13	9 and ("025" "041")[cc]	2352	0	0	0	0:02
14	9 and ("025" "041" a b "200")[ic]	910	0	9	910	0:03
15	2 and ("025" "041" a b "200")[ic]	78507	0	0	0	0:02
16	1 and ("025" "041")[cc]	3073	0	0	0	0:01
17	1 and ("025" "041" a b "200")[ic]	1405	0	0	0	0:02
18	*v{ "eyi":2}o{ "l":2}{v0:2}n*[bi,ti] not dead [ld]	339	0	339	339	0:01
19	(021107 021110 270302 hand)[dc] not dead [ld]	18002	0	0	0	0:00
20	19 and ("025" "041" a b "200")[ic]	6184	0	0	0	0:01
21	(021110 270302 hand)[dc] not dead [ld]	8032	0	0	0	0:00
22	21 and ("025" "041" a b "200")[ic]	2914	0	0	0	0:01
23	(021110hand)[dc] not dead [ld]	0	0	0	0	0:00
24	(021110 hand)[dc] not dead [ld]	3073	0	0	0	0:00
25	21 and ("025" "041")[cc]	5131	0	0	0	0:00
26	24 and ("025" "041")[cc]	2043	0	0	0	0:00
27	24 and ("025" "041" a b "200")[ic]	1365	0	2	1365	0:01
28	"violent dawn"[bi,ti] not dead [ld]	1	0	1	1	0:00

Session started 08/26/2022 3:40 pm

Session ended 08/26/2022 4:36 pm

Total search duration 26.00

Session duration 55 minutes 50 seconds

Adjacency Level 1

Near Level 1