

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 79238059

MARK: STARPICK

**\*79238059\***

**CORRESPONDENT ADDRESS:**

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UNITED KINGDOM

APPLICANT: STARPICK LIMITED

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

INTERNATIONAL REGISTRATION NO. 1416383

**STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION:** TO AVOID PARTIAL ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL PARTIAL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional partial refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL PARTIAL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application that **applies to only the following services in the application:**

**IC 41: conducting of competitions on the internet; sports information services; information services relating to sports results and sporting statistics**

**IC 42: Data analysis services relating to sports; data analysis services relating to sports results and sporting statistics**

See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional partial refusal.

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.

**SEARCH RESULTS: NO CONFLICTING MARKS**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

**SUMMARY OF ISSUES:**

- REQUIREMENT: IDENTIFICATION OF GOODS & SERVICES CLARIFICATION

**REQUIREMENT: IDENTIFICATION OF GOODS & SERVICES CLARIFICATION**

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE SERVICES SPECIFIED THEREIN

The identification of services is indefinite and must be clarified because some of the wording is too broad making the nature of the services identified unclear. Applicant must clarify the identification by specifying the type of services, in the assigned class, as is shown in the suggested identification below. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

**SUGGESTED IDENTIFICATION**

Instructions and suggested changes are shown in bold text. Applicant may adopt the following identification, if accurate:

IC 9: No changes needed

IC 38: No changes needed

IC 41: Arrangement of sports competitions; providing online entertainment in the nature of fantasy sports leagues; entertainment in the nature of fantasy sports leagues; entertainment in the nature of fantasy cricket leagues; hosting fantasy sports leagues; arranging and conducting sports competitions; arranging fantasy sports competitions; conducting of **{specify the type of competitions, e.g., video game, fantasy sports}** competitions on the internet; electronic game services and competitions provided by means of the internet; entertainment and educational services in the nature of on-line competitions in the field of sports; entertainment in the nature of cricket games; **{specify the type of sports information services, e.g., providing sports information}**; **{specify the type of information services, e.g., providing sports information}** relating to sports results and sporting statistics; providing information relating to sports and sporting events; providing information relating to the sport of cricket via a website; rating cricket players by assigning a numeric measure

IC 42: Data analysis services relating to sports, **namely, {specify the type of data analysis services relating to sports in International Class 42, e.g., providing a web site featuring technology that enables users to analyze sports data}**; data analysis services relating to sports results and sporting statistics, **namely, {specify the type of data analysis services relating to sports results and sporting statistics in International Class 42, e.g., providing a web site featuring technology that enables users to analyze sports results and sporting statistics data}**; creating an on-line community for registered users for the purpose of participating in fantasy sports leagues; creating an on-line community for registered users for the purpose of participating in fantasy cricket leagues

#### IDENTIFICATION ADVISORIES

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably narrowed. See 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably narrowed. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

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.

**FAILING TO RESPOND WILL RESULT IN PARTIAL ABANDONMENT OF APPLICATION:** If applicant does not respond to this Office action within the six-month period for response, the services in International Classes 41 and 42 identified above, in the beginning of this Office action, will be **deleted from the application**.

In such case, the application will then proceed only with the following goods and services:

IC 9: Downloadable software in the nature of a mobile application for playing games; downloadable software in the nature of a mobile application for playing fantasy sports competitions; downloadable databases in the field of sport statistics

IC 38: Provision of access to a database relating to sports; provision of access to a database relating to sports results and sporting statistics

IC 41: Arrangement of sports competitions; providing online entertainment in the nature of fantasy sports leagues; entertainment in the nature of fantasy sports leagues; entertainment in the nature of fantasy cricket leagues; hosting fantasy sports leagues; arranging and conducting sports competitions; arranging fantasy sports competitions; electronic game services and competitions provided by means of the internet; entertainment and educational services in the nature of on-line competitions in the field of sports; entertainment in the nature of cricket games; providing information relating to sports and sporting events; providing information relating to the sport of cricket via a website; rating cricket players by assigning a numeric measure

IC 42: Creating an on-line community for registered users for the purpose of participating in fantasy sports leagues; creating an on-line community for registered users for the purpose of participating in fantasy cricket leagues

See 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL PARTIAL REFUSAL:** Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. See 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must

personally sign the document or personally enter his or her electronic signature on the electronic filing. See 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

**DESIGNATION OF DOMESTIC REPRESENTATIVE:** The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; see 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a) (1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

#### **ADVISORY: RESPONDING TO THIS OFFICE ACTION**

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at [http://www.uspto.gov/trademarks/teas/e\\_filing\\_tips.jsp](http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp) and e-mail technical questions to [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

**OFFICE ACTION QUESTIONS:** If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, **the trademark examining attorney may not provide legal advice or statements about applicant's rights.** See TMEP §§705.02, 709.06.

/Tina Brown/  
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**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.