

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

U.S. APPLICATION SERIAL NO. 79255974

MARK: SAMA GLAS

79255974

CORRESPONDENT ADDRESS:

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http://www.uspto.gov/trademarks/teas/response_form.jsp

APPLICANT: GUANGDONG SHANGMING INDUSTRIAL CO.,
LTD.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

INTERNATIONAL REGISTRATION NO. 1459845

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO ~~RECEIVE~~ **RECEIVE** A COMPLETE RESPONSE TO THE PROVISIONAL FULL REFUSAL NOTIFICATION ~~WITHIN 6 MONTHS~~ **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 full refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

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.

No Likelihood of Confusion

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).

Goods

The identification of goods is indefinite and must be clarified because brackets are not permitted in an identification of goods and some of the goods are too broad and could fall into other classes. Glassware, cylinders and cans are vague, "pots" are redundant and the applicant must specify the type of kitchen utensils, bottles, pottery utensils and cleaning instruments. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

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). 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).

Applicant may adopt the following identification, if accurate:

Daily beverage glassware, namely, cups, plates, pots and cylinder vases; kitchen utensils, namely, serving scoops and splatter screens; daily porcelain pots, bowls, plates, jars and containers; daily earthenware pots, bowls, plates, jars and casserole dishes; daily terra cotta pottery and utensils, namely, pots, bowls, plates, jars, casserole dishes, serving trays and mugs; works of art of porcelain, ceramic, earthenware, terra-cotta or glass; enamelled glass, not for building; empty spray bottles; cleaning instruments, namely, hand-operated brushes used to clean skin; coffee percolators, non-electric. International Class 21.

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Disclaimer

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Applicant must provide a disclaimer of the unregistrable part(s) of the applied-for mark even though the mark as a whole appears to be registrable. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). A disclaimer of an unregistrable part of a mark will not affect the mark's appearance. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965).

The wording "GLAS" must appear in its correct spelling, i.e., "GLASS" in the disclaimer. See *In re Omaha Nat'l Corp.*, 819 F.2d 1117, 1119, 2 USPQ2d 1859, 1861 (Fed. Cir. 1987); *In re Carlson*, 91 USPQ2d 1198, 1203 (TTAB 2009); TMEP §1213.08(c).

In this case, applicant must disclaim the wording "GLASS" in the mark because it is not inherently distinctive. These unregistrable term(s) at best are 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 applicant has expressly identified goods that include "glassware" and "enameled glass". Thus, the wording merely describes applicant's 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 "GLASS" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this issue using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

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Translation

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The examining attorney has attached evidence to show that SAMA is a Japanese word that attributes a formal title of respect when addressing male adult.

To permit proper examination of the application, applicant must submit an English translation of the Japanese wording in the mark SAMA. 37 C.F.R. §§2.32(a)(9), 2.61(b); see TMEP §809. The following English translation is suggested: **The English translation of "SAMA" in the mark is "Mr."**. TMEP §809.03. See attached translation evidence.

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Description

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Applicant must submit a description of the mark. 37 C.F.R. §2.37; see TMEP §§808.01, 808.02. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies all the literal and design elements. See 37 C.F.R. §2.37; TMEP §§808 *et seq.* In this case, the drawing of the mark is not in standard characters.

The following description is suggested, if accurate: **The mark consists of the stylized wording SAMA above the stylized wording GLAS.**

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Pro Se Applicant

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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.

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Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a qualified U.S. attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06.

For attorney referral information, applicant may consult the [American Bar Association's Consumers' Guide to Legal Help](#) or an online directory of legal professionals, such as [FindLaw®](#). The USPTO, however, may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

Please note that foreign attorneys, other than duly authorized Canadian attorneys, are not permitted to represent applicants before the USPTO. See 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(c). The only attorneys who may practice before the USPTO in trademark matters are (1) attorneys 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/territories; and (2) duly authorized Canadian agents/attorneys. See 37 C.F.R. §§2.17(e), 11.14(a), (c); TMEP §602.

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WHOIS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL 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>.

If the applicant has any questions or needs assistance in responding to this Office action, please call or e-mail the assigned examining attorney.

/D. Beryl Gardner/
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TO RESPOND TO THIS LETTER: Go to 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. 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 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>.



[sci.lang.japan FAQ](#)

13. Etiquette

[Previous: What are the phrases used on *nengajō* \(New Year's greetings\)?](#)

What is the difference between *san*, *san*, *chan*?



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In Japan, when talking about other people, one uses honorific titles. These go after the correct use of titles is considered very important in Japan. Calling someone, or just calling called *yobisute* (呼び捨て), and is bad manners.

Although titles are usually added to people's names, there are some exceptions. They are family member, or another member of one's "in-group", to someone from outside the company, boss "Tanaka san" when she talks to him, or about him to other people. But when she is in their company, she calls him just "Tanaka".

Common honorific titles

It's written in hiragana.

San may also be used with a characteristic of a person. A bookseller might be *hon'ya-san*. A foreigner might be referred to as *gaijin-san* (外人さん). (See also [Is *gaijin* a derogatory](#)

San is also used when talking about entities such as companies. For example, the office *Kojima denki* might be referred to as *Kojima Denki-san* by another nearby company. It is often used in phone books and business cards in Japan, where the names of surrounding

San is also applied to some kinds of foods. For example, fish used for cooking are some *san*.
Kun (君) is informal and mostly used for males, such as boys or juniors at work. It is used between males of the same age and status to each other, and in addressing male children. It can also be addressed as *kun* by superiors.

Schoolteachers typically address male students using *kun*, while female students are addressed as *san*.

In the Diet of Japan, diet members and ministers are called *kun* by the chairpersons. For example, Koizumi Jun'ichirō *kun*. However, when Takako Doi, a woman, was the chairperson, she was called *san*.
Chan is used for members, close friends and lovers. The change from *san* to *chan* is a kind of "baby talk" in Japanese where "sh" sounds are turned into "ch" sounds, such as *chitchai* for *chiisai*, "small".

Chan is also used for adults who are considered to be *kawaii* (cute or loveable). For example, Arnold Schwarzenegger gained the nickname *Shuwa-chan* (シュワちゃん).



(シュワちゃん).

Chan is sometimes applied to male children if the name does not fit with the young woman named *Maki* might call herself *Maki-chan* rather than using a first person used for pets and animals, such as *usagi-chan*. (See also [What are the personal pronouns](#)

In the same way that *chan* is a version of *san*, there is also *chama* (ちゃま) from **sama** (ちん), and *tan* (たん).

Senpai* and *kōhai

Senpai (先輩) is used by students to refer to or address senior students in an academic **Sensei**

Sensei (先生) is used to refer to or address teachers, doctors, lawyers, politicians, or other authority figures. It is also used to show respect to someone who has achieved a certain level of mastery in some skill. It is used by fans of novelists, musicians, and artists. For example, Japanese manga fans refer to manga artist Rumiko Takahashi as *Takahashi-sensei*.

Sama

name on postal packages and letters.

Sama is also often used for people considered to have some high ability or be particularly popularity, Leonardo DiCaprio gained the nickname *Leo-sama* in Japan.

Sama is also occasionally used about oneself as in the arrogant male pronoun *ore-sama*

sama is also occasionally used about oneself, as in the arrogant male pronoun *ore-sama*. However, this is not common outside fiction or humour. (See also [What are the personal](#)

Shi

Commonly, when [san](#) or [sama](#) imply, once a person's name has been used that way, the name alone, without the name, as long as there is only one person being referred to.

Other titles

Occupation-related titles

Instead of the above general honorifics, it is fairly common to use the name of the person's job after the name. It is common for sports athletes to be referred to as name *Maruyama-san*.

Inside companies, it is also common to refer to people using their company rank, particularly for those of a high rank, such as company president, *shachō* (社長) or other titles such as *buchō* (部長), department chief, etc.

Honorific job titles

The name of a job may have two versions. For example, "translator" may be *hon'yakusha*. In the case of farmers, the old name *hyakushō* (百姓) (literally "one hundred surnames") is used when farmers are referred to, and refer to themselves as, *nōka* (農家), or "farming experts".

Honorific job titles such as *sensei*, which is applied to teachers and doctors, also have r

Honoring job titles such as *sensei*, which is applied to teachers and doctors, also have a language, a teacher is a *kyōshi* (教師) and a doctor is an *isha* (医者) or *ishi* (医師). The *san* is used when addressing or talking about the person, but the plain forms of the jobs are used in other contexts.

Fujin

Titles for criminals and the accused

Convicted criminals are referred to with the title *hikoku* (被告) instead of *san*. For example, *Matsumoto hikoku* of Aum Shinrikyo. Suspects awaiting trial are referred to by the title *yōgisha* (容疑者).

Titles for companies

[As mentioned above](#), companies often refer to each other's offices informally using

There are also separate words for "our company", *heisha* (弊社), which literally means "our company", *kisha* (貴社) or *onsha* (御社), meaning "honoured company".

Organizations that provide professional services, such as law or accounting firms, may use *jiyūso* (事務所), meaning "office".

Dono and tono

Dono and *tono* both contain "on" (上), which means "above". This title is used to show respect. *Ue* (上) literally means "above" and, appropriately, denotes a high level of respect. While it is still seen in constructions like *chichi-ue* (父上) and *haha-ue* (母上), reverent terms for

Iemoto

Iemoto (家元) is an even more polite version of *sensei* used for the highest ranking person in calligraphy or the tea ceremony.

Titles for royalty and others

- *Denka* (殿下) is affixed to the end of a royal title, with a meaning similar to "Royal".
Suwēden Ōkoku Bikutoria Kōtaishi denka (スウェーデン王国 ビクトリア皇太子殿下) "Heir of the Kingdom of Sweden".
- *Kakka* (閣下) means "Your Excellency" and is used for ambassadors and some heads of state.

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