

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

**U.S. Application Serial No.** 79282260

**Mark:**

**Correspondence Address:**

Beijing Saintbuild; Intellectual Property  
Room 501, Culture Building,  
No. 57 Honglian South Road,  
Beijing  
CHINA

**Applicant:** Anhui Panpan Foods Co., Ltd.

**Reference/Docket No.** N/A

**Correspondence Email Address:**

## NONFINAL OFFICE ACTION

**International Registration No.** 1522994

### Notice of Provisional Full Refusal

**Deadline for responding.** The USPTO must receive applicant's response **within six months of the "date on which the notification was sent to WIPO (mailing date)"** located on the WIPO coverletter, or the U.S. application will be abandoned. To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database; select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "1st Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Discussion of provisional full refusal.** This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). See 15 U.S.C. §§1141(f), 1141(h)(c).

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.

#### SUMMARY OF ISSUES:

- Search Of Uspto Database Of Marks
- Amendment Of The Identification Of Goods And Services Required
- Description Of The Mark Required
- Amendment Of The Translation Statement Required
- Foreign Domiciled Applicant – U.S.-Licensed Attorney Required

#### SEARCH OF USPTO DATABASE OF MARKS

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

#### AMENDMENT OF THE IDENTIFICATION OF GOODS AND SERVICES REQUIRED

The applicant provided the following identification of goods and services:

Class 05 -	Propolis dietary supplements; royal jelly dietary supplements; yeast dietary supplements; medicines for human purposes; sanitary napkins; sanitizing wipes; first-aid bags, filled; dietetic substances adapted for medical use; nutritional supplements; traditional Chinese medicine bag, portable, filled
Class 32 -	Beer; fruit juice; mineral water [beverages]; non-alcoholic beverages; non-alcoholic fruit tea; isotonic beverages; coke; pure water (drinks); plant-based drinks

#### Class 05

The wording "medicines for human purposes" in the identification of goods is indefinite and must be clarified because the applicant has not specified either the exact kind of medicines that the applicant intends to provide, or what the medicines are designed to treat. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Therefore, the applicant must amend the identification to clarify the exact goods that the applicant intends to offer.

The wording “first-aid bags, filled” in the identification of goods is indefinite and must be clarified because the nature of the filled first-aid bags is not clear. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend this wording to specify the common commercial or generic name of the goods. See TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. See *id.* For example, the applicant may specify that the goods are “first-aid kits.”

The wording “dietetic substances adapted for medical use” in the identification of goods is indefinite and must be clarified because the exact dietetic substances that the applicant intends to provide. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. For example, the applicant may specify that the goods are “dietetic foods,” “dietetic infusions,” or “dietetic beverages.”

The wording “traditional Chinese medicine bag, portable, filled” in the identification of goods is indefinite and must be clarified because the exact nature of the goods being offered by the applicant is not clear. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Specifically, it is not clear if the goods being identified by the applicant are bags containing a wide variety of medicines, in which the applicant should clarify that it is providing a type of first-aid kit, or if the applicant is providing a bag filled with a specific type of medication, the applicant must clarify what that medicine is. Therefore, the applicant must amend the identification to clarify the exact goods that the applicant intends to offer.

### Class 32

The identification of goods contains parentheses and brackets. Generally, applicants should *not* use parentheses and brackets in identifications in their applications so as to avoid confusion with the USPTO’s practice of using parentheses and brackets in registrations to indicate goods and/or services that have been deleted from registrations or in an affidavit of incontestability to indicate goods not claimed. See TMEP §1402.12. The only exception is that parenthetical information is permitted in identifications in an application if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., “fried to fu pieces (abura-age).” *Id.*

Therefore, applicant must remove the parentheses and brackets from the identification and incorporate any parenthetical or bracketed information into the description of the goods and/or services.

The wording “non-alcoholic beverages” in the identification of goods is indefinite and must be clarified because the exact beverages that the applicant intends to provide in Class 32 is not clear. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The applicant must amend the identification to clarify the exact goods that the applicant intends to offer.

The wording “plant-based drinks” in the identification of goods is indefinite and must be clarified because the exact kind of drinks that the applicant intends to provide is not clear. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The applicant must amend the identification of goods to clarify what plant-based drinks that applicant intends to provide.

The applicant may amend the identification of goods and services to the following, if accurate:

Class 05 -	Propolis dietary supplements; royal jelly dietary supplements; yeast dietary supplements; medicines for human purposes, <b><i>namely, {applicant to specify the exact medicines that the applicant intends to provide in Class 05, e.g. anti-allergy medicines, etc.}</i></b> ; sanitary napkins; sanitizing wipes; filled first-aid bags, <b><i>namely, first aid kits</i></b> ; dietetic substances adapted for medical use, <b><i>namely, {applicant to clarify the dietetic substances that the applicant intends to provide in Class 05, e.g. dietetic infusions, etc.}</i></b> ; nutritional supplements; traditional, <b><i>portable, and filled</i></b> Chinese medicine bag, <b><i>namely, {applicant to clarify the exact goods that the applicant intends to provide in Class 05, e.g. first-aid kits, etc.}</i></b>
Class 32 -	Beer; fruit juice; mineral water <b><i>beverages</i></b> ; non-alcoholic beverages, <b><i>namely, {applicant to specify the exact beverages that the applicant intends to provide in Class 32, e.g. fruit juice, etc.}</i></b> ; non-alcoholic fruit tea; isotonic beverages; coke; pure water <b><i>for drinking</i></b> ; plant-based drinks, <b><i>namely, {applicant to specify the exact goods that the applicant intends to provide in Class 32, e.g. aloe vera drinks, etc.}</i></b>

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.

### DESCRIPTION OF THE MARK REQUIRED

Applicant must submit a description of the mark, because one was not included in the application. 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 §§808.01, 808.02, 808.03(b). In this case, the drawing of the mark is not in standard characters.

The following description is suggested, if accurate: **The mark consists of three stylized Chinese characters.**

#### AMENDMENT OF THE TRANSLATION STATEMENT REQUIRED

To permit proper examination of the application, applicant must submit both (1) an English translation of the foreign wording in the mark, see attached translation evidence; and (2) a transliteration (a phonetic spelling of the pronunciation, in Latin characters) of any non-Latin characters in the mark, with either an English translation of the corresponding non-English transliterated wording or a statement that the transliterated term has no meaning in a foreign language. See 37 C.F.R. §§2.32(a)(9)-(a)(10), 2.61(b); TMEP §809.

If the transliterated wording has an English translation, applicant should use the following format, if accurate:

**The non-Latin characters in the mark transliterate to “BAO FA LI” and this means “LEOPARD POWER” in English.**

TMEP §809.03.

#### FOREIGN DOMICILED APPLICANT – U.S.-LICENSED ATTORNEY REQUIRED

**Applicant must be represented by a U.S.-licensed attorney at the USPTO to respond to or appeal the provisional refusal.** An applicant whose domicile is located outside of the United States or its territories is foreign-domiciled and must be represented at the USPTO by an attorney who is an active member in good standing of the bar of the highest court of a U.S. state or territory. 37 C.F.R. §§2.11(a), 11.14; *Requirement of U.S.-Licensed Attorney for Foreign-Domiciled Trademark Applicants & Registrants*, Examination Guide 4-19, at I.A. (Rev. Sept. 2019). An individual applicant's domicile is the place a person resides and intends to be the person's principal home. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. A juristic entity's domicile is the principal place of business; i.e., headquarters, where a juristic entity applicant's senior executives or officers ordinarily direct and control the entity's activities. 37 C.F.R. §2.2(o); Examination Guide 4-19, at I.A. Because applicant is foreign-domiciled, applicant must appoint such a U.S.-licensed attorney qualified to practice under 37 C.F.R. §11.14 as its representative before the application may proceed to registration. 37 C.F.R. §2.11(a). See Hiring a U.S.-licensed trademark attorney for more information.

Only a U.S.-licensed attorney can take action on an application on behalf of a foreign-domiciled applicant. 37 C.F.R. §2.11(a). Accordingly, the USPTO will not communicate further with applicant about the application beyond this Office action or permit applicant to make future submissions in this application. And applicant is not authorized to make amendments to the application.

**To appoint or designate a U.S.-licensed attorney.** To appoint an attorney, applicant should submit a completed Trademark Electronic Application System (TEAS) Change Address or Representation form. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form indicating that an appointment of attorney has been made and address all other refusals or requirements in this action, if any. Alternatively, if applicant retains an attorney before filing the response, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. See 37 C.F.R. §2.17(b)(1)(ii).

**How to respond.** Click to file a response to this nonfinal Office action.

/Mark S. Tratos/  
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Mark.Tratos@uspto.gov

#### RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** A response or notice of appeal must be received by the USPTO before midnight Eastern Time of the last day of the response period. TEAS and ESTTA 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.



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## Chinese English Pinyin Dictionary

Search with English, Pinyin, or Chinese characters

豹)

Pinyin: bào

海豹

hǎi bào

seal (zoology)

豹

bào

leopard

panther

Example Usage

豹子

bào zi

leopard

CL: 類 | 头[tou2]

Example Usage

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雪豹

xuě bào

snow leopard



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## Chinese English Pinyin Dictionary

Search with English, Pinyin, or Chinese characters

发

Pinyin: fā

发表

fā biǎo

to issue  
to publish

Trad 發表

☐ Example Usage☐ Show Strokes

发

fā

to send out  
to show (one's feeling)  
to issue  
to develop  
to make a bundle of money  
classifier for gunshots (rounds)

Trad 發

☐ Example Usage☐ Show Strokes

发

fā

hair  
Taiwan pr. [fa3]

Trad 髮

☐ Example Usage☐ Show Strokes

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<https://chinese.yabla.com/chinese-english-pinyin-dictionary.php?define=%E5%8F%91>



Chinese

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Educators

Sign in

Subscribe

## Chinese English Pinyin Dictionary

Search with English, Pinyin, or Chinese characters

力

Radical: 力 (power, force)

力

lì

power  
force  
strength  
ability  
strenuously

☐ Example Usage☐ Show Strokes

力

Lì

surname Li

☐ Show Strokes

能力

néng lì

capability  
ability  
CL: 能力 [gè]

☐ Example Usage☐ Show Strokes

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- Chinese to English
- English to Chinese
- Chinese to Japanese
- Japanese to Chinese
- Chinese to French
- French to Chinese
- Chinese to Korean
- Korean to Chinese
- Chinese to Spanish
- Spanish to Chinese

XYZ Translator Chinese to English

Chinese to English 发力

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在 Facebook ( 脸书 ) 上与家人和朋友聚会！Facebook®

打开

### 发力

— Chinese to English translation

#### | Google Translator

work hard

0

#### | Baidu Translator

Force

0

#### | Bing Translator

Exerting force

0

#### | Youdao Translator

power

0

#### | QQ Translator



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