

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

**U.S. Application Serial No.**  
79340265

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

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**NONFINAL OFFICE ACTION**

**International Registration No.** 1660970

**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 (see <https://www.uspto.gov/trademarks-application-process/abandoned-applications> for information on abandonment). To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database at <https://tsdr.uspto.gov/>, 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 "IB-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. §§1141f(a), 1141h(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:**

- IDENTIFICATION OF GOODS AND SERVICES
- EMAIL ADDRESS REQUIREMENT
- U.S. COUNSEL REQUIREMENT

**SEARCH OF USPTO DATABASE OF MARKS**

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**

The identification of goods highlighted below is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must specify the common commercial or generic name for the goods. If there is no common commercial or generic name, applicant must describe the goods and intended consumer as well as its main purpose and intended uses. In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. TMEP §1402.03(a); *see* 37 C.F.R. §2.32(a)(6).

The word “clothing” in the identification of goods in International Class 25 is indefinite and too broad and must be clarified because the word does not make clear the nature of the goods and could identify goods in more than one international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03, 1904.02(c), (c)(ii).

The international classification of goods in applications filed under Trademark Act Section 66(a) cannot be changed from the classification the International Bureau of the World Intellectual Property Organization assigned to the goods in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §1401.03(d). Therefore, although clothing can be classified in international classes other than International Class 25 (e.g., International Classes 9, 10, and 18), any modification to the identification must identify goods in International Class 25 only, the class specified in the application for such goods. *See* TMEP §1904.02(c)(ii).

Examples of acceptable identifications for clothing and/or apparel in International Class 25 include the following: “shirts,” “shorts,” “pants,” “coats,” “dresses,” “skirts,” and “socks.” Applicant may also amend the identification by inserting the word “namely,” after “clothing” and then listing the specific types of clothing items.

The word “headgear” in the identification of goods must be clarified because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03, 1904.02(c), (c)(ii). This word is indefinite because it does not make clear what the goods are. Further, this wording

could identify goods in more than one international class.

Similar to clothing, although headgear may be classified in international classes other than International Class 25 (e.g., International Classes 9, 10, 26, and 28), any modification to the identification must identify goods in International Class 25 only, the class specified in the application for such goods. *See* TMEP §1904.02(c)(ii).

Applicant may (1) amend “headgear” to “headwear,” and/or (2) retain “headgear,” add “namely,” and then list the specific types of headgear items in that class (e.g., headgear, namely, sports caps and hats, for International Class 25). Given the overbroad nature of “headgear,” the wording after “namely” must identify the goods with sufficient specificity that it would be considered definite and properly classified absent the term “headgear.”

The recitation of services highlighted below is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must specify the common commercial or generic name for the services. If the services have no common commercial or generic name, applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). Applicant must be as complete and specific as possible, and avoid the use of indefinite words and phrases.

The identification for “retail...services” in International Class 35 is indefinite and must be clarified because retail services could include a wide array of retail support services – from accounting to advertising and marketing services. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.11.

If applicant’s retail services involve retail stores or outlets (online or brick-and-mortar), or distributorships, applicant should amend the identification to indicate (1) the nature of the retail activity provided (e.g., retail stores, retail distributorships, online retail outlets), and (2) the field or type of goods offered through those retail services, e.g., “retail online ordering services featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” “retail distributorships in the field of {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” and “retail outlets featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry}.” *See* TMEP §§1301.01(a)(ii), 1402.11.

Similarly, the identification for “wholesale services” in International Class 35 is indefinite and must be clarified because it could include a wide array of services related to wholesaling – from accounting to advertising and marketing services. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.11.

Applicant must amend the identification to indicate the nature of the wholesale activity that applicant provides (e.g., wholesale distributorships, wholesale services by direct solicitation by sales agents, or wholesale store services). If the services are in the nature of wholesale stores, direct solicitation, or distributorships, the identification should also indicate the field or type of goods offered through the wholesale services, e.g., “wholesale distributorships featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” “wholesale services by direct solicitation by sales agents in the field of {indicate field or type of goods, e.g., auto parts, clothing, jewelry},” and “wholesale store services featuring {indicate field or type of goods, e.g., auto parts, clothing, jewelry}.” *See* TMEP §§1301.01(a)(ii), 1402.11.

The identification of goods and services contains parentheses and brackets. Generally, an applicant should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of incontestability, or (3) guidance to users of the USPTO's *U.S. Acceptable Identification of Goods and Services Manual* to draft an acceptable identification. See TMEP §§1402.04, 1402.12. The only exception for including parenthetical information in identifications is 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 tofu pieces (abura-age)." See TMEP §1402.12.

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 services. Applicant may also delete the parenthetical or bracketed information where indicated below.

Applicant may adopt the following amended identification of goods and services suggested by the trademark examining attorney, if they accurately reflect the nature, function, purpose, and scope of applicant's goods and services. The suggested identification also serves as examples of acceptable language and may be used as a guide in drafting amended language. **Please note proposed changes in bold type, strikethroughs reflecting deletions, and applicant should pay particular attention to language removed or inserted by the trademark examining attorney:**

International Class 011: Cooking rings; boilers other than machine parts, **namely, \_\_\_\_\_ {clarify goods, e.g. electrical boilers, heating boilers};** electric boilers; electric water heaters; electric cookers, **namely, \_\_\_\_\_ {clarify goods, e.g. electric slow cookers, electric egg cookers};** electric heating **elements;** burners, **namely, \_\_\_\_\_ {clarify goods, e.g. gas burners, burners for lamps};** instantaneous water heaters; stoves **being heating apparatus;** wood-burning stoves; steam **heating** boilers, other than parts of machines; domestic fireplaces; blowtorches for culinary use, **namely, butane torches for cooking;** alcohol burners; gas generators, **namely, \_\_\_\_\_ {clarify goods, e.g. membrane apparatus for generating gas, electrochemical gas generators};** gas burners; gas boilers **being commercial and industrial cookware;** reheating stoves; heating installations using fuel gas; water heaters; immersion heaters; air reheaters, **namely, \_\_\_\_\_ {clarify goods, e.g. hot-air space heating apparatus}; \_\_\_\_\_ {delete or clarify "furnace grates" to indicate goods in Class 11};** solar furnaces; solar water-heaters; sauna bath installations; incinerators; coils being parts of heating installations; heat pumps; heat accumulators; heat exchangers, other than parts of machines; hot air apparatus, **namely, \_\_\_\_\_ {clarify goods, e.g. hot air blowers, hot air ovens};** heating boilers; heating plates **being hot plates;** heating elements; heating apparatus for solid, liquid or gaseous fuels; water cooling installations; electric heaters for feeding bottles; barbecues; automatic installations for making coffee, **namely, \_\_\_\_\_ {clarify goods, e.g. electric coffee makers};** automatic bread-making machines for household purposes; refrigerated beverage dispensers; refrigerated display cases for displaying foods; **electric** rotisseries (~~electric~~) for domestic use; extractor hoods for **kitchens;** beverage refrigerators for **use in** motor cars; electric coffee percolators; electric roasters; electric

toasters for sandwiches; electric cooking pots for household use; electric kettles; electric hot plates (~~cooking apparatus~~); electric food warmers; ~~electric roasters~~; {delete duplicative entry} electric food steamers; electric coffee roasters; electric panini makers; electric appliances for making yogurt; **electric rice cooker**; electric heating apparatus, namely, \_\_\_\_\_ {clarify goods, e.g. **electric space heaters, electric cup heaters**}; electric woks; **electric** bread toasters; hot plates; electric induction plates **being electric hot plates**; electric coffee filters **in the nature of coffee filters not of paper being part of electric coffee makers**; commercial cooking ovens; convection ovens; water filtration jugs **sold empty**; bakers' ovens; electric samovars; roasting spits **for cooking ovens**; **electric** roasters; gas grills; gas **cooking** ovens; gas stoves; rotisseries; pizza ovens; **baking** ovens, other than for laboratory use; heating and cooling apparatus for dispensing hot and cold beverages; freezers for ice-cream; multi-cookers; microwave **ovens for cooking**; lava rocks for use in barbecue grills; kitchen ranges **being cooking ovens**; milk sterilizers; \_\_\_\_\_ {clarify “table ovens,” e.g. **microwave ovens**}; bread-making machines; ice-cream making machines; air fryers; USB-powered cup warmers; heating apparatus, namely, \_\_\_\_\_ {clarify goods, e.g. **floor heating apparatus, space heating apparatus**}; bread baking machines; roasting jacks; heating installations; garment steamers; **electric** air driers; drying apparatus, namely, \_\_\_\_\_ {clarify goods, e.g. **clothes dryers, hand dryers**}; \_\_\_\_\_ {clarify “electric cold boxes,” e.g. **electric refrigerators; electric ice chests**}; refrigerating machines; refrigerating cabinets; refrigerators; chest freezers; beverage-cooling apparatus; ice-cube **making** machines and apparatus; portable refrigerators; **utility** lighters for **lighting** grills; gas lighters for household use, namely, **friction lighters for igniting gas**; contactless hand drying apparatus; \_\_\_\_\_ {clarify “footwarmers, **electric or non-electric**,” e.g. **electric footmuffs**}; electrically heated pads, not for medical use; electric bed warmers; electric blankets, not for medical use; electric fans for personal use; foot muffs, electrically heated; electrically heated clothing; electrically heated socks; USB-powered hand warmers; warming pans **for beds**; bed warmers; pocket warmers, namely, \_\_\_\_\_ {clarify goods, e.g. **electric pocket warmers for warming hands, non-electric chemically-activated heating packets for warming hands**}; hot water bottles; hair dryers; air filters for air conditioning **units**; filters for drinking water; apparatus for filtering drinking water; air filtering installations; regulating and safety accessories for water apparatus, namely, \_\_\_\_\_ {clarify goods, e.g. **pressure regulators for water installations, water control valves for faucets**}; \_\_\_\_\_ {clarify “electric chimneys” to indicate goods in Class 11}; tanning apparatus, namely, \_\_\_\_\_ {clarify goods, e.g. **tanning beds, tanning booths**}; ultraviolet ray lamps, not for medical use; portable stoves; electric flashlights; gas lamps; lamps for camping; \_\_\_\_\_ {delete indefinite wording of “apparatus and installations for lighting, heating, cooling, cooking, ventilating, water distribution, electrics and sanitary installations” and replace with specific goods, e.g. **electric lighting fixtures; electric radiant heaters; electric coolers**}

International Class 018: Traveling trunks; traveling bags; suitcases; fanny packs; backpacks; beach bags; backpacks for mountaineers; slings for carrying infants; sports backpacks; sports bags; carry-all bags; **all-purpose carrying** bags for campers; all-purpose carrying bags; hiking bags; wrist-mounted wallets; **leather** briefcases (~~leather goods~~); wheeled suitcases; garment bags for travel; backpacks for carrying babies; handbags; vanity cases, not fitted; empty cases for cosmetic products; suitcases ~~for carrying~~

**eases**}; flight bags; shopping bags of textile; shopping bags, **namely**, \_\_\_\_\_ {clarify types, e.g. **reusable shopping bags, mesh shopping bags, canvas shopping bags**}; wallets; music cases; key cases; ~~garment bags for travel~~; {delete duplicative entry} purses; felt pouches (bags); hand luggage; business card cases; randsels **being Japanese school satchels**; suitcase handles; handles for carrying **reusable** shopping bags; net bags for shopping; school satchels; bags for sports clothing; \_\_\_\_\_ {clarify “handles for bags,” e.g. **handles for handbags; handles for athletic bags**}; pouches for holding make-up, keys and other personal items; umbrellas; frames for umbrellas; umbrella covers; parasols; patio umbrellas; umbrella sticks; umbrella or parasol ribs; mountaineering sticks; hiking sticks; walking-stick seats; walking-stick handles; wading staffs; unworked or semi-worked leather; imitation leather; girths of leather; trimmings of leather for furniture; leathercloth; **imitation leather, namely, moleskin** (~~imitation leather~~); reins for controlling children; animal hides; collars for pets; **horse** halters; guides **being reins**; muzzles; clothing for pets; nose bags **being feed bags for animals**; whips; coats for dogs; coats for cats; blinkers **for horses** (~~harness~~); leather for harnesses; covers ~~{clothing}~~ for animals; saddlery; bridoons; stirrups; walking sticks; valves of leather **being semi-worked leather**; trunks **being luggage**; **animal** game bags; straps for **carrying** skates; sling bag for carrying babies; boxes of leather or leatherboard; leather cord; key rings of leather (~~trinkets~~); coverings of skins, **namely**, \_\_\_\_\_ {clarify “(furs),” e.g. **artificial fur, fur pelts**}; shoulder belts ~~{straps}~~ of leather; straps of leather **being saddlery**; harness straps; pouches of leather for packaging; harnesses for animals; ~~saddlery~~ {delete duplicative entry}

International Class 020: Furniture (~~furnishings~~); benches (~~furniture~~); outdoor furniture; garden furniture; tent pegs not of metal; mattresses; air mattresses not for medical use; camping mats **for sleeping**; inflatable mattresses for camping; camping furniture; mattress toppers; footrests; **reusable** baby changing mats; floor mats **in the nature of cushions and mattresses**; valet stands; beds; bed bases; bed rails; box springs; transportable beds; dog beds; baskets for **use as cat beds**; bedsteads of wood; bedding except linen, **namely**, \_\_\_\_\_ {clarify goods, e.g. **bed pillows, bed cushions**}; beds for household pets; water beds other than for medical use; pillows; neck pillows; cushions; busts of wood, wax, plaster or plastic; miniature animal models **being ornaments** made of wood; art objects of wood, wax, plaster or plastic; wind chimes (~~decoration~~); wax figures; statues of wood, wax, plaster or plastic materials; transport or storage containers not of metal **and not of paper**; packaging containers of plastic materials; \_\_\_\_\_ {clarify “Capsules (non-metallic receptacles),” e.g. **non-metal time capsules; non-metal capsules sold empty for beauty care and cosmetic products**}; wooden lids for packaging containers for industrial use; wooden stoppers for industrial packaging containers; bottle closures not of metal; stoppers, not of metal, **namely**, \_\_\_\_\_ {clarify goods, e.g. **stoppers of cork, plastic stoppers for bottles**}; stoppers **for bottles, not of glass, metal or rubber**; bottle racks; cases not of metal, **namely**, \_\_\_\_\_ {clarify goods, e.g. **display cases, plastic cases**}; **non-metal** chests for food; kitchen cupboards, not of metal; luggage lockers; placards of wood or plastics; display boards; magazine racks; inflatable publicity objects; portable ground mattresses; deck chairs; camp beds **being cots**; bolsters; deck chairs, not for medical use

International Class 022: Tents; tent ropes; awnings **of textile** for tents; tents **being awnings** for caravans **of textile or synthetic materials**; tents **being awnings** for vehicles

of textile or synthetic materials; floor cloths, namely, \_\_\_\_\_ {clarify goods, e.g. drop cloths, vinyl ground cloths}; bivouac sacks being shelters; storage bags, namely, \_\_\_\_\_ {clarify goods, e.g. storage bags for industrial use, mesh bags for storage}; bags ~~(covers, pouches)~~ of textile for packaging; textile storage bags other than luggage or travel bags, namely, cloth bags for storage; gift bags of fabric; packing materials ~~(stuffing)~~ not of rubber or plastics and not of paper or cardboard; combed wool; jute; coconut fibers; raw linen ~~(flax)~~; ropes; packing rope; car towing ropes; strings; nets for camouflage; camouflage tarpaulins; packing string; shorn wool; sails ~~(rigging)~~; nylon straps, not of metal, for handling loads; braces being slings, not of metal, for handling loads; twine for nets; nets, namely, \_\_\_\_\_ {clarify goods, e.g. commercial nets, fishing nets}; fleeces being animal hair; snare nets; \_\_\_\_\_ {delete or clarify “straw for upholstering” to indicate goods in Class 22}; raw fibrous textile materials; textile fibers; raw wool; treated wool, namely, \_\_\_\_\_ {clarify goods, e.g. shorn wool, carded wool}; raw cotton; vehicle covers, not fitted; padding and stuffing materials not of rubber or plastics and not of paper or cardboard; large-capacity bags for the transport and storage of materials in bulk; cocoons; awnings of textile or synthetic materials; rope ladders; tarpaulins, not adapted for vehicles

International Class 024: Sleeping bags; baby sleeping bags; sleeping bags for camping; sleeping bag liners; large bivouac sacks as sleeping bag covers; mosquito nets; bolting cloth; insecticide treated mosquito nets; insect protection nets for household purposes; calico; fustian; \_\_\_\_\_ {clarify “cloth for furniture,” e.g. unfitted fabric furniture covers}; damask ~~(fabric)~~; traveling rugs ~~flap-robes~~; blankets for household pets; baby bunting ~~(snuggle suits)~~; elastic fabrics, namely, \_\_\_\_\_ {clarify goods, e.g. elastic fabrics for clothing, elastic woven fabrics}; gauze fabric ~~(cloth)~~; silk fabrics; hemp fabrics; linen cloths; bath linen except clothing; non-woven textile fabrics; adhesive fabrics for application by heat; mattress covers; pillowcases; tablecloths not of paper; moleskin ~~(fabric)~~; eiderdown coverlets ~~(down-coverlets)~~; picnic blankets; plastic materials as fabric substitutes, namely, \_\_\_\_\_ {clarify goods, e.g. woven aramid fabrics for use in the manufacture of protective clothing}; sheets, namely, \_\_\_\_\_ {clarify goods, e.g. bed sheets, cot sheets}; felts; knitted fabrics; bed linen; bed covers; shrouds; lingerie fabric; fabrics for footwear; banners made of textile or plastic materials; pennants of textile materials or plastic materials; flags made of textile or plastic materials; curtains of textile or plastic materials; fabrics for textile use; textile materials, namely, \_\_\_\_\_ {clarify goods, e.g. wavy fiber textiles, textile fabrics for home and commercial interiors}; \_\_\_\_\_ {clarify “linings (textile),” e.g. textile used as lining for clothing}; lining fabrics for footwear ~~articles~~ {delete extraneous wording}; place mats made of textile materials; towels of textile materials; handkerchiefs of textile; fabrics, namely, \_\_\_\_\_ {clarify goods, e.g. cotton fabrics, canvas fabric}; tulle; woolen fabrics; glass cloths being towels; net curtains ~~(curtains)~~; velvet; door curtains; bed canopies

International Class 025: Clothing, namely, \_\_\_\_\_ {clarify types, e.g. skirts, shorts}; footwear; headwear; sports clothing other than golf gloves, namely, \_\_\_\_\_ {clarify types, e.g. sports bras, sports jerseys}; wedge-heeled sports footwear; sports headgear other than helmets, namely, \_\_\_\_\_ {clarify types, e.g. sports caps and hats, swimming caps}; jerseys for sports; moisture-wicking sports shirts; moisture-wicking sports pants; moisture-wicking sports bras; sports caps being headwear; jackets for sports; shirts for

sports; sports socks; cycling footwear; cyclists' clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. cycling bib shorts, cycling gloves}**; cycling shorts; cyclists' jerseys; cyclists' caps; mountaineering footwear; climbing boots; stuff jackets; winter jackets; ski jackets; safari jackets; hooded fleece shirts; fleece pullovers; tee-shirts; running singlets and tank tops; sports tank tops; singlets (~~vests~~); ready-made clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. shorts, T-shirts}**; dresses; jumper dresses; suits; **clothing** jackets; overcoats; coats; parkas; pelerines; ponchos; skirts; skorts; trousers; sashes for wear; neckties; shirts; short-sleeve shirts; ~~clothing (garments)~~; **{delete duplicative entry}** outerclothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. coats, jackets}**; spats; leg warmers; leggings (~~trousers~~); clothing for gymnastics, **namely**, \_\_\_\_\_ **{clarify types, e.g. leotards, tights}**; beach clothes, **namely**, \_\_\_\_\_ **{clarify types, e.g. bathing trunks, swim suits}**; bathing suits; underwear; brassieres; slips **being underclothing (underwear)**; petticoats; teddies **being underclothing (underwear)**; garters; boxer shorts; pajamas; panties (~~underwear~~); pants for children; bodices ~~{lingerie}~~; dressing gowns (~~robes~~); sweaters; pullovers; knitwear, **namely**, \_\_\_\_\_ **{clarify types, e.g. knit sweaters, knit skirts}** (~~clothing~~); **clothing** layettes ~~{clothing}~~; shoes; boots; lace boots; sports footwear; gymnastic shoes; slippers, **namely, bedroom slippers**; sandals; **wooden clogs (wooden shoes)**; beach shoes; esparto shoes or sandals; metal fittings for footwear, **namely**, \_\_\_\_\_ **{clarify types, e.g. toe caps, heelpieces}**; stockings; tights; socks; **clothing** belts (~~clothing~~); money belts (~~clothing~~); furs, **namely**, \_\_\_\_\_ **{clarify types, e.g. fur jackets, fur coats}** (~~clothing~~); headbands (~~clothing~~); caps **being headwear**; visors **being headwear**; skull caps; baseball caps; ear muffs (~~clothing~~); hats; leather clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. leather pants, leather jackets}**; clothing of imitations of leather, **namely**, \_\_\_\_\_ **{clarify types, e.g. imitation leather skirts, imitation leather shirts}**; motorists' clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. jackets, boots}**; waterproof clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. waterproof pants, waterproof shirts}**; combinations **being one-piece undergarments (clothing)**; neck scarves; Ascots; fur stoles; pockets for clothing; gloves (~~clothing~~); muffs (~~clothing~~); ski gloves; mittens; hiking boots; hiking clothing, **namely**, \_\_\_\_\_ **{clarify types, e.g. hiking jackets, hiking boots}**; ~~waterproof clothing~~; **{delete duplicative entry}** sweat-absorbent underclothing; non-slip soles for footwear; underpants; shower caps; uniforms; vests; hoods (~~clothing~~); collars ~~{clothing}~~; bath slippers; bathrobes; ~~belts (clothing)~~; **{delete duplicative entry}** dress shields; scarves; shawls

International Class 035: \_\_\_\_\_ **{clarify “Retail and wholesale services for,” e.g. Wholesale and retail store services featuring}** nutritional supplements, insecticides, products for destroying vermin, cooking rings, kitchen utensils, \_\_\_\_\_ **{clarify “food cans,” e.g. canned foods}**, mountaineering equipment, walking sticks, rucksacks, suitcases, \_\_\_\_\_ **{clarify “leatherware,” e.g. fashion leather accessories, fashion leather bags, leather clothing}**, mattresses, furniture, pieces of furniture, tent pegs, tents, camping mats, camping equipment, cloths, bed linen, mosquito nets, clothing, footwear, \_\_\_\_\_ **{clarify “textile accessories,” e.g. textile fashion accessories}**, sporting articles, \_\_\_\_\_ **{clarify “tourism,” e.g. travel accessories}** and mountaineering articles, raincoats, **headwear**, cereal bars, and beverages; \_\_\_\_\_ **{clarify “retail and wholesale services for,” e.g. online wholesale and retail store services featuring}** nutritional supplements, insecticides, products for destroying vermin, cooking rings, kitchen utensils, \_\_\_\_\_ **{clarify “food cans,” e.g. canned foods}**, mountaineering equipment, walking sticks, rucksacks, suitcases, \_\_\_\_\_ **{clarify “leatherware,” e.g. fashion leather**



**accessories, fashion leather bags, leather clothing**}, mattresses, furniture, pieces of furniture, tent pegs, tents, camping mats, camping equipment, cloths, bed linen, mosquito nets, clothing, footwear, \_\_\_\_\_ **{clarify “textile accessories,” e.g. textile fashion accessories}**, sporting articles, \_\_\_\_\_ **{clarify “tourism,” e.g. travel accessories}** and mountaineering articles, raincoats, **headwear**, cereal bars, **and beverages provided via the Internet {moved up for clarification}**; import-export agency services; cost price analysis; commercial business appraisal; price comparison services; commercial administration of the licensing of the goods and services of others; procurement services for others, **namely, purchasing \_\_\_\_\_ {clarify nature of “goods and services,” e.g. office supplies, office furniture} for other businesses**; sales promotion for third parties; distribution of advertising material (~~leaflets, prospectuses, printed matter, samples~~); public relations; advertising **services**; dissemination of advertisements; online advertising on a computer network; rental of advertising time on all communication media; layout services for advertising purposes; publication of advertising texts; personnel recruitment; advertising by mail order; marketing **services**; business investigations; demonstration of goods; modeling services for advertising or sales promotion purposes; organization of fashion shows for promotional purposes; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; \_\_\_\_\_ **{clarify “presentation of goods on all communication media for retailing,” e.g. providing television home shopping services in the field of general consumer merchandise}**; bill-posting; rental of advertising space; rental of advertising material; radio advertising; television advertising; production of advertising films; **office functions in the nature of** data search in computer files for others; providing commercial information and advice to consumers regarding choice of goods and services; professional business consultancy; computerized file management services; administrative processing of purchase orders; compilation of information into computer databases; systematization of information **into** computer databases; providing business information; shop window dressing; rental of sales stands; business organization consultancy

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.

## **EMAIL ADDRESS REQUIREMENT**

**Email address required.** Applicant must provide applicant's email address, which is a requirement for a complete application. See 37 C.F.R. §2.32(a)(2); TMEP §803.05(b). This email address cannot be identical to the primary correspondence email address of a U.S.-licensed attorney retained to represent applicant in this application. See TMEP §803.05(b).

## **U.S. COUNSEL REQUIREMENT**

**Applicant is required to be represented by a U.S.-licensed attorney to respond to or appeal the provisional refusal** because applicant's domicile is located outside of the United States and applicant does not appear to be represented by a qualified U.S. attorney. 37 C.F.R. §2.11(a); TMEP §601.01(a). An applicant whose domicile is located outside of the United States or its territories must be represented 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); TMEP §§601, 601.01(a). In this case, applicant's domicile is identified in the application as outside of the United States or its territories. For more information, see the U.S. Counselwebpage at <https://www.uspto.gov/trademark/laws-regulations/trademark-rule-requires-foreign-applicants-and-registrants-have-us> and Hiring a U.S.-licensed trademark attorney webpage at <https://www.uspto.gov/trademarks-getting-started/why-hire-private-trademark-attorney>.

**To appoint a U.S.-licensed attorney** in this application, applicant should submit a completed Trademark Electronic Application System (TEAS) Change Address or Representation form at <https://teas.uspto.gov/ccr/car>. The newly-appointed attorney must submit a TEAS Response to Examining Attorney Office Action form at <https://teas.uspto.gov/office/roa/> indicating that an appointment of attorney has been made and address all other refusals or requirements in this action. 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); TMEP §604.01.

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

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.

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## 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.