

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

U.S. Application Serial No. 79393820

Mark: PITE

Correspondence Address:

*IPX patent partners
Toda Building Aoyama 5th Fl.,
8-5-34, Akasaka, Minato-ku
Tokyo 107-0052
JAPAN*

Applicant: QUEMIX INC.

Reference/Docket No. N/A

Correspondence Email Address:

**NONFINAL OFFICE ACTION
Notice of Provisional Full Refusal**

International Registration No. 1785586

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 cover letter, 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:

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Applicant may substitute the following wording, if accurate:

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, *namely, {specify further}*

; cinematographic machines and apparatus; optical machines and apparatus

, *namely, {specify further}*

; measuring or testing machines and instruments; power distribution or control machines and apparatus; rotary converters; phase modifiers; solar cells; electrical cells; electric or magnetic meters and testers; electric wires and cables; electrical communication machines and instruments; personal digital assistants; personal

digital assistants in the shape of a watch; smartphones; computers and their peripherals

, *namely, {specify further}*

; computer programs, *downloadable, for {specify function}*; computer software platforms

, *downloadable, for {specify function}*

; computer software, recorded

, *for {specify function}*

; computer hardware; computer software applications

, *downloadable, for {specify function}*

; quantum computers; *downloadable* game programs for arcade video game machines; consumer video game programs

, *downloadable, for {specify function}*

; electronic circuits and CD-ROMs recorded with programs for hand-held games with liquid crystal displays; phonograph records; downloadable music files; downloadable image files; recorded video discs and video tapes; electronic publications; exposed cinematographic films; slide film, exposed; slide film mounts; quantum dot light-emitting diodes [QLED]; quantum dots [crystalline semi-conductor materials].”

Class 035: Advertising and publicity services; providing advertising space on the internet and other communications networks; promoting the goods and services of others through the administration of sales and promotional incentive schemes involving trading stamps; business management analysis or business consultancy; marketing research or analysis; providing information concerning commercial sales; planning services for the promotion of goods; business management; job placement; conducting of auction sales; import-export agency services; copying of documents; compilation of information into computer databases; updating and maintenance of data in computer databases; computerized data management; file management by means of a computer database; providing business assistance to others in the operation of data processing apparatus, namely, computers, typewriters, telex machines and other similar office machines; office functions, namely, filing, in particular documents or magnetic tapes; publicity material rental; providing commercial information and advice for consumers in the choice of products and services; providing employment information; marketing *services*

; business consultancy; providing information about newspaper and magazine articles being news clipping services

Class 041: Dubbing; educational and instruction services relating to arts, crafts, sports or general knowledge

, *namely, {specify further}*

; educational and training services relating to quantum computers

, *namely, {specify further}*

; arranging, conducting and organization of seminars

, *namely, {specify further}*

; arranging, conducting and organization of seminars relating to quantum computers; arranging, conducting and organization of workshops; arranging, conducting and organization of educational events relating to quantum computers; arranging, conducting and organization of academic conferences, seminars, symposiums, conferences, meetings, lectures, training courses, workshops, colloquiums, and providing information relating thereto; organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races; providing **online non-downloadable** electronic publications **in the nature of {specify} in the field of {specify}**; reference libraries of literature and documentary records; book rental; publishing services; arranging and planning of movies, shows, plays or musical performances; providing videos from the internet, not downloadable; movie theatre presentations or movie film production and distribution; providing digital music from the Internet, not downloadable; presentation of live show performances; direction or presentation of plays; presentation of musical performances; production of videotape film in the field of education, culture, entertainment or sports [not for movies or television programs and not for advertising or publicity]; organization, arranging and conducting of sports competitions; providing sports facilities; providing amusement facilities; providing facilities for movies, shows, plays, music or educational training; rental of cinematographic machines and apparatus; rental of cine-films; rental of television sets; rental of radio sets; rental of records or sound-recorded magnetic tapes; rental of image-recorded magnetic tapes; rental of film negatives; rental of reversal film; photography; rental of cameras

Class 042: Computer software development in the field of quantum computers and advisory services relating thereto; advisory, consultancy or information services relating to computer programming of quantum computers; computer programming; technical advice relating to quantum computers; technological advice relating to computers, automobiles and industrial machines; computer hardware development and advisory services relating thereto; designing of machines, apparatus, instruments [including their parts] or systems composed of

such machines, apparatus and instruments; research in the field of computer hardware and software; quantum computing services or rental of quantum computers; providing computer programs on data networks; design services; information technology [IT] support services [troubleshooting of software]; research in the field of physics; research in the field of quantum communication technology; rental of computers; creating or maintaining web sites for others; rental of measuring apparatus; rental of laboratory apparatus and instruments; rental of technical drawing instruments; software as a service [SaaS]; rental of web servers; computer technology consultancy; computer system analysis; hosting web sites on the Internet; providing virtual computer systems through cloud computing; providing information relating to cloud computing; quantum computing; scientific research in the field of quantum computing

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).

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).

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. Counsel webpage 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>.

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

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- **Responses signed by an unauthorized party** are not accepted and can

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