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

U.S. Application Serial No. 79397092

Mark: BOTTEGA

Correspondence Address:

Applicant: Sandro Bottega

Reference/Docket No. N/A

Correspondence Email Address:

NONFINAL OFFICE ACTION
Notice of Provisional Full Refusal

International Registration No. 1793070

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-1rst 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).

Introduction

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 Results - No Conflicting Marks Found
- **Section 2(e)(4) – Primarily Merely a Surname Refusal**
- **Identification of Goods – Amendment Required**
- **Configuration Mark - Multiple Renditions Not Permitted**
- **Configuration Mark - Description Required**
- **Email Address Required**
- **U.S. Counsel Required**

Search Results - No Conflicting Marks Found

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.

Section 2(e)(4) – Primarily Merely a Surname Refusal

Registration is refused because the applied-for mark is primarily merely a surname. Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4); *see* TMEP §1211.

An applicant's mark is primarily merely a surname if the surname, when viewed in connection with the applicant's recited goods and/or services, "'is the primary significance of the mark as a whole to the purchasing public.'" *Earnhardt v. Kerry Earnhardt, Inc.*, 864 F.3d 1374, 1377, 123 USPQ2d 1411, 1413 (Fed. Cir. 2017) (quoting *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554, 7 USPQ2d 1490, 1492 (Fed. Cir. 1988)); TMEP §1211.01.

The following five inquiries are often used to determine the public's perception

of a term's primary significance:

(1) Whether the surname is rare;

(2) Whether anyone connected with applicant uses the term as a surname;

(3) Whether the term has any recognized meaning other than as a surname;

(4) Whether the term has the structure and pronunciation of a surname; and

(5) Whether the term is sufficiently stylized to remove its primary significance from that of a surname.

In re Colors in Optics, Ltd., 2020 USPQ2d 53784, at *1-2 (TTAB 2020) (citing *In re Benthin Mgmt. GmbH*, 37 USPQ2d 1332, 1333-34 (TTAB 1995) for the *Benthin* inquiries); TMEP §1211.01; *see also In re Etablissements Darty et Fils*, 759 F.2d 15, 16-18, 225 USPQ 652, 653 (Fed. Cir. 1985).

These inquiries are not exclusive, and any of these circumstances – singly or in combination – and any other relevant circumstances may be considered when making this determination. *In re Six Continents Ltd.*, 2022 USPQ2d 135, at *5 (TTAB 2022) (citing *In re tapio GmbH*, 2020 USPQ2d 11387, at *9 (TTAB 2020); *In re Olin Corp.*, 124 USPQ2d 1327, 1330 (TTAB 2017); *Azeka Bldg. Corp. v. Azeka*, 122 USPQ2d 1477, 1480 (TTAB 2017); *In re Integrated Embedded*, 120 USPQ2d 1504, 1506 n.4 (TTAB 2016)); TMEP §1211.01. For example, when the applied-for mark is not stylized, it is unnecessary to consider the fifth inquiry. *In re Yeley*, 85 USPQ2d 1150, 1151 (TTAB 2007); TMEP §1211.01.

Here, the following factors are most relevant, and will be discussed in turn: whether the surname is rare, whether anyone connected with applicant uses the

term as a surname, whether the term has any recognized meaning other than as a surname, and whether the term is sufficiently stylized.

Applicant has applied to register the mark **BOTTEGA** for use in connection with "Spirits; liquors, spirits and liqueurs; alcoholic bitters; anise liqueur; aperitifs; alcoholic beverages except beers; alcoholic beverages containing fruit; pre-mixed alcoholic beverages, other than beer-based; distilled alcoholic beverages; alcoholic cocktails; digestifs; alcoholic essences; alcoholic extracts; fruit extracts, alcoholic; gin; liqueurs; rum; piquette; wine; vodka; whisky" in Class 033.

Surname Significance

Please see the attached evidence from Lexis+®, establishing the surname significance of BOTTEGA. This evidence shows the applied-for mark appearing 269 times as a surname in the Lexis+® surname database, which is a weekly updated directory of cell phone and other phone numbers (such as voice over IP) from various data providers.

Rarity of Surname

Although "BOTEGGA" appears to be a relatively rare surname, the statute makes no distinction between rare and commonplace surnames and even a rare surname may be unregistrable under Trademark Act Section 2(e)(4) if its primary significance to purchasers is that of a surname. *See In re Etablissements Darty et Fils*, 759 F.2d 15, 16-18, 225 USPQ 652, 653 (Fed. Cir. 1985);*In re Beds & Bars Ltd.*, 122 USPQ2d 1546, 1551 (TTAB 2017);*In re Eximius Coffee, LLC*, 120 USPQ2d 1276, 1281 (TTAB 2016) (citing*In re E. Martinoni Co.*, 189 USPQ 589, 590-91 (TTAB 1975)); TMEP §1211.01(a)(v). There is no minimumamount of evidence needed to establish that a mark is primarily merely a surname. *See In re Etablissements Darty et Fils*, 759 F.2d at 17, 225 USPQ at 653; *In re Beds & Bars Ltd.*, 122 USPQ2d at 1548; TMEP §1211.02(b)(i).

Surname Association with Applicant

A term that is the surname of an individual applicant or that of an officer, founder, owner, or principal of applicant's business is probative evidence of the

term's surname significance. TMEP §1211.02(b)(iv); *see, e.g., In re Etablissements Darty et Fils*, 759 F.2d 15, 16, 225 USPQ 652, 653 (Fed. Cir. 1985) (holding DARTY primarily merely a surname where "Darty" was the surname of applicant's corporate president); *In re Eximius Coffee, LLC*, 120 USPQ2d 1276, 1278-80 (TTAB 2016) (holding ALDECOA primarily merely a surname where ALDECOA wasthe surname of the founder and individuals continuously involved in the business); *In re Integrated Embedded*, 120 USPQ2d 1504, 1507 (TTAB 2016) (holding BARR GROUP primarily merely a surname where BARR was the surname of the co-founderand applicant's corporate officer and GROUP was found "incapable of lending source-identifying significance to the mark"); *Miller v. Miller*, 105 USPQ2d 1615, 1620, 1622-23 (TTAB 2013) (holding MILLERLAW GROUP primarily merely a surname where "Miller" was the surname of the applicant and the term "law group" was found generic).

In this case, applicant's own surname is the surname in the mark, BOTTEGA. This is strong evidence of the surname significance of the mark.

Non-Surname Significance

The existence of other non-surname meanings of a mark does not preclude the mark from being held primarily merely a surname. *Miller v. Miller*, 105 USPQ2d 1615, 1620-21 (TTAB 2013); *see In re Harris-Intertype Corp.*, 518 F.2d 629, 631, 186 USPQ2d 238, 239 (C.C.P.A. 1975); *In re Hamilton Pharms. Ltd.*, 27 USPQ2d 1939, 1942 (TTAB 1993). The issue is not whether a mark that has surname significance might also have a non-surname significance, but whether, in the context of an applicant's goods or services, the non-surname significance is the mark's primary significance to the purchasing public. *Miller v. Miller*, 105 USPQ2d at 1621; *see In re Harris-Intertype Corp.*, 518 F.2d at 631, 186 USPQ2d at 239; *In re Hamilton Pharms. Ltd.*, 27 USPQ2d at 1942.

In this case, the surname BOTTEGA alsohas meaning as a studio or workshop for an artist. This isn't particularly relevant to applicant's goods, and does not reduce the surname significance in light of applicant's surname being the surname in the mark.

Stylization of the Mark

Here, the mark appears in stylized form – in particular, the wording is in block lettering, placed on the configuration of a bottle.

Adding a non-distinctive design element or letter stylization to a term that is primarily merely a surname does not change the surname significance of the term. The primary significance of such a mark would still be that of a surname. TMEP §1211.01(b)(ii); *see In re Pickett Hotel Co.*, 229 USPQ 760, 763 (TTAB 1986) (holding PICKETT a surname despite use of stylized lettering); *cf. In re Benthin Mgmt. GmbH*, 37 USPQ2d 1332, 1333-34 (TTAB 1995).

In this case, the stylization is neither inherently distinctive nor does it create a commercial impression separate and apart from the wording itself. Therefore, the stylization fails to change the primary significance from that of a surname.

Ultimately, based on the inquiries relevant herein, when purchasers encounter applicant's goods using the mark BOTTEGA, they will immediately understand the primary significance of the mark as that of a surname. Therefore, registration is refused pursuant to Section 2(e)(4) of the Trademark Act.

Response Options to Refusals

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification of Goods – Amendment Required

Some of the wording in the identification of goods and/or services is indefinite and/or overly broad; that is, it is not clear what the nature of the goods and/or services is and/or the identification could include goods and/or services in more than one international class. The identification of goods and/or services must be specific, definite, clear, accurate, and concise. *See* 15 U.S.C. §§1051(a)(2), 1051(b)(2), 1053, 1126(d)-(e), 1141f; 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.01(b)-(c). However, the international classification of goods in applications filed under Trademark Act Section 66(a) cannot be changed from the

classification the International Bureau assigned to the goods in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Therefore, applicant must either (1) delete the unacceptable wording or (2) amend it to definite wording that specifies the nature of the goods and/or services in greater detail, that is within the scope of the original identification, and that remains in the international class assigned to those goods and/or services by the International Bureau. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. For assistance with drafting acceptable wording, use the USPTO's online searchable *Acceptable Identification of Goods and Services Manual* (ID Manual). *See* TMEP §1402.04. For guidance on searching the ID Manual, see "Searching the Trademark ID Manual" located under "Guides,Manuals, and Resources" in the Trademark portion of USPTO.gov, linked here.

Applicant is in the best position to know their goods and/or services, and the ID Manual is a good resource for finding an appropriate amendment. Applicant may adopt the suggested identification and classification below, if accurate, which identifies the specific indefinite or overly broad wording in **bold** font and which may indicate deletion of some or all of the indefinite or overly broad wording:

- International Class 033: Spirits; liquors, spirits and liqueurs; alcoholic bitters; anise liqueur; aperitifs; alcoholic beverages except beers; alcoholic beverages containing fruit; pre-mixed alcoholic beverages, other than beer-based; distilled alcoholic beverages; alcoholic cocktails; **alcoholic beverages, namely,** digestifs; alcoholic essences; alcoholic extracts; fruit extracts, alcoholic; gin; liqueurs; rum; piquette; wine; vodka; whisky

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).

Configuration Mark - Multiple Renditions Not Permitted

For marks consisting of a configuration of the goods or their packaging or a specific design feature of the goods or packaging, the drawing must depict a single three-dimensional view of the goods or packaging, showing in solid lines those features that applicant claims as its mark. *See* 37 C.F.R. §2.52(b)(2); TMEP §§807.10, 1202.02(c)(iv); *In re Minn. Mining & Mfg. Co.*, 335 F.2d 836, 839, 142 USPQ 366, 368-69 (C.C.P.A. 1964).

In this case, t

he drawing shows more than one rendition of a three-dimensional mark; however, drawings for such marks are required to depict a single rendition only. 37 C.F.R. §2.52(b)(2); TMEP §§807.01,807.10; *see In re Minn. Mining & Mfg. Co.*, 335 F.2d 836, 839, 142 USPQ 366, 368-69 (C.C.P.A. 1964). Therefore, applicant must submit a new drawing showing the mark in a single rendition of the mark in three-dimensions.

If the mark cannot be adequately depicted in a single rendition, applicant must file a petition to the Director requesting that the requirement to provide a single rendition of the mark be waived. TMEP §§807.10, 1202.02(c)(iv).

If the drawing of the mark includes additional matter not claimed as part of the mark (e.g., matter that shows the position or placement of the mark), applicant must depict such matter using broken or dotted lines. 37 C.F.R. §2.52(b)(4); *Kohler Co. v. Honda Giken Kogyo K.K*, 125 USPQ2d1468, 1488 (TTAB 2017) (quoting *In re Heatcon, Inc.*, 116 USPQ2d 1366, 1379 (TTAB 2015)); TMEP §§807.08, 1202.02(c)(i); *see In re Water Gremlin Co.*, 605 F.2d 841, 844, 208 USPQ 89, 91 (C.C.P.A. 1980).

Configuration Mark - Description Required

Applicant has applied for a three-dimensional mark; however, applicant did not include a sufficient description of the mark in the application. Therefore, applicant must provide a clear, concise, and complete description of the mark that does the following:

(1) Indicates the mark is a three-dimensional configuration of the goods or packaging or of a specific design feature of the goods or packaging.

(2) Specifies all the elements in the drawing that constitute the mark and are claimed as part of the mark.

(3) Specifies any elements that are not part of the mark and indicates that the matter shown in broken or dotted lines is not part of the mark and serves only to show the position or placement of the mark.

See 37 C.F.R. §§2.37, 2.52(b)(2), (b)(4); *In re Famous Foods, Inc.*, 217 USPQ 177, 177 (TTAB 1983); TMEP §§807.08, 807.10, 1202.02(c)(ii).

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.

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.

/Thomas Key/
Thomas Key
Trademark Examining Attorney
Law Office 304
(571) 272-7963
Thomas.Key@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS 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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In this case, applicant's own surname is the surname in the mark, BOTTEGA. This is strong evidence of the surname significance of the mark.

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The existence of other non-surname meanings of a mark does not preclude the mark from being held primarily merely a surname. *Miller v. Miller*, 105 USPQ2d 1615, 1620-21 (TTAB 2013); *see In re Harris-Intertype Corp.*, 518 F.2d 629, 631, 186 USPQ2d 238, 239 (C.C.P.A. 1975); *In re Hamilton Pharms. Ltd.*, 27 USPQ2d 1939, 1942 (TTAB 1993). The issue is not whether a mark that has surname significance might also have a non-surname significance, but whether, in the context of an applicant's goods or services, the non-surname significance is the mark's primary significance to the purchasing public. *Miller v. Miller*, 105 USPQ2d at 1621; *see In re Harris-Intertype Corp.*, 518 F.2d at 631, 186 USPQ2d at 239; *In re Hamilton Pharms. Ltd.*, 27 USPQ2d at 1942.

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Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification of Goods – Amendment Required

Some of the wording in the identification of goods and/or services is indefinite and/or overly broad; that is, it is not clear what the nature of the goods and/or services is and/or the identification could include goods and/or services in more than one international class. The identification of goods and/or services must be specific, definite, clear, accurate, and concise. *See* 15 U.S.C. §§1051(a)(2), 1051(b)(2), 1053, 1126(d)-(e), 1141f; 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.01(b)-(c). However, the international classification of goods in applications filed under Trademark Act Section 66(a) cannot be changed from the classification the International Bureau assigned to the goods in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Therefore, applicant must either (1) delete the unacceptable wording or (2) amend it to definite wording that specifies the nature of the goods and/or services in greater detail, that is within the scope of the original identification, and that remains in the international class assigned to those goods and/or services by the International Bureau. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. For assistance with drafting acceptable wording, use the USPTO's online searchable *Acceptable Identification of Goods and Services Manual* (ID Manual). *See* TMEP §1402.04. For guidance on searching the ID Manual, see "Searching the Trademark ID Manual" located under "Guides, Manuals, and Resources" in the Trademark portion of USPTO.gov, linked here.

Applicant is in the best position to know their goods and/or services, and the ID Manual is a good resource for finding an appropriate amendment. Applicant may adopt the suggested identification and classification below, if accurate, which identifies the specific indefinite or overly broad wording in **bold** font and which may indicate deletion of some or all of the indefinite or overly broad wording:

- International Class 033: Spirits; liquors, spirits and liqueurs; alcoholic bitters; anise liqueur; aperitifs; alcoholic beverages except beers; alcoholic beverages containing fruit; pre-mixed alcoholic beverages, other than beer-based; distilled alcoholic beverages; alcoholic cocktails; **alcoholic beverages, namely,** digestifs; alcoholic essences; alcoholic extracts; fruit extracts, alcoholic; gin; liqueurs; rum; piquette; wine; vodka; whisky

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).

Configuration Mark - Multiple Renditions Not Permitted

For marks consisting of a configuration of the goods or their packaging or a specific design feature of the goods or packaging, the drawing must depict a single three-dimensional view of the goods or packaging, showing in solid lines those features that applicant claims as its mark. *See* 37 C.F.R. §2.52(b)(2); TMEP §§807.10, 1202.02(c)(iv); *In re Minn. Mining & Mfg. Co.*, 335 F.2d 836, 839, 142 USPQ 366, 368-69 (C.C.P.A. 1964).

In this case, the drawing shows more than one rendition of a three-dimensional mark; however, drawings for such marks are required to depict a single rendition only. 37 C.F.R. §2.52(b)(2); TMEP §§807.01, 807.10; *see In re Minn. Mining & Mfg. Co.*, 335 F.2d 836, 839, 142 USPQ 366, 368-69 (C.C.P.A. 1964). Therefore, applicant must submit a new drawing showing the mark in a single rendition of the mark in three-dimensions.

If the mark cannot be adequately depicted in a single rendition, applicant must file a petition to the Director requesting that the requirement to provide a single rendition of the mark be waived. TMEP §§807.10, 1202.02(c)(iv).

If the drawing of the mark includes additional matter not claimed as part of the mark (e.g., matter that shows the position or placement of the mark), applicant must depict such matter using broken or dotted lines. 37 C.F.R. §2.52(b)(4); *Kohler Co. v. Honda Giken Kogyo K.K.*, 125 USPQ2d 1468, 1488 (TTAB 2017) (quoting *In re Heatcon, Inc.*, 116 USPQ2d 1366, 1379 (TTAB 2015)); TMEP §§807.08, 1202.02(c)(i); *see In re Water Gremlin Co.*, 605 F.2d 841, 844, 208 USPQ 89, 91 (C.C.P.A. 1980).

Configuration Mark - Description Required

Applicant has applied for a three-dimensional mark; however, applicant did not include a sufficient description of the mark in the application. Therefore, applicant must provide a clear, concise, and complete description of the mark that does the following:

(1) Indicates the mark is a three-dimensional configuration of the goods or packaging or of a specific design feature of the goods or packaging.

(2) Specifies all the elements in the drawing that constitute the mark and are claimed as part of the mark.

(3) Specifies any elements that are not part of the mark and indicates that the matter shown in broken or dotted lines is not part of the mark and serves only to show the position or placement of the mark.

See 37 C.F.R. §§2.37, 2.52(b)(2), (b)(4); *In re Famous Foods, Inc.*, 217 USPQ 177, 177 (TTAB 1983); TMEP §§807.08, 807.10, 1202.02(c)(ii).

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.

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.

/Thomas Key/
Thomas Key
Trademark Examining Attorney
Law Office 304
(571) 272-7963
Thomas.Key@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS 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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2.	BOTTEGA, ANGELA	730 STEWART FOLSOM, CA 95630-0555	555-466-6193
3.	BOTTEGA, ANGELA	AVONDALE ESTATES, GA 30002	404-520-5513
4.	BOTTEGA, ANTHONY F	5027 APPLE CREEK POLLOCK PINES, CA 95726-9567	971-924-0325
5.	BOTTEGA, ANTHONY		631-702-8888
6.	BOTTEGA, ANTHONY		631-594-5990
7.	BOTTEGA, ANTHONY	BAY SHORE, NY 11706	631-372-9155
8.	BOTTEGA, ANTHONY	BAY SHORE, NY 11706	971-994-3966
9.	BOTTEGA, ANTHONY	SOUTHAMPTON, NY 11968	631-702-8888
10.	BOTTEGA, ANTOLN D	166 MAIN LITTLETON, NH 03561-4052	603-444-5911

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