



Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

U.S. Application Serial No.: 79/004618  
International Registration No.: 0583694

Attached is a **PROVISIONAL FULL REFUSAL** Office action that applies to all the goods and/or services in the U.S. application identified above application identified above: 15 U.S.C. §1141h(c).

The identification of goods and prior registrations requirements, entity clarification applies to all the goods and/or services in the application and therefore comprise a provisional full refusal of the entire application.

**RESPONSE DUE:**

A response to this provisional refusal is due within six (6) months from the mailing date of the Office action, i.e., within six months from 23 February 2005.

**APPLICANT OR ATTORNEY CAN RESPOND TO PROVISIONAL REFUSAL:**

Applicant can respond directly to this provisional refusal Office action, or applicant can hire an attorney to represent itself before the Office and that attorney can respond on applicant's behalf. The Office cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

**NOTE:** Attorneys hired to represent an applicant in a trademark matter before the Office must be eligible under 37 C.F.R. §10.14:

*Attorneys residing in the United States* who are in good standing with the bar of any United States court or the highest court of any state, may practice before the Office in trademark matters.  
*A foreign attorney not residing in the United States* who is in good standing before the patent or trademark office of the country in which he or she resides, may practice before the Office in trademark matters only in cases where the patent and trademark office of that foreign country allows substantially reciprocal privileges to those permitted to practice before the Office. Currently, Canadian attorneys are the only foreign attorneys recognized as meeting this criterion. A foreign attorney who meets the requirements of 37 C.F.R. §10.14(c) can only represent parties located in the country in which the foreign attorney resides and practices. TMEP §602.

Please note that non-attorneys are not permitted to practice before the Office except under the very limited circumstances specified in 37 C.F.R. §10.14(b).

Pages enclosed - 5

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 79/004618

FEB 23 2005

**APPLICANT:** Thierry Mugler Parfums S.A.S.

**CORRESPONDENT ADDRESS:**

Shield Mark B.V.  
P.O. Box 75683  
NL-1070 AR AMSTERDAM NETHERLANDS



**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** ANGEL

**CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A

**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 79/004618

The assigned examining attorney has reviewed the referenced application and determined the following.

**SEARCH OF THE OFFICE RECORDS**

The trademark attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052 (d). TMEP section 1105.01.

**INFORMALITIES**

Before the application can be considered further, the following informal issues must be addressed.

**IDENTIFICATION OF GOODS**

The wording "OTHER SUBSTANCES" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP §1402.01.

The wording "CLEANING, POSIHING, GREASE REMOVING AND ABRASIVE PREPARATIONS" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "**general purpose cleaning, polishing and abrasive \_\_\_\_\_** [*specify, e.g. paste, liquids and/or powders*]; **degreasing preparations for household purposes,**" if accurate. TMEP §1402.01.

The wording "ESSENTIAL OILS" in the identification of goods is unacceptable as indefinite. e applicant may amend this wording to "**essential oils for personal use**" if accurate. TMEP §1402.01.

The wording "BEAUTY PRODUCTS" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP §1402.01.

In the identification, the applicant must use the common commercial names for the goods, be as complete and specific as possible and avoid the use of indefinite words and phrases. If the applicant chooses to use indefinite terms, such as "accessories," "components," "devices," "equipment," "materials," "parts," "systems" and "products," then those words must be followed by the word "namely" and the goods listed by their common commercial names. TMEP §§1402.01 and 1402.03(a).

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

For assistance regarding an acceptable listing of goods and/or services, please see the on-line searchable *Manual of Acceptable Identifications of Goods and Services*, at <http://www.uspto.gov/web/offices/tac/doc/gsmmanual/>.

#### OWNERSHIP OF PRIOR REGISTRATION

If the applicant is the owner of Registration No. 1843424, the applicant must submit a claim of ownership. 37 C.F.R. §2.36; TMEP §812.

#### ENTITY INDEFINITE

- Applicant must indicate the United States equivalent of its entity type or provide a description of the nature of the entity. In the "Applicant's Entity Type" section of the application, applicant currently identifies itself as SOCIETE PAR ACTIONS SIMPLIFIEE, which is unacceptable as a designation in the United States. TMEP §803.03(i).

#### NOTE:

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

#### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS); or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### **NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/WILLIAM H. DAWE III/  
Trademark Attorney  
Law Office 108  
(571) 272-9337

#### **HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action issued via email you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

**Print: Feb 16, 2005**

**74358663**

**TYPED DRAWING**

**Serial Number**

74358663

**Status**

REGISTERED AND RENEWED

**Word Mark**

ANGEL

**Standard Character Mark**

No

**Registration Number**

1843424

**Date Registered**

1994/07/05

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

THIERRY MUGLER PARFUMS S.A. CORPORATION FRANCE 4 RUE BERTEAUX DUMAS  
92200 NEUILLY-SUR-SEINE FRANCE

**Goods/Services**

Class Status -- ACTIVE. NIC 003. US 051. G & S: perfume. First  
Use: 1993/06/17. First Use In Commerce: 1993/06/17.

**Prior Registration(s)**

0443663;0727802

**Filing Date**

1993/02/16

**Examining Attorney**

NELSON, EDWARD H.

**Attorney of Record**

JESS M. COLLEN