

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/018852

APPLICANT: Mann & Schröder GmbH

79018852

CORRESPONDENT ADDRESS:

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RETURN ADDRESS:

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

MARK: FRUTTINI

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

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 79/018852

INTERNATIONAL REGISTRATION NO. 0871230

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. 15 U.S.C. §1141h(c).

APPLICANT OR ATTORNEY CAN RESPOND TO PROVISIONAL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf.

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

- (1) *Attorneys 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.*
- (2) *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.

The Office cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

If applicant is not represented by an attorney, applicant may appoint a domestic representative who would receive correspondence from the Office and be served process or notice of proceedings affecting the application. 15 U.S.C. §1141h(d); 37 C.F.R. §2.24.

No Conflicting Marks Found

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, the applicant must respond to the following:

Clarification of Identification of Goods Required – Class 5 Only

This requirement applies to International Class 5 only. The identification of goods in International Class 3 is acceptable as written. The identification of goods is unacceptable as indefinite. The wording “medical preparations,” “lotions for pharmaceutical purposes,” “dietetic products,” “plasters,” “medical dressings,” and “disinfectant” in the identification of goods needs clarification because it is vague and ambiguous and does not clearly identify the nature of the goods provided. The applicant must identify with clarity and specificity the exact nature of the goods provided. Applicant may adopt the following identification of goods, if accurate. TMEP §1402.01.

International Class 5

Medicated preparations, namely _____ [applicant must specify the nature of the goods, providing the common commercial name of the goods, e.g., medicated lip balm, medicated lotions, medicated hand wash, etc.] for skin and body care; skin lotions for pharmaceutical purposes, namely medical effective soap free washing lotions; dietetic products, namely _____ [specify the exact nature of the goods, e.g., dietetic foods, dietetic sugar, etc.] adapted for medical purposes; food for babies; medical plasters; medical dressings for _____ [applicant must specify the use of the dressings, e.g., for burns, wounds, surgery, etc.]; disinfectants for _____ [applicant must specify the use of the goods, e.g., for medical instruments, for contact lenses, for sanitary purposes, all purpose disinfectants, etc.], in International Class 5.

For help in drafting a proper recitation of goods and services, please consult the Patent and Trademark Office Acceptable Identification of Goods and Services Manual. A searchable version of the Identification of Goods and Services Manual is available online at our website. The address is: <http://tess2.uspto.gov/netahtml/tidm.html>.

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

Description of the Mark

Applicant must submit a concise description of the mark. 37 C.F.R. §2.37; TMEP §§808 *et seq.* The following format is suggested:

The mark consists of _____[describe the mark in significant detail].

Significance of Wording in Mark

Applicant must specify whether “FRUITTINI” has any significance in the applicant’s trade or industry, any geographical significance, or any meaning in a foreign language. 37 C.F.R. §2.61(b).

Questions Concerning This Office Action

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

Tonia M. Fisher
/Tonia M. Fisher/
Trademark Examining Attorney
La w Office 113
(571) 272-9720

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 has been 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.