

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/041841

MARK:

79041841

CORRESPONDENT ADDRESS:

O.V. Shterz
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RU-630132 Novosibirsk
RUSSIAN FED.

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Obchtchestvo s
ogranichennoi; otvetstve ETC.

CORRESPONDENT'S
REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 0932568.

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).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the USPTO** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state, and**
- (2) **Canadian attorneys who have applied for and received reciprocal recognition** by the USPTO under 37 C.F.R. §10.14(c). Canadian attorneys can only represent Canadian applicants.

37 C.F.R. §10.14; TMEP §602.

Foreign attorneys are *not* permitted to practice before the USPTO, other than properly authorized Canadian attorneys. Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. *A response signed by an unauthorized foreign attorney is considered an incomplete response.* TMEP §§602, 602.03, 603.05.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

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

Search Results

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.

Identification of Goods

The current wording used to describe the goods and/or services needs clarification because it is indefinite and unclear as to the nature of applicant's goods and/or services. Applicant must amend the identification of goods and/or services to specify the common commercial or generic name for the goods and/or services. If there is no common commercial or generic name for the product or service, then applicant must describe the product or service and intended consumer as well as its main purpose and intended uses. TMEP §1402.01. Moreover, the identification of goods and/or services must be specific and all-inclusive. The examining attorney has indicated below using "{ }" where the applicant must be specific. In many instances, applicant should amend the identification to incorporate the wording "namely."

In addition, the identification of goods and/or services contains parentheses. Generally, parentheses and brackets should *not* be used in identifications. Parenthetical information is permitted in identifications only 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 of the identification, e.g., "obi (Japanese sash)." TMEP §1402.12. Therefore, applicant must remove the parentheses from the identification of goods and/or services and incorporate the parenthetical information into the description.

Applicant may adopt the following identification of goods and/or services, if accurate:

IC 005: **Processed albuminous food adapted for medical purposes**; dietetic foods adapted for medical purposes; food for babies; antiseptics; balms for medical purposes; biocides; dietetic beverages adapted for medical purposes; medicinal mud, **namely, Herbal mud packs for therapeutic purposes**; fumigating sticks, **namely, {specify in class 005 or delete as in the wrong class}**; disinfectants for hygiene purposes; digestives **in the nature of {specify type}** for pharmaceutical purposes; sea water for medicinal bathing; lacteal flour **adapted for use as baby food**; ferments for pharmaceutical purposes; germicides; medicinal herbs **in dried or preserved form**; oils **in the nature of {specify type, e.g., castor oils, baby oils}** for medical use; medicinal **herbal** infusions **for medical purposes**; liniments; lotions for pharmaceutical purposes, **namely, {specify type or condition, e.g., skin, sunburn, calamine}**; nerviness, **namely, {provide description and purpose}**; diabetic bread; albuminous preparations **in the form of food** for medical purposes; bacterial preparations for medical and veterinary use; biological preparations for medical purposes; vitamin preparations; preparations of trace elements for human and animal use, **namely, {specify what is meant by "trace" elements}**; therapeutic preparations for the bath, **namely, {specify type, e.g., medicated bath salts}**; opotherapy preparations, **namely, {provide common commercial name or description and purpose}**; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for skin care **for the treatment of {specify disease to be treated}**; mouthwashes for medical purposes; **plant roots for medicinal purposes**; tonics medicines, **namely, {specify nature and purpose}**; remedies for perspiration, **namely, {specify nature and purpose in class 005 or delete as in wrong class}**; serums for **{specify nature and purpose in class 005}**; sanitary pads; tissues impregnated with pharmaceutical lotions; dietetic **foods** adapted for medical use; mineral supplements; styptic preparations, **namely {specify, e.g., styptic pencils}**; herb teas **for medicinal purposes**;

TMEP §1402.01.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>.

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

Further, the international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. TMEP §§1401.03(d), 1401.04 and 1904.02(b).

Entity Clarification

The application does not include applicant's "Legal Nature: Place Incorporated." Applicant must specify its citizenship ("Place Incorporated"). 37 C.F.R. §2.32(a)(3)(ii)-(iii); TMEP §§803.01, 803.03 and 803.04.

If applicant's entity type is an individual, applicant must indicate his or her national citizenship for the record. 37 C.F.R. §2.32(a)(3)(i). If applicant's entity type is a partnership or joint venture, applicant must list the names and the national citizenship or the country of organization or incorporation of all the general partners or joint venturers, as well as specify the country under whose laws the partnership or joint venture is organized. 37 C.F.R. §§2.32(a)(3)(ii) and (iii). If applicant's entity type is a corporation or association, applicant must set forth the country under whose laws applicant is organized. 37 C.F.R. §2.32(a)(3)(ii).

Foreign Attorney Cannot Represent Applicant- Advisory

Please be advised that **the only attorneys who can practice before the United States Patent and Trademark Office (USPTO)** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state and**
- (2) **Canadian attorneys who have applied for and received reciprocal recognition** by the USPTO under 37 C.F.R. §10.14(c). Canadian attorneys can only represent Canadian applicants.

37 C.F.R. §10.14; TMEP §602.

Foreign attorneys are *not* permitted to practice before the USPTO, other than properly authorized Canadian attorneys. **Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter.** *A response signed by an unauthorized foreign attorney is considered an incomplete response.* TMEP §§602, 602.03, 603.05.

Domestic Representative

Applicant may designate a domestic representative upon whom notices or process may be served. If applicant does not designate a domestic representative, notices or process in proceedings affecting the mark may be served on the Director of the United States Patent and Trademark Office. Trademark Act Sections 1(e) and 68(d), 15 U.S.C. §§1051(e) and 1141h(d); 37 C.F.R. §2.24; TMEP §604.

Applicant is encouraged to file a designation of domestic representative online via the USPTO website at <http://www.uspto.gov/teas/index.html>. In addition, the following format may be used to file a Designation of Domestic Representative on paper for submission via regular mail.

DESIGNATION OF DOMESTIC REPRESENTATIVE

_____ Identify the mark	_____ Serial No.
_____ Name of applicant	_____ Date of signature
_____ (Name of domestic representative)	
whose postal address is _____	
is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.	
_____ (Signature of applicant)	

Responses

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

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. Please note that all electronic communications must be signed using the "/name/" format. TMEP section 804.05.

Applicants are strongly encouraged to use TEAS to respond to office actions.

To expedite prosecution of this application, applicant is encouraged to file its response to this Office action through the Trademark Electronic Application System (TEAS), available at <http://www.uspto.gov/teas/index.html>.

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted electronically or by fax. TMEP 306.04; *Cf. ITC Entertainment Group Ltd. V. Nintendo of America Inc.* 45 USPQ2d 2021 (TTAB 1998).

/Bernice Middleton/
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RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office Action should be filed using the Office's Response to Office action form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.