

**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 79/053120

MARK: VESPISMO

**\*79053120\***

**CORRESPONDENT ADDRESS:**

Gianluca Grandi  
via Antonio Schivardi, 5  
Rome (RM)  
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**RESPOND TO THIS ACTION:**

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

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** Gianluca Grandi

**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. 0962314.**

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 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**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and
- (2) **Canadian agents/attorneys** who represent applicants residing in Canada and who have received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).

37 C.F.R. §§10.1(c), 10.14; TMEP §602.

Foreign attorneys are not permitted to practice before the USPTO, other than properly authorized Canadian attorneys. TMEP §602.06(b). Filing written communications, 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. *See* TMEP §§602.03, 712.03.

## **THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:**

### **SEARCH OF OFFICE'S DATABASE OF MARKS**

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

### **IDENTIFICATION AND CLASSIFICATION OF GOODS**

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 in the corresponding international registration. TMEP §§1401.03(d), 1904.02 (b).

The wording “**clothing**” in the identification of goods is indefinite and must be clarified because it does not specify the types of clothing for which the mark is used. *See* TMEP §§1402.01, 1402.03. Applicant must amend the identification by inserting the word “namely,” after “clothing” and indicating the common commercial or generic name for the goods (e.g., shirts, pants, coats, dresses). *See* TMEP §§1402.01, 1402.03.

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. TMEP §§1401.03(d), 1904.02(b). Therefore, although clothing can be classified in international classes other than International Class 25 (e.g., International Classes 9, 10 and 18), any modification to the identification must identify goods in International Class 25 only, the class specified in the application for such goods.

The wording “**headgear**” in the identification of goods is indefinite and must be clarified because it does not specify the types of headgear for which the mark is used. *See* TMEP §§1402.01, 1402.03. Applicant must amend the identification by inserting the word “namely,” after “headgear” and indicating the common commercial or generic name for the goods (e.g., hats, caps). *See* TMEP §§1402.01, 1402.03.

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. TMEP §§1401.03(d), 1904.02(b). Therefore, although clothing can be classified in international classes other than International Class 25 (e.g., International Class 9), any modification to the identification must identify goods in International Class 25 only, the class specified in the application for such goods.

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/netahhtml/tidm.html>. *See* TMEP §1402.04.

Although identifications of goods may be amended to clarify or limit the goods, adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. 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.

Applicants may request that an identification be added to the "US Acceptable Identification of Goods and Services Manual" by sending an email to the Administrator of Trademark Identification, Classification and Practice, at: [TMIDSUGGEST@uspto.gov](mailto:TMIDSUGGEST@uspto.gov)

### **Specify Entity (Legal Nature) and Citizenship (Place Incorporated)**

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

Acceptable entity types include an individual, a partnership, a corporation, or a joint venture. *See* 37 C.F.R. §2.32(a)(3); TMEP §§803.03 *et seq.*

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); TMEP §803.04. If applicant's entity type is a corporation or association, applicant must set forth the country under whose laws applicant is organized or incorporated. 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03(c), 803.04. If applicant's entity type is a partnership or joint venture, applicant must specify the country under whose laws the partnership or joint venture is organized. 37 C.F.R. §2.32(a)(3)(ii)-(iii); TMEP §§803.03(b), 803.04.

### **General Information and Status of Applications**

Trademark Applications and Registrations Retrieval (TARR) database on the USPTO website at <http://tarr.uspto.gov> provides detailed, up to the minute information about the status and prosecution history of trademark/service mark applications and registrations. To access the TARR database, applicant will need to provide an application serial number or registration number. The TARR database is available 24 hours a day, 7 days a week. If additional information regarding the status of an application or registration is required, callers may telephone the Trademark Assistance Center at 571-272-9250 and request a status check.

"TMEP" refers to the Office's *Trademark Manual of Examining Procedure* (5th ed. 2007), available on the United States Patent and Trademark Office website at [www.uspto.gov/main/trademarks.htm](http://www.uspto.gov/main/trademarks.htm). The TMEP is a detailed administrative manual written by the Office to explain the laws and procedures that govern the trademark/service mark application, registration and post registration processes. The following legal authorities govern the processing of trademark and service mark applications by the Office: The Trademark Act of 1946, 15 U.S.C. §§1051 *et seq.*; The Trademark Rules of Practice, 37 C.F.R. Part 2; and the Office's *Trademark Manual of Examining Procedure* (TMEP) (5th ed. 2007). These legal resources are available online at <http://www.uspto.gov/main/trademarks.htm>.

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**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; 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.