

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 79099107

**MARK:** AGEXPERT

**\*79099107\***

**CORRESPONDENT ADDRESS:**

O.V. Shterz  
P.O. box 242  
RU-630132 Novosibirsk  
RUSSIAN FED.

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**APPLICANT:** Obchtchestvo s  
ogranichennoy otvetstvenn ETC.

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:**

**INTERNATIONAL REGISTRATION NO. 1081947**

This is a **PROVISIONAL PARTIAL REFUSAL** of the trademark in the above-referenced U.S. application that **applies to only the following goods in the application:** toiletries; Albuminous foodstuffs for medical purposes; biological preparations for medical purposes; cachets for pharmaceutical purposes; depuratives; dietetic substances adapted for medical use; elixirs; flour for pharmaceutical purposes; lotions for pharmaceutical purposes; medicinal infusions; medicinal mud; nervines; nutritional additives for medical purposes; pectin for pharmaceutical purposes; pills for pharmaceutical purposes; salts for medical purposes; sugar for medical purposes; syrups for pharmaceutical purposes; therapeutic preparations for the bath; thermal water; tinctures for medical purposes; tonics; cereal preparations; chips; cocoa products; infusions, not medicinal; essences for making beverages; non-alcoholic beverages; non-alcoholic fruit extracts; preparations for making beverages. *See* 15 U.S.C. §1141h(c).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL PARTIAL REFUSAL:**

Applicant may respond directly to this provisional refusal Office action if applicant is not represented by an authorized attorney. *See* 37 C.F.R. §2.193(e)(2)(ii). Otherwise, applicant's authorized attorney must respond on applicant's behalf. *See* 37 C.F.R. §2.193(e)(2)(i). However, **the only attorneys who are authorized to sign responses and 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 located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

*See* 37 C.F.R. §§2.17(e), 2.62(b), 11.1, 11.5(b)(2), 11.14(a), (c); TMEP §§602, 712.03.

Foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO. *See* 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(b). That is, foreign attorneys may not file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal, among other things. *See* 37 C.F.R. §11.5(b)(2); TMEP §§602.03(c), 608.01. If applicant is represented by such a foreign attorney, applicant must respond directly to this provisional refusal Office action. *See* 37 C.F.R. §2.193(e)(2)(ii).

#### **DESIGNATION OF DOMESTIC REPRESENTATIVE:**

The USPTO encourages applicants who do not reside in the U.S. to designate a domestic representative upon whom notices or process may be served. 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2); *see* TMEP §610. Such designations may be filed online at <http://www.uspto.gov/teas/index.html>.

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

This is a partial refusal Office action; the requirement applies only to specified goods in the U.S. application.

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, 2.65(a); TMEP §§711, 718.03.

#### **SEARCH RESULTS: NO CONFLICTING 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.

#### **PARTIAL REQUIREMENT: IDENTIFICATION OF GOODS CLARIFICATION NEEDED**

##### **THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN**

The identification of goods is indefinite and must be clarified because some of the wording is too broad making the nature of the goods identified unclear and could include goods in multiple international classes. Therefore, applicant must clarify the identification by specifying the type of goods as is explained below and shown in the suggested identification below. *See* TMEP §1402.01.

In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant uses indefinite words such as “accessories,” “apparatus,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems” or “products,” such words must be followed by “namely,” followed by a list of the specific goods identified by their common commercial or generic names. *See* TMEP §§1402.01, 1402.03(a).

#### **Suggested Identification of Goods:**

Applicant may adopt the following identification of goods, if accurate. *See* TMEP §1402.01.

- IC 003:** Beauty masks; bleaching preparations for cosmetic purposes; cosmetic creams; cleansing milk for toilet purposes; cosmetic preparations for baths; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for slimming purposes; depilatory preparations; eyebrow cosmetics; lotions for cosmetic purposes; medicated soap; nail care preparations; oils for cleaning purposes; pomades for cosmetic purposes; shampoos; shaving preparations; skin whitening creams; soap; sun-tanning preparations; tissues impregnated with cosmetic lotions; **{indicate the specific type of toiletries, e.g., non-medicated}** toiletries
- IC 005:** Albuminous foodstuffs for medical purposes, **namely, {indicate the specific type of albuminous foodstuffs for medical purposes, e.g., dietetic foods adapted for medical purposes, food for medically restricted diets}**; antiparasitic preparations; appetite suppressants for medical purposes; balms for medical purposes; bath salts for medical purposes; biological preparations for medical purposes, **namely, {indicate the specific type of biological preparations for medical purposes, e.g., biological preparations for the treatment of [specify disease or physical condition, e.g., cancer, etc.], biological tissue cultures for medical purposes, biological tissue grafts}**; cachets for pharmaceutical purposes, **namely, {indicate the specific type of cachets for pharmaceutical purposes, e.g., wafer capsules used by pharmacists for presenting an unpleasant-tasting pharmaceutical preparations}**; candy, medicated; candy for medical purposes; depuratives, **namely, {indicate the specific type of depuratives, e.g., pharmaceutical preparations and substances for the treatment of blood disorders}**; dietetic beverages adapted for medical purposes; dietetic foods adapted for medical purposes; dietetic substances adapted for medical use, **namely, {indicate the specific type of dietetic substances adapted for medical use, e.g., dietetic foods, beverages and sugar adapted for medical purposes}**; digestives for pharmaceutical purposes; disinfectants for hygiene purposes; **pharmaceutical preparations, namely, elixirs for the treatment of {specify disease to be treated}**; enzyme preparations for medical purposes; flour for pharmaceutical purposes, **namely, {indicate the nature of the flour for pharmaceutical purposes, e.g., dietetic flour adapted for medical purposes, lacteal flour for babies}**; herbs teas for medicinal purposes; lotions for pharmaceutical purposes, **namely, {indicate the specific type of lotions for pharmaceutical purposes, e.g., pharmaceutical skin lotions}**; medical preparations for slimming purposes; medicinal drinks; medicinal infusions, **namely, {indicate the specific type of medicinal infusions, e.g., medicinal herb extracts}**; medicinal mud, **namely, {indicate the nature of the medicinal mud, e.g., herbal mud packs for therapeutic purposes}**; medicinal oils; mineral food-supplements; mineral water for medical purposes; mouthwashes for medical purposes; nerviness, **namely, {indicate the specific type of nerviness, e.g., central nervous system stimulants, pharmaceutical preparations acting on the central nervous system}**; nutritional additives for medical purposes, **namely, {indicate the specific type of nutritional additives for medicinal purposes, e.g., amino acids for nutritional purposes, nutritional supplements, nutritional additives for medical purposes used in foods and dietary supplements for human consumption}**; pectin for pharmaceutical purposes, **namely, {indicate the nature of the pectin for pharmaceutical purposes, e.g., dietetic pectin adapted for medical purposes, pectin for use as a food supplement}**; pharmaceutical preparations for skin care; pills for pharmaceutical purposes **for the treatment of {indicate the disease or condition the pills are used to treat, e.g., heart disease, diabetes}**; plasters for medical purposes; purgatives; reducing tea for medical purposes; salts for medical purposes, **namely, {indicate the specific type of salts for medical purposes, e.g., bath salts for medical purposes, Epsom salts, smelling salts}**; sanitary napkins;

sea water for medicinal bathing; sugar for medical purposes, **namely, {indicate the specific type of sugar for medical purposes, e.g., dietetic sugar for medical use}**; syrups for pharmaceutical purposes **for the treatment of {indicate the disease or condition the syrups are used to treat, e.g., heart disease, diabetes, skin disorders}**; therapeutic preparations for the bath, **namely, {indicate the specific type of therapeutic preparations for the bath, e.g., therapeutic medicated bath preparations, bath salts and bath preparations for medical use}**; thermal water, **namely, {indicate the nature of the thermal water, e.g., medicated water for the treatment of [indicate specific disease or condition]}**; tinctures for medical purposes **for the treatment of {indicate the disease or condition the tinctures are used to treat, e.g., heart disease, diabetes, skin disorders}**; tonics, **namely, {indicate the nature of the tonics, e.g., pharmaceutical tonics for the treatment of [indicate specific disease or condition]}**, tonics containing vitamins for use as nutritional supplements}; vitamin preparations

**IC 030:** Artificial coffee; biscuits; candy for food; caramels; cereal preparations, **namely, {indicate the specific type of cereal preparations, e.g., processed cereals, breakfast cereals, ready to eat cereal derived food bars}**; chicory; chips, **namely, {indicate the specific type of chips, e.g., cereal-based chips, grain-based chips}**; chocolate; chocolate-based beverages; chocolate beverages with milk; cocoa beverages with milk; cocoa products, **namely, {indicate the specific type of cocoa products, e.g., cocoa, cocoa mixes, cocoa spreads}**; coffee-based beverages; coffee beverages with milk; frozen yoghurt; fondants; infusions, not medicinal, **namely, {indicate the specific type of infusions, e.g., herbal infusions}**; muesli; pastries; sweetmeats; tea; tea-based beverages; vegetal preparations for use as coffee substitutes; vinegar

**IC 032:** Aperitifs, non-alcoholic; cocktails, non-alcoholic; essences for making **{indicate the type of beverages, e.g., non-alcoholic}** beverages; fruit juices; fruit nectars, non-alcoholic; non-alcoholic beverages, **namely, {indicate the specific type of non-alcoholic beverages, e.g., drinking water, energy drinks, fruit punch}**; non-alcoholic fruit extracts **{indicate the use of the non-alcoholic fruit extracts, e.g., used in the preparation of beverages}**; non-alcoholic fruit juice beverages; pastilles for effervescing beverages; preparations for making beverages, **namely, {indicate specific type of beverage, e.g., fruit drinks}**; syrups for beverages; whey beverages

## Identification of Goods Advisories:

### 1. Refer to the Manual of Acceptable Identifications of Goods and Services for Assistance

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/netahtml/tidm.html>. See TMEP §1402.04.

### 2. Broadening the Scope of the Goods and/or Services is Not Permitted

Although identifications of goods and/or services may be amended to clarify or limit the goods and/or services, adding to or broadening the scope of the goods and/or services 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 and/or services that are not within the scope of the goods and/or services set forth in the present identification.

### 3. Classification for Goods/Services Cannot be Changed

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).

### **ADVISORY: FAILURE TO RESPOND – ABANDONMENT OF SPECIFIC GOODS**

If applicant should fail to respond to this Office action within the six-month period for response, then the following goods will be deleted from the application:

**IC 003:** Toiletries

**IC 005:** Albuminous foodstuffs for medical purposes; biological preparations for medical purposes; cachets for pharmaceutical purposes; depuratives; dietetic substances adapted for medical use; elixirs; flour for pharmaceutical purposes; lotions for pharmaceutical purposes; medicinal infusions; medicinal mud; nervines; nutritional additives for medical purposes; pectin for pharmaceutical purposes; pills for pharmaceutical purposes; salts for medical purposes; sugar for medical purposes; syrups for pharmaceutical purposes; therapeutic preparations for the bath; thermal water; tinctures for medical purposes; tonics

**IC 030:** cereal preparations; chips; cocoa products; infusions, not medicinal

**IC 032:** essences for making beverages; non-alcoholic beverages; non-alcoholic fruit extracts; preparations for making beverages

The application will then proceed with the following goods only:

**IC 003:** Beauty masks; bleaching preparations for cosmetic purposes; cosmetic creams; cleansing milk for toilet purposes; cosmetic preparations for baths; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for slimming purposes; depilatory preparations; eyebrow cosmetics; lotions for cosmetic purposes; medicated soap; nail care preparations; oils for cleaning purposes; pomades for cosmetic purposes; shampoos; shaving preparations; skin whitening creams; soap; sun-tanning preparations; tissues impregnated with cosmetic lotions

**IC 005:** antiparasitic preparations; appetite suppressants for medical purposes; balms for medical purposes; bath salts for medical purposes; candy, medicated; candy for medical purposes; dietetic beverages adapted for medical purposes; dietetic foods adapted for medical purposes; digestives for pharmaceutical purposes; disinfectants for hygiene purposes; enzyme preparations for medical purposes; herbs teas for medicinal purposes; medical preparations for slimming purposes; medicinal drinks; medicinal oils; mineral food-supplements; mineral water for medical purposes; mouthwashes for medical purposes; pharmaceutical preparations for skin care; plasters for medical purposes; purgatives; reducing tea for medical purposes; sanitary napkins; sea water for medicinal bathing; vitamin preparations

**IC 030:** Artificial coffee; biscuits; candy for food; caramels; chicory; chocolate; chocolate-based beverages; chocolate beverages with milk; cocoa beverages with milk; coffee-based beverages; coffee beverages with milk; frozen yoghurt; fondants; muesli; pastries; sweetmeats; tea; tea-based beverages; vegetal preparations for use as coffee substitutes; vinegar

**IC 032:** Aperitifs, non-alcoholic; cocktails, non-alcoholic; fruit juices; fruit nectars, non-alcoholic; non-alcoholic fruit juice beverages; pastilles for effervescing beverages; syrups for beverages; whey beverages

37 C.F.R. §2.65(a).

### **ADVISORY: RESPONDING TO THIS OFFICE ACTION**

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

**ASSISTANCE:** If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Tina Brown/  
Examining Attorney, Law Office 105  
U.S. Patent & Trademark Office  
Phone: (571) 272-8864  
Email: [tina.brown@uspto.gov](mailto:tina.brown@uspto.gov)

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**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.