

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

**APPLICATION SERIAL NO.** 79101457

**MARK:** NL INTERNATIONAL

**\*79101457\***

**CORRESPONDENT ADDRESS:**

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**APPLICANT:** Obchtchestvo s  
ogranichennoi otvetstven 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. 1066624**

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 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 REFUSED AS FOLLOWS:

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(a), 2.65(a); TMEP §§711, 718.03.

## SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2735358. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

The stated refusal refers to International Classes 9, 25 and 28 only and does not bar registration in the other classes.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

For the reasons set forth below, the examining attorney submits that there is a likelihood of confusion between applicant's mark **NL INTERNATIONAL and global design** and the registrant's mark **NL and globe design**.

### Similarity Between the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l*

*Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

The marks share the identical wording NL. In addition, the marks share a similar globe design. The addition of the wording "International" to the mark does not obviate the similarity between the marks. Although a disclaimed portion of a mark certainly cannot be ignored, and the marks must be compared in their entireties, one feature of a mark may be more significant in creating a commercial impression. Disclaimed matter is typically less significant or less dominant when comparing marks. *See In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985); TMEP §1207.01(b) (viii), (c)(ii).

#### Similarity Between the Goods

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

In a likelihood of confusion analysis, the comparison of the parties' goods and/or services is based on the goods and/or services as they are identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); *see Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267-68, 62 USPQ2d 1001, 1004-05 (Fed. Cir. 2002); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1638-39 (TTAB 2009); TMEP §1207.01(a)(iii).

In this case, applicant's goods and/or services are identified broadly. Therefore, it is presumed that the application encompasses all goods and/or services of the type described, including those in the registrant's more specific identification, that the goods and/or services move in all normal channels of trade, and that they are available to all potential customers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re La Peregrina Ltd.*, 86 USPQ2d 1645, 1646 (TTAB 2008); *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006); TMEP §1207.01(a)(iii). Therefore, the applicant's diving/safety equipment, clothing and athletic equipment could be inclusive of the type of goods identified in the registrant's definite identification of goods.

When the applicant's mark is compared to the registered mark, the similarity between the marks and the goods of the parties is sufficient to establish a likelihood of confusion. The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

### **PRIOR PENDING APPLICATIONS**

The filing dates of pending Application Serial Nos. 77770590, 77770586, 77770580, and 77770574 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

### **DESCRIPTION OF THE MARK**

The applied-for mark is not in standard characters and applicant did not provide a description of the mark with the initial application. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies literal elements as well as any design elements. See 37 C.F.R. §2.37; TMEP §§808.01, 808.02, 808.03(b).

Therefore, applicant must provide a description of the applied-for mark. The following is suggested:

**The mark consists of a stylized globe with the letter NL superimposed thereon, with the wording INTERNATIONAL underneath.**

### **IDENTIFICATION**

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.

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).

Due the extensive nature of the identification, the examining attorney has indicated through

highlighted and bolding the indefinite wording and provided suggestions. In addition, the examining attorney has incorporated or deleted, where appropriate, parenthetical wording. Where possible, applicant must amend the identification to specify the common commercial name of the goods and services. If there is no common commercial name, applicant must describe the product and its intended uses. *See* TMEP §1402.01 If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). *Id.*

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

International Class 3: ( specify type e.g. Skin, Flexible) abrasives; adhesives for cosmetic purposes; breath freshening sprays; **aromatic essential oils**; fabric softeners for laundry use; astringents for cosmetic purposes; cosmetic creams; polishing creams; shoe polish; shoemakers' wax; laundry wax; cosmetics; cosmetic preparations for eyelashes; eyebrow cosmetics; cosmetic pencils; washing soda for cleaning; scouring solutions; floor wax removers; **bleaching preparation decolorants** for cosmetic purposes; dentifrices; depilatory preparations; deodorants for personal use; stain removers; scale removing preparations for household purposes; detergents other than for use in manufacturing operations and for medical purposes; toilet water; starch for laundry purposes; polish for furniture and flooring; make-up; greases for cosmetic purposes; cleansing milk for toilet purposes; hair spray; nail polish; windshield cleaning liquids; lotions for cosmetic purposes; mascara; beauty masks; preparations for soaking laundry; cosmetic kits comprised of { **indicate** cosmetics, e.g., lipstick, lip gloss, etc. }; neutralizers for permanent waving; perfumes; pomades for cosmetic purposes; potpourris; make-up powder; cosmetic preparations for baths; sunscreen preparations; hair waving preparations; polishing preparations; laundry color-brightening chemicals for household purposes; antistatic preparations for household purposes; cosmetic preparations for skin care; make-up removing preparations; laundry glaze; make-up preparations; dry-cleaning preparations; perfumery; shaving preparations; **non-medicated** toiletries; antiperspirants; **abrasive** grinding preparations; leather bleaching preparations; lacquer-removing preparations; ( specify type, e.g. hair, laundry) color-removing preparations; rust removing preparations; nail care preparations; mouth washes not for medical purposes; smoothing preparations, namely, ( specify type, e.g. hair pomades); soap; shampoos; shampoos for pets; bath salts not for medical purposes; tissues impregnated with cosmetic lotions; cosmetic dyes; hair dyes.

International Class 5: Additives to fodder for medical purposes; albuminous foodstuffs for medical purposes; dietetic foods adapted for medical purposes; food for babies; starch for dietetic or pharmaceutical purposes; amino acids for medical purposes; analgesics; antibiotics; antiseptics; **medicated** bath preparation; balms for medical purposes; biocides; dietetic beverages adapted for medical purposes; **medicated** confectionery; **medicinal** mud for baths; medicinal mud; fumigating sticks; nutritional additives for medical purposes; antiseptic cotton; appetite suppressants for medical purposes; decoctions for pharmaceutical purposes for the treatment of { **indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders }; disinfectants for hygiene purposes; digestives for pharmaceutical purposes; drugs for medical purposes for the treatment of { **indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders }; mineral water for medical purposes; thermal water; **pharmaceutical preparations, namely**, elixirs for the treatment of { **indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders }; enzymes for medical purposes; enzymes for veterinary purposes; lacteal flour for babies; ferments for pharmaceutical purposes; milk ferments for pharmaceutical purposes; **royal jelly for medical purposes**; germicides; glucose for medical purposes; chewing gum for medical purposes; hematogen; medicinal herbs; medicinal oils; cod liver oil; medicinal infusions for the treatment of { **indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders }; milk of almonds for pharmaceutical purposes; yeast for pharmaceutical purposes; liniments; lotions for pharmaceutical purposes; nervines; diabetic bread; pomades for medical purposes; albuminous preparations for medical purposes, namely, ( specify type of preparations, e.g. medicated supplements for foodstuffs for animals); bacterial preparations for medical and veterinary use; bacteriological

preparations for medical and veterinary use; biological preparations for medical purposes for the treatment of {**specify** disease or physical condition, e.g., cancer, etc.}; biological preparations for veterinary purposes for the treatment of {**specify** disease or physical condition, e.g., cancer, etc.}; chemical preparations for medical purposes, namely, for {**specify** disease or condition to be prevented or treated or the health goal to be achieved}; chemical preparations for pharmaceutical purposes for medical purposes, namely, for {**specify** disease or condition to be prevented or treated or the health goal to be achieved}; vitamin preparations; **mineral supplement** preparations of trace elements for human and animal use; medical preparations for slimming purposes; contact lens cleaning preparations; therapeutic preparations for the bath; chemico-pharmaceutical preparations for {**specify** disease or condition to be prevented or treated or the health goal to be achieved}; preparations for the treatment of burns; opotherapy preparations; pharmaceutical preparations for the treatment of {**indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders}; pharmaceutical preparations for skin care; air purifying preparations; air freshening preparations; veterinary preparations for the treatment of {**indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and cancer}; medicinal roots; **bath salts for medical purposes**; **medicated** serums for treatment of {**indicate** nature of serums, e.g., hair, skin, lips}; sanitary towels; tissues impregnated with pharmaceutical **skin** lotions; syrups for pharmaceutical purposes for the treatment of {**indicate** specific disease or condition, e.g. gastro-intestinal conditions, hormonal and chemical imbalances, and sleep disorders}; dietetic substances adapted for medical use; milk sugar (lactose); mineral food-supplements; reducing tea for medical purposes; asthmatic tea; herbs teas for medicinal purposes.

International Class 9: **Electric** couplings; **electric** accumulators; actinometers; aerometers; electronic agendas; stills for laboratory experiments; alcoholmeters; altimeters; flashlights **for use in photography**; amplifiers; anodes; aerials; anticathodes; high-frequency apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. switches); **electric** welding apparatus; ionisation apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. automatic ion-exchange chromatography apparatus for laboratory use, not for the treatment of air); apparatus to check franking, namely, (\_\_\_**specify** type of apparatus, e.g. time and date stamping machines); heat regulating apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. thermometers); electric arc cutting apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. lasers designed for cutting optical lenses for eyeglasses); **microscope** diffraction apparatus; laboratory apparatus for fermentation **for culturing cells**; precision measuring apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. bevels, angle finders); satellite navigational apparatus; navigation apparatus for vehicles; (\_\_\_**specify** type e.g. slide or photograph) projection apparatus; slide projectors; radios; radiological apparatus for industrial purposes; electric arc welding apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. welding torches); electric welding apparatus, namely, (\_\_\_**specify** type of apparatus, e.g. welding transformers); television apparatus **for projection purposes**; remote control apparatus for {**indicate** specific devices, e.g. radios, televisions, stereos}; **electronic** heliographic apparatus **for recording the duration and intensity of sunshine**; electro-dynamic apparatus for the remote control of signals, **namely**, (\_\_\_**specify** type of apparatus, e.g. digital signal processors); **electric** regulating apparatus for (\_\_\_**specify** purpose or function, e.g. for the operation of light emitting diodes; **electric** measuring devices for measuring (\_\_\_**specify** what is measured, e.g. distance, solar radiation); **electric** monitoring apparatus for monitoring (\_\_\_**specify** what is being monitored, e.g. for monitoring electric current and electrical signals); electrical **heat sealing** apparatus for sealing plastics; electric apparatus for commutation; chemistry apparatus and instruments, namely, (\_\_\_**specify** type of apparatus and instruments, e.g. chemical vapor deposition apparatus for use in research); optical apparatus and instruments namely, (\_\_\_**specify** type of apparatus and instruments, e.g. optical character recognition apparatus, optical inspection apparatus); weighing apparatus and instruments; apparatus and instruments for physics, namely, (\_\_\_**specify** type of apparatus and instruments, e.g. sensors for determining position, velocity, and acceleration); sounding apparatus and machines, namely, (\_\_\_**specify** type of apparatus and machines, e.g. apparatus for recording, transmission or reproduction of sound); cameras; air analysis apparatus; gas testing instruments; **diagnostic apparatus for testing food**; testing apparatus not for medical purposes for use in testing (\_\_\_**specify** use, e.g. consumer products for the presence of contaminants); sound reproduction apparatus; chargers for electric batteries; breathing apparatus except for artificial respiration (\_\_\_**specify** purpose or function, e.g. for underwater swimming); railway traffic safety

appliances, namely, (\_\_\_specify type of safety appliances, e.g. railway signals); sound transmitting apparatus; data processing apparatus; **electric** make-up removing appliances; diagnostic apparatus **for the detection of pathogens for laboratory or research use**, not for medical purposes; distillation apparatus for scientific purposes; amusement apparatus adapted for use with an external display screen or monitor; sound recording apparatus; time recording apparatus; **amusement** apparatus for **game consoles** adapted for use with an external display screen or monitor; divers' apparatus, namely, (\_\_\_specify type of apparatus, e.g. buoyancy bladders, rebreathers); breathing apparatus for underwater swimming; teaching apparatus, namely, (\_\_\_specify type of apparatus, e.g. medical diagnostic simulators for use as teaching aids for {specify nature of procedures, e.g. endoscopy, laparoscopy, angioplasty, etc.}); stereoscopic apparatus, namely, (\_\_\_specify type of apparatus, e.g. stereoscopes); telephone apparatus; audiovisual teaching apparatus, namely, (\_\_\_specify type of apparatus, e.g. audiovisual receivers, slide projectors); **optics** apertometers; hemline markers for (\_\_\_specify use, e.g. for measuring length); optical goods, namely, (\_\_\_specify type of goods, e.g. electrical and optical cables, optical disc drives); thermionic valves **for radio**; coin-operated musical **juke boxes**; fire alarms; anti-theft warning apparatus **for motor cars**; acoustic **sound** alarms; personal stereos; scales; barometers; fiber optic cables; **electric** cables; cash registers; pocket calculators; cinematographic cameras; camcorders; **electrical** ducts; **magnetic** encoded cards for (\_\_\_specify use, e.g. gift cards); **magnetic encoded** identity cards; integrated circuit cards; video game cartridges; headphones; protective helmets; protective helmets for sports; cathodes; photovoltaic cells; shoes for protection against accidents, irradiation and fire; juke boxes for computers; chronographs **for use as specialized time recording apparatuses**; printed circuits; integrated circuits; computer keyboards; flashing **safety** lights; **electric** collectors, namely, (\_\_\_specify type of collectors, e.g. photovoltaic cells also including a solar thermal collector sold as a unit); commutators; comparators; **electric** converters; (\_\_\_specify type e.g. Geiger) counters; acoustic conduits; speed checking **indicators** for vehicles; retorts **for use in high temperature chemical reactions**; acoustic couplers; **data processing couplers**; incubators for bacteria culture; electronic pens; measuring spoons; cyclotrons; densimeters; densitometers; (\_\_\_specify type, e.g. carbon dioxide) detectors; metal detectors for industrial or military purposes; distance measuring apparatus; circuit breakers; sound recording discs featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}; audio-video compact discs featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}; compact discs featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}; floppy disks featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}; optical discs featuring {specify subject matter, e.g., music, self-improvement, mathematics instruction}; **electricity** anti-interference devices, namely, (\_\_\_specify type of devices, e.g. filters for radio interference suppression); cathodic anti-corrosion apparatus, namely, (\_\_\_specify type of apparatus, e.g. cathodes); electric devices for attracting and killing insects; **tire** balancing apparatus; protection devices for personal use against accidents, namely, (\_\_\_specify type, e.g. inflatable floatation devices); automatic steering apparatus for **motor** vehicles, namely, (\_\_\_specify type of apparatus, e.g. cruise controls); life saving apparatus and equipment, namely, (\_\_\_specify type of apparatus and equipment, e.g. life-saving rafts); editing appliances for cinematographic films; automatic distribution machines, namely, (\_\_\_specify purpose or function, e.g. automatic electrical distribution apparatus); **automatic** ticket dispensers; dynamometers; telephone receivers; workmen's protective face-shields; projection screens; fluorescent screens; photography **projection** screens; video screens; welding electrodes; galvanic cells; transmitters of electronic signals; **telecommunication** transmitting sets for (\_\_\_specify purpose or function, e.g. radio and television broadcasting and for long-distance transmission); magnetic encoders; pressure indicators; tape recorders; test tubes; ergometers **not for medial purposes**; electronic tags for goods; containers for contact lenses; spectacle cases; cases especially made for photographic apparatus and instruments; **photographic** exposure meters; **electric** door closers; **electric** flat irons; **electric** soldering irons; **optical fibers**; **electric** wires; (\_\_\_specify type, e.g. optical, photographic) filters; frequency meters; furnaces for laboratory experiments; gloves for protection against accidents; galvanometers; eyeshades; gasometers; sprinkler systems for fire protection; loudspeakers; hologram **apparatus**; hydrometers; hygrometers; **electricity** indicators; temperature indicators; speed indicators; **electricity** armatures; **electricity** inverters; **electric** theft prevention installations, namely, (\_\_\_specify type of installation,

e.g. theft alarms); interfaces for computers; material testing instruments and machines for (specify use or purpose, e.g. for testing compression, strength, hardness and tensile characteristics of industrial materials); electric installations for the remote control of industrial operations; measuring instruments **for measuring** (specify use, e.g. strength, length, radiation); observation instruments, namely, (specify type of instruments, infrared detectors); printers for use with computers; **electric** navigational instruments; **electric** switches; binoculars; optical lamps **for use in photography**; **optical** signal lanterns; lasers, not for medical purposes; bar code readers; compact disc players; optical character readers; contact lenses; optical lenses; anti-glare glasses; spectacles; sunglasses; goggles for sports; adding machines; calculating machines; money counting and sorting machines; dictating machines; weighing machines; word processors; video recorders; pressure gauges; protective masks **not for medical purposes**; mechanisms for coin-operated apparatus; disk drives for computers; coin-operated mechanisms for television sets; computer memories; **tape** measures; measuring apparatus, namely, (specify type of apparatus, e.g. bevels, rain gauges, angle finders); capacity measures; **measuring** rules; micrometers; microprocessors; microphones; microscopes; microtomes; egg-candlers; furniture especially made for laboratories; modems; **computer** monitors; levels **instruments for determining the horizontal**; **optical** objectives lenses; octants; **protective** eyepieces; ohmmeters; wavemeters; computers; notebook computers; ozonisers; computer peripheral devices; acid hydrometers; lactometers; photocopiers; solar batteries; **electric** batteries; pedometers; speaking tubes, namely, (specify type of tubes, e.g. audio speakers); radiotelephony sets; computer programs for {**specify** the function of the programs, e.g., use in database management, use as a spread sheet, word processing, etc. and, if program is content- or field-specific, the content or field of use}; **downloadable** computer programs for {**specify** the function of the programs, e.g., use in database management, use as a spread sheet, word processing, etc. and, if program is content- or field-specific, the content or field of use}; teeth protectors **for non-medical use and for safety purposes**; **downloadable** electronic publications, namely, {**indicate** specific type of publication, e.g., book, magazine, manual} featuring {**indicate** subject matter} recorded on computer media; **integrated circuit** chips **for {indicate use} as a component of video games software**); quantity indicators for (specify purpose or function, e.g. for measuring water quality, air quality, sound quality); radar apparatus; audio and video-receivers; current rectifiers; voltage regulators for vehicles; **electric** light dimmers; refractometers; **luminaire** refractors; **electric** relays; wrist rests for use with computers; rheostats; saccharometers; needles for record players; scanners; **electric** locks; **luminous and mechanical** signs; sonars; sound locating instruments, namely, (specify type of apparatus/instruments, e.g. sound level meters); mouse; spectrograph apparatus; spectroscopes; spherometers; stereoscopes; **recording and playing devices for sound and image carriers**; **blank** optical data media **carriers**; switchboards; electronic notice boards; **electric** control panels; **electricity** distribution boards; tachometers; walkie-talkies; ear plugs **not for medical purposes**; mouse pads; **electronic** plotters; taximeters; facsimile machines; range finders; telerupters; portable telephones; theodolites; thermometers, not for medical purposes; thermostats; totalizators; record players; electronic pocket translators; **telecommunication** transmitters; transformers; tripods for cameras; marking gauges; **central processing unit processors**; urinometers; vacuum gauges; verniers; measuring glassware; spectacle glasses; optical glass; glass covered with an electrical conductor; clothing for protection against accidents, irradiation and fire; anti-glare visors; voltmeters.

International Class 14: Clock hands; amulets; **clock and watch making** anchors; **unwrought or beaten** silver; spun silver; rings; clock and watch making barrels; cloisonné jewellery; boxes of precious metal; bracelets; watch straps; charms; brooches; earrings; cuff links; busts of precious metal; clock and watch making dials; **jewelry** chains; watch chains; chronographs used as watches; stopwatches; chronoscopes; **necklaces**; cases for watches; jewelry pins; ornamental pins; tie pins; **threads of precious metal**; silver thread; gold thread; tie clips; atomic clocks; **electric** clocks and watches; badges of precious metal; chronometrical instruments; iridium; jet, unwrought or semi-wrought; copper tokens; jewelry; ingots of precious metals; medals; **medallions**; precious metals, unwrought or semi-wrought; (specify type, e.g. collectible, non-monetary) coins; watches; wristwatches; movements for clocks and watches; **olivine gems**; gold, unwrought or beaten; ornaments of jet; osmium; palladium; **jewelry** ornaments; jewelry of yellow amber; silver ornaments; ivory; shoe ornaments of precious metal; clocks; pearls made of ambroid; **pearls**; semi-



precious stones; precious stones; **platinum metal**; rhodium; alarm clocks; ruthenium; statues of precious metal; **figurine statuettes** of precious metal; paste jewelry; watch glasses.

International Class 16: Posters; albums for {**indicate** type, e.g., coins, photographs, stamps}; almanacs; document laminators for office use; office requisites, except furniture, namely, (**specify** type of requisites, e.g. paper embrossers, paper trimmers, punches); stationery; atlases; stickers; boxes of cardboard or paper; pamphlets in the field of {**indicate** subject matter, e.g., real estate sales}; calendars; **blank note** cards; postcards; greeting cards; musical greeting cards; cardboard; cardboard articles, namely, (**specify** type of articles, e.g. cartons, containers); catalogues **in the field of {indicate specific field of use}**; rosaries; folders for papers; newsletters in the field of {**indicate** subject matter}; printing blocks; glue for stationery or household purposes; conical paper bags; **disposable** babies' diaper-pants of paper and cellulose; pencils; slate pencils; decalcomanias; paper shredders for office use; graphic **art** prints; **paper** mats for beer glasses; **desk stands for holding ink**; **paper seal** shields; bottle wrappers of cardboard or paper; ink; signboards of paper or cardboard; envelopes; bottle envelopes of cardboard or paper; drawing squares; **paper towels**; **paper** labels, not of textile; plastic bubble packs for wrapping or packaging; sheets of reclaimed cellulose for wrapping; viscose sheets for wrapping; index cards; **printed** forms; writing materials, namely, (**specify** type of materials, e.g. felt writing pens, ink for writing instruments); electrotypes; terrestrial globes; engravings; hectographs; printed matter, **namely, written articles in the field of {indicate subject matter}**; writing instruments; newspapers; correcting fluids; lithographs; books in the field of {**indicate** subject matter}; booklets in the field of {**indicate** subject matter}; manuals in the field of {**specify** area of use, e.g., instructional math}; **printed** teaching materials in the field of {specify subject matter}; sealing **wax** compounds for stationery purposes; **adhesives** for stationery or household purposes; packaging material made of starches **in the nature of a paper substitute for food, beverages and consumer products**; handkerchiefs of paper; paper; silver paper; wrapping paper; filter paper; toilet paper; patterns for dressmaking; photographs; plastic film for wrapping; periodicals in the field of {**indicate** subject matter}; paintbrushes; holders for checkbooks; advertisement boards of paper or cardboard; **non-electric** credit card imprinters **for non-magnetically encoded cards**; erasing products, namely, (**specify** type of products, e.g. erasers); prospectuses in the field of {**indicate** subject matter, e.g., real estate sales}; thumbtacks; ledger **books**; index (**specify** type, e.g. index books, index cards); graphic representations; adhesive tapes for stationery or household purposes; garbage bags of paper or of plastics; bags, **namely, envelopes and pouches** of paper or plastics, for packaging; bags for microwave cooking; seals; tissues of paper for removing make-up; face towels of paper; fountain pens; holders for stamps; tablecloths of paper; **printed** tickets; **stamp seals**; (**specify** type, e.g. paper, plastic) transparencies.

International Class 21: Deodorizing aerosol **dispenser for personal use sold empty**; aerosol dispensers, not for medical purposes; non-electric polishing apparatus for household purposes, namely, (**specify** type of apparatus, e.g. floor polish applicators mounted on mop handles; **non-electric** pressure cookers; **non-electric** appliances for removing make-up, namely, (**specify** type of appliance, e.g. facial buffing pads); food cooling devices containing heat exchange fluids, for household purposes; (**specify** type, e.g. lawn, grass} sprinklers; **disposable** table plates; litter trays for pets; chopsticks; bird baths; **portable** baby bath **tubs**; mops; **non-electric** carpet sweepers; buckets; **basins**; cocktail stirrers; cooking pot sets; shaving brushes; lunch boxes; **paper towel dispensers of metal**; bread bins; soap boxes; candy boxes; **non-electric** kettles; tea infusers; bottles **sold empty**; insulating flasks; refrigerating bottles **sold empty**; cooking skewers of metal; brushes for (**specify** use, e.g. for basting meat, for cleaning pipes); brushes for footwear; toothbrushes; **electric** toothbrushes; nail brushes; eyebrow brushes; toilet brushes; electric **pet** brushes except parts of machines; dishwashing brushes; perfume burners; **non-electric** coffeepots; cages for household pets; decanters; stew-pans; **non-electric** heaters for feeding bottles; china ornaments; beer mugs; non-electric apparatus for wax-polishing, namely, (**specify** type of polishing apparatus, e.g. floor polish applicators mountable on a mop handle); **non-electric** wax-polishing appliances for shoes, **namely, shoe polish applicators not including shoe polish**; hot pots, not electrically heated; baskets for domestic use; shoe horns; dish covers; crystal **glassware**; jugs; toothpicks; plungers for clearing blocked drains; large-toothed combs for the hair; **non-electric dusters**; trivets; toilet paper dispensers; soap dispensers; water apparatus for cleaning teeth and gums **for home use**; abrasive sponges for scrubbing the skin; sponges for household purposes; toilet sponges; curry combs; comb

cases; earthenware (specify type of earthenware goods, e.g. mugs, figurines, plaques); floss for dental purposes; coffee filters **not of paper being part of non-electric coffee makers**; strainers for household purposes; flasks; gloves for household purposes; **non-electric** waffle irons; goblets; cups of paper or plastic; drinking flasks for travellers; **cooking utensils, namely**, grills; powder puffs; watering devices **in the nature of** (specify, e.g. funnels); hand-operated cleaning instruments, namely, (specify type of instruments, e.g. cleaning pads, cleaning combs); bowls; toilet cases for (specify purpose or function, e.g. toilet roll holders); fitted picnic baskets, including dishes; feeding troughs for animals; (specify type, e.g. salt and pepper, cocktail shakers; **hand-operated salt and pepper** mills for domestic purposes; cookery molds; (specify type e.g. cup cake, ice cube, pastry) molds; bottle openers; glove stretchers; combs; **non-electric** coffee percolators; insect traps; ironing boards; trays for domestic purposes; dishes; paper plates; frying pans; porcelain ware, namely, (specify type of ware, e.g. mugs, plaques, ornaments); soap holders; napkin holders; **pottery pots**; flower pots; garlic presses; **non-electric** fruit presses for household purposes; ceramics for household purposes, namely, (specify type of ceramics, e.g. figurines, pulls for drawers); garbage cans, powder compacts **sold empty**; crumb trays; drinking vessels; heat insulated containers for beverages; thermally insulated containers for food; containers for household or kitchen use; isothermic bags **for food or beverage for domestic use**; salt cellars; clothes racks for drying; spice **racks** sets; **serving dishes**; **animal bristles**; saucers; soup bowls; **holders for flowers and plants**; scouring pads; cups; clothing stretchers; boot jacks; corkscrews; cloths for cleaning; cosmetic utensils, namely, (specify type e.g. cosmetic brushes, foam applicator sticks for applying cosmetics); kitchen utensils, namely, (specify type of utensils, e.g. splatter screens, kitchen tongs, straining spouts); **non-electric** cooking utensils, namely, (specify type of utensils, e.g. batter dispenser, grills, wire baskets); utensils for household purposes, namely, (specify type of utensils, e.g. batter dispenser, grills, wire baskets); tableware, namely, (specify type of table ware other than knives, forks and spoons, e.g. disposable table plates); perfume vaporizers **sold empty**; vases; painted **decorative** glassware **not for building**; **drinking** glasses; bird cages.

International Class 25: Bandanas; stockings; hosiery; boots; half-boots; braces for clothing; lace boots; collar protectors; bathing trunks; **hoods**; **belts**; sweaters; headgear for wear, namely, (specify type of headgear, e.g. hats, caps); socks; footwear; shirts; collars; tights; **combinations**; suits; bathing suits; beach clothes, namely, (specify type of clothes, e.g. swimwear, coverups); ear muffs; neckties; sashes for wear; esparto shoes or sandals; fur stoles; fur (specify article of clothing, hats, coats, jackets); scarves; gloves; waistcoats; spats; waterproof clothing, namely, (specify type of clothing, coats, jackets, pants); leggings; garters; skirts; petticoats; layettes; underwear; sweat-absorbent **underclothes**; singlets; muffs; coats; mantillas; overcoats; trousers; parkas; pelerines; dressing gowns; pelisses; pullovers; pajamas; frocks; sandals; inner soles; shoes; brassieres; tee-shirts; knitwear clothing, namely, (specify type of clothing, e.g. sweaters, hats, jackets); uniforms; stuff jackets; jackets; clothing, namely, (specify type of clothing, e.g. shirts, pants, suits); ready-made clothing, namely, (specify type of clothing, e.g. shirts, pants, suits); outerclothing, namely, (specify type of clothing, e.g. outer jackets); clothing of leather, namely, (specify type of clothing, e.g. shirts, pants, suits); clothing of imitations of leather, namely, (specify type of clothing, e.g. shirts, pants, suits); paper clothing, namely, (specify type of clothing, e.g. shirts, pants, suits); cap peaks.

International Class 28: Hang gliders; Christmas trees of synthetic material; bows for archery; fencing weapons; appliances for gymnastics, namely, (specify type, e.g. pararell bars, training stools, horizontal bars); body-building apparatus; balls for games; climbers' harness; **toy** building blocks; starting blocks for sports; body boards; skating boots with skates attached; playing balls; rods for fishing; golf clubs; bingo cards; kites; dolls' rooms; targets; hockey sticks; checkerboards; ornaments for Christmas trees, except illumination articles and confectionery; dice; chessboards; chest expanders; practical jokes **card games**; nets for sports; darts; harpoon guns **for sporting purposes**; gloves for games, namely, (specify type, e.g. golf gloves, Karate gloves); cups for dice; **baby** rattles; counters **disks** for games; (specify type, e.g. role-playing, card games); automatic coin-operated amusement **game** machines; **electronic** games other than those adapted for use with an external display screen or monitor; playing cards; building games; checkers; dominoes; chess games; board games; toys, namely, (specify type of toys, e.g. water toys, wind-up toys); toys for domestic pets; bowling apparatus and machinery; toy masks; fencing masks; **toy** mobiles; scale

model vehicles; novelties for parties and dances, namely, {\_\_specify type, e.g. fake teeth, foam fingers and hands}; flippers for swimming; paragliders; ice skates; roller skates; surf boards; skateboards; sailboards; roulette wheels; **play** swimming pools; paintball guns; toy pistols; dolls; knee guards **for athletic use**; elbow guards **for athletic use**; shin guards **for athletic use**; punching bags; jigsaw puzzles; skittles; billiard cues; rackets; protective paddings for playing {**indicate sport**}; golf bags, with or without wheels; skis; waterskis; surf skis; billiard tables; tables for table tennis; **bob-sleighs**; **spring boards**; radio-controlled toy vehicles; shuttlecocks.

International Class 30: Oat-based food, namely, {\_\_specify type of food, e.g. oat flakes, rolled oats}; seasonings; rusks; biscuits; cocoa-based beverages; chocolate-based beverages; coffee-based beverages; tea-based beverages; sweetmeats; gruel with a milk base for food; cocoa; cocoa beverages with milk; coffee; coffee beverages with milk; breadcrumbs; chocolate; chocolate beverages with milk; condiments {\_\_specify type of condiments, e.g. pickled ginger, chutneys}; confectionery, namely, {\_\_specify type of confection, e.g. sugar, chocolate}; couscous **semolina**; crackers; custard; ice cream; pancakes; turmeric **seasoning** for food; edible decorations for cakes; natural sweeteners; thickening agents for cooking foodstuffs; spices; flour for food; starch for food; ferments for pastes; {\_\_specify type, e.g. flour-based, pita, taco} chips; fondants **confectionery**; cakes; gluten for food; **processed** groats for human food; halvah; {\_\_specify type, e.g. herbal, tea} infusions not medicinal; popcorn; malt **for food purposes** for human consumption; marzipan; mayonnaise; farinaceous food **paste for human consumption**; honey; muesli; bread; pastilles **confectionery**; almond paste; {\_\_specify type of cake, e.g. bean} cake paste; pasta; **pastries**; meat pies; fruit jellies **candy**; bread rolls; pizzas; baking powder; pralines; aromatic preparations, namely, {\_\_specify type e.g. seasonings} for food; cereal preparations, namely, {\_\_specify type, e.g. processed cereals, breakfast cereals}; cocoa products, namely, {\_\_specify type, e.g. cocoa mixes, cocoa beverages with milk}; flour-milling products, namely, {\_\_specify type e.g. rice flour, flour for food}; preparations for stiffening whipped cream; ravioli; rice; sandwiches; cooking salt; **sorbets**; sugar; sushi; tapioca; tarts; tea; pies; vinegar.

International Class 32: **Non-alcoholic** aperitifs; beer; whey beverages; non-alcoholic fruit juice beverages; isotonic beverages; non-alcoholic beverages, namely, {\_\_specify type of beverages, e.g. malt beverages, carbonated beverages}; **non-alcoholic** cocktails; table waters; essences for making {\_\_specify type, e.g. non-alcoholic} beverages; non-alcoholic fruit extracts **used in the preparation of beverages**; extracts of hops for making beer; fruit juices; **vegetable juices**; milk of almonds; lemonades; must; **non-alcoholic** fruit nectars; orgeat; pastilles for effervescing **non-alcoholic** beverages; **essences** for making liqueurs; preparations for making mineral water; preparations for making beverages; preparations for making aerated water; powders for effervescing **non-alcoholic** beverages; syrups for beverages.

International Class 35: Bill-posting; import-export agencies; commercial information agencies; advertising agencies; business management assistance; commercial or industrial management assistance; cost price analysis; employment agencies; business management and organization consultancy; personnel management consultancy; professional business consultancy; publicity columns preparation; shop window dressing; demonstration of goods; distribution of samples; dissemination of advertising matter; business management of performing artists; business appraisals; tax preparation; marketing studies; efficiency experts; business management of hotels; computerized file management; business information; rental of advertising space; publicity material rental; rental of advertising time on communication media; updating of advertising material; organization of trade fairs for commercial or advertising purposes; organization of exhibitions for commercial or advertising purposes; payroll preparation; economic forecasting; publication of publicity texts; advertising; on-line advertising on a computer network; advertising by mail order; radio advertising; television advertising; marketing research; personnel recruitment; compilation of information into computer databases; public relations; business inquiries; document reproduction; photocopying; psychological testing for the selection of personnel; modeling advertising or sales promotion; relocation services for businesses; news clipping services; secretarial services; arranging newspaper subscriptions for others; opinion polling; systemization of information into computer databases; word processing; {\_\_specify type e.g. message, conference call} transcription; book-keeping; {\_\_specify type e.g. account, business} auditing; auctioneering

International Class 41: Modeling for artists; night clubs; sport camp services; timing of sports

events; health club services, **namely, ( specify type, e.g. providing instruction and equipment in the field of physical exercise)**; physical education; animal training; teaching **in the field of {indicate specific field, e.g. music, remedial reading}**; videotaping; educational examination; providing on-line electronic publications, not downloadable **in the nature of {indicate specific nature of publication} in the field of {indicate subject matter of publication}**; providing amusement arcade services; practical **demonstration training in the field of {indicate subject matter of field}**; **providing information about education**; entertainment information; recreation information; gaming **in the nature of casino gaming**; rental of audio equipment; rental of sound recordings; rental of sports equipment, except vehicles; electronic desktop publishing; providing sports facilities; organization of exhibitions for cultural or educational purposes; arranging and conducting of **educational** colloquiums **{indicate specific field, e.g. self-awareness, art appreciation}**; arranging and conducting of **educational** congresses **{indicate specific field, e.g. self-awareness, art appreciation}**; arranging and conducting of **educational** conferences; arranging and conducting of workshops in **{indicate specific field, e.g. self-awareness, art appreciation}**; arranging and conducting of seminars **{indicate specific field, e.g. self-awareness, art appreciation}**; arranging and conducting of symposiums **{indicate specific field, e.g. self-awareness, art appreciation}**; arranging of beauty contests; organization of **{ specify type of competition, e.g. sports, spelling}** competitions; operating lotteries; organization of sports competitions; **vocational guidance**; photography; **party planning**; videotape film production; cinema **theaters**; publication of books; publication of electronic books and journals on-line; production of **{ specify type e.g. game, television}** shows; publication of texts, other than publicity texts; scriptwriting services; photographic reporting; entertainer services, **namely, live, televised and movie appearances by a professional entertainer**; **providing casino facilities**; **dance** club services; discotheque services; providing recreation facilities; news reporters services; recording studio services; translation; movie studios. An applicant may amend an identification of goods and/or services only 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.* In addition, in an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85 (d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); *see* TMEP §§1402.07(a), 1904.02(c).

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>. *See* TMEP §1402.04.

## RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

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 §§304.01-.02, 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.

//jmb//

Josette M. Beverly  
Trademark Attorney  
Law Office 115

**(571) 272-9399**

jeverly.beverly@uspto.gov (submit questions only)

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**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**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>.

DESIGN MARK

Serial Number  
76277980

Status  
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark  
NL

Standard Character Mark  
No

Registration Number  
2735358

Date Registered  
2003/07/08

Type of Mark  
TRADEMARK

Register  
PRINCIPAL

Mark Drawing Code  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner  
NAM LIONG ENTERPRISE CO., LTD. CORPORATION TAIWAN No. 10, Lane 41,  
Chou-Wei Street Yen-Chou Li Yung Kang City, Tainan TAIWAN

Goods/Services  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 039. G & S:  
DIVING EQUIPMENT, NAMELY, HELMETS, GLOVES, BOOTS, DIVING SUITS,  
REGULATOR MOUTHPIECE; SAFETY JACKETS; LIFE BUOYS. First Use:  
2001/05/00. First Use In Commerce: 2002/09/00.

Goods/Services  
Class Status -- ACTIVE. IC 025. US 042 039. G & S: Panties;  
swimsuits; shirts; T-shirts; snowsuits; loungewear; dancing dresses;  
aerobic dancing dress; rain coats; sportswear, namely, shirts and  
pants; shoes; sandals; canvas shoes; sports shoes; rubber shoes;  
running shoes; boots; sneakers; climbing boots; ski boots; casual  
shoes; beach sandals; insoles; vamps; shoe tongues. First Use:  
2001/05/00. First Use In Commerce: 2002/09/00.

Goods/Services  
Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:  
athletic equipment, namely, kneepads for sporting use, wrist

Print: Dec 4, 2011

76277980

protectors for sporting use, chest protectors, hand protectors, elbow pads, arm protectors, leg guards, shin guards, ankle extensions, hip pads, abdomen pads; bags for holding equipment for tennis, baseball, volleyball, softball, bowling, table tennis, and badminton; diving equipment, namely, goggles, masks, rubber flippers. First Use: 2001/05/00. First Use In Commerce: 2002/09/00.

**Description of Mark**

The mark consists in part of a stylized representation of the letters "NL".

**Filing Date**

2001/06/28

**Examining Attorney**

AWRICH, ELLEN B.

**Attorney of Record**

Maureen C. Kassner





Print: Dec 4, 2011

7770574

**DESIGN MARK**

**Serial Number**  
7770574

**Status**  
FIRST EXTENSION - GRANTED

**Word Mark**  
NL

**Standard Character Mark**  
No

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**  
Neil A. Lane, Inc. CORPORATION CALIFORNIA 708 N. La Cienega Blvd. Los Angeles CALIFORNIA 90069

**Goods/Services**  
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, shirts, long-sleeved shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, scrubs not for medical purposes, smocks, dress shirts, pants, trousers, slacks, jeans, culottes, cargo pants, stretch pants, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, stretch tops, tube tops, crop tops, tank tops, tankinis, halter tops, sweat shirts, hooded sweat shirts, sweat jackets, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, play suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, cloaks, shrugs, shawls, pashminas, jackets, dinner jackets, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, jean jackets, coats, heavy coats, over coats, top coats, petticoats, blazers, suits, tuxedos, cummerbunds, cuffs, collars, removable collars, collar protectors, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, layettes, infantwear, infants sleepers, booties, baby bibs not of paper, cloth diapers, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, ties, neckerchiefs, pocket squares, ascots, underwear, thermal underwear, long underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers,

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corsets, panties, thongs, G-strings, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, underclothes, pajamas, sleepwear, night gowns, nighties, lingerie, camisoles, negligees, chemises, chemisettes, slips, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, rain slickers, rainwear, footwear, shoes, mules, sneakers, boots, galoshes, sandals, flip-flops, and slippers.

**Description of Mark**

The mark consists of the stylized depiction of the letters "NL".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2009/06/29

**Examining Attorney**

LORENZO, KATHLEEN

**Attorney of Record**

Brad D. Rose

*NL*

Print: Dec 4, 2011

7770580

**DESIGN MARK**

**Serial Number**  
7770580

**Status**  
THIRD EXTENSION - GRANTED

**Word Mark**  
NL

**Standard Character Mark**  
No

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**  
Neil A. Lane, Inc. CORPORATION CALIFORNIA 708 N. La Cienega Blvd. Los Angeles CALIFORNIA 90069

**Goods/Services**  
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; facial makeup, concealers, blushers, facial powders, foundation makeup, eye makeup, eye pencils, eyebrow pencils, mascara, false eyelashes, face and body glitter, cosmetic compacts, cosmetic pencils, lipstick, lipstick cases, lipstick holders, lip gloss, lip pomades, lip pencils, makeup removers, makeup applicators in the nature of cotton swabs for cosmetic purposes, eye creams, facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturizers, facial lotions and non-medicated facial treatments in the nature of facial emulsions, wrinkle removing skin care preparations, nail polishes, nail polish base coat, nail polish top coat, nail strengtheners, nail hardeners, nail polish removers, nail creams, cuticle removing preparations, nail tips, and nail buffing preparations; beauty milks, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, perfumed powders, bath beads, bath crystals, bath foam, bath gels, bath oils, bath powders, bath salts, face wash, skin cleansers, skin highlighter, body scrubs, body fragrances, fragrances for personal use, body and hand lotions, body gels, shower gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, shaving preparations, after shave lotions, shaving balm, shaving cream, shaving gel, skin abrasive preparations, non-medicated skin creams and skin lotions for relieving

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razor burns; non-medicated lip care preparations; lip cream; sunscreen preparations; suntanning preparations and after-sun lotions; cosmetic sun-protecting preparations; sun tan oils; self-tanning preparations, namely, self tanning milk and cream, accelerated tanning cream; self-tanning lotions, gels and sprays; non-medicated ointments for the treatment of sunburns; non-medicated toiletries; perfume, perfume oils, cologne, eau de toilette, eau de perfume, eau de cologne and toilette water; toothpaste; deodorant and antiperspirant; cosmetic soaps, perfumed soaps, liquid soaps; hand, facial and bath soaps, deodorant soaps, shaving soaps, soap powder, toilet soaps, soaps for body care, and soaps for personal use; cosmetic pads, pre-moistened cosmetic wipes, pre-moistened cosmetic tissues and towellettes; cotton sticks for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; non-medicated topical skin creams, gels, toners, and lotions; topical skin sprays for cosmetic purposes; aromatherapy creams, lotions and oils; hair care products, namely, shampoos, conditioners, mousses, gels, frosts, creams, rinses, sprays, hair color, hair waving lotion, permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair color removers, hair relaxing preparations, hair styling preparations, hair removing cream, and hair care preparations; astringents for cosmetic purposes; baby wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene and household use; incense; room fragrances; fragrance emitting wicks for room fragrances; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; potpourri; aromatherapy pillows comprising potpourri in fabric containers.

**Description of Mark**

The mark consists of the stylized depiction of the letters "NL".

**Colors Claimed**

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**Filing Date**

2009/06/29

**Examining Attorney**

LORENZO, KATHLEEN

**Attorney of Record**

Brad D. Rose

*NL*

Print: Dec 4, 2011

7770586

**DESIGN MARK**

**Serial Number**  
7770586

**Status**  
THIRD EXTENSION - GRANTED

**Word Mark**  
NL

**Standard Character Mark**  
No

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**  
Neil A. Lane, Inc. CORPORATION CALIFORNIA 708 N. La Cienega Blvd. Los Angeles CALIFORNIA 90069

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 039. G & S: Protective eyewear; eyeglasses and eyeglass frames; sunglasses and sunglass frames; clip-on sunglasses; opera glasses; spectacles and spectacle frames; lenses for eyeglasses, sunglasses and spectacles; eyeglass, sunglass and spectacle cases; eyeglass, sunglass and spectacle straps; eyeglass, sunglass and spectacle chains; goggles for sports; magnets; decorative magnets; refrigerator magnets; novelty magnets; mouse pads; compact disc cases; fitted cases for storage and transportation, namely, cases for compact discs, audio cassettes, video cassettes, CD-ROMs, home video games, home video game accessories, computers, computer accessories, cameras, camcorders and portable phones; computer carrying cases; wrist rests and supports for computer mouse users; wrist rests for computers; computer keyboard wrist pads.

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**Colors Claimed**  
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**Filing Date**  
2009/06/29

Print: Dec 4, 2011

77770586

Examining Attorney  
LORENZO, KATHLEEN

Attorney of Record  
Brad D. Rose



*NL*

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**DESIGN MARK**

**Serial Number**  
7770590

**Status**  
THIRD EXTENSION - GRANTED

**Word Mark**  
NL

**Standard Character Mark**  
No

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**  
NEIL LANE ENTERPRISES, INC. CORPORATION CALIFORNIA 708 N. LA CIENEGA  
BLVD. LOS ANGELES CALIFORNIA 90068

**Goods/Services**  
Class Status -- ACTIVE. IC 014. US 002 027 029 050. G & S:  
Jewelry; jewelry findings; gemstone and precious stones; semi-precious  
stones; pearls; opals; platinum and its alloys; precious metals;  
chains, chokers, and pendants; lapel pins; ornamental lapel pins; pins  
being jewelry; body-piercing rings and studs; ear studs; ear clips;  
tie pins; tie clips; tie bars; tie tacks; tie fasteners; bolo ties  
with precious metal tips; cuff-links; shirt studs; badges of precious  
metal; costume jewelry; jewelry chains; jewelry pins for use on hats;  
hat ornaments of precious metal; holiday ornaments of precious metal;  
jewelry boxes and cases; key holders of precious metals; key chains of  
precious metal; watches; watch bracelets; watch accessories, namely,  
parts for watches; wristwatches; pocket watches; stop watches; watch  
straps and bands; watch chains and fobs; watch cases; watch boxes;  
clocks; alarm clocks; clocks incorporating radios; wall clocks;  
timepieces; boxes for timepieces; figurines, sculptures, busts,  
figures, statues, and statuettes, all of the foregoing of precious  
metal.

**Description of Mark**  
The mark consists of the stylized depiction of the letters "NL".

**Colors Claimed**  
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**77770590**

**Filing Date**  
2009/06/29

**Examining Attorney**  
LORENZO, KATHLEEN

**Attorney of Record**  
Brad D. Rose

*NL*