

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

U.S. APPLICATION SERIAL NO. 79136103

MARK: ICE FOX

**\*79136103\***

**CORRESPONDENT ADDRESS:**

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

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

**APPLICANT:** Obschestvo s ogranichennoy; otvetstvenno  
ETC.

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

INTERNATIONAL REGISTRATION NO. 1175515

**STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION:** TO AVOID PARTIAL ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL PARTIAL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional partial refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL PARTIAL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application that **applies to only the following goods in the application: All the instances of [clothing] in Class 25; clothing; clothing of imitations of leather; clothing of leather; beach clothes; bodices [lingerie]; outer clothing; ready-made clothing; waterproof clothing; teddies [undergarments]; headgear for wear; furs. And in Class 35: procurement services for others [purchasing goods and services for other businesses]; sales promotion for others, including wholesale and retail services; shop window dressing. See 15 U.S.C. §1141h (c). See below in this notification (hereafter "Office action") for details regarding the provisional partial refusal.**

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 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 OF GOODS AND SERVICES**

The identification of goods is indefinite and must be clarified. See TMEP §1402.01. Anything in bold requires deletion or clarification.

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.

Clothing can not be used in the identification of goods unless it is following with a namely or other sort of limitation.

Class 25: Aprons **[clothing]**; ascots; bandanas [neckerchiefs]; bathing trunks; **beach clothes**; beach shoes; belts **[clothing]**; bibs, not of paper; boas [necklets]; **bodices [lingerie]**; boots; brassieres; breeches for wear; camisoles; **clothing**; **clothing of imitations of leather**; **clothing of leather**; coats; collar protectors; combinations **[clothing]**; cuffs; detachable collars; dresses; dressing gowns; ear muffs **[clothing]**; footmuffs, not electrically heated; footwear; **furs [clothing]**; fur stoles; gaiters; gloves **[clothing]**; half-boots; **headgear for wear**; hoods **[clothing]**; hosiery; jackets **[clothing]**; lace boots; layettes **[clothing]**; leg warmers; money belts **[clothing]**; muffs **[clothing]**; neckties; **outer clothing**; overalls; overcoats; pants; parkas; pelisses; petticoats; pullovers; pyjamas; **ready-made clothing**; sandals; saris; sashes for wear; scarfs; shawls; shirts; shirt yokes; shoes; short-sleeve shirts; skirts; sleep masks; slippers; socks; sports shoes; stockings; suits; suspenders; sweaters; swimsuits; **teddies [undergarments]**; tee-shirts; tights; trousers; underwear; uniforms; veils **[clothing]**; vests; **waterproof clothing**; wooden shoes.

*Applicant should take all the [clothing] out of the identification of goods. Applicant may state Clothing items namely, \_\_\_\_\_ and list each item. Beach clothing, namely, \_\_\_\_\_ (applicant must specify each item by common commercial name); Waterproof clothing, namely,*

\_\_\_\_\_(applicant must specify each item by common commercial name); Fur clothing, namely, fur coats. Lingerie in the nature of bodices. Ready made clothing, namely, \_\_\_\_\_(applicant must list each item by common commercial name). Headgear is acceptable while headgear is NOT. Leather and imitation leather clothing, namely, \_\_\_\_\_(applicant must list each item by common commercial name); Outer clothing, namely coats and sweaters. Teddies in the nature of undergarments.

Class 35: Advertising; auctioneering; demonstration of goods; dissemination of advertising matter; distribution of samples; import-export agencies; marketing studies; on-line advertising on a computer network; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; presentation of goods on communication media, for retail purposes; procurement services for others [purchasing goods and services for other businesses]; sales promotion for others, including wholesale and retail services; shop window dressing.

**Procurement, namely, purchasing {specify goods or services, e.g., weapons, office furniture} for others; Sales promotion for others provided through the distribution and the administration of privileged user cards; Window dressing services for shops; Wholesale and retail store services in the field of \_\_\_\_\_(applicant must specify what the field of use is)**

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 §1904.02(c)(iv). In an application filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends the identification to a class other than that assigned by the International Bureau, the amendment will not be accepted because it will exceed the scope and those goods and/or services will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

In addition, in a Section 66(a) application, 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), 1402.01(c). 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); TMEP §§1401.03(d), 1402.01(c).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL PARTIAL REFUSAL:** Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those 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. *See* 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). *See* 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

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

/Jacqueline W. Abrams/  
Examining Attorney  
Law Office 101  
571-272-9185  
[jacky.abrams@uspto.gov](mailto:jacky.abrams@uspto.gov) INFORMAL only

**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 the Trademark Electronic Application System (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 the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or 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/trademarks/teas/correspondence.jsp>.

