

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

U.S. APPLICATION SERIAL NO. 79139129

MARK: MELLIFLORA

79139129

CORRESPONDENT ADDRESS:

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CLICK HERE TO RESPOND TO THIS LETTER:
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

INTERNATIONAL REGISTRATION NO. 1183388

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:** "biological preparations for medical purposes," "dietary fiber," "dietetic beverages adapted for medical purposes," "dietetic foods adapted for medical purposes," "dietetic substances adapted for medical use," "hematogen," "medicinal infusions," "nerviness," "preparations of trace elements for human and animal use," and "syrups for pharmaceutical purposes." See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional partial refusal.

OFFICE RECORDS

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

The following wording in the identification of goods must be clarified because it is indefinite: "biological preparations for medical purposes," "dietary fiber," "dietetic beverages adapted for medical purposes," "dietetic foods adapted for medical purposes," "dietetic substances adapted for medical use," "hematogen," "medicinal infusions," "nerviness," "preparations of trace elements for human and animal use," and "syrups for pharmaceutical purposes." See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

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).

Therefore, any modification to this wording must identify goods in International Class 5, the classification specified in the application for these goods and/or services.

Applicant may, for example, adopt the following identification, if accurate:

In International Class 5; albumin dietary supplements; albuminous foodstuffs for medical purposes; alginate dietary supplements; albuminous preparations for medical purposes; aloe vera preparations for pharmaceutical purposes; antioxidant pills; appetite suppressant pills; bath preparations, medicated; balms for medical purposes; biocides; biological preparations for medical purposes for the treatment of _____ (specify the disease or condition to be treated, e.g., cancer, etc.); by-products of the processing of cereals for dietetic or medical purposes; casein dietary supplements; decoctions for pharmaceutical purposes; diabetic bread adapted for medical use; dietary fiber for _____ (indicate use, e.g., for treating constipation, to aid digestion, for use as a supplement, etc.); dietetic beverages, namely, _____ (specify type of beverages, e.g., herbal teas, etc.) adapted for medical purposes; dietetic foods, namely, _____ (specify types of foods, e.g., pasta, crackers, etc.) adapted for medical purposes; dietetic substances, namely, _____ (specify substances, e.g., sugar, etc.) adapted for medical use; digestives for pharmaceutical purposes; enzyme dietary supplements; enzyme preparations for medical purposes; flaxseed dietary supplements; flaxseed oil dietary supplements; flour for pharmaceutical purposes; food for babies; glucose dietary supplements; hematogen, namely, dietetic candy bars adapted for medical use; lacteal flour for babies; lecithin dietary supplements; liniments; lotions for pharmaceutical purposes; malted milk beverages for medical purposes; medicinal herbs; medicinal infusions for use in the treatment of _____ (specify the disease or condition to be treated, e.g., cancer, etc.); medicinal oils; medicinal

roots; medicinal tea; milk ferments for pharmaceutical purposes; mineral food supplements; nerviness, namely, medicinal preparations for the treatment of the nervous system; nutritional supplements; pharmaceutical preparations for skin care; pollen dietary supplements; preparations of trace elements for human and animal use, namely, dietary supplements; propolis dietary supplements; protein dietary supplements; royal jelly dietary supplements; royal jelly for pharmaceutical purposes; slimming pills; syrups for pharmaceutical purposes, namely, syrups for use in the treatment of _____ (specify the disease or condition to be treated, e.g., cancer, etc.), vitamin preparations; wheat germ dietary supplements; yeast dietary supplements; yeast for pharmaceutical purposes.

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.

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>.

CONCLUSION

If applicant does not respond to this Office action within the six-month period for response, then the following goods will be **deleted** from the application: “biological preparations for medical purposes,” “dietary fiber,” “dietetic beverages adapted for medical purposes,” “dietetic foods adapted for medical purposes,” “dietetic substances adapted for medical use,” “hematogen,” “medicinal infusions,” “nerviness,” “preparations of trace elements for human and animal use,” and “syrups for pharmaceutical purposes.”

The application will then proceed with the following goods only: “albumin dietary supplements; albuminous foodstuffs for medical purposes; alginate dietary supplements; albuminous preparations for medical purposes; aloe vera preparations for pharmaceutical purposes; antioxidant pills; appetite suppressant pills; bath preparations, medicated; balms for medical purposes; biocides; by-products of the processing of cereals for dietetic or medical purposes; casein dietary supplements; decoctions for pharmaceutical purposes; diabetic bread adapted for medical use; digestives for pharmaceutical purposes; enzyme dietary supplements; enzyme preparations for medical purposes; flaxseed dietary supplements; flaxseed oil dietary supplements; flour for pharmaceutical purposes; food for babies; glucose dietary supplements; lacteal flour for babies; lecithin dietary supplements; liniments; lotions for pharmaceutical purposes; malted milk beverages for medical purposes; medicinal herbs; medicinal oils; medicinal roots; medicinal tea; milk ferments for pharmaceutical purposes; mineral food supplements; nutritional supplements; pharmaceutical preparations for skin care; pollen dietary supplements; propolis dietary supplements; protein dietary supplements; royal jelly dietary supplements; royal jelly for pharmaceutical purposes; slimming pills; vitamin preparations; wheat germ dietary supplements; yeast dietary supplements; yeast for pharmaceutical purposes.” 37 C.F.R. §2.65(a).

If applicant has any questions or needs assistance responding to this Office action, please do not hesitate to contact the examining attorney.

/Nicholas Altree/
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling 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. 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 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>.

