

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

U.S. APPLICATION SERIAL NO. 79144158

MARK: BOSSA

79144158

CORRESPONDENT ADDRESS:

DESTEK PATENT ANONIM SIRKETI
Lefkose Caddesi,
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TURKEY

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: BOSSA TICARET VE SANAYI;
ISLETMELERI TÜR ETC.

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

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1196024

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL 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 full refusal is the "Create/Mail Date" of the "IB-1rst Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c). *See* below in this notification (hereafter "Office action") for details regarding the provisional full 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(a), 2.65(a); TMEP §§711, 718.03.

Search of Office Records: No Conflicting Marks

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

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

Claim of Ownership

If applicant owns U.S. Registration No. 3472452, then applicant must submit for the application record a claim of ownership of this registration. *See* 37 C.F.R. §2.36; TMEP §812. *See* the attached copy of the registration. *See* TMEP §812.

Applicant may use the following format to claim ownership of the registration:

Applicant is the owner of U.S. Registration No. 3472452.

Identification of Goods

The identification of goods in Classes 24 and 25 is indefinite and must be clarified to further specify the nature or use of certain goods, as set out in bold below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

In addition, 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, as also set out below.

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 and/or services in International Classes 23, 24 or 25, the classification specified in the application for these goods and/or services.

The following substitute wording is suggested, if accurate:

Class 24: Woven textiles, namely, fabrics for use in the manufacture of clothing, towels, table linen, bed linen, household linen; non-woven textiles, namely, fabrics for use in the manufacture of clothing, towels, table linen, bed linen, household linen; fiberglass fabrics for textile use; fabric impervious to gases for aeronautical balloons; waterproof fabrics, namely, waterproof fabric for manufacturing clothing, furniture, luggage and automobile upholstery; gummed waterproof cloth; fabric of imitation animal skins; textile linings, namely, linen lining fabric for shoes, unfinished textile **fabric** for the manufacture of linings for garments, textile used as lining for clothing; buckram; **textile fabrics for the manufacture of filtering materials for liquids and powders**, namely, chemical fiber fabrics, synthetic fiber fabrics, inorganic fiber mixed fabrics; quilts of textile, blanket **throws**; washing mitts, bath linen, hand towels, face towels of textile, bathing towels; tapestries of textile, traveling rugs, namely, lap rugs; curtains of textile, shower curtains of textile, shower curtains of plastics; oilcloth for use as table cloths; bed blankets, bed sheets, bedspreads, bed linen, **bed linen in the nature of** diapered linen, pillowcases, quilt covers; furniture coverings of textile, namely, unfitted fabric furniture covers; upholstery fabrics; table napkins of textile; bed covers of paper; banners of textile, namely, cloth banners; flags not of paper, namely, cloth flags, fabric flags; cloth labels.

Class 25: Clothing, namely, trousers, jackets, overcoats, coats, skirts, suits, jerseys, waistcoats, shirts, **finished textile linings for garments in the nature of** ready-made leather linings, T-shirts, sweatshirts, dresses, bermuda shorts, shorts, pajamas, pullovers, jeans, tracksuits, rainwear, beachwear, bathing suits, swimming suits; clothing for exclusive use for sports **and** clothing for babies, namely, shirts, pants, coats, dresses; underclothing, namely, boxer shorts, brassieres, briefs, pants, socks; footwear, namely, shoes excluding orthopedic shoes, sandals, waterproof boots, walking boots, booties, sporting shoes, slippers; shoe parts, namely, heelpieces, insoles for footwear, **shoe** uppers; headgear, namely, caps, skull caps, sports caps, hats, berets; gloves **as** clothing, stockings, belts **for** clothing, camisoles, sarongs, scarves, neck scarves, shawls, collars, neckties, ties, suspender belts.

Please note that Class 23 is acceptable as written.

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.* Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

Translation

Applicant must specify whether “BOSSA” in the mark has any meaning in a foreign language. *See* 37 C.F.R. §2.32(a)(9); TMEP §§809, 814. An applicant must submit an English translation of all foreign wording in a mark. 37 C.F.R. §2.32(a)(9); TMEP §809.

Accordingly, if the wording has meaning in a foreign language, applicant should provide the following translation statement:

The English translation of the word “BOSSA” in the mark is “[insert translation]”.

TMEP §809.03.

Alternatively, if the wording does not have meaning in a foreign language, applicant should provide the following statement:

The wording “BOSSA” has no meaning in a foreign language.

Id.

Response

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and email technical questions to TEAS@uspto.gov.

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.

Responses to Office actions must be properly signed. *See* 37 C.F.R. §§2.62(b), 2.193(e)(2); TMEP §§712, 712.01. Where an applicant is not represented by an attorney, the response must be signed by the individual applicant or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). *See* 37 C.F.R. §2.193(e)(2)(ii); TMEP §§611.03(b), 611.06(b)-(h), 712.01. In the case of joint applicants, all must sign. 37 C.F.R. §2.193(e)(2)(ii); TMEP §611.06(a).

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 active 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 email the assigned trademark examining attorney. United States and Canadian applicants are encouraged to telephone rather than email. Other foreign applicants are encouraged to email.

If applicant submits questions via email, 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.

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL 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>.

/Robin Mittler/
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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/ 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. 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>.

Print: Apr 12, 2014

79039034

DESIGN MARK

Serial Number
79039034

Status
PARTIAL SECTION 71 & 15 ACCEPTED AND ACKNOWLEDGED

Word Mark
DENIMED BY BOSSA

Standard Character Mark
No

Registration Number
3472452

Date Registered
2008/07/22

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
BOSSA TICARET VE SANAYI; İŞLETMELERİ TÖRK ANONİM ŞİRKETİ JOINT STOCK
COMPANY TURKEY Güzelevler Mahallesi Gıme Bulvarı, 7. Km., No: 236
Yüreğir/ADANA TURKEY

Goods/Services
Class Status -- ACTIVE. IC 024. US 042 050. G & S: Textiles and
textile fabrics, namely, textile fabrics for the manufacture of
clothing, textile fabrics for home and commercial interiors, cotton
fabric, elastic fabrics for clothing, gauze fabrics, jersey fabrics
for clothing, knitted fabrics, mixed fiber fabrics, nylon fabrics,
polyester fabrics, rayon fabrics, linen fabrics, semi-synthetic fiber
fabrics, synthetic fabrics, woolen fabrics; curtains of textile,
shower curtains of textile or plastic, textile tablecloths; bed
clothes, namely, pillow shams, bed covers, bed spreads, blankets,
quilts, sheets, pillow cases, mattress covers; bed linen; table linen
and table napkins of textile, labels of cloth.

Goods/Services
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, trousers, jackets, overcoats, coats, skirts, suits, jerseys,
waistcoats, shirts, T-shirts, sweatshirts, dresses, blousons,

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pullovers, underwear, tracksuits, rainwear, swimwear, shirts, pullovers, knitwear, namely, knit shirts, knit sweaters, knit shorts, knitted caps, knitted underwear, jeans wear, namely, jeans, jean shorts, jean shirts, jean jackets, jean caps, sports shorts, namely, shorts, sweat shorts, walking shorts, rugby shorts, tennis shorts, gym shorts, clothing belts, swim caps, shorts, gloves, caps, socks, stockings, shoes, boots, footwear for sport, namely, golf, football, and soccer cleats, tennis shoes, boxing shoes, running shoes, baseball shoes, bowling shoes, rugby shoes, sandals, and slippers.

Goods/Services

Class Status -- SECTION 71 - CANCELLED. IC 026. US 037 039 040 042 050. G & S: [Buttons, namely, buttons for clothing; hooks and eyelets; shoe buckles; fastenings for clothing, namely, slide fasteners, snap fasteners, clasps for clothing, clasps for use with suspenders, belt buckles not of precious metal].

Priority Date

2006/12/29

Colors Claimed

The color(s) blue and dark blue are claimed as a feature of the mark ie/are claimed as a feature of the mark.

Part of Mark in Color

The color blue appears in the wording "denimined" with big sized letter "m", the pocket shaped design with wings and the wording "by bossa" at the right bottom; the color dark blue appears in the rectangular shaped background element behind the wording "denimined".

Filing Date

2007/03/02

Examining Attorney

KEVIN CORWIN

Attorney of Record

John S. Egbert

