

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

U.S. APPLICATION SERIAL NO. 79145867

MARK: RIANOX

79145867

CORRESPONDENT ADDRESS:

LT TIANJIN TINJIN; TRADEMARK AGENCY CO.,
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http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: RIANLON CORPORATION

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

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1200155

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.

SEARCH OF OFFICE'S DATABASE OF 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).

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.

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS:

- Requirement for an Acceptable Identification of Goods
- Requirement for an Accurate Description of the Mark
- Requirement for Translation
- Requirement for a Claim of Ownership of Prior Registration

IDENTIFICATION AND CLASSIFICATION OF GOODS

The wording identified below is indefinite/too broad and must be clarified for the reasons stated herein. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

The wording "*flame retardants*" encompasses "Flame retardant paper used to insulate buildings" in Class 017 and "fire blankets" in Class 009 and must identify the generic name of the goods in this class only, e.g., chemical agents for the flame-retardant coating of textiles.

The wording "*surface-active chemical agents*" must identify the purpose of the agent, e.g., for chelating and sequestering, for manufacturing dyestuffs, for the flame-retardant coating of textiles.

The wording "*chemical additives for color, whitener*" is unclear as to the nature of the goods and must identify the generic name of the goods in this class only, e.g., printing paste and color enhancer for printing textiles; bleaching preparations for industrial purposes

Advisory on punctuation

The identification of goods 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 incorporate the parenthetical information into the description.

The following substitute wording is suggested, if accurate:

"Industrial chemicals; antioxidant for use in the manufacture of synthetic rubber, plastic, fiber, elastomeric, coating and industrial oil; antistatic preparations, other than for household purposes; vulcanization accelerator *as* chemical preparation); flame retardants *in the nature of chemical agents for the flame-retardant coating of textiles*; chemical additives for oils; chemical additives to motor fuel; surface-active chemical agents *for the flame-retardant coating of textiles*; chemical additives for color, *namely, printing paste and color enhancer for printing textiles*; whitener, *namely, bleaching preparations for industrial purposes*" in International Class 001

Scope Advisory: An applicant may only amend an identification to clarify or limit the goods, but not to add to or broaden the scope of the goods. 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 an 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 will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

Class Advisory: In addition, in a Section 66(a) application, an applicant may not change the classification of goods 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 from one existing international class to another. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c).

Description Advisory: Periodically the USPTO revises the *U.S. Acceptable Identification of Goods and Services Manual* (ID Manual) based on changes to the international classification system and the USPTO's policies regarding acceptable identifications of goods and services. See TMEP §1402.14. Identifications are examined in accordance with the Trademark Rules of Practice and the USPTO's policies and procedures in effect on the date an application is filed. See 37 C.F.R. §2.85(e)(1); TMEP §1402.14. However, an applicant may voluntarily choose to follow policies and procedures adopted after the application was filed. See 37 C.F.R. §2.85(e)(2); TMEP §1401.12. Thus, descriptions of goods found in earlier-filed applications and registrations are not necessarily considered acceptable identifications when a later-filed application is examined. See TMEP §§702.03 (a)(iv), 1402.14.

For guidance on writing identifications of goods, please use the USPTO's online ID Manual at <http://tess2.uspto.gov/netahtml/tidm.html>, which is continually updated in accordance with prevailing rules and policies. See TMEP §1402.04.

DESCRIPTION OF MARK REQUIRED

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 the stylized wording "RIANOX".

ENGLISH TRANSLATION REQUIRED

Applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §2.32(a)(9); see TMEP §809. In the present case, the wording "RIANOX" requires translation.

The following translation statement is suggested:

The English translation of the word "RIANOX" in the mark is "__ {please provide accurate translation}".

TMEP §809.03.

If the wording has no meaning, the following statement is suggested:

The wording "RIANOX" has no meaning in a foreign language.

See 37 C.F.R. §2.61(b); TMEP §809.03.

CLAIM OF OWNERSHIP OF REGISTRATION

If applicant owns U.S. Registration No. 4220059, 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. 4220059.

RESPONSE GUIDELINES

If applicant has questions regarding this Office action, please e-mail the assigned trademark examining attorney at Tasneem.Hussain@uspto.gov. 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 unless otherwise noted 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.

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.

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>.

/Ms. Tasneem Hussain/
 Trademark Examining Attorney
 Law Office 118
 tasneem.hussain@uspto.gov (preferred)
 571.272.8273

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>.

DESIGN MARK

Serial Number

79108984

Status

REGISTERED

Word Mark

RIANLON

Standard Character Mark

No

Registration Number

4220059

Date Registered

2012/10/09

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

RIANLON CHEMICAL CO., LTD. Limited Company CHINA No. 6 Huangshan Road TEDA Hangu Modern Industrial Park 300480 Tianjin CHINA

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S: Antioxidant and light stabilizer used in the manufacture of plastic, elastomer, coating and industrial oil.

Description of Mark

The mark consists of the wording "RIANLON" in stylized font with a curving band that appears to the right and over the wording.

Colors Claimed

Color is not claimed as a feature of the mark.

Translation Statement

The wording "RIANLON" has no meaning in a foreign language.

Filing Date

2011/12/22

Examining Attorney
KELLY, AMY C

Rianlon