

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

U.S. APPLICATION SERIAL NO. 79159277

MARK: ATABLO

**\*79159277\***

**CORRESPONDENT ADDRESS:**

Zaripov Ravil Vilsorovich  
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APPLICANT: Zaripov Ravil Vilsorovich

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

**OFFICE ACTION**

**INTERNATIONAL REGISTRATION NO. 1233123**

**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-1st 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.

**INTRODUCTION**

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:

- ADVISORY: Earlier-Filed Application May Bar Registration
- Identification of Services Requires Amendment
- Mark Description Required
- Clarification Required Regarding Applicant's Entity
- Additional Information Required

**OFFICE SEARCH**

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

**ADVISORY: EARLIER-FILED APPLICATION MAY BAR REGISTRATION**

The filing date of pending U.S. Application Serial No. 86099117 precedes applicant's filing date. *See* attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *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 application.

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 mark in the referenced application. 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.

## IDENTIFICATION OF SERVICES REQUIRES AMENDMENT

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

Class 35

The following wording is indefinite and must be clarified because it contains brackets:

*commercial information and advice for consumers [consumer advice shop];  
transcription of communications [office functions];*

Generally, parentheses and brackets should *not* be used in identifications because the USPTO generally uses these punctuation marks to indicate goods and/or services that have been deleted from registrations. *See* TMEP §1402.12. Parenthetical or bracketed 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).” *Id.* Therefore, applicant must remove the brackets from the identification of services and incorporate any parenthetical or bracketed information into the description, as suggested below.

The wording “*marketing*” is indefinite and must be clarified because even though “marketing services” is acceptable, the term “marketing” alone could encompass an entity’s own marketing efforts, not just services performed for the benefit of others.

The wording “*marketing studies*” is indefinite and must be clarified because this wording could encompass the physical documents that result from marketing research in addition to conducting such studies. Applicant may add the word “conducting” to the beginning of this entry, if accurate, as suggested below.

The wording “*opinion polling*” is indefinite and must be clarified because this wording could encompass a wide range of opinion polling services, such as market opinion polling, public opinion polling, or internal/employee opinion polling. Applicant may append the word “public” to the beginning of this entry, if accurate, as suggested below.

The following wording is acceptable in Class 35:

*Arranging subscriptions to telecommunication services for others; business information; business investigations; business research; commercial information agencies; compilation of information into computer databases; compilation of statistics; computerized file management; marketing research; sales promotion for others; systemization of information into computer databases;*

Class 38

The following wording is indefinite and must be clarified because it contains brackets, which, as discussed above, are not generally permitted in identifications:

*communications by fiber [fibre] optic networks;  
electronic bulletin board services [telecommunications services];  
paging services [radio, telephone or other means of electronic communication];*

Therefore the brackets should be removed and this wording should be incorporated into the identifications, as suggested below, if accurate. Because “fiber” and “fibre” are simply alternative spellings of the same wording, the bracketed wording may simply be deleted in the first entry listed above.

The wording “*news agencies*” is overly broad and must be clarified because this could encompass both transmission of news (properly classified) and the gathering and dissemination of news (which would be in Class 41). Therefore, applicant should clarify that the service is only the transmission of news, if accurate, to ensure proper classification.

The wording “*providing online forums*” is indefinite and must be clarified because the purpose or nature of the forum must be specified with greater particularity.

The wording “*rental of message sending apparatus*” is indefinite and overly broad and must be clarified because this wording could encompass apparatus for sending physical messages, such as post cards or mail, in addition to apparatus for sending telecommunications messages.

The wording “*telex services*” is indefinite and must be clarified because the nature of the services is unclear. If the services are the transmission of messages via a teleprinter, applicant may adopt the suggestion below.

The following wording is acceptable in Class 38:

*Cable television broadcasting; cellular telephone communication; communications by computer terminals; communications by telegrams; communications by telephone; computer aided transmission of messages and images; electronic mail; facsimile transmission; information about telecommunication; message sending; providing access to databases; providing internet chatrooms; providing telecommunication channels for teleshopping services; transmission of greeting cards online; providing telecommunications connections to a global computer network; providing user access to global computer networks; rental of access time to global computer networks; rental of facsimile apparatus; rental of*

*modems; rental of telecommunication equipment; rental of telephones; radio broadcasting; satellite transmission; telecommunications routing and junction services; teleconferencing services; television broadcasting; telegraph services; telephone services; transmission of digital files; transmission of telegrams; videoconferencing services; voice mail services; wireless broadcasting;*

#### Principles Governing Identifications in Madrid Protocol Applications

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 the above-listed wording must identify goods and/or services in the same International Class in which each item is presently classified in the application.

Furthermore, an applicant may only amend an identification to clarify or limit the goods and/or services, but not to add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07.

#### Suggested Wording

Applicant may adopt the following identification of services, if accurate (suggested changes shown in **bold** typeface):

##### Class 35:

*Arranging subscriptions to telecommunication services for others; business information; business investigations; business research; commercial information agencies; commercial information and advice for consumers in the nature of a consumer advice shop; compilation of information into computer databases; compilation of statistics; computerized file management; marketing **services**; marketing research; **conducting** marketing studies; **public** opinion polling; sales promotion for others; systemization of information into computer databases; **office functions, namely, transcription of communications;***

##### Class 38:

*Cable television broadcasting; cellular telephone communication; communications by computer terminals; communications by **fiber** optic networks; communications by telegrams; communications by telephone; computer aided transmission of messages and images; electronic bulletin board services **being** telecommunications services; electronic mail; facsimile transmission; information about telecommunication; news agencies, **namely, the transmission of news items to news reporting organizations;** message sending; paging services via radio, telephone or other means of electronic communication; providing access to databases; providing internet chatrooms; providing online forums **for transmission of messages among computer users;** providing telecommunication channels for teleshopping services; transmission of greeting cards online; providing telecommunications connections to a global computer network; providing user access to global computer networks; rental of access time to global computer networks; rental of **telecommunications** message sending apparatus; rental of facsimile apparatus; rental of modems; rental of telecommunication equipment; rental of telephones; radio broadcasting; satellite transmission; telecommunications routing and junction services; teleconferencing services; television broadcasting; telex services, **namely, transmission of messages by teleprinter;** telegraph services; telephone services; transmission of digital files; transmission of telegrams; videoconferencing services; voice mail services; wireless broadcasting;*

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/netathtml/tidm.html>. *See* TMEP §1402.04.

#### MARK DESCRIPTION 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 "ATABLO" below a design consisting of a shaded circle within a single-line circle, behind which is a diagonal line that is broken in the center by the circles.**

#### CLARIFICATION REQUIRED REGARDING APPLICANT'S ENTITY

Applicant must specify its form of business or type of legal entity and its national citizenship or foreign country of organization or incorporation. *See* 37 C.F.R. §§2.32(a)(3)(i)-(ii), 7.25(a)-(b); TMEP §§803.03, 803.04, 1904.02(a). This information is required in all U.S. trademark applications, including those filed under Trademark Act Section 66(a) (also known as "requests for extension of protection of international registrations to the United States"). *See* 37 C.F.R. §§2.32(a)(3)(i)-(ii), 7.25(a)-(b); TMEP §§803.03, 803.04, 1904.02(a).

Acceptable entity types include an individual, a partnership, a corporation, a joint venture, or the foreign equivalent. *See* 37

C.F.R. §2.32(a)(3)(i)-(ii); TMEP §§803.03 *et seq.*

If applicant's entity type is an individual, applicant must indicate his or her national citizenship for the record. *See* 37 C.F.R. §2.32(a)(3)(i); TMEP §803.04. If applicant's entity type is a corporation, association, partnership, joint venture, or the foreign equivalent, applicant must set forth the foreign country under whose laws applicant is organized or incorporated. 37 C.F.R. §2.32(a)(3)(ii); TMEP §§803.03(b)-(c), 803.04. For an association, applicant must also specify whether the association is incorporated or unincorporated, unless the foreign country and the designation or description "association/associazione" appear in Appendix D of the *Trademark Manual of Examining Procedure* (TMEP). TMEP §803.03(c).

If applicant is organized under the laws of a foreign province or geographical region, applicant should specify both the foreign province or geographical region and the foreign country in which the province or region is located. *See* TMEP §803.04. To provide this information online via the Trademark Electronic Application System (TEAS) response form, applicant must (1) locate the "Entity Type" heading and select "Other;" (2) locate the "Specify Entity Type" heading and select "Other" under the Foreign Entity option, and enter in the free-text field below both applicant's entity type and the foreign province or geographical region of its organization (e.g., partnership of Victoria); and (3) locate the "State or Country Where Legally Organized" heading and select the appropriate foreign country (e.g., Australia) under the Non-U.S. Entity option. *See id.*

#### ADDITIONAL INFORMATION REQUIRED

Applicant must explain whether "ATABLO" has any meaning or significance in the industry in which the services are provided, or if such wording is a "term of art" within applicant's industry. *See* 37 C.F.R. §2.61(b); TMEP §814. Applicant must also explain whether this wording identifies a geographic place or has any meaning in a foreign language. *See* 37 C.F.R. §§2.32(a)(9), (a)(10), 2.61(b); TMEP §§809, 814. An applicant must submit an English translation of all foreign wording in a mark and a transliteration (the phonetic spelling, in Latin characters, of terms in the mark in non-Latin characters) of all non-Latin characters in a mark. 37 C.F.R. §2.32(a)(9), (a)(10); TMEP §809. If the wording does not have meaning in a foreign language, applicant should so specify. *See* TMEP §809.03.

Failure to respond to a request for information is an additional ground for refusing registration. *See In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTIP'ship LLP*, 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814.

#### 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 specified in this Office action for responding to a refusal, and should consider those 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 date on which the USPTO sends this Office action to the International Bureau, 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 §§711, 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(15), 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. §§2.62(c), 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](http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp) and e-mail technical questions to [TEAS@uspto.gov](mailto: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>.

/Wendell S. Phillips III/  
Trademark Examining Attorney  
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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 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>.

Print: Feb 21, 2015

88099117

**DESIGN MARK**

**Serial Number**  
86099117

**Status**  
NOTICE OF ALLOWANCE - ISSUED

**Word Mark**  
TABLET

**Standard Character Mark**  
No

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Registrar**  
PRINCIPAL

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

**Owner**  
NUVVO INC. CORPORATION CANADA Suite 836, Tower B 555 Legget Drive  
Kanata, Ontario CANADA K2K2X3

**Goods/Services**  
Class Status -- ACTIVE. IC 003. US 021 023 026 036 038. G & S: Digital antenna terminals, namely, set top boxes for over-the-air television and video broadcasts; Computer hardware and software for communication to home entertainment systems; Computer hardware and computer software for the reproduction, processing and streaming of audio, video and multimedia content; Computer hardware and software for controlling the operation of audio and video devices, namely, consumer electronic devices, televisions, digital players, and music/video/movie players; Computer software for viewing, searching and playing audio, video, television, internet radio, movies, and other multimedia content.

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing an on-line subscription offered to the public, namely, subscriptions to a television channel and arranging subscriptions to telecommunications services and publications of others.

**Goods/Services**  
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, providing a website featuring non-downloadable instructional videos featuring instructions and guidelines which allows users to download the guide information to their computer

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hardware for use in viewing, searching and playing audio, video, television, and other multimedia content; providing a website featuring non-downloadable instructions and guidelines which allows users to download the guide information to their computer hardware for use in viewing, searching and playing audio, video, television, and other multimedia content.

**Description of Mark**

The mark consists of the word "Tablo". A triangle design is contained in the letter "O".

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2013/10/23

**Examining Attorney**

ROACH, APRIL

**Attorney of Record**

Matthew D. Kendall

Tablo