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

U.S. APPLICATION SERIAL NO. 79165226

MARK: PANG

79165226

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APPLICANT: PANArt Hangbau AG

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A
CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1247099

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-1rst 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 international classes 6 and 15:**

Class 6 – Common metals and their alloys; metal sheets; iron and steel; and steel alloys (unwrought or semi-wrought).
Class 15 - (music); lutes [musical instruments]; and pegs for musical instruments.

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(a), 2.65(a); TMEP §§711, 718.03.

NO CONFLICTING REGISTERED 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).

SUMMARY OF REFUSAL(S) / REQUIREMENT(S):

- Identification of Goods – International Classes 6 and 15

Although the examining attorney has not refused registration, Applicant must respond to the following requirement(s) set forth below.

IDENTIFICATION OF GOODS – INTERNATIONAL CLASSES 6 AND 15

The identification of goods is indefinite and must be clarified. *See* TMEP §1402.01.

In particular, for international class 6, Applicant must provide greater specificity with regard to, "Common metals and their alloys", "metal sheets", "iron and steel", and "steel alloys (unwrought or semi-wrought)."

Please note that while "steel alloys" is acceptable and "steel alloys, unwrought or semi-wrought" is acceptable, because the "(unwrought or semi-wrought)" in the identification is in parentheses it may be deleted during Office processing leaving "steel alloys" by itself and the identification of goods may not contain duplicative entries. See TMEP §§707.02 and 1402.12. The USPTO generally uses brackets to indicate goods and/or services that have been deleted from registrations. *See id.* Applicant must remove the parentheses from the identification and incorporate any parenthetical information into the description of the goods.

Also, please note that entries found in the *U.S. Acceptable Identification of Goods and Services Manual* designated as a "trilateral entry" (T) are acceptable only when adopted in its entirety.

For international class 15, Applicant must provide greater specificity with regard to, "(music)", "lutes [musical instruments]", and "pegs for musical instruments."

International class 40 is acceptable as written.

Please note that failure to address this issue shall result in all specified indefinite terms being deleted from the identification. For Applicant's convenience, all indefinite terms and phrases, and corresponding corrections suggested by the examining attorney, have been highlighted.

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.

Applicant may adopt the following identification of goods, if accurate:

International class 6 –
Common metals and their alloys, *unwrought or semi-wrought*;
Sheet metal;
Decorative metal sheets consisting of an aluminum or steel substrate and a printed finish to add design;
Steel sheets;
Tinplate;
Irons and steels;
Unwrought or semi-wrought iron;
Pig iron;
Alloyed iron;
Non-ferrous metals and their alloys;
Plated steel plates and sheets;
Unwrought or semi-wrought steel;
Steel in the form of sheets, plates, foils and coils;
Steel plates and sheets;
Steel alloys;
Steel alloys, unwrought or semi-wrought

International class 15 -
Musical instruments;
Idiophones;
Percussion instruments;
String instruments;
Guitars;
Musical instruments, namely, lutes;
Dampers for musical instruments;
Tuning pegs for musical instruments;
Strings for musical instruments

NOTE: 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 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 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).

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 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.

If applicant does not respond to this Office action within six months of the issue/mailing date, the following goods will be deleted from the application:

Class 6 - Common metals and their alloys; metal sheets; iron and steel; and steel alloys (unwrought or semi-wrought).

Class 15 - (music); lutes musical instruments; and pegs for musical instruments.

See 37 C.F.R. §2.65(a); TMEP §718.02(a). The application will then proceed with the following goods and services only:

Class 6 – Steel sheets; Tinplate; Unwrought or semi-wrought iron; Pig iron; Alloyed iron; Non-ferrous metals and their alloys; Plated steel plates and sheets; Unwrought or semi-wrought steel; Steel in the form of sheets, plates, foils and coils; Steel plates and sheets; Steel alloys

Class 15 - Musical instruments; Idiophones; Percussion instruments; String instruments; Guitars; Dampers for musical instruments; Strings for musical instruments

Class 40 - Treatment of materials, namely, treatment of materials for the construction of musical instruments; treatment of metals; metal tempering

See TMEP §718.02(a). In such case, applicant's only option would be to file a timely petition to revive the abandoned goods, which, if granted, would allow for the reinsertion of these goods into the application. *See* 37 C.F.R. §2.66; TMEP §§718.02(a), 1714. There is a $100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

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.

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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.

Trademark ID Manual

Refine Search: (COMMON METALS)

Return results with status: ☑ A - Added ☑ M - Modified ☑ X - Examples ☐ D - Deleted

Click here for more information about Manual entry statuses and using the status checkboxes.

Submit Query

Documents: 1 - 39 of 39

Hit No.	Class	Description	Status	Effective Date	Type	Note	TM5
1	006	Alloys of common metal	A	14 Jul 11	G	N	T
2	006	Baskets of common metals	A	02 Apr 91	G	N	
3	006	Boxes of common metal	A	08 Nov 07	G	N	T
4	006	Buckles of common metal [hardware]	A	01 Jan 07	G	N	
5	006	Cake toppers of common metal	A	18 Dec 14	G	Y	
6	006	Common metal bands for the identification of birds	A	04 Sep 08	G	N	T
7	006	Common metal bands for the identification of pet animals	A	04 Sep 08	G	N	T
8	006	Common metal drawer pulls	A	01 Jun 01	G	Y	
9	006	Common metal powders used in manufacturing	M	17 Jan 13	G	Y	
10	006	Common metal pulls	A	30 Sep 10	G	Y	
11	006	Common metals and their alloys including stainless steel	A	06 Mar 08	G	N	T
12	006	Common metals and their alloys, unwrought or semi-wrought	A	25 Oct 12	G	N	
13	006	Common metals in foil form [semi-wrought]	M	10 Jan 13	G	Y	
14	006	Common metals in powder form [semi-wrought]	M	17 Jan 13	G	Y	
15	006	Common metals, unwrought and semi-worked, for further manufacture	A	22 Feb 07	G	N	T
16	006	Common metals, unwrought or semi-wrought	A	14 Feb 13	G	N	
17	006	Crucibles of common metal and their alloys	A	01 Aug 04	G	N	
18	006	Decorative centerpieces of common metal	A	23 Jun 11	G	N	
19	006	Decorative crosses of common metal	A	28 May 15	G	N	
20	006	Door knobs of common metal	A	16 May 13	G	N	T
21	006	Figures of common metal	A	02 Apr 91	G	N	
22	006	Figurines of common metal	A	02 Apr 91	G	N	
23	006	Grinding beads of common metal for use in wet milling	A	04 Jun 15	G	N	
24	006	Holiday ornaments of common metal [not tree ornaments]	M	04 Jun 09	G	Y	
25	006	Identity plates of common metal	A	20 Aug 09	G	N	
26	006	Ingots of common metal	A	02 Apr 91	G	N	
27	006	Key fobs of common metal	M	21 May 09	G	Y	
28	006	Keyrings of common metal	A	08 Nov 07	G	N	T
29	006	Non-electric cables and wires of common metals	A	08 Nov 07	G	N	T
30	006	Non-electrical cables and wires of common metal	A	08 Nov 07	G	N	T
31	006	Plaques of common metal for use as awards	X	25 Sep 14	G	Y	
32	006	Trophies of common metal	A	02 Apr 91	G	N	
33	006	Trophies of common metal for use as awards	X	25 Sep 14	G	Y	
34	006	Trophy columns of common metal	A	02 Apr 91	G	N	
35	006	Upright signboards of common metal	A	24 Dec 09	G	N	
36	006	Wall plaques made of common metal	A	12 Nov 09	G	Y	
37	006	Works of art of common metal	A	08 Mar 07	G	N	
38	007	Wood and metal machinery, namely, {indicate common commercial name of the machine or machines}	A	01 Apr 06	G	N	
39	014	Jewelry, namely, collar tips of common metal	A	01 Mar 12	G	N	

Trademark ID Manual

Refine Search: (METAL$ SHEET$)

Return results with status: ☑ A - Added ☑ M - Modified ☑ X - Examples ☐ D - Deleted

Click here for more information about Manual entry statuses and using the status checkboxes.

Submit Query

Documents: 1 - 15 of 15

Hit No.	*Class*	*Description*	*Status*	*Effective Date*	*Type*	*Note*	*TM5*
1	006	Back-up boards, back-up sheets, back-up panels, entry boards, entry sheets, and entry panels made out of metal for use in the operation of drilling holes in printed circuit boards	A	30 Apr 09	G	N	
2	006	Decorative metal sheets consisting of an aluminum or steel substrate and a printed finish to add design	A	26 Feb 09	G	N	
3	006	Films and sheets made from metal for use in the manufacture of circuit boards	A	30 Apr 09	G	N	T
4	006	Molybdenum bonded with other metals in the form of sheets, plates and foils for further manufacture	A	01 Jun 01	G	N	
5	006	Sheet metal [not of precious metal]	A	08 Mar 07	G	Y	
6	006	Sheet metal linings	A	20 Jul 04	G	N	T
7	006	Sheets of metal including those from alloy steel and titanium	A	08 May 08	G	N	T
8	006	Small items of metal hardware, namely, high security locks and sheet metal plates primarily for the casino and gaming industry	A	01 Jan 05	G	N	
9	008	Hand tools, namely, automobile sheet metal dent repair tool	A	01 Aug 04	G	N	
10	008	Hand tools, namely, sheet metal shrinking and stretching device	A	05 Jul 07	G	N	
11	014	Sheet metal of precious metal	A	10 Jan 08	G	N	
12	014	Sheets of precious metal	A	10 Jan 08	G	N	
13	017	Non-metal laminates, non-metal films and flexible vinyl sheets for use in making signs	A	07 May 10	G	N	
14	019	Erosion control fabric, mats and sheeting, not of metal [geotextiles]	A	08 Jan 09	G	N	T
15	040	Laminating of {indicate specific item, e.g. metal plates, plastic sheets}	A	02 Apr 91	S	N	