

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

U.S. APPLICATION SERIAL NO. 79175311

MARK:

79175311

CORRESPONDENT ADDRESS:

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RU-630132 Novosibirsk

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RUSSIAN FED.

APPLICANT: Obschestvo s ogranichennoy otvetstvennos ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1271298

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.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

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).

SUMMARY OF ISSUES:

- IDENTIFICATION OF GOODS INDEFINITE
- DESCRIPTION OF MARK REQUIRED

IDENTIFICATION OF GOODS INDEFINITE

The wording in the identification of goods is indefinite and must be clarified. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. Goods in International Class 29 in the USPTO system of classification and identification include food items of animal origin as well as vegetables and other horticultural comestible products which have been prepared for consumption or conservation. Conversely, any of these products that have not been prepared for consumption or conservation would be live and therefore, classified in Class 31. The suggested identification below has therefore been amended where necessary to specify that goods are processed to ensure proper classification in International Class 29. Milk and dairy items are in Class 29 unless they have been transformed into dessert or confectionary item in Class 30; therefore, unfrozen milk-based beverages and dairy products such as "milk products excluding ice cream, ice milk and frozen yogurt;" in Class 29 have been specified as such to distinguish them from desserts such as "ice cream" in International Class 30.

In a similar manner, International Class 30 contains processed (not fresh or live) food products that are used as flavoring products. This includes such items as condiments, seasonings and herbs (although herbs are a vegetal product, they are used for seasoning purposes). Where necessary, the suggested identification has been amended to ensure that goods in International Class 30 are properly identified as flavorings, seasonings, spices, or other food-modifying agents. All items in International Classes 29 and 30 are intended for human consumption; therefore the suggested identification adds

language to clarify this fact where it would otherwise be unclear.

Additionally, the identification of goods contains brackets. Generally, parentheses and brackets should *not* be used in identifications. TMEP §1402.12. The USPTO generally uses brackets to indicate goods and/or services that have been deleted from registrations. *See id.* Therefore, applicant must remove the brackets from the identification and incorporate any bracketed information into the description of the goods. The suggested identification of goods below has removed the brackets and incorporated the bracketed information into the description of goods.

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 Classes 29 and 30 respectively, the classifications specified in the application for these goods.

The following substitute wording is suggested, if accurate:

International Class 29

Albumen for culinary purposes; alginates for culinary purposes; almonds, ground; **processed anchovy**; animal marrow for food; apple puree; bacon; beans, preserved; black pudding; bouillon; bouillon concentrates; butter; buttercream, **namely, buttercream icing and fillings for cakes**; caviar; charcuterie; cheese; cocoa butter **for food purposes**; coconut butter **in the nature of nut butters**; coconut fat; coconut, desiccated; cranberry sauce; croquettes, **namely, chicken, meat, and fish croquettes**; crustaceans, not live; crystallized fruits; **processed dates**; edible fats; edible oils; eggs; fat-containing mixtures for bread slices, **namely, butter and butter substitutes**; fatty substances for the manufacture of edible fats; fish fillets; fish, not live; fish meal for human consumption; fish, preserved; fish, tinned; foods made from fish, **namely, {indicate specific items}**; frozen fruits; fruit-based snack food; fruit chips; fruit jellies; fruit peel; fruit, preserved; fruit preserved in alcohol; fruit pulp; fruit salads; fruit, stewed; fruits, tinned; game, not live; gelatine **in the nature of unflavored and unsweetened gelatins**; gherkins; ginger jam; herrings, not live; hummus; jams; jellies for food; kimchi; lard; lentils, preserved; liver; liver pastes; lobsters, not live; margarine; marmalade; meat; meat extracts; meat jellies; meat, preserved; meat, tinned; milk; milk products **excluding ice cream, ice milk and frozen yogurt**; mushrooms, preserved; mussels, not live; nuts, prepared; onions, preserved; olives, preserved; oysters, not live; raisins; rennet; salmon, not live; salted fish **in the nature of preserved fish**; salted meats; sardines, not live; sauerkraut; sausages in batter; sea-cucumbers, not live; seaweed extracts for food; shellfish, not live; shrimps, not live; silkworm chrysalis, for human consumption; snail eggs for consumption; soya beans, preserved, for food; soya milk; spiny lobsters, not live; suet for food; soups; peanut butter; peanuts, prepared; peas, preserved; pectin for culinary purposes; piccalilli; pickles; pollen prepared as foodstuff; pork; potato chips; potato flakes; potato fritters; poultry, not live; powdered eggs; preparations for making bouillon; preparations for making soup; prostokvasha; tahini; tofu; tomato juice for cooking; tomato paste; tripe; truffles, preserved; tuna, not live; vegetables, dried; vegetables, cooked; vegetable juices for cooking; vegetables, preserved; vegetable salads; vegetable soup preparations; vegetables, tinned; whipped cream; white of eggs; yolk of eggs

International Class 30

Almond confectionery; almond paste; aniseed **for use as a flavoring in food and drinks**; aromatic preparations for food, **namely, seasonings and spices**; artificial coffee; baking soda; biscuits; bread; breadcrumbs; bread rolls; **starch-based** binding agents for ice cream; buns; cakes; cake dough; cake powder; candy; capers; caramels; cereal-based snack food; **preparations made from cereals, namely, {indicate specific items}**; celery salt; chewing gum; chicory, **namely, chicory based coffee substitute**; chips, **namely, grain-based chips**; chocolate; chocolate beverages with milk, **namely, chocolate-based beverages with milk**; chocolate-based beverages; cocoa; cocoa beverages with milk; cocoa-based beverages; coffee; coffee-based beverages; condiments, **namely, {indicate specific items}**; confectionery, **namely, {indicate specific items}**; confectionery for decorating Christmas trees; cooking salt; corn, milled, **in the nature of corn meal**; corn, roasted; crackers; crushed oats; couscous; edible ices; essences for foodstuffs, except etheric essences and essential oils, **in the nature of food flavorings**; farinaceous foods, **namely, farinaceous food pastes for human consumption**; ferments for pastes; flour; fondants; food flavorings, other than essential oils; frozen yogurt; fruit jellies **in the nature of fruit jelly candy**; garden herbs, preserved; gingerbread; glucose for culinary purposes; gluten prepared as foodstuff, **namely, gluten additives for culinary purposes**; **processed grains, namely, groats for human food**; halvah; hominy; hominy grits; honey; husked oats; ice cream; ice for refreshment; ice, natural or artificial; iced tea; infusions, not medicinal, **namely, herbal infusions**; ketchup; liquorice; malt for human consumption; malt extract for food; maltose **for food**; marzipan; mayonnaise; meat pies; meat tenderizers, for household purposes; mint for confectionery, **namely, mint-based sweets**; molasses for food; muesli; mustard; natural sweeteners; noodles; nutmegs; oat-based food; pancakes; pasta; confectionery, **namely, pastilles**; peanut confectionery; pelmeni; pepper; peppermint sweets; petits fours; pies; pizzas; popcorn; pralines; preparations for stiffening whipped cream; powders for ice cream; propolis **in the nature of propolis for food purposes**; puddings; quiches; ravioli; rice; rice-based snack food; rice cakes; royal jelly **for food purposes**; rusks; sandwiches; salt for preserving foodstuffs; sauces, **namely, cooking and dipping sauces**; **starch-based** sausage binding materials; seasonings; sea water for cooking; spaghetti; spices; spring rolls; **spices, namely, star aniseed**; starch for food; sugar; sushi; sweetmeats; tabbouleh; tacos; tapioca; tea; tea-based beverages; thickening agents for cooking foodstuffs; tortillas; turmeric **for food**; unleavened bread; unroasted coffee; vanilla; vanillin **for use as a food flavoring**; vegetal preparations for use as coffee substitutes; vermicelli; vinegar; waffles; yeast

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.

DESCRIPTION OF MARK REQUIRED

Applicant has submitted a color drawing and provided a color claim, but has not provided the required description specifying where color appears in the literal and design elements in the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(ii).

Generic color names must be used to describe the colors in the mark, e.g., magenta, yellow, turquoise. TMEP §807.07(a)(i)-(ii). If black, white, and/or

gray are not being claimed as a color feature of the mark, applicant must exclude them from the color claim and include in the mark description a statement that the colors black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark. See TMEP §807.07(d).

Therefore, applicant must provide a mark description that specifies where all the colors appear in the literal and design elements in the mark. See TMEP §807.07(a)(ii). The following is suggested, if accurate:

The mark consists of wording which transliterates to “Altayskaya Skazka” in white with a grey outline below an image in an irregular oval shape outlined in grey of a cultivated mountain valley with rows of crops in dark green, green, and light green below a green mountain with light green peaks and a white sky behind it. The rest of the color white is background and is not part of the mark.

RESPONSE GUIDELINES

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 requirements 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 U.S. commonwealths or U.S. territories. 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/mailed 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/>.

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Translate

Алтайская Сказка




Altai Tale



 Suggest an edit

Altayskaya Skazka

Сказка Skazka 



Definitions of сказка




noun

Повествовательное, обычно народно-поэтическое произведение о вымышленных лицах и событиях, преимущ. с участием волшебных, фантастических сил.
"Русские народные сказки."

Выдумка, неправда, ложь (разг.).
"Всё это — с."

Translations of сказка

noun

-  **fairy tale** сказка, волшебная сказка, бабушкины сказки, небылицы
-  **story** история, рассказ, сюжет, повесть, сказка, этаж
-  **fable** басня, сказка, миф, выдумка, небылица, ложь

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DESIGN MARK

Serial Number

79157328

Status

REGISTERED

Word Mark

SKAZKA

Standard Character Mark

No

Registration Number

4770983

Date Registered

2015/07/14

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Joint-Stock Company "Krasnyj Octyabr" JOINT STOCK COMPANY RUSSIAN FED.
ul. Malaya Krasnoselskaya d. 7, str.24 RU-107140 Moscow RUSSIAN FED.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Sweetmeats candy;
caramels candy; pralines candy; chocolate; pastries; cocoa; cake.

Description of Mark

The mark consists of a series of six Cyrillic characters above the
wording "SKAZKA".

Colors Claimed

Color is not claimed as a feature of the mark.

Translation Statement

The English translation of "SKAZKA" in the mark is "TALE".

Transliteration Statement

The non-Latin characters in the mark transliterate to "SKAZKA" and
this means "TALE" in English.

Print: Dec 15, 2015

79157328

Filing Date

2014/11/28

Examining Attorney

SEVERSON, KAREN

СКАЗКА
SKAZKA