

To: Wayans, Marlon (hachy@5-dcomics.com)
Subject: TRADEMARK APPLICATION NO. 77011024 - PARODY PACKS - N/A
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Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/011024

APPLICANT: Wayans, Marlon

CORRESPONDENT ADDRESS:
WAYANS, MARLON
1555 VINE ST # 212
LOS ANGELES, CA 90028-7359

77011024

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: PARODY PACKS

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
hachy@5-dcomics.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/011024

The assigned trademark examining attorney has reviewed the referenced application and has determined the following

Search Results

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Applicant must respond to the following informalities.

Identification of Goods

The identification of goods in IC 16 is unacceptable as indefinite because the terms “BOOKS; MAGAZINES; JOURNALS; BOOKLETS; PAMPHLETS” need additional clarification and specificity. TMEP §§1402.01. Suggestions and explanation is incorporated into the identification proposed below. The Applicant may adopt any or all of the following identifications, if accurate:

POSTERS; CALENDARS; DESK PADS; TEMPORARY TATTOOS; STICKERS; BUMPER STICKERS; DECALS; IRON-ON PLASTIC TRANSFERS; NOTE CARDS; POSTCARDS; GREETING CARDS; HOLIDAY CARDS; PAPER GIFT BAGS; ANNOUNCEMENT CARDS; INVITATION CARDS; TRADING CARDS; STATIONARY; NOTE PADS; WRITING TABLETS; NOTEBOOKS; FOLDERS; BOOKMARKS; PAPER PENNANTS; BINDERS; WRITING PAPER; ENVELOPES; APPOINTMENT BOOKS; ADDRESS BOOKS; SCRAPBOOKS; COLORING BOOKS; PAPER FLAGS; RUBBER STAMPS; PAPER BANNERS; PENS; PENCILS; CRAYONS; MARKERS; ERASERS; DECORATIVE PENCIL-TOP ORNAMENTS; DRAWING AND DRAFTING RULERS, PENCIL SHARPENERS; BOOK COVERS; PHOTOGRAPHIC PRINTS; PICTORIAL PRINTS; ART PRINTS; CARTOON PRINTS; ANIMATED CELS; PERSONAL ORGANIZERS; PAPER WEIGHTS, PAPER CLIP HOLDERS; COMIC BOOKS; COMIC STRIPS; JOKE BOOKS; **BOOKS, MAGAZINES, JOURNALS, BOOKLETS, PAMPHLETS, AND BROCHURES FEATURING MUSIC, COMEDY, DRAMA, ACTION, ADVENTURE, ANIMATION AND HUMOR. IC 16**

If applicant adopts the suggested amendment of the goods, then applicant must amend the classification to the appropriate International Classes, and/or amend to add additional classes. 37 C.F.R. Sections 2.32(a)(7) and 2.85; TMEP §§805 and 1401 *et seq.*

In the identification, the applicant must use the common commercial names for the goods and/or services, be as complete and specific as possible and avoid the use of indefinite words and phrases. If the applicant chooses to use indefinite terms, such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems” and “products,” then those words must be followed by the word “namely” and the goods listed by their common commercial names. TMEP §§1402.01 and 1402.03(a). Moreover, the identification of goods must also be specific and all-inclusive; therefore, applicant should refrain from using such terms such as “including” or “and the like” and replace this wording with “namely” followed by the good and/or services listed by their common commercial names.

To the extent the suggested identification of goods/services is incomplete or inaccurate, the applicant is advised that the *Trademark Acceptable Identification of Goods and Services Manual* is accessible via the USPTO homepage at www.uspto.gov under the heading Trademarks and the subheadings Guidance and Manuals and Legal Resources or at <http://www.uspto.gov/web/offices/tac/doc/gsmmanual/>

Please note that, while the identification of goods/services may be amended to clarify or limit the

goods/services, adding to the goods/services or broadening the scope of the goods/services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods/services that are not within the scope of the goods/services set forth in the present identification.

Disclaimer

Applicant must disclaim the descriptive wording “PACKS” apart from the mark as shown, because it merely describes the applicant’s goods, namely packs of printed goods and materials. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i).

The following is the standard format used by the Office:

No claim is made to the exclusive right to use “PACKS” apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm’r Pats. 1983).

The Office can require an applicant to disclaim exclusive rights to an unregistrable part of a mark, rather than refuse registration of the entire mark. Trademark Act Section 6(a), 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), 15 U.S.C. §1052(e), the Office can refuse registration of the entire mark where it is determined that the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. Thus, the Office may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). TMEP §1213.03(a). If an applicant does not comply with a disclaimer requirement, the Office may refuse registration of the entire mark. TMEP §1213.01(b).

A “disclaimer” is thus a written statement that an applicant adds to the application record that states that applicant does not have exclusive rights, separate and apart from the entire mark, to particular wording and/or to a design aspect. The appearance of the applied-for mark does not change.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Sanjeev Vohra/
Sanjeev Vohra
Examining Attorney
Law Office 110
571.272.5885 - Work
571.273.5885 - Fax

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office’s Trademark Electronic Application System (TEAS) Response to Office action form available on our website at

<http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**

- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.