

**To:** Antonina Ramsey ([tonya\\_ra@yahoo.com](mailto:tonya_ra@yahoo.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77957683 - IN HARMONY RESPONSIBLE FASHION - N/A  
**Sent:** 12/27/2010 1:46:52 PM  
**Sent As:** ECOM106@USPTO.GOV  
**Attachments:**

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

APPLICATION SERIAL NO. 77957683

MARK: IN HARMONY RESPONSIBLE FASHION

**\*77957683\***

CORRESPONDENT ADDRESS:  
ANTONINA RAMSEY  
IN HARMONY  
10823 104TH AVE NE  
KIRKLAND, WA 98033-4425

CLICK HERE TO RESPOND TO THIS LETTER:  
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: Antonina Ramsey

CORRESPONDENT'S REFERENCE/DOCKET NO :  
N/A

CORRESPONDENT E-MAIL ADDRESS:  
[tonya\\_ra@yahoo.com](mailto:tonya_ra@yahoo.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: **12/27/2010**

**THIS IS A FINAL ACTION.**

This letter responds to applicant's communication on December 2, 2010. In the aforementioned communication, applicant submitted a request to amend the filing basis to Section 1(b) and a substitute disclaimer. The disclaimer is acceptable and that requirement is now withdrawn. TMEP §§713.02, 714.04.

The following requirements are now made **FINAL**: acceptable identification of services, drawing clarification, and supporting declaration for Section 1(b). See 37 C.F.R. §2.64(a).

**Amendment to Filing Basis**

Applicant's amendment to the filing basis from Section 1(a) to Section 1(b) is incomplete because applicant failed to submit the required declaration. Therefore, applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20:

**Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date.**

15 U.S.C. §1051(b)(3)(B); 37 C.F.R. §2.34(a)(2); TMEP §§804.02, 806.01(b); see 37 C.F.R. §2.193(e)(1).

The following is a properly worded "declaration" under 37 C.F.R. §2.20. This declaration must be personally signed and dated by a person authorized under 37 C.F.R. §2.193(e)(1). TMEP §804.01(b).

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

### **Identification of Services**

The wording “accessories; interior design products” in the identification of services is indefinite and must be clarified. See TMEP §1402.01. Applicant must clarify the nature of these goods. Applicant may adopt the following, if accurate:

Class 035: On-line wholesale and retail store services featuring clothing, clothing accessories, footwear, jewelry, interior design magazines

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

The Office requires a degree of particularity necessary to identify clearly goods and/or services covered by a mark. See *In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007). Descriptions of goods and services in applications must be specific, explicit, clear and concise. TMEP §1402.01; see *In re Cardinal Labs., Inc.*, 149 USPQ 709, 711 (TTAB 1966); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm’r Pats. 1954).

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>. See TMEP §1402.04.

### **Drawing Clarification**

In applicant’s preliminary response, applicant requested an amendment to the overall presentation of the mark. Applicant must clarify if the drawing should remain as a special form drawing or a standard character drawing. Please see the June 16, 2010 Office action.

### **Response Guidelines**

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Dannean J Hetzel/  
Trademark Examining Attorney  
Law Office 106  
Phone 571-272-8858  
Fax 571-273-9106

**TO RESPOND TO THIS LETTER:** Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using 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).

**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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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/teas/eTEASpageE.htm>.

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### **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

**Your trademark application (Serial No. 77957683) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on **12/27/2010** to which you must respond. Please follow these steps:**

**1. Read** the Office letter by clicking on this [link](#) OR go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**2. Respond** within 6 months, calculated from **12/27/2010** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**3. Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Dannean J Hetzel/  
Trademark Examining Attorney  
Law Office 106  
Phone 571-272-8858  
Fax 571-273-9106

### **WARNING**

**Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application. Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System [Response to Office Action form](#).**