

**To:** The Parody Store, LLC ([info@theparodystore.com](mailto:info@theparodystore.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85721882 - THE PARODY STORE - N/A  
**Sent:** 1/18/2013 12:37:56 PM  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 85721882

**MARK:** THE PARODY STORE

**\*85721882\***

**CORRESPONDENT ADDRESS:**

THE PARODY STORE, LLC  
2300 5TH AVE N  
ST PETERSBURG, FL 33713-7006

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**APPLICANT:** The Parody Store, LLC

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**  
[info@theparodystore.com](mailto:info@theparodystore.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:** 1/18/2013

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

This letter is in response to applicant's communication received on 1/16/13.

Applicant's amendment to the Supplemental Register is accepted and entered into the record. The Section 2(e)(1) refusal is withdrawn. However, the applicant must respond to the following new issue regarding a disclaimer of the term PARODY:

## **DISCLAIMER REQUIRED**

Applicant must disclaim the generic wording “PARODY” apart from the mark as shown because such wording is be generic in the context of applicant’s goods. See 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 196 USPQ 7 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766 (TTAB 1986); TMEP §1213.03(b). Generic terms are common names that the relevant purchasing public understands primarily as describing the genus of applicant’s goods.

Specifically, the attached dictionary evidence from applicant shows this wording means “a musical, literary, or other composition that mimics the style of another composer, author, etc, in a humorous or satirical way”. According to applicant’s website, the audio files are parodies and thus, the word is generic for the goods and must be disclaimed.

An applicant may not claim exclusive rights to terms or designs that others may need to use to describe or show their goods or services in the marketplace. See *Dena Corp. v. Belvedere Int’l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. TMEP §§1213, 1213.10.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

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

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

## **TELEPHONE/E-MAIL RESPONSE SUGGESTED**

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner’s amendment. Although a formal response may never be submitted by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. See TMEP §707.

/Ernest Shosho/  
Attorney  
Law Office 117  
(571) 272-9705  
ernest.shosho@uspto.gov

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**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/>.

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# English Dictionary

## Definition of "parody"

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*parody* ('pærədi )

► Definitions

noun

(plural) -dies

1. a musical, literary, or other composition that mimics the style of another composer, author, etc., in a humorous or satirical way
2. mimicry of someone's individual manner in a humorous or satirical way
3. something so badly done as to seem an intentional mockery; travesty

verb

-dies, -dying, -died

4. *tr* to make a parody of

Derived Forms

Word Frequency ●●●○○○

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## DERIVED FORMS

parodic (pəˈrɒdɪk ), paˈradical *adjective*

ˈparodist *noun*

### ► Word Origin

C16: via Latin from Greek *parodiā* satirical poem, from *para-* + *ōidē* song

### ► Synonyms

[View thesaurus entry](#) ►

= [takeoff](#), [imitation](#), [satire](#), [caricature](#), [send-up](#), [spoof](#), [lampoon](#), [skit](#), [burlesque](#), [piss-take](#)

= [travesty](#), [farce](#), [caricature](#), [mockery](#), [apology](#) for

= [take off](#), [mimic](#), [caricature](#), [send up](#), [spoof](#), [travesty](#), [lampoon](#), [poke fun at](#), [burlesque](#), [take the piss out of](#), [satirize](#), [do a takeoff of](#)

### ► Example Sentences Including 'parody'

And ears like errant wings, The devil's walking parody, On all four-footed things.  
SUN, NEWS OF THE WORLD (1999)

Dennis stood aside, bowed from the waist in a parody of gentlemanly courtesy, and said, "Ladies first."  
Peter Robinson AFTERMATH (2001)

Guitarist Pete Townshend said: "We do not expect him to attempt to emulate, parody or copy John Entwistle."  
SUN, NEWS OF THE WORLD (2002)

He was back to his English parody, this time the paterfamilias interviewing a suitor for his daughter's hand.  
Ruell, Patrick THE ONLY GAME

He's boning up on his Canadiana now that CTV has picked up his nightly news parody The Daily Show.  
OTTAWA SUN (2003)

Here is a sampling what he has written over the years -- a parody of this form of classroom punishment.  
CANADA.COM (2004)

It has shown me that it is I who am the chattering monkey, the shivering beast, a mere parody of a man.  
Appiganesi, Lisa DREAMS OF INNOCENCE

Sex itself is turning into parody, and likely to continue so as Aids Phobia takes hold.  
De Jong, Nicholas (ed) BEDSIDE GUARDIAN 38

Today, arguments for increasing access are a parody of Ruskin's idea of universal education.  
SPIKED (2003)

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