

To: Parody Productions LLC (AlissaMagenheimLaw@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85946264 - HERO DECKS - OH 0077563
Sent: 9/14/2013 1:00:42 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. 85946264

MARK: HERO DECKS

85946264

CORRESPONDENT ADDRESS:

ALISSA SAMMARCO MAGENHEIM
LAW OFFICES OF ALISSA J. MAGENHEIM
639 MAIN ST
CINCINNATI, OH 45202-2567

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Parody Productions LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

OH 0077563

CORRESPONDENT E-MAIL ADDRESS:

AlissaMagenheimLaw@gmail.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: 9/14/2013

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.

The examining attorney has reviewed the referenced application and determined the following.

OFFICE RECORDS

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

DISCLAIMER

Applicant is advised that, even though applicant seeks registration on the Principal Register under Trademark Act Section 2(f), applicant must nonetheless disclaim "DECKS" because such wording appears to 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). *See attached* printouts from the USPTO's X-Search database.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following is the standard format used by the Office:

No claim is made to the exclusive right to use "DECKS" apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

Applicant is encouraged to telephone the examining attorney, instead of submitting a written response, to expedite the application.

/Nicholas Altree/
Trademark Examining Attorney
U.S. Patent & Trademark Office
Law Office 107
571-272-9336
nick.altree@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 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>.

DESIGN MARK

Serial Number

77554280

Status

REGISTERED

Word Mark

THE BABY DECK

Standard Character Mark

Yes

Registration Number

3566224

Date Registered

2009/01/20

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

HealthTank, LLC LIMITED LIABILITY COMPANY VIRGINIA 4222 Fortuna Center Plaza #120 Dumfries VIRGINIA 22025

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Playing cards, specifically playing cards bearing additional information regarding prenatal health care information. First Use: 2008/08/01. First Use In Commerce: 2008/08/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DECK" APART FROM THE MARK AS SHOWN.

Filing Date

2008/08/23

Amended Register Date

2008/12/04

Examining Attorney

HAYES, GINA

Print: Sep 14, 2013

77554280

Attorney of Record
Rod Underhill

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