

To: Parodi Brothers, LLC (parodibros@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86473231 - SLIDER CITY GOURMET MINI-BURGERS - N/A
Sent: 3/22/2015 6:18:01 PM
Sent As: ECOM115@USPTO.GOV
Attachments: [Attachment - 1](#)
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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. 86473231

MARK: SLIDER CITY GOURMET MINI-BURGERS

86473231

CORRESPONDENT ADDRESS:

RICHARD PARODI
PARODI BROTHERS, LLC
2678 BEACHWOOD STREET
HAYWARD, CA 94545

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APPLICANT: Parodi Brothers, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

parodibros@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: 3/22/2015

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. Nevertheless, the applicant must respond to the following issue(s).

COLOR DESCRIPTION OF THE MARK

Applicant must provide a complete mark description because the mark description in the application does not include all elements and/or colors shown in the mark. A complete mark description for a mark depicted in color must identify all the literal and design elements in the mark and specify where the colors appear in those elements. See 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(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).

The following mark description is suggested, if accurate:

The mark consists of the following: the wording SLIDER CITY in maroon stylized lettering. The letter "i" in the word SLIDER is depicted by a tower, and the letter "i" in the word CITY is depicted by a skyscraper building, **both in maroon. The wording SLIDER CITY is underlined in maroon with a line that extends from the tail of the letter Y in slider.** The phrase GOURMET MINI-BURGERS is maroon and located underneath the wording SLIDER CITY.

DISCLAIMER

Applicant must disclaim the wording "SLIDER" and "GOURMET MINI BURGERS" because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's services, and thus is an unregistrable component of the mark. See 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a). The wording is descriptive as it names menu items at the applicant's restaurant, namely, small hamburgers which are considered to be fine food. See the attached entry from the *American Heritage Dictionary of the English Language* showing meaning and usage of the wording.

A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark; a disclaimer of unregistrable matter does not affect the appearance of the mark or physically remove disclaimed matter from the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. An unregistrable component of a mark includes wording that is merely descriptive of an applicant's goods and/or services. 15 U.S.C. §1052(e); see TMEP §§1209.03(f), 1213.03 *et seq.* Such words or designs need to be freely available for other businesses to market comparable goods or services and should not become the proprietary domain of any one party. 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).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use "SLIDER" and "GOURMET MINI BURGERS" apart from the mark as shown.

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

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, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

GENERAL INFORMATION

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant must sign the response.

The applicant may wish to hire a trademark attorney because of the technicalities involved in the application. The Patent and Trademark Office cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

PLEASE NOTE: Notwithstanding the foregoing, the issue(s) raised can likely be resolved by telephone examiner's amendment. The applicant may wish to telephone the examining attorney in lieu of filing a written response.

Please feel free to contact the undersigned attorney if you wish to discuss this application.

/John S. Yard/
Trademark Examining Attorney
Law Office 115
(571) 272-9486
john.yard@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing 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

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>.



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THE USAGE PANEL

The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists,

slider (slī dər)

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n.

1. One that slides. The snowy hill was filled with young sliders.
2. Baseball A fast pitch released with the index and middle fingers close together and slightly off center so that it breaks in the same direction as a curve ball as it approaches the plate.
3. A small hamburger served on a small bun, usually as a snack or appetizer.
4. Any of various turtles of the genus *Trachemys*, especially *T. scripta* subsp. *elegans* of North America, having a red stripe behind the eye and often kept as a pet.

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