

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86568886
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86568886/large
LITERAL ELEMENT	DOGEMOJI
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_21616456213-20150714140510238489_.DOGEMOJI_Office_Action_Resonse.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT16\IMAGEOUT16\865\688\86568886\xml5\ROA0002.JPG
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NEW ATTORNEY SECTION	
NAME	THOMAS DUNLAP
FIRM NAME	DUNLAP, BENNET & LUDWIG PLLC
OTHER APPOINTED ATTORNEY	All Associates of Dunlap, Bennett Ludwig
STREET	211 Church Street SE
CITY	Leesburg
STATE	Virginia
ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	703.777.7319
EMAIL	ip@dbllawyers.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	

ORIGINAL ADDRESS	CALORIES LLC 2030 Penstock Ct Bethlehem Pennsylvania (PA) US 18015-5097
NEW CORRESPONDENCE SECTION	
NAME	THOMAS DUNLAP
FIRM NAME	DUNLAP, BENNET & LUDWIG PLLC
STREET	211 Church Street SE
CITY	Leesburg
STATE	Virginia
ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	703.777.7319
EMAIL	ip@dbllawyers.com;ip@dbllawyers.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	07/14/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 14 14:11:43 EDT 2015
TEAS STAMP	USPTO/ROA-XXX.XXX.XX.XXX- 20150714141143600185-8656 8886-540572bd530194fa4fa7 38b834d7b2f0e5e1d88cd322a 1b26d918a01ced3863e-N/A-N /A-20150714140510238489

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86568886** DOGEMOJI(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86568886/large>) has been amended as follows:

EVIDENCE



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Original PDF file:

[evi_21616456213-20150714140510238489 . DOGEMOJI Office Action Resonse.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

THOMAS DUNLAP of DUNLAP, BENNET & LUDWIG PLLC, having an address of
211 Church Street SE Leesburg, Virginia 20175

United States

ip@dbllawyers.com

703.777.7319

The Other Appointed Attorney(s): All Associates of Dunlap, Bennett Ludwig.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

CALORIES LLC

2030 Penstock Ct

Bethlehem

Pennsylvania (PA)

US

18015-5097

Proposed:

THOMAS DUNLAP of DUNLAP, BENNET & LUDWIG PLLC, having an address of
211 Church Street SE Leesburg, Virginia 20175

United States

ip@dbllawyers.com;ip@dbllawyers.com

703.777.7319

SIGNATURE(S)

Response Signature

Signature: /khardley/ Date: 07/14/2015

Signatory's Name: KEISHA HARDLEY

Signatory's Position: Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)

Signatory's Phone Number: 703.777.7319

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: THOMAS DUNLAP
DUNLAP, BENNET & LUDWIG PLLC
211 Church Street SE
Leesburg, Virginia 20175

Serial Number: 86568886

Internet Transmission Date: Tue Jul 14 14:11:43 EDT 2015
TEAS Stamp: USPTO/ROA-XXX.XXX.XX.XXX-201507141411436
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N/A-N/A-20150714140510238489

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Calories LLC
Serial No.: 86568886
Filed: 03/18/2015
Trademark Atty: Eric Sable
TradeMark: DOGEMOJI

RESPONSE TO JUNE 22, 2015 OFFICE ACTION

Applicant Calories LLC respectfully submits this response in reply to the Office Action e-mailed on June 22, 2015. Applicant contends that the above-identified trademark application for DOGEMOJI meets the requirements for allowance to publication in the Principal Register.

POTENTIAL SECTION 2(e)(1) REFUSAL—MARK IS MERELY DESCRIPTIVE

Applicant submits a preliminary response to the potential section 2(e)(1) refusal; Applicant, however, reserves all rights to provide a detailed and more descriptive response if Examining Attorney Eric Sable raises a section 2(e)(1) refusal in a subsequent Office Action.

APPLICANT'S MARK IS AT MOST SUGGESTIVE

Applicant respectfully submits that the mark DOGEMOJI for “computer application software for mobile phones and handheld computing devices namely for providing dog emojis” is at most suggestive and not merely descriptive of Applicant’s goods. Thus, the mark is deserving of registration on the Principal Register.

A mark may be categorized as merely descriptive only if it “immediately describes” the Applicant’s goods or services. *In re Econoheat Inc.*, 218 U.S.P.Q. 381,

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