

To: Jeffrey Fair & Starr Parodi (info@thetrademarkcompany.com)

Subject: U.S. TRADEMARK APPLICATION NO. 86894413 - PLAYGROUND HOLLYWOOD - 27983

Sent: 5/25/2016 9:05:23 AM

Sent As: ECOM112@USPTO.GOV

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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. 86894413

MARK: PLAYGROUND HOLLYWOOD

86894413

CORRESPONDENT ADDRESS:

MATTHEW H. SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE. W, PMB 151
VIENNA, VA 22180

CLICK HERE TO RESPOND TO THIS LETTER:

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APPLICANT: Jeffrey Fair & Starr Parodi

CORRESPONDENT'S REFERENCE/DOCKET NO:

27983

CORRESPONDENT E-MAIL ADDRESS:

info@thetrademarkcompany.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: 5/25/2016

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

DISCLAIMER OF WORDING REQUIRED

Applicant must disclaim the wording "HOLLYWOOD" in the mark because it is primarily geographically descriptive of the origin of applicant's services, and thus is an unregistrable component of the mark. See 15 U.S.C. §§1052(e)(2), 1056(a); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 959, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1309 (TTAB 2006); TMEP §§1210.01(a), 1210.06(a), 1213.03(a).

The attached evidence from the online websites of Columbiagazetteer.org and MacMillandictionary.com show that Hollywood is a generally known geographic place or location, specifically known for its primary industry, which is entertainment and specifically films. See attachments; and See TMEP §§1210.02 *et seq.* The services for which applicant seeks registration originate in this geographic place or location as shown by applicant's website playgroundhollywood.com. See attachments; and See TMEP §1210.03. Purchasers are likely to believe the services originate in this geographic place or location because Hollywood is so well known for being the center of the entertainment industry, that the term is virtually synonymous thereto. See TMEP §§1210.04 *et seq.* The trademark examining attorney refers to the attached representative sampling of third-party registrations from a search of the USPTO's X-Search database, all containing disclaimers of the geographic term "HOLLYWOOD" in relation to services the same as or similar to those named in the application. See attachments. Third-party registrations featuring services the same as or similar to applicant's services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. See *Inst. Nat'l des Appellations D'Origine v. Vintners Int'l Co.*, 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006); *In re Finisar Corp.*, 78 USPQ2d 1618, 1621 (TTAB 2006).

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods and/or services, including the geographic origin thereof, 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 of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the 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.

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).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use “HOLLYWOOD” 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>.

SEARCH RESULTS

The trademark examining attorney has searched the Office’s database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

RESPONSE GUIDELINES

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone without incurring this additional fee.

/Martha Santomartino/
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United States Patent and Trademark Office
Law Office 112
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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 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>.

Print: May 24, 2016

77381540

DESIGN MARK

Serial Number

77381540

Status

REGISTERED

Word Mark

HOLLYWOOD UNPLUGGED

Standard Character Mark

Yes

Registration Number

4128963

Date Registered

2012/04/17

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

STRIKETV, INC. CORPORATION CALIFORNIA 7020 La Presa Drive Los Angeles
CALIFORNIA 90068

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Production
and distribution of independent motion pictures. First Use:
2008/09/00. First Use In Commerce: 2008/09/00.

Disclaimer Statement

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

Filing Date

2008/01/27

Examining Attorney

FLETCHER, TRACY

Attorney of Record

Mark E. Miller

HOLLYWOOD UNPLUGGED

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