

**To:** Shawn Mendes ([fbhatti@buchalter.com](mailto:fbhatti@buchalter.com))  
**Subject:** U.S. Trademark Application Serial No. 90354448 - PERMANENT CONTENT - C1886-5022  
**Sent:** January 04, 2022 05:42:10 PM  
**Sent As:** ecom113@uspto.gov  
**Attachments:**

**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application**  
Serial No. 90354448

**Mark:**  
PERMANENT  
CONTENT

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**Applicant:** Shawn  
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**Reference/Docket**  
No. C1886-5022

**Correspondence**  
**Email Address:**

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**SUSPENSION NOTICE**  
**No Response Required**

**Issue date:** **January 04, 2022**

Pursuant to TMEP §716.01, applicant is advised of the following status of the application. In an Office action issued on June 3, 2021, the following issues were outstanding with this application:

- (1) Identification of Services Indefinite and Overly Broad – Amendment Required;
- (2) Clarification Of The Number Of Classes For Which Registration Is Sought Required;
- (3) Advisory – Multiple Class Application Requirements For Applications Based On Section 44;
- (4) Disclaimer Required;
- (5) Applicant's Domicile Address Required; and
- (6) Copy of Foreign Registration Required.

On July 8, 2021 applicant filed a Change Address or Representation Form and on November 15, 2021, applicant responded to the Office action. The trademark examining attorney has thoroughly reviewed applicant's response and has determined the following:

- (1) Applicant's amendment to the identification of services is not acceptable because it still includes broad wording. Accordingly, the Identification Requirement and Clarification of Number of Classes Requirement are both ***maintained and continued***;
- (2) Applicant's arguments against the Disclaimer Requirement are not persuasive and the Disclaimer Requirement is ***maintained and continued***;
- (3) The domicile address provided appears to be a commercial address, however, applicant is identified as an individual. A commercial or business address is not acceptable for an individual applicant, and therefore, the Domicile Address Requirement is ***maintained and continued***; and
- (4) Applicant did not provide a copy of the foreign registration. The Copy of Foreign Registration Requirement is ***maintained and continued*** and the application is suspended pending submission of a copy of a foreign registration from applicant's country of origin.

#### **Preliminary Response to Applicant's Arguments**

Applicant argues that a disclaimer of the term CONTENT in the applied-for mark is not required. First, the mark is not unitary and the dictionary evidence of record establishes the descriptive meaning of the term in connection with applicant's identified entertainment services. Furthermore, the descriptiveness of the term is supported by applicant's own use of the term in the identification of services. Specifically, applicant describes applicant's services as "distribution via the Internet of downloadable and non-downloadable digital media content ..." Moreover, there are several similarity structured marks for use in connection with entertainment and distribution services in Class 41 where the term CONTENT is disclaimed.

#### **APPLICATION SUSPENDED**

**The application is suspended** for the reason specified below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

**Application suspended until submission of foreign registration or proof that foreign registration was renewed.** Applicant is required to provide a copy of a foreign registration from applicant's country of origin; the foreign registration must be valid when the U.S. registration issues. 15 U.S.C. §1126(e); 37 C.F.R. §2.34(a)(3)(ii)-(iii); TMEP §§1004, 1004.01(a). Action on the application is suspended until the USPTO receives a copy of such foreign registration or proof that the foreign registration was renewed. TMEP §§716.02(b), 1003.04. Applicant must also provide an English translation if the foreign registration or renewal document is not in English. 37 C.F.R. §2.34(a)(3)(ii)-(iii).

If the foreign application abandons or the foreign registration is not renewed, applicant should promptly notify the trademark examining attorney. *See* TMEP §§1003.08, 1004.01(a). In such case, applicant may amend the application to rely on another filing basis, if appropriate, and will retain the priority filing date, if applicable. TMEP §§1003.08, 1004.01(a).

**Suspension process.** The USPTO will periodically check this application to determine if it should remain suspended. *See* TMEP §716.04. As needed, the trademark examining attorney will issue a letter to applicant to inquire about the status of the reason for the suspension. TMEP §716.05.

**No response required.** Applicant may [file a response](#), but is not required to do so.

/Danielle L. Anderson/  
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## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on **January 04, 2022** for  
**U.S. Trademark Application Serial No. 90354448**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You may be required to respond to this Office action. Follow the steps below.

(1) **Read the Office action** [HERE](#). This email is NOT the Office action.

(2) **Respond to the Office action, if a response is required.** Respond by the deadline using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.

(3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#) to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application.](#) Private companies not associated with the USPTO may mail or email you trademark-related offers and notices – most of which require fees. The USPTO will only **email official USPTO correspondence from the domain “@uspto.gov.”**
- [Hiring a U.S.-licensed attorney.](#) If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney identified above is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.