

TRADEMARK APPLICATION NO. 76591393 - GOOTER - N/A

Page 1 of 3

Document Description: **Off Action Outgoing**Mail / Create Date: **13-Dec-2004**

To: SILVERS, STEVEN A. (gewrue@hotmail.com)
Subject: TRADEMARK APPLICATION NO. 76591393 - GOOTER - N/A
Sent: 12/13/2004 12:44:17 PM
Sent As: ECOM116@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/591393

APPLICANT: SILVERS, STEVEN A.

76591393**CORRESPONDENT ADDRESS:**

Steven A. Silvers
 Silvers Entertainment Group, Inc.
 8983 Okeechobee Blvd. Ste. 202, PMB 203
 West Palm Beach FL 33411

RETURN ADDRESS:

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

MARK: GOOTER

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

gewrue@hotmail.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/591393

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

Search Results

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. Section 1052(d). TMEP section 1105.01.

Entity Type Omitted

The applicant must indicate what type of entity is applying, for example, an individual, partnership, corporation or joint venture. 37 C.F.R. Section 2.32(a)(3); TMEP section 802.03.

Standard Character Claim

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

Claim of Pending Applications

Applicant's claim of ownership of pending applications will not be printed on any registration which may issue from this application because only claims of ownership of pertinent live registrations are printed. If the claimed pending applications register before this application, then applicant may claim ownership of them by registration numbers. 37 C.F.R. §2.36; TMEP §812.

NOTICE: TRADEMARK OPERATION RELOCATION

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Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/mls/
Michele-Lynn Swain
Examining Attorney, LO 116
PH(571) 272-9232
FX(571) 273-9116

How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) CANNOT currently be filed via TEAS.

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For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

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- Send questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you have technical difficulties or problems with this application, please e-mail them to Electronic Business Support [Electronic Applications](#) or call 1 800-786-9199.

JUN-16-2005 15:22 FROM:

TO: Finnegan Henderson P.2/2

SMART & BIGGAR

Intellectual Property & Technology Law

P.O. Box 2999, Station D
900 - 55 Metcalfe Street
Ottawa, Ontario Canada K1P 5Y6
Tel. (613) 232-2486 Fax (613) 232-8446
www.smart-biggarr.ca

A. Dennis Armstrong
adarmstrong@smart-biggarr.ca

Our Ref: 66822-834

BY FACSIMILE
June 16, 2005

Mr. Laurence R. Hefter
Finnegan, Henderson, Farabow,
Garrett & Dunner L.L.P.
901 New York Avenue, NW
Washington, D.C.
20001-4413, U.S.A.

Dear Larry:

Re: Canadian Trade-mark Application
No.: 1236574
Trade-mark: GOOTER
Present Owner: Steven A. Silvers
Your Ref: 09519.0013-00131

Further to our telephone conversation of June 16, 2005, we have today proceeded with the preparation and filing of a revised application in response to the outstanding Office action. In the revised application we have amended the specification of wares and services in accordance with your instructions.

We will keep you informed of developments.

Two copies of our response will follow with the original of this letter together with our debit note.

Yours very truly,
SMART & BIGGAR


A. Dennis Armstrong

ADA:dsk
Encls



901 New York Avenue, NW ■ Washington, DC 20001-4413 ■ 202.408.4000 ■ Fax 202.408.4400
www.finnegan.com

LAURENCE R. HEFTER
202.408.4053
larry.hefter@finnegan.com

June 14, 2005

Mr. A. Dennis Armstrong
Smart & Biggar
P.O. Box 2999, Station D
55 Metcalfe Street, Suite 900
Ottawa, Canada K1P 5Y6

VIA FACSIMILE

Canadian Trademark/Service Mark Application No. 1,236,574
Mark: GOOTER (in block letters)
Applicant: Steven A. Silvers
Your Reference: 66822-834
Our Reference: 09519.0013-00131

Dear Dennis:

Thank you for your letter of March 21, 2005, reporting on the Official Action which issued in this matter and your subsequent reminders that a response is due no later than July 9, 2005.

In accordance with the Examiner's request, we propose amending the definition of goods and services in the application.

Our amended language for the goods in the application is as follows:

(1) cellular telephones, computers; computer peripherals; printed matter, namely goods made from paper and cardboard, namely stickers, decals, signs, banners, posters; books, magazines, activity books, and pamphlets for children; playing cards; trading cards; greeting cards; writing paper and envelopes; gift wrapping paper; table cloths and napkins; hats; games and playthings, namely, board games; card games; dolls; science games; electronic games; printed instructional and teaching material in the fields of math, geography, spelling, reading and entertainment; electronic hand-held units for playing electronic games and electronic action toys.

(2) toys, namely, stuffed and plush toys.

Mr. A. Dennis Armstrong
Page 2

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

Our amended description of the services in this application is as follows:

(1) Telecommunications and communications services,
including electronic mail services and the electronic
transmission of mail, messages, documents and data.

Unless you see some glaring problems with the above, we request that you
revise the application accordingly and before the deadline of **July 9, 2005**. If you have
any questions, please do not hesitate to contact us.

Please acknowledge receipt of these instructions by return facsimile.

With best regards,

Sincerely,



Laurence R. Hefter

LRH/eab
914883_1.DOC



2005 MAR 15 A 8:10

SMART & BIGGAR
SUITE 900, 55 METCALFE STREET
P.O. BOX 2999, STATION D
OTTAWA
ONTARIO K1P 5Y6

9 mars/Mar 2005
Votre référence Your File
66822-834ADA:dsk
Notre référence Our File
1236574

RE: Trade-mark: GOOTER
Applicant: STEVEN A. SILVERS,

This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office within 4 month(s) from the above date. All correspondence respecting this application must indicate the file number.

A statement in more specific terms of the services underlined on the attached photocopy is required. The services should be defined in ordinary commercial terms in compliance with the provisions of Section 30(a) of the Trade-marks Act.

In addition, a statement in more specific terms of the wares underlined on the attached photocopy is required. The wares should be defined in ordinary commercial terms in compliance with the provisions of Section 30(a) of the Trade-marks Act.

A revised application is required.

Any comments you may wish to submit will receive consideration.

If the applicant/agent has any questions or needs assistance in responding to this Office action, please telephone the assigned examiner.

Yours truly,

Lisette Lafleur
Examination Section
(819) 997-2484

jr-09/03
fax: (819) 953-2476

SCANNED



file: n:\ec\trade_mark\01\23\65\74\1236574.htm printed: 2004-11-09 07:45

Transmission Identification: SmartDSK811153450_app

Electronic Application Receive TimeStamp: November 8, 2004 4:15:53 PM

Reference No. : 66822-834ADA:dsk

Date : November 8, 2004

Registrar of Trade-marks
Trade-marks Office
Gatineau, Quebec K1A 0C9
CANADA

Attention: FORMALITIES SECTION

Enclosed is a trade-mark application for the trade-mark GOOTER.

The Registrar of Trade-marks on behalf of the Receiver General for Canada is hereby authorized to deduct the prescribed fee from this firm's deposit account for a total amount of CDN\$250.

APPLICATION FOR THE REGISTRATION OF A TRADE-MARK

1. The applicant, **STEVEN A. SILVERS**, the full post office address of whose principal office or place of business is 8983 Okeechobee Blvd., Suite 202, PMB 203, West Palm Beach, Florida 33411, UNITED STATES OF AMERICA, applies for the registration, in accordance with the provisions of the *Trade-marks Act*, of the trade-mark identified below.

2. The trade-mark is

GOOTER.

3. The applicant by itself or through a licensee, or by itself and through a licensee, intends to use the trade-mark in Canada in association with **(1) cellular telephones,**

computers; computer peripherals; printed matter, namely, paper, cardboard and goods made from these materials, namely, stickers; decals; decorations; printed instructional and teaching material for use in teaching and entertainment; playing cards; trading cards; children's magazines, books, activity books; stationery; gift wrapping paper; table cloths and napkins; hats; pamphlets; web pages; games and playthings, namely, board games; card games; dolls; science games; electronic games; computer game equipment; and electronic toys. (2) toys, → namely, stuffed and plush toys and requests registration of the trade-mark in respect of such wares.

Priority for wares only

4. The applicant by itself or through a licensee, or by itself and through a licensee, intends to use the trade-mark in Canada in association with (1) telecommunications services, namely, electronic transmission of data, images and documents via computer terminals; electronic mail services; and facsimile transmission and requests registration of the trade-mark in respect of such services.

5. The applicant claims priority under section 34 of the Act on the ground that an application for registration of the same or substantially the same trade-mark was filed in or for **UNITED STATES OF AMERICA** by the applicant. The application was filed in **UNITED STATES OF AMERICA** on **May 07, 2004** under No. **76/591393** and such application was the earliest application filed in any country of the Union other than Canada by the applicant or any predecessor in title of the applicant for the registration of the same or substantially the same trade-mark for use in association with the same kind of wares as those set out in **wares No. 2 above**. At the date of such application the applicant had a real and effective industrial or commercial establishment in **UNITED STATES OF AMERICA**.

6. The applicant appoints SMART & BIGGAR, whose full post office address in Canada is SUITE 900, 55 METCALFE STREET, P.O. BOX 2999, STATION D, OTTAWA, ONTARIO, CANADA, K1P 5Y6, as the person (firm or any member of the said firm), as its agent to prosecute this application with full powers of amendment and substitution, to execute any amendment related thereto as well as any amended application, and to represent the applicant with respect to this application, the said agents being authorized to receive the registration certificate on behalf of the applicant.

7. The applicant appoints SMART & BIGGAR, whose full post office address in Canada is SUITE 900, 55 METCALFE STREET, P.O. BOX 2999, STATION D, OTTAWA, ONTARIO, CANADA, K1P 5Y6 as the person (or firm) to whom any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given to or served upon the applicant or registrant.

8. The applicant is satisfied that he is entitled to use the trade-mark in Canada in association with the wares and services described above.

LRH/eab

19

PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

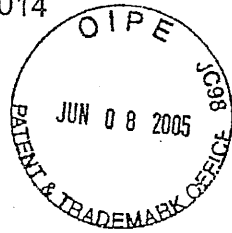
Applicant: Steven A. Silvers
Serial No.: 76/591,392
Filing Date: May 7, 2004
Mark: GOOKIDS

-
1. Response to Office Action Dated December 13, 2004
-

Date: June 8, 2005

Attorney Docket: 9519.0014

LRH/eab MD 624



Due Date: June 13, 2005

LRH/eab

Attorney Docket: 09519.0014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven A. Silvers
Serial Number: 76/591,392
Filing Date: May 7, 2004
Mark: GOOKIDS

Examining Atty: Michele Lynn Swain, Esq.
Law Office: 116

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

RESPONSE TO OFFICE ACTION

Applicant submits the following amendments and remarks in response to the Office Action dated December 13, 2004.

AMENDMENTS

Applicant requests that the following statement be inserted in the application:

The mark is presented in standard characters without claim to any particular font, style, size, or color.

Applicant also requests that the name of the Applicant be amended to read, "Steven A. Silvers, A Citizen of the United States of America."

Applicant requests that the current identification of goods be deleted from the application and that the following description be substituted therefor:

GOODS MADE FROM PAPER AND CARDBOARD,
NAMELY, PRINTED MATTER IN THE NATURE OF BOOKS
AND MAGAZINES FOR CHILDREN; PICTURE CARDS,
STATIONERY, ARTISTS' MATERIALS, NAMELY, PENS,
PENCILS, PASTELS, PALLETS, AND PAINT BRUSHES;
STICKERS, PRINTED INSTRUCTIONAL AND TEACHING
MATERIAL IN THE FIELDS OF MATH, GEOGRAPHY,
SPELLING, READING AND ENTERTAINMENT;
GEOGRAPHICAL MAPS, DRAWING BOARDS,

Serial No. 76/591,392

CHILDREN'S AND ADOLESCENTS' MAGAZINES, BOOKS,
AND PAMPHLETS; CREATION AND PROVISION OF
WEB PAGES DIRECTED TO CHILDREN AND PARENTS
IN I.C. 16

REMARKS

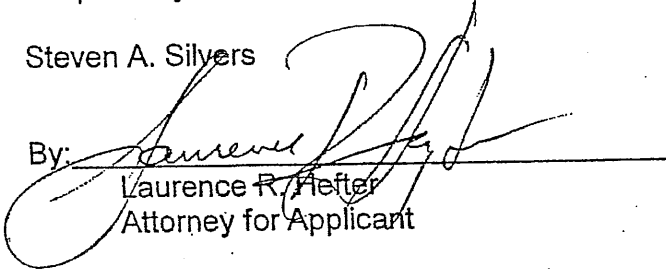
Applicant notes that a search of the PTO records found no similar registered or pending mark which would bar registration of this mark. Therefore, as Applicant has responded to the outstanding issues raised by the Examining Attorney, Applicant respectfully requests that this application be approved for publication.

Respectfully submitted,

Steven A. Silvers

Dated: June 8, 2005

By:


Laurence R. Hefter
Attorney for Applicant

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Telephone: 202-408-4000
Facsimile: 202-408-4400

TRADEMARK APPLICATION NO. 76591392 - GOOKIDS - N/A

Page 1 of 4

Document Description: **Offc Action Outgoing**
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/591392

APPLICANT: SILVERS, STEVEN A.

76591392

CORRESPONDENT ADDRESS:

Steven A. Silvers
Silvers Entertainment Group, Inc.
8983 Okeechobee Blvd. Ste. 202, PMB 203
West Palm Beach FL 33411

RETURN ADDRESS:
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4. Your telephone number and e-mail address.

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Search Results

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Standard Character Claim

Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

Entity Type Omitted

The applicant must indicate what type of entity is applying, for example, an individual, partnership, corporation or joint venture. 37 C.F.R. Section 2.32(a)(3); TMEP section 802.03.

Claim of Pending Applications

Applicant's claim of ownership of pending applications will not be printed on any registration which may issue from this application because only claims of ownership of pertinent live registrations are printed. If the claimed pending applications register before this application, then applicant may claim ownership of them by registration numbers. 37 C.F.R. §2.36; TMEP §812.

Identification of Goods

The identification of goods is unacceptable as indefinite because the nature of the goods is unclear and misclassifies some goods. The applicant may adopt the following identification, if accurate:

"Printed matter, namely, paper and cardboard; printed matter in the nature of books and magazines in the field of comics; picture cards; stationery; artists' materials, namely, pens, pencils, pastels, pallets, paint brushes; typewriters and office supplies, namely, [specify items, e.g., staplers]; stickers; printed instructional and teaching material for use in teaching and entertainment for use in the field of [specify field of use, e.g., math]; geographical maps, drawing boards; children's and adolescents' magazines, books, and pamphlets" in Class 16;
"Playing cards" in Class 28. TMEP §1402.01.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

Recitation of Services

The recitation of services is unacceptable as indefinite because the nature of the web pages is unclear. The applicant may adopt the following recitation, if accurate:

"Creation and provision of web pages to and for third parties" in International Class 42;

"Design of web pages" in International Class 42. TMEP §1402.11.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any services that are not within the scope of the services recited in the present identification.

ID MANUAL

To ensure the goods and/or services are identified and classified properly, the applicant may wish to consult the *Acceptable Identification of Goods and Services Manual* located at <http://atlas.uspto.gov/netathtml/tidm.html>. The applicant should use the listings located in this database exactly as worded as possible. However, use of parenthesis within the identification is unacceptable as indefinite.

Combined Application

As indicated above, the application identifies goods and services. If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

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/mls/
Michele-Lynn Swain
Examining Attorney, LO 116
PH(571) 272-9232
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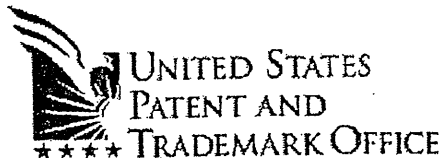
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Document Description: Notice of Publication
Mail / Create Date: 09-Mar-2005



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Mar 9, 2005

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
76/591,391
2. Mark:
GOOWEAR
Standard Character Mark
3. International Class(es):
25
4. Publication Date:
Mar 29, 2005
5. Applicant:
SILVERS, STEVEN A.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

Laurence R. Hefter, Esq.
Finnegan Henderson Farabow Garrett & Dun
6th Floor
1300 I Street, NW
Washington DC 20005-3315

TMP&I

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Response to Office Action

Page 1 of 3

Elizabeth Buckley - Received your Response to Office Action Form for 76591390

From: <TEAS@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/3/2005 10:40 AM
Subject: Received your Response to Office Action Form for 76591390

We have received your Response to Office Action Form below.
Application serial no. **76591390** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 016 for ALL PRINTED MATTER NAMELY, PAPER, CARDBOARD AND GOODS MADE FOR THESE MATERIALS, NAMELY, PRINTED MATTER IN THE NATURE OF BOOKS, AND MAGAZINES IN THE FIELD OF COMICS; PICTURE CARDS; STATIONERY; ARTISTS' MATERIALS, NAMELY, PENS, PENCILS, PASTELS, PALLETES, PAINT BRUSHES; TYPEWRITERS AND OFFICE SUPPLIES; STICKERS; PRINTED INSTRUCTIONAL AND TEACHING MATERIAL FOR USE IN TEACHING AND ENTERTAINMENT; GEOGRAPHICAL MAPS, DRAWING BOARDS; PLAYING CARDS; CHILDREN'S AND ADOLESCENTS' MAGAZINES, BOOKS, AND PAMPHLETS; WEB PAGES

Original Filing Basis: 1(b).

Proposed: Class 016 for GOODS MADE FROM PAPER AND CARDBOARD, NAMELY, PRINTED MATTER IN THE NATURE OF BOOKS AND MAGAZINES FOR CHILDREN; PICTURE CARDS, STATIONERY, ARTISTS' MATERIALS, NAMELY, PENS, PENCILS, PASTELS, PALLETES, AND PAINT BRUSHES; STICKERS, PRINTED INSTRUCTIONAL AND TEACHING MATERIAL IN THE FIELDS OF MATH, GEOGRAPHY, SPELLING, AND READING; ENTERTAINMENT; GEOGRAPHICAL MAPS, DRAWING BOARDS, CHILDREN'S AND ADOLESCENTS' MAGAZINES, BOOKS, AND PAMPHLETS; CREATION AND PROVISION OF WEB PAGES DIRECTED TO CHILDREN AND PARENTS

Additional Statements

The mark is presented in standard characters without claim to any particular font style, size, or color.

Response Signature

Signature: /Laurence R. Hefter/ Date: 06/03/2005
Signatory's Name: Laurence R. Hefter
Signatory's Position: Attorney

=====TEAS XML RESPONSE=====

Response to Office Action

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PTO Form (Rev 4/2000)
OMB Control #0651-.... (Exp. 04/30/2006)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 76591390 is amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 016 for ALL PRINTED MATTER NAMELY, PAPER, CARDBOARD AND GOODS MADE FOR THESE MATERIALS, NAMELY, PRINTED MATTER IN THE NATURE OF BOOKS, AND MAGAZINES IN THE FIELD OF COMICS; PICTURE CARDS; STATIONERY; ARTISTS' MATERIALS, NAMELY, PENS, PENCILS, PASTELS, PALLETES, PAINT BRUSHES; TYPEWRITERS AND OFFICE SUPPLIES; STICKERS; PRINTED INSTRUCTIONAL AND TEACHING MATERIAL FOR USE IN TEACHING AND ENTERTAINMENT; GEOGRAPHICAL MAPS, DRAWING BOARDS; PLAYING CARDS; CHILDREN'S AND ADOLESCENTS' MAGAZINES, BOOKS, AND PAMPHLETS; WEB PAGES

Original Filing Basis: 1(b).

Proposed: Class 016 for GOODS MADE FROM PAPER AND CARDBOARD, NAMELY, PRINTED MATTER IN THE NATURE OF BOOKS AND MAGAZINES FOR CHILDREN; PICTURE CARDS, STATIONERY, ARTISTS' MATERIALS, NAMELY, PENS, PENCILS, PASTELS, PALLETES, AND PAINT BRUSHES; STICKERS, PRINTED INSTRUCTIONAL AND TEACHING MATERIAL IN THE FIELDS OF MATH, GEOGRAPHY, SPELLING, AND READING; ENTERTAINMENT; GEOGRAPHICAL MAPS, DRAWING BOARDS, CHILDREN'S AND ADOLESCENTS' MAGAZINES, BOOKS, AND PAMPHLETS; CREATION AND PROVISION OF WEB PAGES DIRECTED TO CHILDREN AND PARENTS

Additional Statements

The mark is presented in standard characters without claim to any particular font style, size, or color.

Response Signature

Signature: /Laurence R. Hefter/ Date: 06/03/2005

Signatory's Name: Laurence R. Hefter

Signatory's Position: Attorney

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To: SILVERS, STEVEN A. (gewrue@hotmail.com)
 Subject: TRADEMARK APPLICATION NO. 76591390 - GOOBOP - N/A
 Sent: 12/8/04 2:33:09 PM
 Sent As: ECOM102@USPTO.GOV
 Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/591390

APPLICANT: SILVERS, STEVEN A.

CORRESPONDENT ADDRESS:
 Steven A. Silvers
 Silvers Entertainment Group, Inc.
 8983 Okeechobee Blvd. Ste. 202, PMB 203
 West Palm Beach FL 33411



RETURN ADDRESS:
 Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

MARK: GOOBOP

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
gewrue@hotmail.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/591390

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

Search Results

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

However, the applicant must address the following issues:

Standard Character Claim

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Applicant must submit the following standard character claim: "The mark is presented in standard characters without claim to any particular font style, size, or color." 37 C.F.R. §2.52(a).

Claim of Prior Registrations

The applicant's claim of ownership of prior registrations (listed by serial number in the application) cannot be printed on any registration which may issue from this application because the registrations are either unrelated to this application or have been abandoned. TMEP §812.

Identification and Classification of Goods

The wording "All printed matter, namely, paper, cardboard and goods made for these materials, namely" in the identification of goods is confusing and awkwardly worded. It is unclear if the applicant provides "paper" and "cardboard" as goods. The applicant should rewrite this initial phrase and make it clear regarding the goods provided by the applicant.

The wording "office supplies" in the identification of goods is unacceptable as indefinite because the applicant must state the supplies by their common commercial names. The applicant may amend this wording to "office supplies, namely, staplers", in International Class 16, if accurate. TMEP §1402.01.

The wording "printed instructional and teaching material for use in teaching and entertainment" in the identification of goods is unacceptable as indefinite because the applicant must state an area of use for the materials. The applicant may amend this wording to "Printed instructional and teaching materials for use in the field of [insert field of use, i.e. math] for use in teaching and entertainment", in International Class 16, if accurate. TMEP §1402.01.

The wording "web pages" in the identification of goods is unacceptable as indefinite, the applicant must be more specific about this item. The applicant may amend this wording to "Creation and provision of web pages to and for third parties", in International Class 42, "Design of web pages", in International Class 42, if accurate. TMEP §1402.01.

The applicant has classified the goods listed as "playing cards" incorrectly. The applicant must amend the application to classify the goods in International Class 028. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods and services recited in the present identification.

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identification of Goods and Services* at <http://www.uspto.gov/wcb/offices/tac/doc/gsmmanual>

Possible Additional Fees Required

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and

Applicant must submit a filing fee for each international class of goods and/or services not covered by

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the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

*/Ernest Shoshol/
Trademark Attorney
Law Office 102
571-272-9705*

How to respond to this Office Action:

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://eteas.uspto.gov/v2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) CANNOT currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

Elizabeth Buckley - Received your Response to Office Action Form for 76591389

From: <TEAS@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/3/2005 9:52 AM
Subject: Received your Response to Office Action Form for 76591389

We have received your Response to Office Action Form below.
Application serial no. **76591389** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 028 for GAMES AND PLAYTHINGS, NAMELY, BOARD GAMES, CARD GAMES, DART GAMES, PADDLE BALL GAMES, PINBALL GAMES, DOLLS, SCIENCE GAMES; GYMNASTIC AND SPORTING GOODS, NAMELY, TENNIS RACKETS, BASEBALL BATS, SKIS, PLAYING BALLS FOR BASEBALL, FOOTBALL, SOCCER, BILLIARDS; BASEBALL GLOVES, SURF BOARDS; ELECTRONIC GAMES

Original Filing Basis: 1(b).

Proposed: Class 028 for GAMES AND PLAYTHINGS, NAMELY, BOARD GAMES, CARD GAMES, ELECTRONIC AND NON-ELECTRONIC DART GAMES, PADDLE BALL GAMES, PINBALL GAMES, DOLLS; SCIENCE GAMES FEATURING EXPERIMENTS TO BE PERFORMED BY CHILDREN ELECTRONICALLY AND NON-ELECTRONICALLY; GYMNASTIC AND SPORTING GOODS, NAMELY, TENNIS RACKETS, BASEBALL BATS, SKIS, PLAYING BALLS FOR BASEBALL, FOOTBALL, AND SOCCER; BALLS FOR BILLIARDS; BASEBALL GLOVES, SURF BOARDS; ELECTRONIC ACTION GAMES AND HAND-HELD UNITS FOR PLAYING ELECTRONIC GAMES

Additional Statements

The mark is presented in standard characters without claim to any particular font style, size, or color.

Response Signature

Signature: /Laurence R. Hefter/ Date: 06/03/2005
Signatory's Name: Laurence R. Hefter
Signatory's Position: Attorney

=====TEAS XML RESPONSE=====

76591389