



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

April 5, 2005

Commissioner for Trademarks
2900 Crystal Drive, South Tower Building
Fourth Floor
Arlington, Virginia 22215-1471

ATTN: MPU

International Register Response to Notice of Irregularity
Mark: GOOSICAL
Applicant: Steven A. Silvers
USPTO Reference No.: Z1231805
Attorney Docket: 09519.0022-00183

Sir:

We enclose the following for filing with the World Intellectual Property Organization:

1. Copy of Notice of Irregularity issued by WIPO; and
2. Response to Notice of Irregularity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurence R. Hefter', written over a horizontal line.

Laurence R. Hefter

LRH/eab
Enclosures: As Stated

Attorney Docket: 09519.0022-00183

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE WORLD INTELLECTUAL PROPERTY ORGANIZATION**

Applicant: Steven A. Silvers
USPTO Reference No.: Z1231805
Filing Date: November 8, 2004
Mark: GOOSICAL

WIPO Examiner: Noëlle Moutout
WIPO Reference No.: NM/2923928/285514601

COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, Virginia 22313-1451

ATTN: MPU

RESPONSE TO NOTICE OF IRREGULARITY

Applicant submits the following amendments and remarks in response to the
Notice of Irregularity dated February 17, 2005.

AMENDMENTS

Please delete "playing cards" from the application.

Please amend the term "web pages" in Class 16 to read "printed web pages."

USPTO Reference No Z1231805

REMARKS

Applicant has amended this application to conform to the requests made by
WIPO.

Respectfully submitted,

STEVEN A. SILVERS

Dated: April 5, 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. 20001-4415
Telephone: 202-408-4000
Facsimile: 202-408-4400

WORLD INTELLECTUAL
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Facsimile: (41-22) 733 5428
E-mail: intreg.mail@wipo.int Internet: <http://www.wipo.int>



LRH mth-EAB

Madrid Agreement
and
Madrid Protocol

Laurence R. Hefter,
Finnegan, Henderson,
Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315
États-Unis d'Amérique

RECEIVED

FEB 24 2005

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.

17 February 2005

NOTICE CONCERNING AN INTERNATIONAL APPLICATION

ATTENTION:

The irregularity(ies) indicated in this notice is/are to be remedied
by the office of origin.

Re.: International application based on
application N°76/591,384
for the mark GOOSICAL
in the name of Steven A. Silvers

Date of receipt of the international application
by the Office of origin: 8 November 2004
by the International Bureau: 24 November 2004

Our ref. : NM/2923928/285514601
Office ref. : Z1231805
Applicant ref.: 09519.0022-00183
Examiner: Noëlle MOUTOUT
Telephone N°: (41 22) 338 82 75

We acknowledge receipt of the above-mentioned international
application.

The examination of this application has revealed the

Resp. du 5-17-05

Dhfr
2-24-05
h

Geneva, 17 February 2005

Annex to the irregularity notice concerning the
international application based on the national
application or the national registration No 76/591,384

Our ref.: NM/2923928/285514601
Office ref. : Z1231805
Applicant ref.: 09519.0022-00183

Swiss Francs

Basic fee where no reproduction
of the mark is in color
(Protocol application):
Individual fee (Protocol application): EM
Individual fee (first part): JP
Individual fee / supplementary fee
(first part): JP

653.00
2,855.00
226.00

171.00

3,905.00

Total due:

LRH - EAB

20

PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING
RESPONSE TO NOTICE OF IRREGULARITY ISSUED BY WIPO

ATTENTION: MPU

Applicant: Steven A. Silvers
USPTO Reference No.: Z1231805
Filing Date: November 8, 2004
Mark: GOOSICAL



1. PTO Cover Letter;
2. Response to Notice of Irregularity;
3. Copy of Notice of Irregularity Issued by WIPO on February 17, 2005.

Docket No.: 09519.0022-00183

Due Date: May 17, 2005

LRH/eab

April 5, 2005

MD-624

879497_1.DOC

DK 72
4-5-05

Response to Office Action

Page 1 of 3

Elizabeth Buckley - Received your Response to Office Action Form for 76591383

From: <TEAS@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/3/2005 10:09 AM
Subject: Received your Response to Office Action Form for 76591383

We have received your Response to Office Action Form below.
Application serial no. **76591383** 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 STUFFED TOYS, PLUSH TOYS, ELECTRONIC TOYS

Original Filing Basis: 1(b).

Proposed: Class 028 for STUFFED TOYS, PLUSH TOYS, ELECTRONIC ACTION TOYS, 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=====

76591383

<http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=76591383>

GOOLAGONG

Response to Office Action

Page 1 of 1

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

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 76591383 is amended as follows:

Classification and Listing of Goods/Services

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Current: Class 028 for STUFFED TOYS, PLUSH TOYS, ELECTRONIC TOYS

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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

[Go Back](#)

02/09/05 16:41 FAX 57127300

PTO LAW OFFICE 102

027

Page 1 of 3

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/591383

APPLICANT: SILVERS, STEVEN A.

CORRESPONDENT ADDRESS:
IRA C. EDELL
STELOR PRODUCTIONS
14701 MOCKINGBIRD DRIVE
DARNESTOWN, MARYLAND 20874



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

MARK: GOOLAGONG

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

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 76/591383

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

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 of Goods

02/09/05 16:41 FAX 5712730

PTO LAW OFFICE 102

028

Page 2 of 3

The wording "electronic toys" in the identification of goods needs clarification. Applicant may change this wording to "electronic toys, namely, hand held unit for playing electronic games", "electronic action toys", if accurate. 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 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/web/offices/tac/doc/gsmmanual>

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 Shosho/
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/>

02/09/05 16:42 FAX 5712730

PTO_LAW OFFICE 102

029

Page 3 of 3

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.

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: May 24, 2005

Laurence R. Hefter, Esq.
Finnegan, Henderson, Farabow, Garrett &
901 New York Avenue, N.W.
Washington District of Columbia (DC) 200

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have SIX (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/591381
MARK: GOOROO (STANDARD CHARACTER MARK)
OWNER: SILVERS, STEVEN A.
8983 OKEECHOBEE BLVD SUITE 202
PO BOX 203
WEST PALM BEACH, FLORIDA 33411

This application has the following bases, but not necessarily for all listed goods/services:
Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

028-TOYS, NAMELY STUFFED AND PLUSH TOYS

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

RECEIVED

JUN 07 2005

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER LLP

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: May 24, 2005

Laurence R. Hefter, Esq.
Finnegan, Henderson, Farabow, Garrett &
901 New York Avenue, N.W.
Washington District of Columbia (DC) 200

RECEIVED

JUN 13 2005

FINNIGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have SIX (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/591378
MARK: GOOBOO (STANDARD CHARACTER MARK)
OWNER: SILVERS, STEVEN A.
8983 OKEECHOBEE BLVD SUITE 202
PO BOX 203
WEST PALM BEACH, FLORIDA 33411

This application has the following bases, but not necessarily for all listed goods/services:
Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

028-TOYS, NAMELY STUFFED AND PLUSH TOYS

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

Docketed 6/13/05 Attorney WHITEAR
Case 05519-0025
Due Date 11/24/05 WCA/MS
Action Tim Smith USE FOR EXT
By J.C. & JMS

Response to Office Action

Page 1 of

Elizabeth Buckley - Received your Response to Office Action Form for 76592806

From: <TEAS@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/3/2005 10:31 AM
Subject: Received your Response to Office Action Form for 76592806

We have received your Response to Office Action Form below.
Application serial no. **76592806** 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, PALLETS, 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, PALLETS, 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=====

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

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 76592806 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, PALLETS, 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, PALLETS, 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

[Go Back](#)

02/09/05 16:43 FAX 5712730000

PTO LAW OFFICE 102

0033

TRADEMARK APPLICATION NO. 76592806 - GOOPETS - N/A

Page 1 of 3

To: SILVERS, STEVEN A. (gewrue@hotmail.com)
Subject: TRADEMARK APPLICATION NO. 76592806 - GOOPETS - N/A
Sent: 12/8/04 2:34:19 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/592806

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: GOOPETS

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 76/592806

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

02/09/05 16:44 FAX 5712730003

PTO LAW OFFICE 102

034

TRADEMARK APPLICATION NO. 76592806 - GOOPETS - N/A

Page 2 of 3

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/web/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

02/09/05 16:44 FAX 57127300

PTO LAW OFFICE 102

035

TRADEMARK APPLICATION NO. 76592806 - GOOPETS - N/A

Page 3 of 3

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 Shosho/
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.

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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.

Response to Office Action

Page 1 of 3

Elizabeth Buckley - Received your Response to Office Action Form for 76592804

From: <TEAS@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/3/2005 10:22 AM
Subject: Received your Response to Office Action Form for 76592804

We have received your Response to Office Action Form below.
Application serial no. **76592804** 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, PALLETS, 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, PALLETS, 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

Page 1 of 1

PTO Form (Rev 4/2000)

OMB Control #0651-.... (Exp. 04/30/2006)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 76592804 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, PALLETS, 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, PALLETS, 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

[Go Back](#)

02/08/05 16:47 FAX 5712730

PTO LAW OFFICE 102

043

TRADEMARK APPLICATION NO. 76592804 - GOOTUNE (S) - N/A

Page 1 of 3

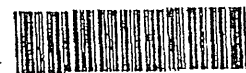
To: SILVERS, STEVEN A. (gewruc@hotmail.com)
Subject: TRADEMARK APPLICATION NO. 76592804 - GOOTUNE (S) - N/A
Sent: 12/8/04 2:33:43 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/592804

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: GOOTUNE (S)

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
gewruc@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 76/592804

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

02/09/05 16:48 FAX 5712730

PTO LAW OFFICE 102

044

TRADEMARK APPLICATION NO. 76592804 - GOOTUNE (S) - N/A

Page 2 of 3

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/web/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

02/09/05 16:48 FAX 5712730 13

PTO LAW OFFICE 102

045

TRADEMARK APPLICATION NO. 76592804 - GOOTUNE (S) - N/A

Page 3 of 3

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 Shosho/
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.

JUN-16-2005 15:19 FROM:

TO: Finnegan Henderson P.2/2
Ottawa, Ontario Canada K1P 2H6
Tel. (613) 232-2486 Fax (613) 232-8440
www.smart-biggar.ca

A. Dennis Armstrong
adarmstrong@smart-biggar.ca

Our Ref: 66822-836

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.: 1236692
Trade-mark: GOOTUNE (S)
Present Owner: Steven A. Silvers
Your Ref: 09519.0029-00131

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 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

OTTAWA MONTREAL TORONTO EDMONTON VANCOUVER

JUN-15-2005 15:32 FROM:

TO: Finnegan Henderson P.2/3

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) 232-844
www.smart-biggarr.ca

A. Dennis Armstrong
adarmstrong@smart-biggarr.ca

Our Ref: 66822-836

BY FACSIMILE ONLY
June 15, 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 Laurence:

Re: Canadian Trade-mark Application
No.: 1,236,692
Trade-mark: GOOTUNE (S)
Present Owner: Steven A. Silvers
Your Ref: 09519-0029-00131

Thank you for your facsimile message of June 14, 2005.

We have reviewed the proposed amendment to the description of the goods. In this respect the Trade-marks Office will not accept a description such as "printed instructional and teaching materials in the fields of math, geography, spelling, reading and entertainment". The Trade-marks Office will require that these materials be specifically listed. Would you please provide us with your further comments with respect to these items.

JUN-15-2005 15:32 FROM:

Our Ref: 66822-836

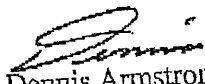
2

SMART & BIGGAR

We look forward to hearing from you in this matter well before the due date.

Yours very truly,

SMART & BIGGAR


A. Dennis Armstrong

ADA:dak



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. 1,236,692
Mark: GOOTUNE(S) (in block letters)
Applicant: Steven A. Silvers
Your Reference: 66822-836
Our Reference: 09519.0029-00131

Dear Dennis:

Thank you for your letter of March 8, 2005, reporting on the Official Action which issued in this matter and your subsequent reminders that a response is due no later than June 22, 2005.

In accordance with the Examiner's request, we propose amending the definition of goods in the application to read as follows:

goods made from paper and cardboard, namely, printed matter in the nature of books and magazines in the field of comics; picture cards; greeting cards; writing paper and envelopes; artists' materials, namely, pens, pencils, pastels, pallets, paint brushes; stickers; playing cards; trading cards; printed instructional and teaching material in the fields of math, geography, spelling, reading and entertainment; geographical maps; drawing boards; children's and adolescents' magazines, books, and pamphlets.

We request that you revise the application accordingly and file the response to the Official Action before the deadline of **June 22, 2005**. If you have any questions or comments, please do not hesitate to contact us.

Mr. A. Dennis Armstrong
Page 2

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

Please acknowledge receipt of these instructions by return facsimile.

With best regards,

Sincerely,


Laurence R. Hefter

LRH/eab
914883_1.DOC

LPH-nth-EAB

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) 232-8440
www.smart-biggar.ca

A. Dennis Armstrong
adamstrong@smart-biggar.ca

Our Ref: 66822-836

March 8, 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.: 1,236,692
Trade-mark: GOOTUNE (S)
Present Owner: Steven A. Silvers
Your Ref: 09519.0029-00131

RECEIVED

MAR 15 2005

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.

We enclose herewith the first Official Action in this matter dated February 22, 2005 to which a response is due within four months of the date thereof.

The Examiner has called for the filing of a revised application wherein the wares designated as "stationary (*sic*); office supplies; printed instructional and teaching material for use in teaching and entertainment" have been specifically defined in ordinary commercial terms. In addition, the Examiner has requested clarification with respect to the wares designated as "web pages".

We look forward to receiving your comments in this matter.

Yours very truly,

SMART & BIGGAR



A. Dennis Armstrong

ADA:bgw
Encl.

vsip due 6-11-05

OTTAWA MONTREAL TORONTO EDMONTON VANCOUVER

DKT
3-15-05
5



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

22 fév/Feb 2005
Votre référence Your File
66822-836ADA:dsk
Notre référence Our File
1236692

RE: Trade-mark: GOOTUNE (S)
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 wares presently designated as "Stationary; office supplies; printed instructional and teaching material for use in teaching and entertainment;" 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.


In addition, the term "web pages", which is currently in the statement of wares, is considered to be, in fact, a service. For example, the following would be considered acceptable as a statement of services; "Operation of a web site offering information about children". Please amend accordingly.

A revised application is required.

Upon satisfactory compliance with the above-mentioned requirements, further office action will be undertaken.

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

Yours truly,


Ed Clayman
Examination Section
(819) 953-9679
fax: (819) 953-2476





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 15, 2005

Commissioner for Trademarks
2900 Crystal Drive, South Tower Building
Fourth Floor
Arlington, Virginia 22215-1471

ATTN: MPU

International Register Response to Notice of Irregularity
Mark: GOOTUNE(S)
Applicant: Steven A. Silvers
USPTO Reference No.: Z1231804
Attorney Docket: 09519.0029-00183

Sir:

We enclose the following for filing with the World Intellectual Property Organization:

1. Copy of Notice of Irregularity issued by WIPO; and
2. Response to Notice of Irregularity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurence R. Hefter', written over a horizontal line.

Laurence R. Hefter

LRH/eab
Enclosures: As Stated

919148_1.DOC

Attorney Docket: 09519.0029-00183

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE WORLD INTELLECTUAL PROPERTY ORGANIZATION**

Applicant: Steven A. Silvers
USPTO Reference No.: Z1231804
Filing Date: November 8, 2004
Mark: GOOTUNE(S)

WIPO Examiner: Brenda Knuckey
WIPO Reference No.: EN-I/285514201/KB

COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, Virginia 22313-1451

ATTN: MPU

RESPONSE TO NOTICE OF IRREGULARITY

Applicant submits the following amendment and remarks in response to the
Notice of Irregularity dated May 23, 2005.

AMENDMENT

Please delete the term "web pages" in Class 16 from the application.

USPTO Reference No Z1231804

REMARKS

Applicant submits that the foregoing amendment addresses the issue raised by the WIPO Examiner and that the application is now in condition for issuance of the International Registration.

Respectfully submitted,

STEVEN A. SILVERS

Dated: June 15, 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. 20001-4415
Telephone: 202-408-4000
Facsimile: 202-408-4400

**WORLD INTELLECTUAL
PROPERTY ORGANIZATION**

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva (Switzerland)
WIPO postal cheque account: No. 12-5000-8 Geneva
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A
Tel. (41-22) 338 9111 Facsimile: (41-22) 733 6428
E-mail: inreg.mail@wipo.int Internet: <http://www.wipo.int>

**Madrid Agreement
and
Madrid Protocol**

RECEIVED

MAY 31 2005

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.



9519. 29. 183

Laurence R. Hefter,
Finnegan, Henderson,
Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315
États-Unis d'Amérique

23 May 2005

NOTICE CONCERNING AN INTERNATIONAL APPLICATION

ATTENTION:

The irregularity(ies) indicated in this notice is/are to be remedied
by the office of origin.

Re.: International application based on
application N°76/592,804
for the mark GOOTUNE (S)
in the name of Steven A. Silvers

Date of receipt of the international application
by the Office of origin: 8 November 2004
by the International Bureau: 24 November 2004

Our ref. : EN-I/285514201/KB
Office ref. : Z1231804
Applicant ref.: 09519.0029-00183
Examiner: KNUCKEY, BRENDA
Telephone N°: 0041 22 338 83 13

We acknowledge receipt of the above-mentioned international
application.

The examination of this application has revealed the

irregularities which are listed hereafter:

IRREGULARITY(IES) CONCERNING THE CLASSIFICATION OF GOODS AND SERVICES: TO BE REMEDIED BY THE OFFICE OF ORIGIN (Rule 12).

1. The International Bureau considers that the goods and/or services listed in the international application are not grouped in the appropriate classes of the International Classification of Goods and Services (Rule9(4)(a)(xiii)). The International Bureau proposes therefore to transfer the following terms:

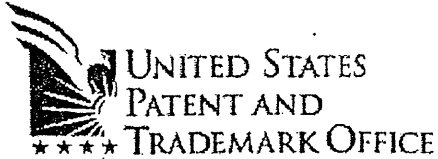
"web pages" from class 16 to class 9 (See "Electronic publications (downloadable)", position P0747).

The proposed grouping may entail the payment of further fees (see attached accounting statement).

An opinion on this proposal may be communicated to the International Bureau. Any such opinion must be communicated THROUGH THE OFFICE OF ORIGIN within three months from the date of the present notification, that is by 23 August 2005. Failing this, the mark will be registered with the classification and grouping proposed by the International Bureau. However, if this proposal entails the payment of further fees and such fees are not paid within four months from the date of the present notification, the international application will be considered abandoned.

International Bureau of the
World Intellectual Property Organization
(WIPO)

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.:
76/591,382 | 2. Mark:
GOO
Standard Character Mark |
| 3. International Class(es):
28 | |
| 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 F. Hefter, Esq.
Finnegan Henderson Farabow Garrett & Dun
6th Floor
1300 I Street, NW
Washington DC 20005-3315

TMP&I

This document may be displayed as a PDF file containing images without text. You may view online or save the entire document using the file download icon to the upper right. [\[required PDF viewer\]](#) [FAQ: Are you seeing only the first page of this PDF document?](#)

If you need help:

- *Call the Trademark Assistance Center at 571.272.9250 for help on trademark matters.*
- *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.*

Elizabeth Buckley - TRADEMARK APPLICATION NO. 78513308 - GOOTOPIA - 09519.0041

From: "ECom102" <OLDecom102@uspto.gov>
To: <docketing@finnegan.com>
Date: 6/16/2005 8:42 AM
Subject: TRADEMARK APPLICATION NO. 78513308 - GOOTOPIA - 09519.0041

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/513308

APPLICANT: Steven A. Silvers

CORRESPONDENT ADDRESS:

LAURENCE R. HEFTER
FINNEGAN HENDERSON FARABOW GARRETT ET AL
1300 I ST NW
WASHINGTON DC 20005

78513308

RETURN ADDRESS:

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

MARK: GOOTOPIA

CORRESPONDENT'S REFERENCE/DOCKET NO: 09519.0041

CORRESPONDENT EMAIL ADDRESS:
docketing@finnegan.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

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 78/513308

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

No Conflicting Marks Noted

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 § 1207.01 *et seq.*

Informalities

Although the examining attorney has not refused registration on any substantive basis, the applicant must respond to the following informalities.

Signed Declaration Required

The application must be signed, and verified or supported by a declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.33. No signed verification or declaration was provided. Therefore, the applicant must provide a signed verification or signed declaration attesting to the facts set forth in the application.

If the application is based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. §1051(a), *the verified statement must include an allegation that the mark is in use in commerce and was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date.* 37 C.F.R. §2.34(a)(1)(i); TMEP §§804.02, 806.01(a) and 901.

If the application is based on Trademark Act Section 1(b) or 44, 15 U.S.C. §1051(b) or 1126, *the verified statement must include an allegation that the applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date.* 37 C.F.R. §§2.34(a)(2)(i), 2.34(a)(3)(i) and 2.34(a)(4)(ii); TMEP §§804.02, 806.01(b), 806.01(c), 806.01(d) and 1101.

Applicant must submit a written statement attesting to the facts set forth in the application, and confirming that applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date. This statement must be dated and signed by a person authorized to sign under 37 C.F.R. §2.33(a), and verified with a notarized affidavit or signed declaration under 37 C.F.R. §2.20. 15 U.S.C. §1051(b)(3)(B); 37 C.F.R. §§2.34(a)(2)(i), (a)(3)(i) and (a)(4)(ii); TMEP §§804.02, 806.01(b), 806.01(c), 806.01(d) and 1101. No signed verification was provided with the application.

To satisfy this requirement, applicant may add the following declaration paragraph at the end of its response, properly signed and dated:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce; that the applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date; that the facts set forth in the application are true and correct; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

(Signature)

(Print or Type Name and Position)

(Date)

Identification and Classification of Goods and Services

The identification of goods and services is unacceptable as indefinite. Applicant must rewrite the identification of