

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/453281

APPLICANT: Mendell, Kevin

CORRESPONDENT ADDRESS:

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MARK: OOGLES-N-GOOGLES

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.

PRIORITY ACTION

OFFICE SEARCH 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 704.02.

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE. This case will be given priority as an amended case if you respond to the requirements stated below within two months.

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

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The following issues were discussed in communication with Bryan Redding on March 4, 2003.

New Specimen Needed

The specimen does not show use of the mark for any services identified in the application. The applicant must submit a specimen showing use of the mark for the services specified. 37 C.F.R. Section 2.56. Examples of acceptable specimens are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. **Note:**

Exh. 16

the specimen must reference the services identified in the application. TMEP section 1301.04. The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. 37 C.F.R. Section 2.59(a); TMEP section 905.10.

The statement supporting use of the substitute specimen must read as follows:

The substitute specimen was in use in commerce at least as early as the filing date of the application.

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by someone authorized to sign under 37 C.F.R. Section 2.33(a).

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 may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; 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)

Amendment of Identification of Goods and Services Required

The identification of goods and services is unacceptable as indefinite and must be amended. The applicant is advised that the Trademark Office Manual of Acceptable Identifications of Goods and Services, which includes the correct classifications of the listed goods and services, may be found online at <http://www.uspto.gov>. The applicant may find this resource to be quite useful in framing an amended and acceptable identification of goods/services in this matter. The applicant should bear in mind that brackets and parentheses shown in the identification manual are in the nature of directional signals, the significance of which is explained in the introduction to the Identification Manual. Parentheses and brackets ***should not*** be included in the actual identification of goods or recitation of services adopted by the applicant.

Please also 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. Section 2.71(b); TMEP section 804.09. 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. The applicant may adopt the following identification, if accurate:

Entertainment services, namely, conducting themed parties [indicate place, e.g., on board cruise ships for passengers of all ages], in International Class 041.

New Drawing Recommended

The drawing is not size limits recommended by the Office. The applicant will submit a new drawing showing the mark clearly and conforming to 37 C.F.R. Section 2.52. TMEP section 807.05.

The requirements for a special#form drawing are as follows.

(1) The drawing must appear in black and white; no color is permitted.

(2) Every line and letter must be black and clear.

(3) The use of gray to indicate shading is unacceptable.



(4) The lining must not be too fine or too close together.

(5) The preferred size of the area in which the mark is displayed is 2½ inches (6.1 cm.) high and 2½ inches (6.1 cm.) wide. **It should not be larger than 4 inches (10.3 cm.) high or 4 inches (10.3 cm.) wide.**

(6) If the reduction of the mark to the required size renders any details illegible, the applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. Sections 2.51 and 2.52; TMEP section 807.05. The Office will enforce these drawing requirements strictly. TMEP section 807.

The Office prefers that the drawing be depicted on a separate sheet of smooth, nonshiny, white paper 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long, and that the sheet contain a heading listing, on separate lines, the applicant's complete name; the applicant's address; the goods or services recited in the application; and, if the application is filed under Section 1(a) of the Act, the dates of first use of the mark and of first use of the mark in commerce; or, if the application is filed under Section 44(d), the priority filing date of the foreign application.

Note: If applicant uses stippling to indicate shading in the substitute drawing, the following statement should be provided.

“The stippling in the drawing is for shading purposes only.”

/David Elton/
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How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

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>