

To: Firebott Corporation (chris@trademarksearch.com)
Subject: U.S. TRADEMARK APPLICATION NO. 76712085 - FIREBOTT.COM - N/A
Sent: 4/14/2015 12:00:04 PM
Sent As: ECOM104@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 76712085

MARK: FIREBOTT.COM

76712085

CORRESPONDENT ADDRESS:

CHRISTOPHER BISCHOFF
BISCHOFF & ASSOCIATES LTD
1650 PAYNE STREET
EVANSTON, IL 60201-3032

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APPLICANT: Firebott Corporation

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

chris@trademarksearch.com

OFFICE ACTION

ISSUE/MAILING DATE: 4/14/2015

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on March 5, 2015.

In applicant's March 5, 2015 request for reconsideration, applicant amended the ID, specifying a 1b basis. Therefore, the requirement for a clarification of the basis of the application has been satisfied. TMEP §§713.02, 714.04. However, applicant's new identification of services is outside of the scope of the original identification, therefore this new, subsequent final Office action is hereby issued.

The Section 2(d) refusal is hereby maintained and continued.

SUMMARY OF ISSUES:

- Amendment of Identification of Goods Exceeds Scope of Original Identification

AMENDMENT OF IDENTIFICATION OF GOODS EXCEEDS SCOPE OF ORIGINAL IDENTIFICATION

The proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.*, 1402.07. The original identification in the application, and any previously accepted amendments, remain operative for purposes of future amendment. *See* 37 C.F.R. §2.71(a); TMEP §1402.07(d).

An acceptable identification of goods and/or services is required in an application. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.01. An applicant may only amend an identification to clarify or limit the goods and/or services, but not to add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Scope is generally determined by the ordinary meaning of the wording in the identification. TMEP §1402.07(a).

The application originally identified the goods as follows: "Vehicles (Apparatus for locomotion by land)."

However, the proposed amendment identifies the following services: “Manufacture and distribution of remote controlled vehicles for extinguishing fires which are custom manufactured and designed to the specifications of professionals in the field of firefighting.”

This proposed amendment is beyond the scope of the original identification because applicant originally applied for goods, being vehicles, and is now.

Thus, the identification, incorporating this amendment, is not acceptable. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.01.

As the applicant has filed an appeal at the Trademark Trial and Appeal Board, the appeal will be resumed.

/ Zachary B. Cromer /

Trademark Attorney

Law Office 104

Phone: (571) 272-6089

Fax: (571) 273-6089

zachary.cromer@uspto.gov

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All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months

using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **4/14/2015** FOR U.S. APPLICATION SERIAL NO. 76712085

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/14/2015** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

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(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

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Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.