

ESTTA Tracking number: **ESTTA439949**Filing date: **11/08/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	PerkinElmer Health Sciences, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	940 Winter Street Waltham, MA 02451 UNITED STATES		

Attorney information	Carrie Webb Olson Day Pitney LLP 7 Times Square New York, NY 10036 UNITED STATES trademark@daypitney.com, colson@daypitney.com, jwessel@daypitney.com Phone:617-345-4767
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Registration Subject to Cancellation

Registration No	3603099	Registration date	04/07/2009
Registrant	Optima USA, Inc. 2254-B Landmeier Rd. Elk Grove Village, IL 60007 UNITED STATES		

Goods/Services Subject to Cancellation


Class 009. First Use: 2006/03/27 First Use In Commerce: 2006/03/27

All goods and services in the class are cancelled, namely: laboratory equipment and supplies, namely, optical glasses, optical filters and prisms, color glass filters, test tubes, spectrophotometers, UV-VIS spectrophotometers, visible spectrophotometers, UV transilluminators, refractometers, colorimeters, orbital shakers, stirrer baths, water baths, incubators, warming plates for microscopic vital inspection of specimens, micro-centrifuges, electrophoresis systems, consisting of electrophoresis tank, lid, power supply, gel tray and comb, electrophoresis illuminator units for use with pre-cast agarose gels and gel cartridges, electrophoresis kits sold as a unit comprised of illuminator unit and pre-cast agarose gels and gel cartridges, agarose powders, UV transparent electrophoresis tanks, 3D culture matrix mebiol gels, nuclear magnetic resonance sample tubes, and glass cells, namely, dry glass cuvettes, black glass cells, namely, black glass cuvettes, and quartz cells, namely, quartz cuvettes, for use in chemical and biological analysis for scientific, laboratory and medical research use

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85228015	Application Date	01/27/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OPTIMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1993/01/28 First Use In Commerce: 1993/01/28 Spectrometers		

Attachments	85228015#TMSN.jpeg (1 page)(bytes) OPTIMA Petition to Cancel Signed.pdf (19 pages)(1481354 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/carrie webb olson/
Name	Carrie Webb Olson
Date	11/08/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 3,603,099 for the mark: Optima & Design

<hr/>	:	
PERKINELMER HEALTH SCIENCES, INC.,	:	Cancellation No.
	:	
Petitioner,	:	
v.	:	
	:	
OPTIMA USA, INC.	:	
	:	
Respondent.	:	
<hr/>		

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION TO CANCEL

Petitioner, PerkinElmer Health Sciences, Inc. (“PerkinElmer”), a Delaware corporation with an office at 940 Winter St., Waltham, Massachusetts 02451, believes that it is or will be damaged by Registration No. 3,603,099, owned by Optima USA, Inc. an Illinois corporation located at 2254-B Landmeier Rd. Elk Grove Village, IL 60007, and hereby petitions for cancellation thereof based on the following grounds, under 15 U.S.C. § 1064:

1. Petitioner is the owner of all right, title and interest in and to U.S. Trademark App. Ser. No. 85/228,015 the mark OPTIMA covering “*spectrometers*,” in Class 9 (“Application”). A copy of the Application is appended to this Petition as Exhibit A.
2. Petitioner has been continuously using the OPTIMA mark in the U.S. in connection with spectrometers since at least as early as 1993.

3. Upon information and belief, Respondent, Optima USA, Inc. (“Optima USA”) is a U.S. corporation having a place of business at 2254-B Landmeier Rd., Elk Grove Village, Illinois 60007.

4. Upon information and belief, Optima USA owns U.S. Registration No. 3,603,099 for OPTIMA & Design covering “*laboratory equipment and supplies, namely, optical glasses, optical filters and prisms, color glass filters, test tubes, spectrophotometers, UVVIS spectrophotometers, visible spectrophotometers, UV transilluminators, refractometers, colorimeters, orbital shakers, stirrer baths, water baths, incubators, warming plates for microscopic vital inspection of specimens, micro-centrifuges, electrophoresis systems, consisting of electrophoresis tank, lid, power supply, gel tray and comb, electrophoresis illuminator units for use with pre-cast agarose gels and gel cartridges, electrophoresis kits sold as a unit comprised of illuminator unit and pre-cast agarose gels and gel cartridges, agarose powders, UV transparent electrophoresis tanks, 3D culture matrix mebiol gels, nuclear magnetic resonance sample tubes, and glass cells, namely, dry glass cuvettes, black glass cells, namely, black glass cuvettes, and quartz cells, namely, quartz cuvettes, for use in chemical and biological analysis for scientific, laboratory and medical research use,*” in Class 9 (the “Registration”). A copy of the Registration is appended to this Petition as Exhibit B.

5. Petitioner’s Application was refused registration based on a likelihood of confusion with Registrant’s Registration. A copy of the Office Action is appended to this Petition as Exhibit C.

6. Petitioner’s use of the OPTIMA mark dates back at least as early as 1993, long prior to the March 27, 2006 first use date for Registrant’s OPTIMA & Design mark.

7. Petitioner has expended considerable effort and expense in promoting its OPTIMA trademark and the goods sold under the mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Petitioner by such mark.

8. Registrant's OPTIMA & Design mark covers the whole of Petitioner's OPTIMA mark and, as such, is likely to cause confusion and mistake and/or to deceive, causing injury to Petitioner, and the public.

9. The goods listed in the Registration, are broad, without regard to channels of trade or consumers, do not narrowly identify the function or purpose of the goods, and cover the goods listed in the Petitioner's application.

10. Petitioner is being damaged by the registration of OPTIMA & Design on the Principal Register because such registration gives color of exclusive statutory rights in Registrant and wrongfully denies the same rights to Petitioner.

WHEREFORE, Petitioner requests that this Petition to Cancel be granted, in its entirety, and that Registration No. 3,603,099 be cancelled.

Dated: 11/8, 2011

Respectfully submitted,

By: 

Carrie Webb Olson
DAY PITNEY LLP
7 Times Square
New York, NY 10036
(212) 297-5800
Attorney for Petitioner
PerkinElmer Health Sciences, Inc.

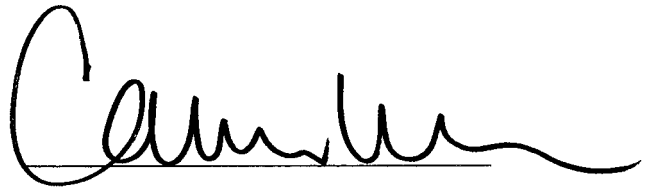
CERTIFICATE OF SERVICE

I, Carrie Webb Olson, hereby certify that I am counsel for Petitioner in the above-entitled action and that, pursuant to 37 C.F.R. §2.111(b), I served the foregoing **PETITION FOR CANCELLATION** on the attorney of record for Registration No. 3,603,099 at the correspondence address of record in the Office:

William J. Seiter
Seiter & Co.
220 26th Street, Suite 202
Santa Monica, CA 90402

in a properly addressed envelope via first class U.S. Mail with sufficient postage.

This 8th day of Nov, 2011.

A handwritten signature in black ink, appearing to read "Carrie Webb Olson", written over a horizontal line.

EXHIBIT

A

Trademark/Service Mark Application, Principal Register

Serial Number: 85228015

Filing Date: 01/27/2011

To the Commissioner for Trademarks:

MARK: OPTIMA (Standard Characters, see mark)

The literal element of the mark consists of OPTIMA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, PerkinElmer Health Sciences, Inc., a corporation of Delaware, having an address of
940 Winter Street
Waltham, Massachusetts 02451
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Spectrometers

In International Class 009, the mark was first used at least as early as 01/28/1993, and first used in commerce at least as early as 01/28/1993, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) images of the goods bearing the mark.

JPG file(s):

Specimen File1

Specimen File2

Original PDF file:

spec-1-3811215718-153857312 . OPTIMA Spec3.pdf

Converted PDF file(s) (1 page)

Specimen File1

The applicant's current Attorney Information:

Carrie Webb Olson and Elizabeth A. Alquist, Richard H. Brown III, Michael A. Bucci, Allison E. Cantor,
Richard D. Harris, Keith McWha, Justin P. Welch

Seven Times Square

New York, New York 10036-7311

United States

The attorney docket/reference number is 170865.

The applicant's current Correspondence Information:

Carrie Webb Olson

Seven Times Square

New York, New York 10036-7311
(617) 345-4767(phone)
(212) 916-2940(fax)
nytrademark@daypitney.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

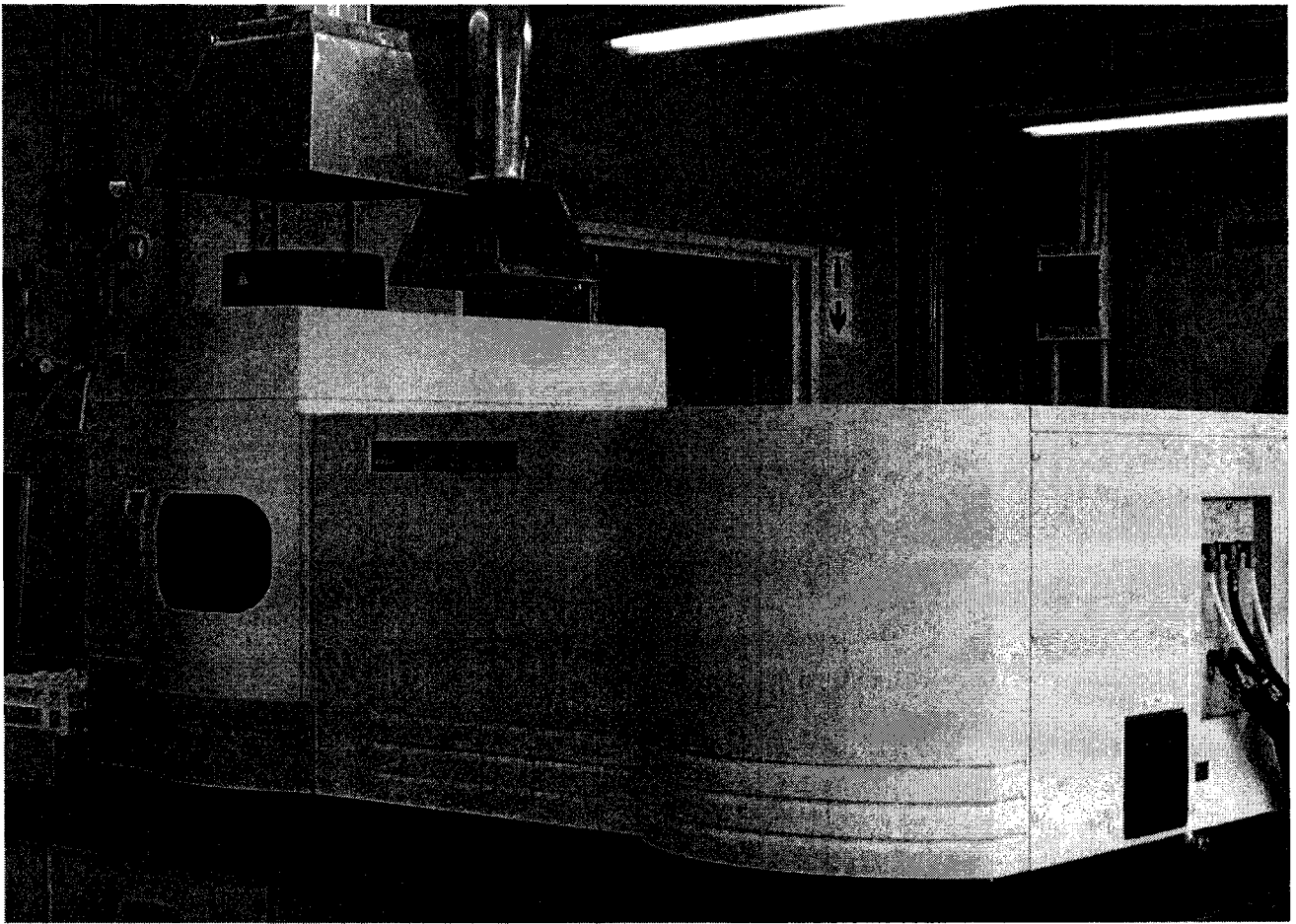
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares 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. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; 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 that all statements made on information and belief are believed to be true.

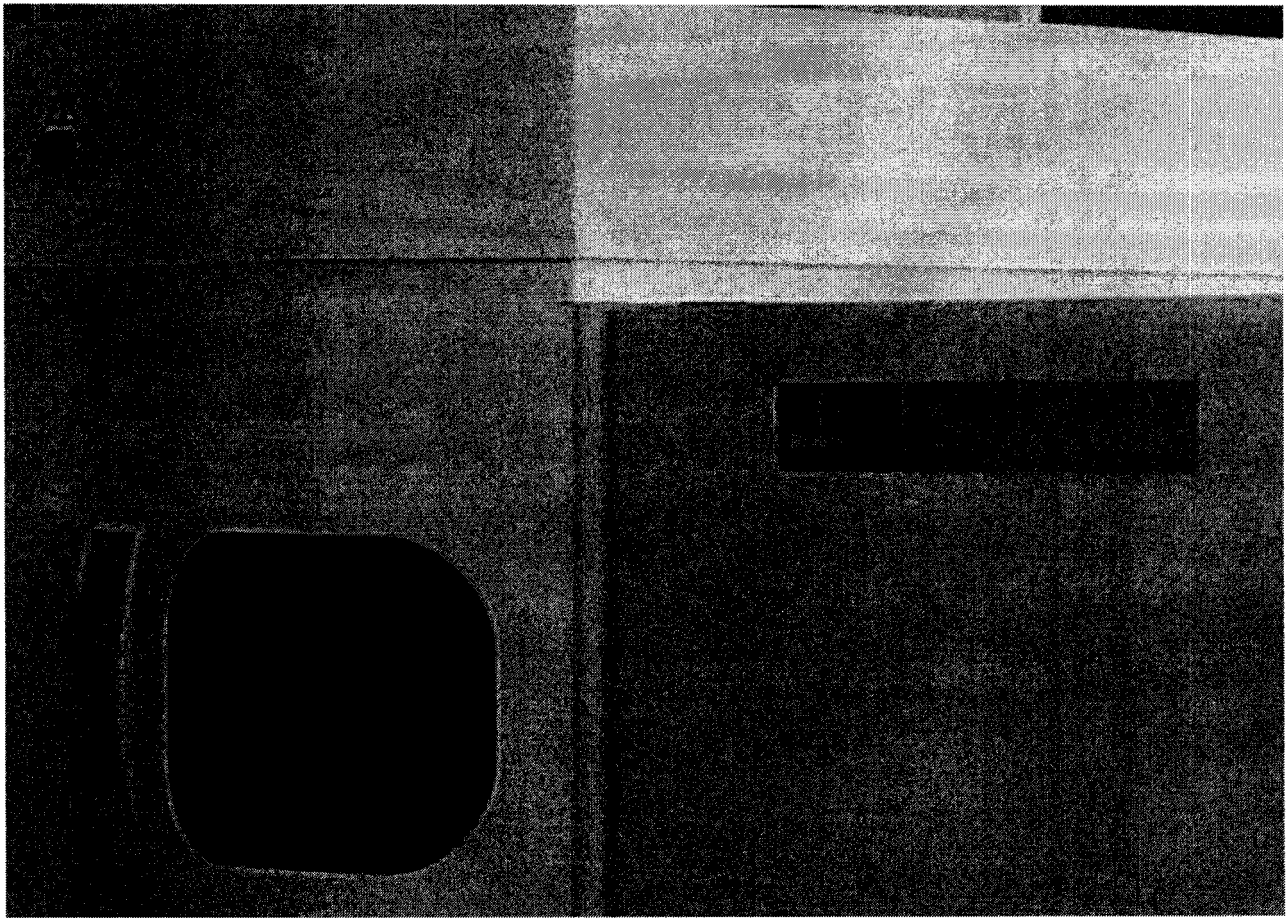
Signature: /Kevin A. Oliver/ Date Signed: 01/27/2011
Signatory's Name: Kevin A. Oliver
Signatory's Position: Vice President and Chief Intellectual Property Counsel

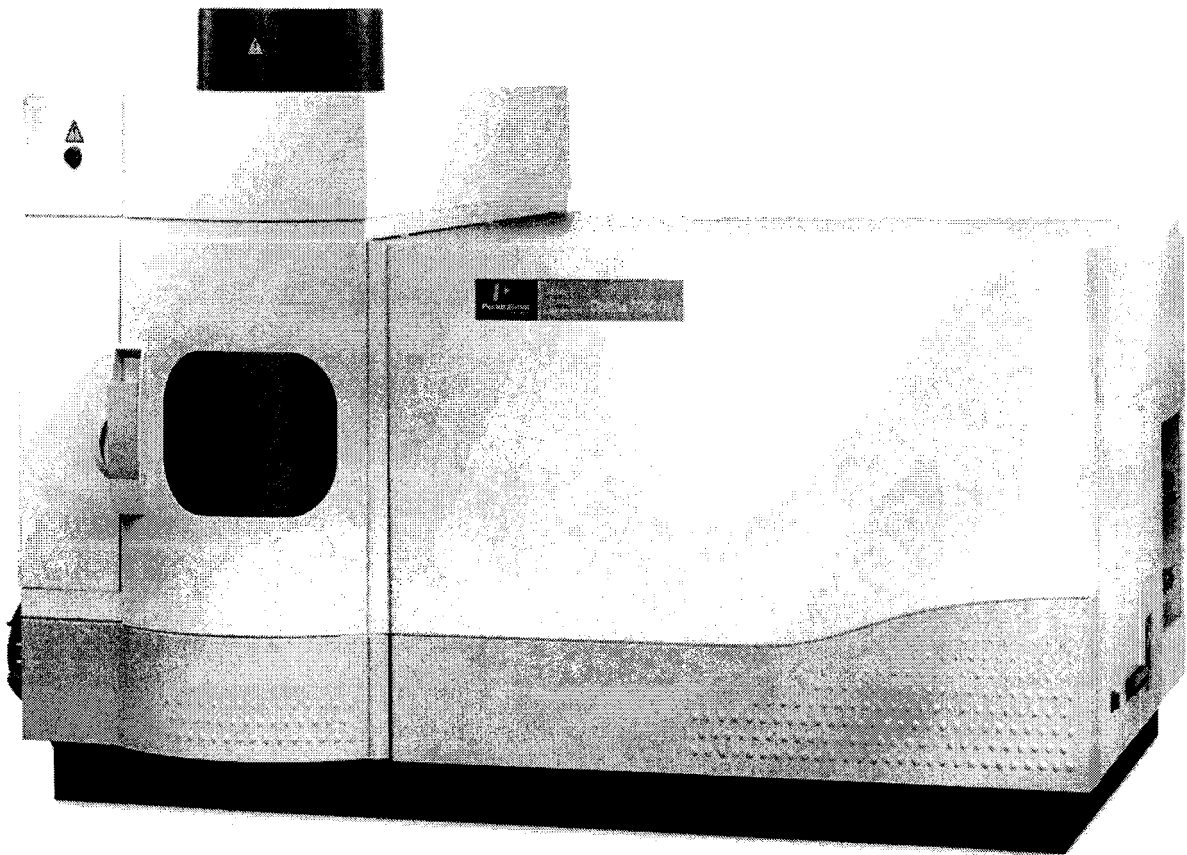
RAM Sale Number: 3114
RAM Accounting Date: 01/28/2011

Serial Number: 85228015
Internet Transmission Date: Thu Jan 27 16:57:36 EST 2011
TEAS Stamp: USPTO/BAS-38.112.157.18-2011012716573630
9670-85228015-480d69bb6a057cf99cba5c040e
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OPTIMA







EXHIBIT

B

Int. Cl.: 9

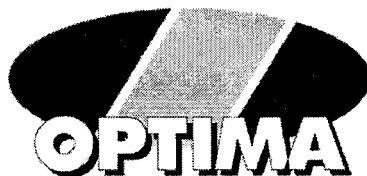
Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,603,099

Registered Apr. 7, 2009

**TRADEMARK
PRINCIPAL REGISTER**



OPTIMA USA, INC. (ILLINOIS CORPORATION)
2254-B LANDMEIER RD.
ELK GROVE VILLAGE, IL 60007

FOR: LABORATORY EQUIPMENT AND SUPPLIES, NAMELY, OPTICAL GLASSES, OPTICAL FILTERS AND PRISMS, COLOR GLASS FILTERS, TEST TUBES, SPECTROPHOTOMETERS, UV-VIS SPECTROPHOTOMETERS, VISIBLE SPECTROPHOTOMETERS, UV TRANSILLUMINATORS, REFRACTOMETERS, COLORIMETERS, ORBITAL SHAKERS, STIRRER BATHS, WATER BATHS, INCUBATORS, WARMING PLATES FOR MICROSCOPIC VITAL INSPECTION OF SPECIMENS, MICRO-CENTRIFUGES, ELECTROPHORESIS SYSTEMS, CONSISTING OF ELECTROPHORESIS TANK, LID, POWER SUPPLY, GEL TRAY AND COMB, ELECTROPHORESIS ILLUMINATOR UNITS FOR USE WITH PRE-CAST AGAROSE GELS AND GEL CARTRIDGES, ELECTROPHORESIS KITS SOLD AS A UNIT COMPRISED OF ILLUMINATOR UNIT AND PRE-CAST AGAROSE GELS AND GEL CARTRIDGES, AGAROSE POWDERS, UV TRANSPARENT ELECTROPHORESIS TANKS, 3D CULTURE MATRIX MEBIOL GELS, NUCLEAR MAGNETIC RESONANCE SAMPLE TUBES, AND GLASS CELLS, NAMELY, DRY GLASS CUVETTES, BLACK GLASS CELLS, NAMELY, BLACK GLASS CUVETTES, AND QUARTZ CELLS, NAMELY,

QUARTZ CUVETTES, FOR USE IN CHEMICAL AND BIOLOGICAL ANALYSIS FOR SCIENTIFIC, LABORATORY AND MEDICAL RESEARCH USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-27-2006; IN COMMERCE 3-27-2006.

THE COLOR(S) WHITE, BLACK, RED, YELLOW AND BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LITERAL ELEMENT "OPTIMA" IN STYLIZED WHITE LETTERS OUTLINED IN BLACK APPEARING IN THE FOREGROUND IN FRONT OF A TRI-COLOR OVAL RISING ABOVE THE LETTERS, CONSISTING OF THREE DIAGONALLY-SLANTED SOLID COLOR SEGMENTS ON A WHITE BACKGROUND AND SEPARATED BY DIAGONAL WHITE BANDS OF SPACE. THE LEFT SEGMENT OF THE OVAL IS IN THE COLOR RED, THE CENTER SEGMENT OF THE OVAL IS IN THE COLOR YELLOW, AND THE RIGHT SEGMENT OF THE OVAL IS IN THE COLOR BLUE.

SN 77-134,584, FILED 3-19-2007.

DEZMONA MIZELLE, EXAMINING ATTORNEY

EXHIBIT

C

To: PerkinElmer Health Sciences, Inc. (nytrademark@daypitney.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85228015 - OPTIMA - 170865
Sent: 5/9/2011 7:54:32 PM
Sent As: ECOM114@USPTO.GOV

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85228015

MARK: OPTIMA

85228015

CORRESPONDENT ADDRESS:

CARRIE WEBB OLSON
7 TIMES SQ
NEW YORK, NY 10036-6524

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: PerkinElmer Health Sciences,
Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

170865

CORRESPONDENT E-MAIL ADDRESS:

nytrademark@daypitney.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 5/9/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Section 2(d) - Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3603099. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); *In re Azteca Rest. Enters., Inc.*, 50 USPQ2d 1209 (TTAB 1999); TMEP §§1207.01 *et seq.*

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.*, 84 USPQ2d 1581, 1584 (TTAB 2007); *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Facts

In the case at hand applicant seeks to register "OPTIMA" in standard characters for "Spectrometers." The cited registered mark is "OPTIM" A in an illustration drawing which includes words/letters/numbers

form for “laboratory equipment and supplies, namely, optical glasses, optical filters and prisms, color glass filters, test tubes, spectrophotometers, UV-VIS spectrophotometers, visible spectrophotometers, UV transilluminators, refractometers, colorimeters, orbital shakers, stirrer baths, water baths, incubators, warming plates for microscopic vital inspection of specimens, micro-centrifuges, electrophoresis systems, consisting of electrophoresis tank, lid, power supply, gel tray and comb, electrophoresis illuminator units for use with pre-cast agarose gels and gel cartridges, electrophoresis kits sold as a unit comprised of illuminator unit and pre-cast agarose gels and gel cartridges, agarose powders, UV transparent electrophoresis tanks, 3D culture matrix mebiol gels, nuclear magnetic resonance sample tubes, and glass cells, namely, dry glass cuvettes, black glass cells, namely, black glass cuvettes, and quartz cells, namely, quartz cuvettes, for use in chemical and biological analysis for scientific, laboratory and medical research use.”

Similarity of the Marks

The question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. *See Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b). In the present case the applicant’s mark is identical to the word portion of the cited registered mark. The applicant has formed their mark by merely removing the illustration from the registration. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser’s memory and to be used in calling for the goods. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin’s Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553, 1554 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729, 735 (TTAB 1976); TMEP §1207.01(c)(ii). Therefore because the applicant’s mark is identical to the word portion of the cited registered mark the marks are similar in appearance, sound, connotation and create a similar commercial impression.

Relatedness of the Goods

The goods of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient that the goods and/or services are related in some manner and/or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984). In the present case the applicant and the registrant are claiming scientific laboratory equipment. Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, namely spectrometers, spectrophotometers, refractometers, colorimeters, are of a kind that may emanate from a single source. *In*

re Infinity Broad. Corp. of Dallas, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Therefore, with the contemporaneous use of highly similar marks, for highly related goods consumers are likely to reach the mistaken conclusion that the goods originate from a common source. As such, registration must be refused under Trademark Act Section 2(d).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

To expedite prosecution of this application, applicant is encouraged to file its response to this Office action through the Trademark Electronic Application System (TEAS), available at <http://www.uspto.gov/teas/index.html>.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/David I/
Examining Attorney
Law Office 114
Telephone: (571) 270-1526
david.i@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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/teas/eTEASpageE.htm>.