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Filing date: **07/28/2021**

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

Proceeding	92069632
Party	Plaintiff Lawrence Foods Inc.
Correspondence Address	ALAIN VILLENEUVE DUANE MORRIS LLP 190 SOUTH LASALLE ST STE 3700 CHICAGO, IL 60603 UNITED STATES Primary Email: avilleneuve@duanemorris.com 312-499-6739
Submission	Plaintiff's Notice of Reliance
Filer's Name	Alain Villeneuve
Filer's email	avilleneuve@duanemorris.com, rtflorendo@duanemorris.com
Signature	/Alain Villeneuve/
Date	07/28/2021
Attachments	Second filed Reliance package.pdf(4467408 bytes)

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

LAWRENCE FOODS, INC.
Petitioner,

v.

BRILL, INC.
Registrant.

In re Registration No. 5,525,111

Cancellation No. 92069632

PETITIONER'S SECOND NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.122, Petitioner Lawrence Foods, Inc. (“Petitioner” or “Plaintiff”), by and through its undersigned counsel, hereby offers into evidence and makes of record in the above-captioned consolidated cancellation proceedings the documents and materials set forth below which were all part of the Motion for Summary Judgement, Exhibit D – Third Party Marks and all can be introduced under 37 C.F.R. 2.122(e)(2) and all are under the Board’s inherent power to admit under Federal Circuit precedents.

A. U.S. Ser. 85/808,405: DECOCHOCO Is Descriptive

As part of arguments presented by Petitioner as to descriptiveness of DECOPRO, it is argued that DECO as part of a one-word mark is routinely found to be descriptive in the field and in relation with baking, cakes and icing. Offered is part of the file wrapper of U.S. Serial No. 85/808,405 for the mark DECOCHOCO in which the mark was rejected as descriptive. The Office gave evidence the use of DECO is common and descriptive as to decoration using chocolate.

This evidence is at least available under 37 CFR § 2.122(e)(2) as a printed publication of an electronic record found on the USPTO's own website.

To: Kabushiki Kaisha Sakamoto (mail@browdyneimark.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85808405 - DECOCHOCO - DECOCHOCO=1
Sent: 4/5/2013 5:48:52 PM
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85808405

MARK: DECOCHOCO

85808405

CORRESPONDENT ADDRESS:

AOI NAWASHIRO
BROWDY AND NEIMARK, PLLC
1625 K ST NW STE 1100
WASHINGTON, DC 20006-1621

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Kabushiki Kaisha Sakamoto

CORRESPONDENT'S REFERENCE/DOCKET

NO:

DECOCHOCO=1

CORRESPONDENT E-MAIL ADDRESS:

mail@browdyneimark.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: 4/5/2013

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

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

2(e)(1) Merely Descriptive Refusal

Registration is refused because the applied-for mark merely describes a feature, characteristic and purpose of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, ___ F.3d ___, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, ___ F.3d ___, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system).

"Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

In the present case, applicant seeks registration of the mark DECOCHOCO for "Chocolate", "Providing custom-made and specialty chocolate through retail and online store services," and "Customized printing of images and characters onto wrapping paper, package and container of chocolate." The mark is descriptive because it immediately conveys that applicant's good and services feature decorative chocolate. The term is a part of the lexicon of the marketplace for making and designing intricate edible chocolate. Please see the attached internet evidence which shows descriptive use of the term in relation to chocolate and chocolate related services. The evidence highlights retailers providing such goods and services, as well as, instructions on how to prepare such goods.

Accordingly, registration is refused pursuant to Section 2(e)(1) of the Trademark Act for descriptiveness.

LFI 000854

Responses

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

There is no required format or form for responding to an Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. However, if applicant responds on paper via regular mail, the response should include the title "Response to Office Action" and the following information: (1) the name and law office number of the examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

The response should address each refusal and/or requirement raised in the Office action. If a refusal has issued, applicant can argue against the refusal; i.e., applicant can submit arguments and evidence as to why the refusal should be withdrawn and the mark should register. To respond to requirements, applicant should set forth in writing the required changes or statements and request that the Office enter them into the application record.

The response must be personally signed or the electronic signature manually entered by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants). TMEP §§605.02, 712.

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted electronically or by fax. TMEP 306.04

/Bernice Middleton/
Bernice Middleton
Trademark Examining Attorney
Law Office 106
Bernice.Middleton@uspto.gov
(571) 270.1514

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (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 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/>.

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DECO CHOCO Photo Frame



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Uploaded by lewis
DECO CHOCO is the chocolate decorated with sprinkles and cute sweets. Something like this would definitely bring joy to

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1 Servings US Metric Calculate Help

Ingredients

- 3 piece Meiji Milk Chocolate Bar
- 1 bunch Sprinkles
- 1 whole Chocolate pen
- 1 bunch Sweets

Preparation Method

1. Decorate the sweet with sprinkles and place it in the fridge to set.
2. Choose and cut the photo to fit in the chocolate. Cover it with a plastic wrap
3. Place the one of the chocolate bar on the plate and make the other two chocolate bar shorter. Place the left over chocolate in a bowl.

Very delicious and tasty cake balls gets coated with chocolate and shortening
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4. Melt the chocolate in hot water



5. Place the melted chocolate on the longer chocolate bar and then attach the shorter bar. Place the melted chocolate on top to attach them securely. Place it in the fridge to set.



6. Coat the back of the photo with chocolate and attach them to the frame. Decorate the photo frame with sweets



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I made this true to the recipe and thought it was fantastic. Next time I will try some of the suggested additions.

CSILHAVY

I did not especially like this however my 2 year old eats it all and really enjoys it. Very healthy so very pleased for her!

I made this for a dinner party with a group of ladies. It was absolutely delicious, and really having a rich flavour. I have passed the recipe on.

Flu

Asia Food Recipe

Our Recipe Directory

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Course Order

- Appetizer
- Side Dish
- Main Course
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- Drinks
- Herbal Soup
- Condiments

Cuisine

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- Hong Kong
- Indian
- Indonesian
- Japanese
- Korean
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- Noodles
- Nuts
- Pork
- Pasta
- Potatoes
- Rice / Grain
- Seafood
- Turkey
- Vegetable
- Yeast

Holiday

- Chinese New Year
- Christmas
- Deepavali
- Halloween
- Hari Raya
- Mid-Autumn Festival
- Valentine's Day
- Others

Dietary Consideration

- High Fiber
- Low Calories
- Low Carb
- Low Fat
- Low Sodium
- Low/No Sugar
- Vegan
- Vegetarian
- Wheat/Gluten Free

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Jewelry

Charms

Resin Charms

Squishies

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Erasers

Home » Sweets Deco Collection » Sweets Deco Chocolate Piece

SWEETS DECO chocolates



Sweets Deco Chocolate Piece

\$1.50 USD

Sweets Deco Collection - Adorable realistic foods for all your deco project needs. Turn any ordinary pastry into a blinged out keychain.

- Each Measures 7 x 4 cm
- 1 Deco Sweets Piece

Title

Milk Chocolate

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Alice Kim · Rowland Heights, California

just wondering do you only get one? on the website it's cute, <http://decoden-acc.com/Decoden-Supplies-Pink-Chocolate-Bar>, I'm pretty sure they are the same pieces, but you get 4 of them for \$1.00 usd, could you match that? By the way, I love how you are expanding your store! I've been seeing the progress and you have added so much! I hope your store goes well, and I hope your inventory expands as well!

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Brenda Ortiz

are dather loves squishies and we love the price.

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Sweets Deco donuts



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Sweets Deco Large

Macarons

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Japanese Chocolates & Other Sweets

I set out on a mission in Feb. of 2012 to buy...rather collect as many of the Japanese chocolates I was interested in sampling as possible. This site will list what I was able to acquire as well as give my reviews of the various products as I try each one over the next year or so.

Thursday, April 12, 2012

Trist Does Deco-Choco; "Easter Edition"

Okay so this isn't exactly a candy review, but it does relate to Japan and candy. I finally decided to try my hand at some "decoration chocolate" also called "deco-choco" it's the art of taking ordinary chocolates and candies sold everywhere to create, one hopes, a thing of beauty which you can then bestow upon someone special. It's most commonly practiced in Japan for Valentine's Day, whereby girls will give deco-choco to a boy they particularly like, to let him know. Guess it's their version of that old American adage, that the way to a man's heart is through his stomach. Course, I guess you could take the more direct route and just punch a hole through his chest to get to the heart, but yeah...that gets a bit messy! >_<

Anyhoo, take a gander at stills from my first deco-choco attempt and then click on the link below to head over to youtube to check out the video. I can't add it here, since it was blocked due to copyright issues....music and whatnot.

Up first is a Hershey's bar with white chocolate ganache dyed pink with strawberry extract added, The purple "grass" is dyed coconut.



About Me



tristkiss

One persons quest to fulfill every Japanese chocolate desire she possesses! Come join me on this choco-dream journey, and share your chocolate dreams too.

[View my complete profile](#)

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Deco-mini-cupcakes



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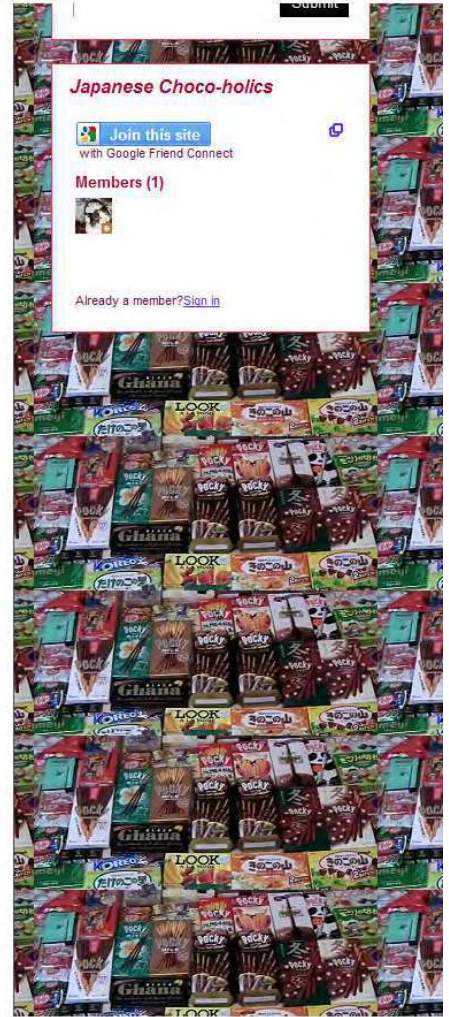
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Blog Archive

- ▼ 2012 (10)
 - ▼ April (5)
 - [Quick Peek at my new Tirol Deco-Choco Maker](#)
 - [Japan Tirol Espresso Chocolate Review](#)
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 - [Trist Does Deco-Choco, "Easter Edition"](#)
 - [Japan Kit Kat: Black Honey Review](#)
 - March (5)

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Edible choco-cups with chocolate and strawberry ganache. Cups were made by brushing melted chocolate inside mini cupcake paper cups, then chilling in the freezer for about 20min. Some of the chocolate ones I actually salted for an awesome kick!



bunnies were made from m&m's with tootsie roll ears glued with chocolate and food decorations for their



and food decorating pen for their faces. I just loved doing these! ^_^



Miniature Easter Baskets, made from mini Reese's Peanut Butter Cups with Tootsie roll handles glued on with chocolate, dyed white chocolate for green grass and cut-up jelly beans which I remolded into teenie tiny eggs. Only problem was softening up the tootsie rolls to make them into handles left them rather unable to hold their shape. So some ended up flopping over to the side. Or coming off completely. Even so, you have to admit they're pretty darn cute! ^_^





These are all chocolates I molded myself from molds bought off Amazon and ebay. Solid egg with crushed almonds dyed pink.



Blinged out bunny made from cookies & cream chocolate She's holding a purse if you can't tell.







Custom molded baskets.



So I was trying everything at first to do these. I knew I wanted to make a completely edible basket, and at first I tried molding melted chocolate over porcelain bowls the old balloon in chocolate trick ect... Nothing was working. Silly me never thought to look for basket molds. Then when I did, I couldn't find one that was just the right size and shape to work. I bought 2



which I never did use. Then I found this one off both Amazon and ebay. Success!



Even then, it wasn't easy. This mold was a bitch to work with at times! The bottom part of the basket just would not come out of the mold without much difficulty. There were times when I banged so hard to free it, I cracked the basket and had to start all over. Grrrrr.....

In the end though, it finally all came together!
Everybody I gave them to loved them!



You can't see it, but some of the handles of the baskets have a surprise



inside. I placed a piece of chocolate twizzler inside during the molding for a special little treat! heheheh!



Happy Easter!

[Click here to check out a video of my Easter Deco-choco Trist Does Deco-choco; Easter Ed.](#)

Posted by tristLisa at 5:26 PM



Posted by [tristkiss](#) at 5:26 PM



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Friday, January 20, 2012

DECO CHOCO Photo Frame for Valentine's Day! XOXO - Video Recipe

DECO CHOCO is the chocolate (usually the chocolate bar) decorated with sprinkles and cute sweets. Something like this one.

There was a DECO CHOCO contest (by Meiji, one of Japan's leading confectioneries) few years ago. I came up with an idea making a 3D photo frame and I won a silver prize! At that time, I could only use Meiji's product but this time I used sweets from many other manufacturers.

I will list all the product details below but you can use any kind of chocolate bars and sweets to attach.



<http://www.youtube.com/watch?v=F4py25KS75w>



Fans:
16096

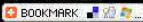
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About this blog

My diary, writing about my creative cooking and award-winning recipes created for food companies and recipe contests in Japan. Most of my recipes are in Japanese, so I will translate them by request! Also, I write about hot and interesting food products and restaurant food in Japan. Plus, I write about my travels. Don't miss it :)

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You can cover with a plastic wrap and save it. It lasts for more than a year in a cool place BUT it is not safe to eat after 3 days. LoL

It will be a great Valentine's Day gift for your loved one :)

How to Make Japanese Chocolate Candy Photo Fram...



DECO CHOCO Photo Frame for Valentine's Day

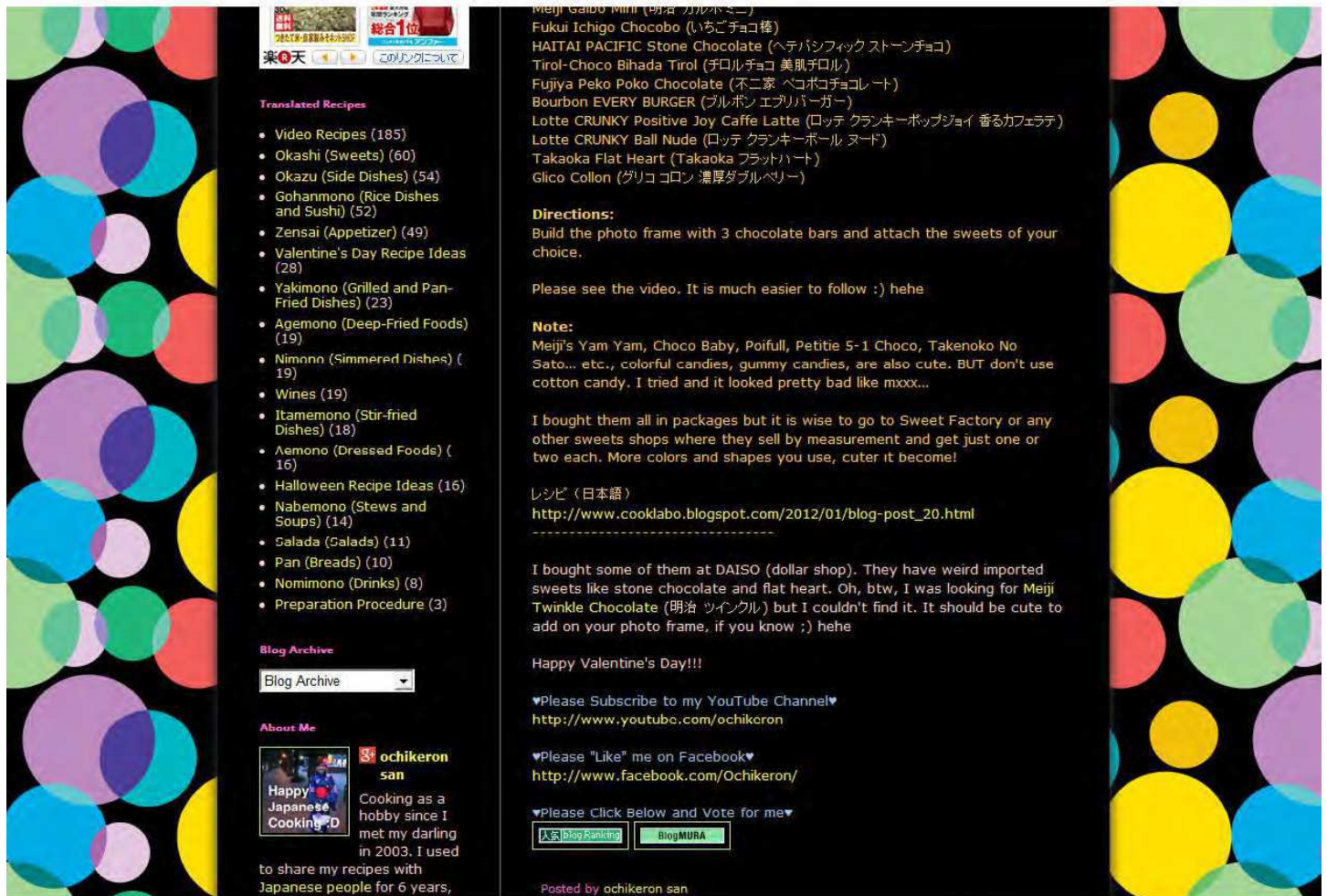
Difficulty: easy
Time: 1 hour
Number of servings: 1 photo frame

Ingredients:

((Photo Frame))
3 Meiji Milk Chocolate Bar (明治 ミルクチョコレート) *of course you can use any other brands!

((Decoration))

- any sprinkles of your choice
- chocolate pen (明治 チョコペン/スイートペン)
- Meiji Apollo Strawberry Chocolate (明治 アポロ)
- Meiji Vanilla Cookies (明治 バニラサブレ)
- Meiji Marble Chocolate (明治 マーブルチョコレート)
- Meiji Fran Meltykiss Green Tea Chocolate Cookie Stick Pocky (明治 フランメルティーキッス仕立て とろける抹茶)
- Meiji Kinoko No Yama Strawberry and Cream (明治 大粒きのこの山 たっぷり苺の練乳仕立て)
- Meiji Galbo Mini (明治 ガルボミニ)





Translated Recipes

- Video Recipes (185)
- Okashi (Sweets) (60)
- Okazu (Side Dishes) (54)
- Gohanmono (Rice Dishes and Sushi) (52)
- Zensai (Appetizer) (49)
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- Nimono (Simmered Dishes) (19)
- Wines (19)
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- Nabemono (Stews and Soups) (14)
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- Pan (Breads) (10)
- Nomimono (Drinks) (8)
- Preparation Procedure (3)

Blog Archive

Blog Archive

About Me

 **ochikeron san**
Cooking as a hobby since I met my darling in 2003. I used to share my recipes with Japanese people for 6 years,

Meiji Gaibo Mirin (明治 ガルボミリン)
Fukui Ichigo Chocobo (いちごチョコ棒)
HAITAI PACIFIC Stone Chocolate (ヘテパシフィックストーンチョコ)
Tirol-Choco Bihada Tirol (チロルチョコ 美肌チロル)
Fujiya Peko Peko Chocolate (不二家 ベコベコチョコレート)
Bourbon EVERY BURGER (ブルボン エブリバーガー)
Lotte CRUNKY Positive Joy Caffé Latte (ロッテ クランキーポップジョイ 香るカフェラテ)
Lotte CRUNKY Ball Nude (ロッテ クランキーボールヌード)
Takaoka Flat Heart (Takaoka フラットハート)
Glico Collon (グリコ コロン 濃厚ダブルベリー)

Directions:
Build the photo frame with 3 chocolate bars and attach the sweets of your choice.

Please see the video. It is much easier to follow :) hehe

Note:
Meiji's Yam Yam, Choco Baby, Poifull, Petite 5-1 Choco, Takenoko No Sato... etc., colorful candies, gummy candies, are also cute. BUT don't use cotton candy. I tried and it looked pretty bad like mxxx...

I bought them all in packages but it is wise to go to Sweet Factory or any other sweets shops where they sell by measurement and get just one or two each. More colors and shapes you use, cuter it become!

レシピ (日本語)
http://www.cooklabo.blogspot.com/2012/01/blog-post_20.html

I bought some of them at DAISO (dollar shop). They have weird imported sweets like stone chocolate and flat heart. Oh, btw, I was looking for Meiji Twinkle Chocolate (明治 ツインクル) but I couldn't find it. It should be cute to add on your photo frame, if you know :) hehe

Happy Valentine's Day!!!

▼Please Subscribe to my YouTube Channel▼
<http://www.youtube.com/ochikeron>

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▼Please Click Below and Vote for me▼

Posted by ochikeron san

Japanese people lol :) sorry, but since after the quake (in April 2011) I started my cooking channel and decided to share my recipes with people in the world! I want to share many delicious home cooked meals in Japan!!! Anybody interested in Japanese food, become friends ;)

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Posted by [ochikeron](#) on


Recommend this on Google
Labels: [Okashi \(Sweets\)](#), [Valentine's Day Recipe Ideas](#), [Video Recipes](#)
Reactions: yummy (0) interesting (0) cool (0) kawaii (0)

3 comments:


 **grub said...**
ah i miss all the sweets from Japan! imported Japanese snacks is quite expensive haha

the photo frame idea is very creative! i used to go to the meiji site and look at the different designs. it seems like a fidgety thing to do, but you make it seem easy!

hope you have a good valentine's this year too :D
January 21, 2012 at 12:19 AM

 **ochikeron said...**
hi grub!

you know what!? i am not that patient compared to other japanese people, so i think anyone can make this. haha you will know how easy it is if you make it. the only thing you want to care is the balance. that makes a big change! hehe
January 21, 2012 at 10:23 PM

 **suki pooki said...**
This is sooo cute! I would want to eat it right away but at the same time not because it's so cute! Those meiji chocolates are sold at my local supermarket too! =D

Hahahah I live in British Columbia in Canada in Vancouver City and to be honest there is not much sight seeing to do around here =(So not really lol it's not much of a tourist destination. Most people that come here will do sports like skiing and snow boarding in the winter because we have Whistler and in the summer people come to hike, kayak etc. =) And Im not a sporty person at all hahaha but I wish I lived in Tokyo for a few years, I miss it already so so much!!!! I hope you are doing well Ochi and happy chinese new year to you and your hubs!
January 24, 2012 at 1:25 PM


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ochikeron

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---	---	---

楽天


Popular Posts - Last 7 days



For Girls Only! How to Take Cute Pics of Yourself with Cell Phone
Don't say I'm crazy, but I take a pic of myself and send it to my bf once in a while. We call this kind of photo " sha-me "...



How to Make MILO Banana Muffins - Video Recipe
I met a girl from Malaysia and heard that MILO is so popular in Malaysia that most people drink it every morning!!! She gave me MILO and a...



Aniha's Kitchen for your taste buds

- Vegging out in T-Town
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How to Make Kawaii Deco Roll Cake (Cute Decorated Swiss Roll) - Video Recipe
Roll Cake is a type of sponge cake roll. In Japan, we call it "Roll Cake" but in some other countries people call it Swiss roll or...

What is Cake Flour?
I receive many questions regarding the Cake Flour I use, so here is the answer! Cake Flour, we call 薄力粉 (Hakurikiko), is soft (weak) wheat...

Microwave Cookies
Do you know that you can bake cookies in microwave? Just mix and microwave! Easy enough for kids to bake ;) Use your favorite sprinkles!...

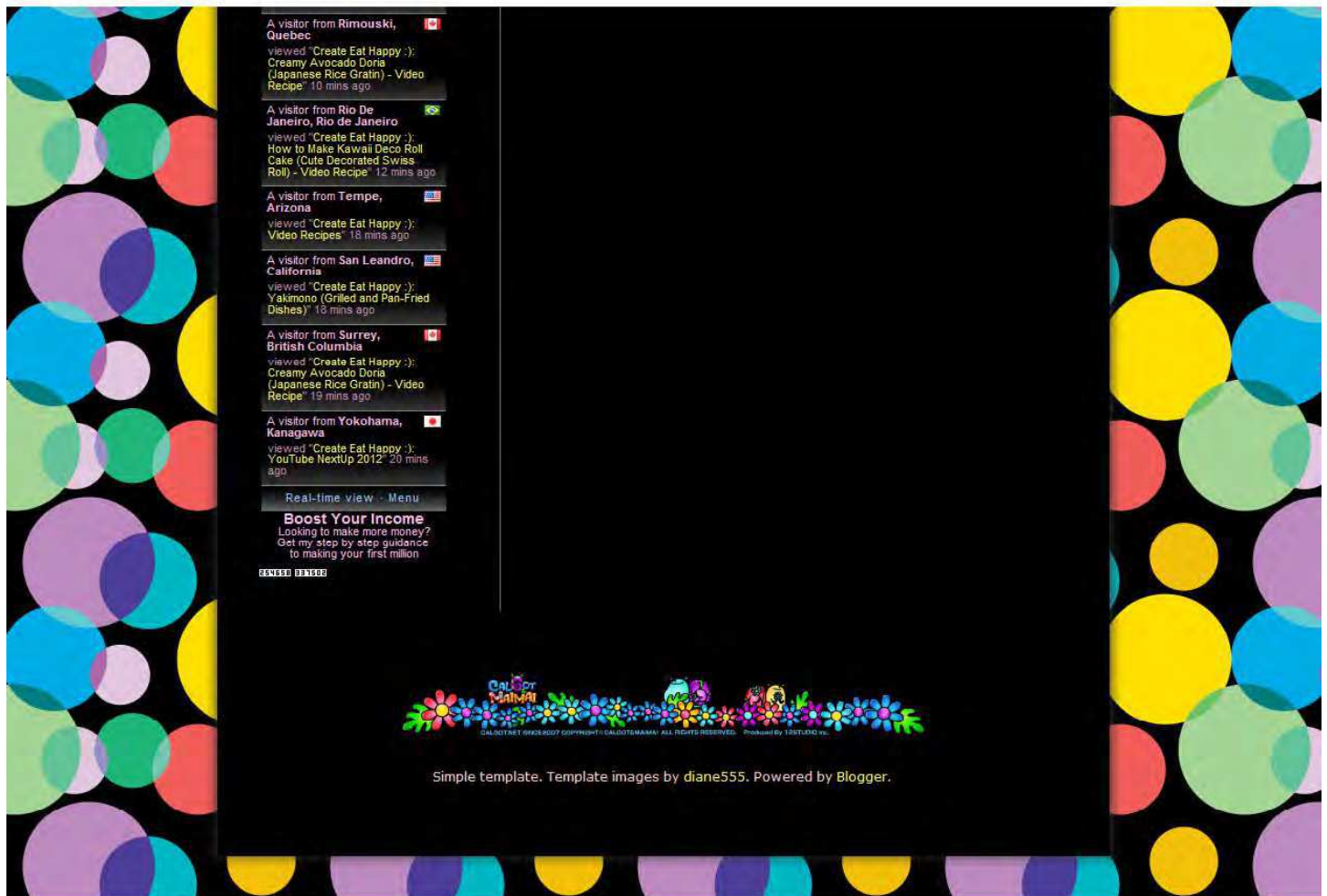
How to Make Kasutera (Castella Sponge Cake Recipe) - Video Recipe
Kasutera (Castella) is a very popular Japanese sponge cake made from a few ingredients. It is a very typical Oyatsu (snack) in Japan :) ...

How to Make Dango (Japanese Sweet Dumplings) - Video Recipe
Dango is Japanese sweet dumplings. Three or four Dango are often served on a skewer, which we call Kushi Dango (串だんご).
<http://www.youtub...>

Summer 2012 in New York
Time flies when we're having fun!!! Again, we've been to NY for 6 days this year. We didn't do anything special but walked around...

Our Wedding - 2010.10.10
Our wedding became the largest event in my life. Being celebrated by our family, relatives, coworkers, and friends, we became happier than...

Creamy Avocado Doria (Japanese Rice Gratin) - Video Recipe
Yesterday, I had a long meeting at work. It was raining all day long. And is still raining... Because of the weather or whatever, I was so t...





SUNDAY, OCTOBER 10, 2010

Deco Choco~

Hey guys. Long time no blog. Working life has officially made me into a routine-follower --> 8 to 5, with a merciful hour for a quick jog, and then home for shower and sometimes dinner, then quick glance online, and then bed by 10pm. Weekends are like an overseas holiday --> I look forward to them as much as I would have of a trip to Singapore during my uni days...

Much as I hate admitting, I just can't find contentment while working in the hospital. Especially now that I'm doing clinical. I just keep getting these thoughts that I'm an 'extra' in the ward --> totally pointless for a pharmacist to be there, except for checking out the list A/B/C drugs before the yellow scripts are sent for order, and device and discharge counseling. Other than that, I feel like I'm always in the way of either the doctors or nurses. T-T The only way to make your presence useful is to have knowledge at your fingertips so that you may provide correct answers to every question directed to you; whether it's stock availability, drug doses and frequencies, or antibiotics coverage. Gawd... Absolutely STRESSFUL!

I just lack that inquisitive nature, pin-point sharpness and enthusiasm, all core requirements for surviving in the medical field. T-T

Anyways, I'm supposed to be looking up info on some boring stuff like how to convert gliclazide MR dose to plain gliclazide. But weekends are just too precious to be wasted on such nuisance. Moreover, I'm sick of facing stupid medical stuff for straight 5 days. So let's look at some eye candy.

Have you heard of Deco Choco? Apparently, this is the term used by the Japs for chocolate/candy

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Have you heard of Deco Choco? Apparently, this is the term used by the gyps for chocolate/candy decorating, whether real or fake (correct me if I'm wrong). So I was browsing some blogs and then I saw this...



{from Tobidasu ♡ 飛び出す}

THAT is actually edible. The. Whole. Thing. Can. Be. EATEN.

So can this :



href="http://kawaiineh-

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KAWAII-CRAZED PERSON



SING YEE

A Japanophile, who's insane over kawaii, kitsch and rainbows, cannot resist chocolates and cheesecakes...
GIMME!!! Exercise freak, loves swimming and a good novel. Very very quiet - introvert lol. Can be very awkward. Materialistic. LOVES crafting and crafting and crafting. And crafting.

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{ from vanilla house }

These amazing candy slabs can be gifted as edible greeting cards! The recipient would die of joy because it would be a sweet bonus for the stomach too! :D Meiji, a Japanese confectionery giant even described this fun fad on its website with tantalizing examples :



{ taken from Meiji }



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sejaleo](https://www.etsy.com/listing/111111111)

{ taken from Meiji }

Maybe I'll try making this one of these days...

CREATED BY SING YEE AT 7:33 PM 
LABELS: DECO SWEETS

27 COMMENTS:



chin2dreams said...

hey, finally u update ur blog .. today i went to osaka .. i found something like this .. but the cakes are real !! amazing -- anyway, i did not try that lar .. haha ..cox really a lot of people .. -- anyway, miss u a lot . !! haha .. XD

OCTOBER 10, 2010 AT 10:08 PM



Sing Yee said...

Wah... J think during valentine's these would be everywhere. :P Heard that during that time, there'll be lots of chocolate/candy making kits for sale in supermarkets and stores. :P How's your trip to Osaka? Sura had lots of fun. :)

OCTOBER 11, 2010 AT 6:45 AM



☆Rika☆ said...

I usually hate getting cards (because, let's face it, they're just fancy packaging for money, and without money, they're meaningless), but if they were like this, I'd never complain again!

OCTOBER 25, 2010 AT 5:56 PM



Laura said...

I love love LOVE deco stuff ^^ I decorated my earring pot but it's no way near as cute as this stuff- adorable <3 <http://amajunk.blogspot.com/> <-- my blog I would appreciate if you could visit ♥ x Laura

OCTOBER 31, 2010 AT 6:44 AM



Ally said...

Hope things will be better for you soon ^^

I love these decoden mirrors!



MY ARCHEIVED CRAFTS



▼
NOVEMBER 11, 2010 AT 5:15 PM



Chika said...
Wow. You've got some really cute posts :D..

Mmm. those chocolate treats sure made my mouth water :P
NOVEMBER 13, 2010 AT 6:35 PM



Fred said...
These are so cute omg!
DECEMBER 29, 2010 AT 4:04 AM



Chissa said...
is this real choco bar
they look more like art
JANUARY 2, 2011 AT 5:30 PM



Tii said...
SO CUTE!~
I wish I could create something like that!
JANUARY 5, 2011 AT 9:55 AM



Team Super Kawaii Pop said...
I love the decorated chocolate bar on the top!

It looks like more like jewelry than food.

Has anyone else seen the Pocky you make at home (with sliced bread) and decorate? Those look cute, but I imagine they're not too tasty...Making a chocolate treat like these would be great though!
JANUARY 30, 2011 AT 4:31 PM



MsPIGgii said...
oishi oishi *drools*

that looks fantastic. I want some NOW!!-P



MALAYSIAN CRAFTERS + DESIGNERS

- Aneesah's Hideaway
- Ciyu Colors City
- Dream Land Station
- Evangelione
- Hugo Garden
- Joan Bead House
- meiwei Huang
- pfang Sharing Happiness
- Simmonette.T Collection
- stuck between punk and retro

INTERNATIONAL CRAFT & LIFESTYLE BLOGS

- bad boys be ambitious
- be not afraid - indie culture zine
- blog times with angelia
- cupcake's cute
- ele - cute jewelry and accessories
- enamor
- flower childe garden
- goddessjoy
- ilikeittootoo - retro vintage
- iSew - beautiful fabric creations
- mashulu - fabric & colourful crochet
- mikiye creations
- oonique
- paper girl productions
- pixie blossoms
- princess monkey
- simmonette - gorgeous jewelry
- simple arts planet

that looks fantastic. I want some NOW!!=P
JANUARY 30, 2011 AT 9:18 PM

Cherri Drop said...
So kawaii! i have also seen deco Pocky YUM!
FEBRUARY 14, 2011 AT 10:42 PM

unicorn said...
This comment has been removed by the author.
FEBRUARY 27, 2011 AT 10:10 PM

Jill en Leilanie said...
OMGi love it!
www.sweeties-fashion.blogspot.com

x
FEBRUARY 28, 2011 AT 4:37 PM

emily&rosa said...
the chocolate is amazing..even if it was edible I wouldn't eat it, I mean look at it its so pretty!!
MARCH 10, 2011 AT 4:58 AM

Yesha said...
sooooooooo yuuuuuuummmmmmyyyyy

I am so in love with deco
kawaii indeed :)
MARCH 17, 2011 AT 5:46 PM

Seireina said...
That's the nicest chocolate I've ever seen!! Want some!
MAY 2, 2011 AT 1:07 AM

Airi-♥ said...
oh that must be very stressful :(
those chocolates is so cute ^^ and others things too ♥ I'm hungry...D

[the creative corner](#)

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I READ + DESIGN + LIFESTYLE + CUTE + YUMMIE

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- [Cuteable](#)
- [decor8](#)
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- [Naughty Secretary Club](#)
- [Oh Joy!](#)
- [Smitten Kitchen](#)
- [Tongue In Chic](#)
- [Yochana's Cake Delight](#)



MAY 27, 2011 AT 11:49 PM

E Ellyssa said...

Hi, omg I love your blog. Omg I love all the chocolate bars so cute!! I love kawaii too, I have a kawaii blog too heres the link.

<http://kawaiiloversunite.blogspot.com/>

JUNE 1, 2011 AT 12:01 PM

Ayshaboo said...

yum yummm

JULY 12, 2011 AT 5:01 PM

Final Chocorate said...

Hello ^ ^

We've chosen you for a blogaward, we must give to other blogs :3

You can visit our blog for taking it to yours, but actually you don't need to :3

Love, Ray & Akumu

JULY 21, 2011 AT 1:34 AM

Berrie said...

SO cute!! and it's edible????? checkout my blog if you have time:

<http://kawaiistrawberrie.blogspot.com>

JULY 26, 2011 AT 10:57 AM

ChocoBunni said...

Hi ive decided to start following your blog ^^~

;_; All of these sweets look so good! I want to eat EVERYTHING!!! lol

OCTOBER 9, 2011 AT 3:53 PM

E kazzi said...

gu vad sötajag vill bara HAAAAA!!!!!!!!!! st jag har ingen iphone.

DECEMBER 4, 2011 AT 6:02 PM

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BLOGTOPSITES

DECEMBER 4, 2011 AT 6:31 PM

Simonka said...

omg this is lovely!! :D if i eat it i would feel like im destroying the art:D

DECEMBER 5, 2011 AT 5:33 PM

Tina (๐*๐*) said...

hi there ♥

JANUARY 8, 2012 AT 12:44 AM

Cupcake Eater said...

So... yummy... OM NOM NOM!

APRIL 3, 2012 AT 6:09 AM

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- ▶ 2007 (114)

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Sent: 4/5/2013 5:48:53 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

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B. U.S. Ser. 88/189,032 : DECOCOA is Descriptive

As part of arguments presented by Petitioner as to descriptiveness of DECOPRO, it is argued that DECO as part of a one-word mark is routinely found to be descriptive in the field and in relation with baking, cakes and icing. Offered is part of the file wrapper of U.S. Serial No. 88/189,032 for the mark DECOCOA in which the mark was rejected as descriptive and was sent to the supplemental registry.

This evidence is at least available under 37 CFR § 2.122(e)(2) as a printed publication of an electronic record found on the USPTO's own website.

Trademark/Service Mark Form, Supplemental Register

Serial Number: 88189032

Filing Date: 11/10/2018

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88189032
MARK INFORMATION	
*MARK	DECOCOA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DECOCOA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Supplemental
APPLICANT INFORMATION	
*OWNER OF MARK	VIGNERI CHOCOLATE, INC.
INTERNAL ADDRESS	C/O LegalForce RAPC Worldwide
*STREET	446 E Southern Ave
*CITY	Tempe
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	85282
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
*IDENTIFICATION	Staple foods, namely, chocolate and confectionary.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/01/2015
FIRST USE IN COMMERCE DATE	At least as early as 09/01/2015
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\881\890\88189032\xml1\RFA0003.JPG
SPECIMEN DESCRIPTION	photograph of the applicant's product showing the mark as used in commerce

ATTORNEY INFORMATION	
NAME	Michael Markos
ATTORNEY DOCKET NUMBER	1121213
FIRM NAME	LegalForce RAPC Worldwide, P.C.
STREET	446 E Southern Ave
CITY	Tempe
STATE	Arizona
COUNTRY	United States
ZIP/POSTAL CODE	85282
PHONE	650-965-8731
FAX	650 989-2131
EMAIL ADDRESS	trademarks@legalforce.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Raj Abhyanker, Ryan Bethell, Heather A. Sapp, Ruth Khalsa, Renuka Rajan, Elizabeth Pasquine, Alexis Campbell, Kuscha Hatami, Chelsea Wold
CORRESPONDENCE INFORMATION	
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ZIP/POSTAL CODE	85282
PHONE	650-965-8731
FAX	650 989-2131
*EMAIL ADDRESS	trademarks@legalforce.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/Michael Markos/
SIGNATORY'S NAME	Michael Markos
SIGNATORY'S POSITION	Attorney of record, AZ Bar Member

SIGNATORY'S PHONE NUMBER	650-965-8731
DATE SIGNED	11/09/2018

Trademark/Service Mark Form, Supplemental Register

Serial Number: 88189032

Filing Date: 11/10/2018

To the Commissioner for Trademarks:

MARK: DECOCOA (Standard Characters, see [mark](#))

The literal element of the mark consists of DECOCOA.

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

The applicant, VIGNERI CHOCOLATE, INC., a corporation of New York, having an address of
C/O LegalForce RAPC Worldwide
446 E Southern Ave
Tempe, Arizona 85282
United States

requests that the trademark/service mark identified above be registered with the USPTO on the Supplemental Register for the following:

International Class 030: Staple foods, namely, chocolate and confectionary.

In International Class 030, the mark was first used at least as early as 09/01/2015, and first used in commerce at least as early as 09/01/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) photograph of the applicant's product showing the mark as used in commerce .

[Specimen File1](#)

The applicant's current Attorney Information:

Michael Markos and Raj Abhyanker, Ryan Bethell, Heather A. Sapp, Ruth Khalsa, Renuka Rajan, Elizabeth Pasquine, Alexis Campbell, Kuscha Hatami, Chelsea Wold of LegalForce RAPC Worldwide, P.C. 446 E Southern Ave
Tempe, Arizona 85282
United States
650-965-8731(phone)
650 989-2131(fax)
trademarks@legalforce.com (authorized)

The attorney docket/reference number is 1121213.

The applicant's current Correspondence Information:

Michael Markos
LegalForce RAPC Worldwide, P.C.
446 E Southern Ave
Tempe, Arizona 85282
650-965-8731(phone)
650 989-2131(fax)
trademarks@legalforce.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

LFI 000895

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1126(d) and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like 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 submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Michael Markos/ Date: 11/09/2018
Signatory's Name: Michael Markos
Signatory's Position: Attorney of record, AZ Bar Member
Payment Sale Number: 88189032
Payment Accounting Date: 11/13/2018

Serial Number: 88189032
Internet Transmission Date: Sat Nov 10 06:01:14 EST 2018
TEAS Stamp: USPTO/SUP-XXX.XXX.XX.XXX-201811100601142
16854-88189032-61054114f2590f37c37865d46
9354fc48c7f7026fe5f3af1e12febdc62db4541
0-CC-6891-20181108161502071947

C. U.S. Ser. 87/526,330: DECORPRO is Descriptive

As part of arguments presented by Petitioner as to descriptiveness of DECOPRO, it is argued that DECO or DÉCOR with PRO as part of a one-word mark is routinely found to be descriptive in the many fields. Offered is part of the file wrapper of U.S. Serial No. 87/526,330 for the mark DECORPRO in which the mark was rejected as descriptive.

This evidence is at least available under 37 CFR § 2.122(e)(2) as a printed publication of an electronic record found on the USPTO's own website.

To: Sofle-Ni Online LLC (13739180696@163.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87526330 - DECORPRO - N/A
Sent: 10/17/2017 9:03:04 AM
Sent As: ECOM120@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION
SERIAL NO.** 87526330

MARK: DECORPRO

87526330

**CORRESPONDENT
ADDRESS:**
SOFLE-NI ONLINE
LLC
201 CASSIDY DR.
UNIT 8B
DOVER, DE 19901

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Sofle-Ni
Online LLC

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

N/A

**CORRESPONDENT
E-MAIL ADDRESS:**

13739180696@163.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. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 10/17/2017

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.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SUMMARY OF ISSUES:

LF000640

- Section 2(e)(1) Refusal – Merely Descriptive
- Advisory: Amendment to Supplemental Register Suggested
- Identification of Goods
- Entity and Citizenship Required

SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes characteristics of applicant’s goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant’s goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm’r of Patents*, 252 U.S. 538, 543 (1920)).

Determining the descriptiveness of a mark is done in relation to an applicant’s goods, the context in which the mark is being used, and the possible significance the mark would have to the average purchaser because of the manner of its use or intended use. *See In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (citing *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963-64, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); TMEP §1209.01(b). Descriptiveness of a mark is not considered in the abstract. *In re Bayer Aktiengesellschaft*, 488 F.3d at 963-64, 82 USPQ2d at 1831.

The applied-for mark, **DECORPRO**, is descriptive of applicant’s goods (“Ornaments made of seashells, not being Christmas tree ornaments; Ornaments made of textiles; Ornaments of acrylic resins; Ornaments of home?party?wedding; Furniture, mirrors, picture frames; Garden ornaments in the nature of wooden whirligigs; Holiday ornaments of plastic; Household decor and garden ornaments made primarily of textiles and also including beads; Leather picture frames; Magnetized photo frames; Paper photo frames; Paper picture frames; Party ornaments of plastic; Picture frames; Picture frames of precious metal; Picture frames with plush decorative outer surface; Three dimensional plastic ornaments”) because the mark describes characteristics of applicant’s goods.

The American Heritage Dictionary defines “decor” as “decoration” and it defines “pro” as “professional.” In the context of applicant’s goods this wording means ornaments and home furnishings used as decorations of a professional quality.

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB (2002)); TMEP §1209.03(d); *see, e.g., In re Petroglyph Games, Inc.*, 91 USPQ2d 1332, 1341 (TTAB 2009) (holding BATTLECAM merely descriptive of computer game software with a feature that involve battles and provides the player with the option to utilize various views of the battlefield); *In re Cox Enters.*, 82 USPQ2d 1040, 1043 (TTAB 2007) (holding THEATL merely descriptive of publications featuring news and information about Atlanta where THEATL was the equivalent of the nickname THE ATL for the city of Atlanta); *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002) (holding SMARTTOWER merely descriptive of highly automated cooling towers); *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1085 (TTAB 2001) (holding AGENTBEANS merely descriptive of computer software for use in developing and deploying application programs on a global computer network).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant’s goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods. Specifically, the words “decor” and “pro” retain their descriptive meanings and do not create a nondescriptive meaning when used together. Therefore, the mark merely describes characteristics of applicant’s goods.

Based on the evidence and analysis above, applicant’s applied-for mark is merely descriptive and must be refused under Section 2(e)(1) of the Lanham Act.

Applicant should note the following advisory regarding the Supplemental Register.

Advisory: AMENDMENT TO SUPPLEMENTAL REGISTER SUGGESTED

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal, applicant must also respond to the requirements set forth below.

IDENTIFICATION OF GOODS

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN.

The wording "Ornaments of home?party?wedding" in the identification of goods is indefinite and must be clarified because applicant has not indicated the material of the ornaments offered. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must indicate the material of the ornaments offered. For example: "Class 20: Home, party and wedding ornaments of {specify plaster, plastic, wax, wood}, not being Christmas tree ornaments."

Applicant may substitute the following identification, if accurate (suggested changes underlined):

"Class 20: Ornaments made of seashells, not being Christmas tree ornaments; Ornaments made of textiles; Ornaments of acrylic resins; **Home, party and wedding ornaments of {specify plaster, plastic, wax, wood}, not being Christmas tree ornaments;** Furniture, mirrors, picture frames; Garden ornaments in the nature of wooden whirligigs; Holiday ornaments of plastic; Household decor and garden ornaments made primarily of textiles and also including beads; Leather picture frames; Magnetized photo frames; Paper photo frames; Paper picture frames; Party ornaments of plastic; Picture frames; Picture frames of precious metal; Picture frames with plush decorative outer surface; Three dimensional plastic ornaments."

Applicant may amend the identification to clarify or limit the goods, but not to broaden or expand the goods beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

ENTITY AND CITIZENSHIP REQUIRED

The application does not indicate applicant's legal entity and citizenship, or state or country of organization or incorporation. Accordingly, applicant must specify its legal entity and its national citizenship or the U.S. state or foreign country of organization or incorporation. *See* 37 C.F.R. §§2.32(a)(3)(i)-(iv), 2.61(b); TMEP §§803.03, 803.04. Acceptable legal entities include an individual, a partnership, a corporation, a joint venture, or the foreign equivalent. *See* TMEP §§803.03 *et seq.*

If applicant's legal entity is an individual, applicant must so specify and provide his or her national citizenship. TMEP §803.03(a).

If applicant is a corporation, association, partnership, joint venture, or the foreign equivalent, applicant must so specify and provide the U.S. state or foreign country under whose laws applicant is organized or incorporated. TMEP §803.04. For a U.S. partnership or joint venture, applicant must also list the names, legal entities and national citizenship or the U.S. state or foreign country of organization or incorporation of all the general partners or joint venturers. TMEP §803.03(b)-(c). For an association, applicant must also specify whether the association is incorporated or unincorporated. TMEP §803.03(c).

ASSISTANCE

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "[Responding to Office Actions](#)" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and [may be filed online via the Trademark Electronic Application System \(TEAS\)](#) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(a)(1), (b)(1).

LF000642

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Anna H. Rosenblatt/
Examining Attorney
Law Office 120
(571) 272-4599
anna.rosenblatt@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/mailing date before using the Trademark Electronic Application System (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 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>.

LF000643

D. U.S. Ser. 87/540,796: DECOPRO is Descriptive decorative goods

As part of arguments presented by Petitioner as to descriptiveness of DECOPRO, it is argued that DECO with PRO as part of a one-word mark is routinely found to be descriptive in the many fields. Offered is part of the file wrapper of U.S. Serial No. 87/540,796 for the mark DECOPRO in which the mark was rejected as descriptive.

This evidence is at least available under 37 CFR § 2.122(e)(2) as a printed publication of an electronic record found on the USPTO's own website.

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

U.S. APPLICATION
SERIAL NO. 87540796

MARK: DÉCOPRO

87540796

CORRESPONDENT

ADDRESS:

DECOPRO, INC.
DECOPRO, INC.
7812 ROCKWELL
AVE. SUITE A
PHILADELPHIA,
PA 19111

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

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APPLICANT: DecoPro,
Inc.

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

N/A

**CORRESPONDENT
E-MAIL ADDRESS:**

CS@TrimDepot.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. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT EASTERN TIME OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 10/23/2017

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

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SUMMARY OF ISSUES:

LF000571

- Section 2(e)(1) Refusal – Mark is Merely Descriptive
- Section 2(f) Suggested
- Identification of Goods

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes the purpose of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

In this case, the applicant's mark is **DECORPRO**, combined, in standard, characters, for Ornamental trim for drapery, upholstery, and decorative applications in the nature of gimp braids, bullion fringe, brush fringe, beaded fringe, tassels, tiebacks; trimmings for apparel, namely, chainette fringe.

The term DÉCOR is defined by *Merriam-Webster* online dictionary as: a stage setting; the style and layout of interior furnishings

The term PRO is defined by *Collins* online dictionary as: A pro is a professional.

The combined wording describes the purpose and level of style or grade of goods, namely, professional décor trimmings. See the applicant's website which indicates the goods are decorative trimmings and accessories. It also indicates that the applicant services decorators and designers. Thus, the goods are for decorative purposes and are used by professional decorators and designers. <https://www.trimdepot.com/>

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB (2002)); TMEP §1209.03(d); *see, e.g., In re Petroglyph Games, Inc.*, 91 USPQ2d 1332, 1341 (TTAB 2009) (holding BATTLECAM merely descriptive of computer game software with a feature that involve battles and provides the player with the option to utilize various views of the battlefield); *In re Cox Enters.*, 82 USPQ2d 1040, 1043 (TTAB 2007) (holding THEATL merely descriptive of publications featuring news and information about Atlanta where THEATL was the equivalent of the nickname THE ATL for the city of Atlanta); *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002) (holding SMARTTOWER merely descriptive of highly automated cooling towers); *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1085 (TTAB 2001) (holding AGENTBEANS merely descriptive of computer software for use in developing and deploying application programs on a global computer network).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, mark is not incongruous meaning as it describes the purpose of the goods and the level of quality.

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system).

Therefore based on the above, the mark is refused registration under Section 2(e)(1). Although applicant's mark has been refused registration,

LF000572

applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

SECTION 2(F) SUGGESTED

Applicant may amend the application to assert a claim of acquired distinctiveness under Trademark Act Section 2(f) if applicant has used the mark for a significant period of time in commerce that may lawfully be regulated by the U.S. Congress. *See* 15 U.S.C. §§1052(f), 1127; *In re Etablissements Darty et Fils*, 759 F.2d 15, 17, 225 USPQ 652, 653 (Fed. Cir. 1985); TMEP §1212.08. Use solely in a foreign country or between two foreign countries is not evidence of acquired distinctiveness in the United States. TMEP §§1010, 1212.08; *see In re Rogers*, 53 USPQ2d 1741, 1746-47 (TTAB 1999). Additionally, this use in commerce must be substantially exclusive and continuous for at least the five years prior to the date the amendment to Section 2(f) is requested. 15 U.S.C. §1052(f); TMEP §1212.05.

To amend the application to assert Section 2(f) based on five years' use, applicant should request that the application be amended to assert a claim of acquired distinctiveness under Section 2(f), provide information regarding the length of use of the mark in commerce and/or dates of use, and include the following written statement claiming acquired distinctiveness, if accurate:

The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

TMEP §1212.05(d); *see* 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a)(2); TMEP §1212.08. Applicant must verify this statement with an affidavit or signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.41(a)(2); TMEP §1212.05(d); *see* 37 C.F.R. §2.193(e)(1).

IDENTIFICATION OF GOODS/SERVICES

The identification of goods/services is indefinite and must be clarified because textile curtain tiebacks used as curtain holders are classified in Class 24 and non-textile tie-backs are in Class 20. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant must specify the field of use in which the goods are used or intended to be used, or the specific purpose of the goods. *See* TMEP §1402.01.

Applicant may adopt the following wording, if accurate:

Class 24 - **Ornamental trim for drapery, upholstery, and decorative applications in the nature of textile tiebacks used as curtain holders**

Class 26 - Ornamental trim for drapery, upholstery, and decorative applications in the nature of gimp braids, bullion fringe, brush fringe, beaded fringe, tassels, ~~tiebacks~~; trimmings for apparel, namely, chainette fringe

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

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The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. [See more information about verified dates of use](#).
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for classes 24 and 26. [See more information about specimens](#).

Examples of specimens for goods include tags, labels, instruction manuals, containers, and photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. Webpages may also be specimens for goods when they include a picture or textual description of the goods associated with the mark and the means to order the goods.

Examples of specimens for services include advertising and marketing materials, brochures, photographs of business signage and billboards, and website printouts that show the mark used in the actual sale, rendering, or advertising of the services.

- (5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification](#).

See 15 U.S.C. §§1051(a), 1112; 37 C.F.R. §§2.32(a)(6)-(7), 2.34(a)(1), 2.86(a); TMEP §§904, 1403.01, 1403.02(c).

See [an overview](#) of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form.

TRADEMARK FEES: Effective January 14, 2017, the USPTO increased fees for all trademark applications and related documents filed on paper. See [81 Fed. Reg. 72694](#) (Oct. 21, 2016) (codified at 37 C.F.R. parts 2 and 7). Additionally, the USPTO increased the filing fee for each class of goods or services in a regular Trademark Electronic Application System (TEAS) application and the per class processing fee for a TEAS Plus or TEAS RF application that does not meet the relevant filing requirements. *Id.* Trademark applications and related documents filed on or after January 14, 2017 must comply with the new fees. See [more information](#) for an overview of the changes. See the [fee chart](#) that lists all trademark fee changes.

RESPONSE GUIDELINES

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and e-mail technical questions to TEAS@uspto.gov.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL

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REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Andrea D. Saunders/
Trademark Attorney
Law Office 117
571-270-3856
Andrea.Saunders@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/ mailing date before using the Trademark Electronic Application System (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 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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- Section 2(e)(1) Refusal – Mark is Merely Descriptive
- Section 2(f) Suggested
- Identification of Goods

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes the purpose of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

In this case, the applicant's mark is **DECORPRO**, combined, in standard, characters, for Ornamental trim for drapery, upholstery, and decorative applications in the nature of gimp braids, bullion fringe, brush fringe, beaded fringe, tassels, tiebacks; trimmings for apparel, namely, chainette fringe.

The term DÉCOR is defined by *Merriam-Webster* online dictionary as: a stage setting; the style and layout of interior furnishings

The term PRO is defined by *Collins* online dictionary as: A pro is a professional.

The combined wording describes the purpose and level of style or grade of goods, namely, professional décor trimmings. See the applicant's website which indicates the goods are decorative trimmings and accessories. It also indicates that the applicant services decorators and designers. Thus, the goods are for decorative purposes and are used by professional decorators and designers. <https://www.trimdepot.com/>

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods and/or services, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB (2002)); TMEP §1209.03(d); *see, e.g., In re Petroglyph Games, Inc.*, 91 USPQ2d 1332, 1341 (TTAB 2009) (holding BATTLECAM merely descriptive of computer game software with a feature that involve battles and provides the player with the option to utilize various views of the battlefield); *In re Cox Enters.*, 82 USPQ2d 1040, 1043 (TTAB 2007) (holding THEATL merely descriptive of publications featuring news and information about Atlanta where THEATL was the equivalent of the nickname THE ATL for the city of Atlanta); *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002) (holding SMARTTOWER merely descriptive of highly automated cooling towers); *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1085 (TTAB 2001) (holding AGENTBEANS merely descriptive of computer software for use in developing and deploying application programs on a global computer network).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, mark is not incongruous meaning as it describes the purpose of the goods and the level of quality.

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system).

Therefore based on the above, the mark is refused registration under Section 2(e)(1). Although applicant's mark has been refused registration,

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applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

SECTION 2(F) SUGGESTED

Applicant may amend the application to assert a claim of acquired distinctiveness under Trademark Act Section 2(f) if applicant has used the mark for a significant period of time in commerce that may lawfully be regulated by the U.S. Congress. *See* 15 U.S.C. §§1052(f), 1127; *In re Etablissements Darty et Fils*, 759 F.2d 15, 17, 225 USPQ 652, 653 (Fed. Cir. 1985); TMEP §1212.08. Use solely in a foreign country or between two foreign countries is not evidence of acquired distinctiveness in the United States. TMEP §§1010, 1212.08; *see In re Rogers*, 53 USPQ2d 1741, 1746-47 (TTAB 1999). Additionally, this use in commerce must be substantially exclusive and continuous for at least the five years prior to the date the amendment to Section 2(f) is requested. 15 U.S.C. §1052(f); TMEP §1212.05.

To amend the application to assert Section 2(f) based on five years' use, applicant should request that the application be amended to assert a claim of acquired distinctiveness under Section 2(f), provide information regarding the length of use of the mark in commerce and/or dates of use, and include the following written statement claiming acquired distinctiveness, if accurate:

The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

TMEP §1212.05(d); *see* 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a)(2); TMEP §1212.08. Applicant must verify this statement with an affidavit or signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.41(a)(2); TMEP §1212.05(d); *see* 37 C.F.R. §2.193(e)(1).

IDENTIFICATION OF GOODS/SERVICES

The identification of goods/services is indefinite and must be clarified because textile curtain tiebacks used as curtain holders are classified in Class 24 and non-textile tie-backs are in Class 20. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant must specify the field of use in which the goods are used or intended to be used, or the specific purpose of the goods. *See* TMEP §1402.01.

Applicant may adopt the following wording, if accurate:

Class 24 - **Ornamental trim for drapery, upholstery, and decorative applications in the nature of textile tiebacks used as curtain holders**

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Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

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The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**. [See more information about verified dates of use](#).
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for classes 24 and 26. [See more information about specimens](#).

Examples of specimens for goods include tags, labels, instruction manuals, containers, and photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. Webpages may also be specimens for goods when they include a picture or textual description of the goods associated with the mark and the means to order the goods.

Examples of specimens for services include advertising and marketing materials, brochures, photographs of business signage and billboards, and website printouts that show the mark used in the actual sale, rendering, or advertising of the services.

- (5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification](#).

See 15 U.S.C. §§1051(a), 1112; 37 C.F.R. §§2.32(a)(6)-(7), 2.34(a)(1), 2.86(a); TMEP §§904, 1403.01, 1403.02(c).

See [an overview](#) of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form.

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RESPONSE GUIDELINES

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TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL

LF000574

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/Andrea D. Saunders/
Trademark Attorney
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571-270-3856
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (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.**

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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>.

LF000575

E. U.S. Ser. 78/851,187: DECONPRO is Descriptive for decontamination services

As part of arguments presented by Petitioner as to descriptiveness of DECOPRO, it is argued that DECO with PRO as part of a one-word mark is routinely found to be descriptive in the many fields. Offered is part of the file wrapper of U.S. Serial No. 78/851,187 for the mark DECONPRO in which the mark was rejected as descriptive.

This evidence is at least available under 37 CFR § 2.122(e)(2) as a printed publication of an electronic record found on the USPTO's own website.

Dated: July 28, 2021

Respectfully Submitted

For Petitioner Lawrence Foods, Inc.

/s/ Alain Villeneuve

Alain Villeneuve, Esq. Sol. Eng.

DUANE MORRIS LLP

190 South LaSalle

Suite 3700

Chicago, Illinois 60603

Ph. (312) 499-6739

Fax: (312) 277-3967

Email: avilleneuve@duanemorris.com

To: Technology Management Company, Inc. (dwagoner@TMCservices.com)
Subject: TRADEMARK APPLICATION NO. 78851187 - DECONPRO - N/A
Sent: 9/19/2006 10:30:42 AM
Sent As: ECOM117@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
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[Attachment - 11](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)

[Important Email Information]

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/851187

APPLICANT: Technology Management Company, Inc.

CORRESPONDENT ADDRESS:
TECHNOLOGY MANAGEMENT COMPANY, INC.
2500 LOUISIANA BLVD. NE
ALBUQUERQUE, NM 87110-4319

78851187

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

MARK: DECONPRO

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
dwagoner@TMCservices.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.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the

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prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/851187

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

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.

Applicant should note the following ground for refusal.

Section 2(e)(1) - Descriptive Refusal

Registration is refused because the proposed mark merely describes applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods and/or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Brightâ€™Crest, Ltd.* 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b).

A mark that combines descriptive terms may be registrable if the composite creates a unitary mark with a separate, nondescriptive meaning. However, if each component retains its descriptive significance in relation to the goods or services, the combination results in a composite that is itself descriptive. *In re Tower Tech, Inc.*, 64 USPQ2d 1314 (TTAB 2002) (SMARTTOWER merely descriptive of "commercial and industrial cooling towers and accessories therefor, sold as a unit"); *In re Sun Microsystems Inc.*, 59 USPQ2d 1084 (TTAB 2001) (AGENTBEANS merely descriptive of computer software for use in development and deployment of application programs on global computer network); *In re Putman Publishing Co.*, 39 USPQ2d 2021 (TTAB 1996); *In re Entenmann's Inc.*, 15 USPQ2d 1750 (TTAB 1990), *aff'd per curiam*, 928 F.2d 411 (Fed. Cir. 1991) (OATNUT held to be merely descriptive of bread containing oats and hazelnuts).

Applicant's mark is DECONPRO for "training in the field of hazardous materials response." The term DECON is short for decontamination and is commonly used to denote activities related to hazardous materials. Please see attached internet evidence and third-party registrations showing the term DECON used in connection with hazardous materials, including response training. DECON merely describes a function and purpose of the training: to teach hazardous materials decontamination techniques. See applicant's specimen, which states that "DeconPro services are designed for the hazardous-material, first responder and others to attain the highest-possible level of proficiency in personal decontamination..."

In addition, the mere addition of the highly descriptive term PRO fails to obviate the descriptive determination. The term PRO is commonly used as an abbreviation for "professional." A mark that describes an intended user of a product or service is merely descriptive within the meaning of Section 2(e)(1). *Hunter Publishing Co. v. Caulfield Publishing Ltd.*, 1 USPQ2d 1996 (TTAB 1986); *In re Camel Mfg. Co., Inc.*, 222 USPQ 1031 (TTAB 1984); *In re Gentex Corp.*, 151 USPQ 435 (TTAB 1966). See attached evidence from applicant's website, indicating that its training is intended for professional haz-mat workers such as firefighters, military personnel, and hospital workers. PRO also describes the quality of the trainers. See attached evidence from applicant's website, stating that its staff is comprised of HazMat response professionals.

Request for Additional Information

Trademark Rule 2.61(b) states "The examiner may require the applicant to furnish such information and exhibits as may be reasonably necessary to the proper examination of the application". The Trademark Trial and Appeal Board has upheld a refusal of registration based on the applicant's failure to provide information requested under this rule. *In re Babies Beat Inc.*, 13 USPQ2d 1729 (TTAB 1990)(failure to submit patent information regarding configuration).

In order to allow for proper examination of the application, including the final determination of descriptiveness, the applicant must submit additional information about the goods and services. TMEP section 814. The applicant must provide product information for the goods and services. This may take the form of a fact sheet, instruction manual, or advertisement. If unavailable, the applicant should submit the information for goods and services of the same type, explaining how its own product will differ. If the goods and services feature new technology and no competing goods and services are available, the applicant must provide a detailed factual description of the goods and services.

In all cases, the submitted factual information must make clear how the goods and services operate, their salient features, and their prospective

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customers and/or channels of trade. This information is not readily available to the examining attorney, and is pertinent to the descriptiveness determination. Conclusory statements from the applicant or its attorney regarding the descriptiveness standard will not be sufficient to meet this requirement for information.

Supplemental Register

Although the trademark examining attorney has refused registration on the Principal Register, applicant may respond to the stated refusal(s) under Section 2(e)(1) by amending the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 *et seq.*

Although Supplemental Register registration does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under §2(d) of the Trademark Act, 15 U.S.C. §1052(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

Alternatively, although the trademark examining attorney has refused registration on the Principal Register, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration on the Principal Register.

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.

/Robin M. Mittler/
Robin M. Mittler
Trademark Examining Attorney
Law Office 117
571-270-1534 (phone)
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HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

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

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

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

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petitioner Second Notice of Reliance and exhibits was filed at the filed Trademark Trial and Appeal Board via the ESTTA electronic filing system this July 28, 2021, and served on Opposer's attorneys of record via email, per the Parties' prior agreement, at the addresses shown below.

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This July 28, 2021.