

To: JOSH A. PARTINGTON(dcdocketing@hdp.com)
Subject: U.S. Trademark Application Serial No. 88636669 - DUNDERDON - 104TM-200481
Sent: December 15, 2021 09:27:12 AM EST
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Attachments

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 88636669

Mark: DUNDERDON

Correspondence Address:

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Applicant: Hultafors Group AB

Reference/Docket No. 104TM-200481

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CONTINUATION OF FINAL OFFICE ACTION

Issue date: December 15, 2021

Notice of Incomplete Response to a Final Office Action – Additional Time Granted to Resolve Issues

Deadline for responding to this notice. To avoid abandonment of this application, the USPTO must receive one or both of the following submissions within the stated timeframe:

(1) [File a complete response](#) to the outstanding issues listed below that the USPTO receives within (1) **thirty days of the issue date** above, **or** (2) **the time remaining in the six-month period** for responding to the previous Office action, whichever is longer; and/or

(2) [File a notice of appeal](#) that the Trademark Trial and Appeal Board receives within **six months from the issue date of the previous final Office action**. This notice of incomplete response does not extend the time for filing an appeal.

See 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a)(2); TMEP §§715.03(a)(ii)(C), 718.03(b).

Applicant granted additional time to resolve outstanding issues. On November 29, 2021, applicant filed a timely request for reconsideration that did not resolve all the issues in the May 28, 2021 final Office action. Because applicant made a bona fide attempt to advance the examination of the application in the response in compliance with 37 C.F.R. §2.65(a)(2), applicant is being granted additional time to address the following requirement in the previous Office action:

- Requirement to Amend Identification of Goods

This requirement is maintained and continued. *See* TMEP §713.02.

- Requirement to Amend Identification of Goods

Applicant previously was advised that the identification of goods is indefinite and must be clarified because the nature of the goods have not been specified in multiple instances. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Although applicant amended the application in part, particular wording as set forth below, remains indefinite. Applicant must amend the identification to specify the common commercial or generic name of the goods. *See* TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. *See id.*

As previously discussed, the wording “protective clothing”, “protective industrial clothing” and “protective footwear” in the identification of goods is indefinite and must be clarified because the nature, use and/or purpose of the goods have not been indicated. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. A “life- preserving” or “protection against accidents” use or purpose must be indicated for any Class 9 protective clothing or protective headgear ID. For example, “protective clothing, namely, bullet resistant vests” or “protective headgear for boxing” would both be acceptable in Class 9, because the referenced items may prevent potentially life-threatening injury to the body and head, respectively. “Protective headgear, namely, hats” would be considered indefinite in Class 9, because it is not clear whether the hats serve a life-preserving purpose or whether the hats are just a regular clothing item in Class 25. “Protective headgear, namely, hard hats” would be acceptable in Class 9, because hardhats prevent life-threatening injury to the head. Applicant must amend this wording to specify the common commercial or generic name of the goods. *See* TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. *See id.*

Additionally, the wording “work clothes” in the identification of goods is indefinite and too broad and must be clarified because the word does not make clear the nature of the goods and could identify goods in more than one international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. As applicant already has listed work clothes, applicant is advised to delete the additional indefinite identification for “work clothes”. The following are examples of acceptable identifications: “clothing for protection against accidents, irradiation and fire” in International Class 9; “surgical gowns” in International Class 10; “pet clothing” in International Class 18; and “shirts,” “shorts,” and “pants” in International Class 25. Therefore, applicant must amend the identification to specify the type of

clothing or delete the wording as proposed below.

Further, the wording “caps” in the identification of goods is indefinite and too broad as listed and must be clarified because the word does not make clear the nature of the goods and could identify goods in more than one international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. The following are examples of acceptable identifications in International Class 25: “headwear, namely caps” and “caps being headwear”. Therefore, applicant must amend the identification to clarify the type of caps it provides in Class 25.

Applicant may adopt the following wording, if accurate (proposed amendments in bold):

International Class 9: Protective clothing, namely, **clothing for protection against accident or injury**; protective industrial clothing, namely, **clothing for protection against accident or injury**; clothing for protection against accidents or injury; protective work clothing **for protection** against accident or injury; protective footwear, **namely, footwear for protection against accident or injury**; protective industrial footwear; protective footwear **for protection** against accident or injury; protective work footwear **for protection** against accident or injury; knee-pads for workers; electronic apparatus and instruments for the reproduction of sound; headphones; cameras; microphones; protective and safety equipment, **namely, personal protective equipment (PPE) in the nature of work gloves, safety goggles**

International Class 25: Clothing, namely, pants, trousers, undergarments, jackets, coats, vests, shirts, t-shirts, sweatshirts, hooded sweatshirts, sweaters, knitted sweaters, pullovers, shorts, ties, belts for clothing, long johns; footwear; work footwear; headwear, **namely, caps, hats**; work clothes, namely, pants, trousers, undergarments, jackets, coats, vests, shirts, t-shirts, sweatshirts, hooded sweatshirts, sweaters, knitted sweaters, pullovers, shorts, ties, belts for clothing, long johns

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services 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 and/or services may not later be reinserted. *See* TMEP §1402.07(e). Additionally, for U.S. applications filed under Trademark Act Section 44(e), the scope of the identification for purposes of permissible amendments may not exceed the scope of the goods and/or services identified in the foreign registration. 37 C.F.R. §2.32(a)(6); *Marmark, Ltd. v. Nutrexp, S.A.*, 12 USPQ2d 1843, 1845 (TTAB 1989) (citing *In re Löwenbräu München*, 175 USPQ 178, 181 (TTAB 1972)); TMEP §§1012, 1402.01(b).

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.

Applicant may view this notice and the previously issued final Office action [in the Trademark Status and Document Retrieval \(TSDR\) system](#).

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RESPONSE GUIDANCE

- **Missing the response deadline will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. The Trademark Electronic Application System (TEAS) and Electronic System for Trademark Trials and Appeals (ESTTA) maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on December 15, 2021 for
U.S. Trademark Application Serial No. 88636669

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **Read the Office action [HERE](#).** This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status of your application periodically](#)** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of misleading notices sent by private companies about your application.](#)** Private companies not associated with the USPTO may mail or email you trademark-related offers and notices - most of which require fees. The USPTO will only email **official USPTO correspondence from the domain "@uspto.gov"**.
- **[Hiring a U.S.-licensed attorney.](#)** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The

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