To:	Jill M. Pietrini(trademarksCC@sheppardmullin.com)
Subject:	U.S. Trademark Application Serial No. 97445187 - THE SPIRIT OF HOLLYWOOD - 0100-922797
Sent:	March 28, 2023 09:41:25 AM EDT
Sent As:	tmng.notices@uspto.gov

Attachments

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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. 97445187

Mark: THE SPIRIT OF HOLLYWOOD

Correspondence Address:
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LOS ANGELES CA 90067 UNITED STATES

Applicant: HUDSON MEDIA AND ENTERTAINMENT MANAGEMENT, LLC

Reference/Docket No. 0100-922797

Correspondence Email Address: trademarksCC@sheppardmullin.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the "Issue date" below to avoid abandonment of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the "How to respond" section below.

Request an extension. For a fee, applicant may request one three-month extension of the response deadline prior to filing a response. The request must be filed within three months of the "Issue date" below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the "Issue date" to avoid abandonment of the application.

Issue date: March 28, 2023

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 USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Summary of Issues:

- Disclaimer required; and
- Amended identification of services required (only as to the services specified below).

Disclaimer Required

Applicant must disclaim the wording "OF HOLLYWOOD" because it is primarily geographically descriptive of the origin of applicant's services. *See* 15 U.S.C. §§1052(e)(2), 1056(a); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 959, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); TMEP §§1210.01(a), 1210.06(a), 1213.03(a).

The attached evidence from The Columbia Gazetteer of the World shows that Hollywood is a generally known geographic place or location. *See* TMEP §§1210.02 *et seq.* The services for which applicant seeks registration originate in this geographic place or location as shown by the applicant's address. *See* TMEP §1210.03; *see also*, *Applicant Information* in *Application*. Because the services originate in this place or location, a public association of the services with the place is presumed. *See In re Hollywood Lawyers Online*, 110 USPQ2d 1852, 1858 (TTAB 2014) (citing *In re Spirits of New Merced, LLC*, 85 USPQ2d 1614, 1621 (TTAB 2007)); TMEP §§1210.02(a) 1210.04.

Applicant may respond to this issue by submitting a disclaimer in the following format:

> **No claim is made to the exclusive right to use "OF HOLLYWOOD" apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the Disclaimer webpage.

Applicant must also respond to the following requirement.

Amended Identification of Services Required

The stated requirement refers only to the services specified below and does not bar registration for the other services identified in the application.

The classification and identification of services in the application are:

> Class 041: *Rental of film equipment, video and sound equipment, audiovisual equipment, lighting equipment, grip equipment, and photography equipment*; Providing audio or video studio services

The wording that is *italicized* in the identification of services, above, must be clarified because it is too broad and could include services in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP

§§1402.01, 1402.03. For example, this wording could encompass the rental of lighting equipment for use in municipality lighting and public events, which is properly classified in International Class 043, and rental of photography drones, which is properly classified in International Class 039.

Applicant may adopt any or all of the following identification, if accurate. Applicant must also adopt the appropriate international class number(s), and, if applicant adopts services in more than one class, it must comply with the multiple class application requirements set forth below. In the following, proposed amendments are in **bold.**

Class 039: Rental **of photography** equipment **in the nature of photography drones**

Class 041: Rental of film equipment **being film production studios**, video and **professional** sound equipment, audiovisual equipment, lighting equipment **for theatrical sets, television studios, movie sets, and film studios**, grip equipment **being stage and movie equipment**, and photography equipment **being photography studios and cameras**; Providing audio or video studio services

Class 043: Rental **of lighting** equipment **in the nature of lighting apparatus and lighting systems for use in municipality lighting and public events**

For assistance with identifying and classifying 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 amend the identification to clarify or limit the services, but not to broaden or expand the 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 services may not later be reinserted. *See* TMEP §1402.07(e).

Multiple Class Application Requirements

The application references 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.

(2) **Submit a filing fee for each international class** not covered by the fee already paid (view the USPTO's current fee schedule). Specifically, the application identifies services based on use in commerce that are classified in at least 3 classes; however, applicant submitted a fee sufficient for only 1 class. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fee or (b) restrict the application to the number of classes covered by the fee 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 class 041; and applicant needs a specimen for classes 039 and 043. See more information about specimens.

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(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 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For 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, see the Multiple-class Application webpage.

In addition to amending the identification as suggested, applicant may respond to the stated requirement by doing one of the following:

(1) Deleting the services to which the requirement pertains; or

(2) Filing a Request to Divide Application form (form #3) to divide out the services that have not been refused registration so that the mark may proceed toward publication for opposition for those services to which the requirement does not pertain. *See* 37 C.F.R. §2.87. *See generally* TMEP §§1110 *et seq*. (regarding the requirements for filing a request to divide). If applicant files a request to divide, then to avoid abandonment, applicant must also file a timely response to this Office action. 37 C.F.R. §2.87(e).

Response to Office Action Required to Avoid Abandonment

Applicant may email the assigned trademark examining attorney with questions about this Office action. The examining attorney cannot provide legal advice, but the examining attorney can provide additional explanation about the requirements in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a **response form to this nonfinal Office action** or file a **request form for an extension of time to file a response**.

/Jeanine Gagliardi/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to abandon.** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) system availability could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.

- **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.

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Hollywood

State Flag

Country Flag

Hollywood

ADD TO MY GAZ

TYPE OF PLACE	suburb
LOCATION	California, United States
POPULATION	250,000

Hollywood, suburban section of Los Angeles (1985 estimated population 250,000), Los Angeles county, S California, on the E slopes of the Santa Monica Mountains. Often referred to as "Tinsel Town" for its glitter and high lifestyle (now fading). Manufacturing (broadcasting equipment, photographic equipment, electric light bulbs, motion–picture industry). Noted for its major film and television studios and their executive offices, many have relocated to nearby suburbs such as Burbank and Glendale due to deterioration of community and increasing crime. Although many films are shot on location in cities and countries throughout the world, Hollywood remains the symbolic center of the U.S. motion–picture industry. Since the first film was made there c.1911, the community has come to signify the film industry in general—its morals, manners, and characteristics. Hollywood attracts large numbers of tourists. Points of interest include Hollywood Boulevard, Hollywood Bowl, and Grauman's Chinese Theatre and its Walk of Fame. La Brea Tar Pits and Los Angeles County Art Museum to W. In surrounding hills is Griffith Park (with an observatory and planetarium) to NE, and the homes of film celebrities in Beverly Hills and Malibu, to W. The University of Judaism and a two–year college are in Hollywood. Incorporated 1903, consolidated with Los Angeles 1910.

Citations

MLA
"Hollywood." *Columbia Gazetteer of the World Online*. 2023. Columbia University Press. 28 Mar. 2023. <http://www.columbiagazetteer.org/main/ViewPlace/58788>

Chicago Manual of Style
Columbia Gazetteer of the World Online, s.v. "Hollywood," http://www.columbiagazetteer.org/main/ViewPlace/58788 (accessed March 28, 2023).

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on March 28, 2023 for
U.S. Trademark Application Serial No. 97445187

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

(1) Read the Office action. 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, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. 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 trademark-related scams**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

- **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 USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.