

# Note To The File

Serial Number: 88801776  
Date: 10/22/2020 9:51 pm  
Created by: Riepel, Christina

**POWER/FIGURE** POWER FIGURE

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## Contacted Applicant/Atty

- via E-Mail

**From:** Justin Lampel <jlampel@lampellaw.com>  
**Sent:** Thursday, October 22, 2020 9:02 PM  
**To:** Riepel, Christina <Christina.Riepel@USPTO.GOV>  
**Subject:** Re: U.S. Application Serial No. 88801776/ Docket No. ADV-T-20-03

Hi Christina-

Thank you.

We agree to the amendment.

You can issue an EA.

Hope all is well,

Justin Lampel

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On Thursday, October 22, 2020, 05:54:29 PM PDT, Riepel, Christina <[christina.riepel@uspto.gov](mailto:christina.riepel@uspto.gov)> wrote:

Dear Mr. Lampel:

I have reviewed applicant's response to the Office action. There are two small issues remaining that must be resolved before the application can proceed to publication.

First, applicant's first entry in the amended identification begins with the wording "namely" but does

not have any wording preceding the namely (previously, the wording “toys” appeared in the ID). If the wording “toys” is replaced in the ID, this identification will again be acceptable.

Second, it appears the wording “video game cartridges” is misclassified. Video game cartridges are classified in International Class 009. Upon reviewing the Office action it appears I suggested this wording, but erroneously suggested it in Class 028. The amended wording is acceptable and definite; however, the wording must be reclassified into Class 009 necessitating the payment of additional fees. If applicant wishes to add class 9, I will go ahead and issue a final Office action; however, if applicant does not wish to add another class and wishes to proceed immediately to publication, this wording can be deleted by examiner’s amendment.

The following examiner’s amendment, if accurate, would place the application in position for immediate publication:

### **AMENDED IDENTIFICATION OF GOODS**

The identification of goods is amended to read as follows:

International Class 028: **toys, namely, construction interlocking bricks that emit visible light;** Educational toys, namely, blocks that connect to a power source and emit visible light; Action figure toys that emit visible light; Battery operated action toys that emit visible light; Toy figures for use in playing video games that appear to emit light; Construction toys incorporating light emitting diodes; Electric action toys that emit visible light; Electronic novelty toys in the nature of toy action figures and robots, namely, toys that electronically record, play back, and emit visible light; Fantasy character toys that emit visible light; Flying toys in the nature of disks, balls and saucers that emit visible light; Flying disk that emits visible light; positionable three dimensional toys for use in games that emit visible light; action figures; illuminated action figures; illuminated toy robots; illuminated toy blocks; illuminated dolls; board games; ~~video game cartridges~~; puzzles; trading cards for games

If the proposed amendment is authorized, please let me know as soon as practicable, but no later than close of business on October 30. If I do not receive a response by this date, I will proceed in issuing a final office action.

If you have any questions or concerns regarding the foregoing, please do not hesitate to call me.

Kind regards,

Christina M. Riepel

Trademark Examining Attorney | Law Office 124

Phone: (571) 272-6358

*Relevant e-mail communications will be uploaded to the official examination record in accordance with 37 C.F.R. § 2.191 and TMEP §§ 709.04-05.*