

Note To The File

Serial Number: 97242891
Date: 05/24/2023 9:39 am
Created by: Daniel Flint

THE DAY BEFORE

Changed

- Issued Examiner's Amendment and Entered Changes
- Amended Identification.

Discussed file with Attorney/Applicant

- via E-Mail

From: Robert Burlingame <bob@amplitudeip.com>

Sent: Tuesday, May 23, 2023 7:34 PM

To: Flint, Daniel <Daniel.Flint2@uspto.gov>

Subject: RE: U.S. Trademark Application Serial Nos. 97242886 PROPKNIGHT and 97242891 THE DAY BEFORE

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Dear Mr. Flint,

To clarify, those descriptions would be amended to read:

- International Class 009:
 - “downloadable virtual goods in the nature of image files of avatars, jewelry, gems, clothing and clothing accessories, pets, buildings and furniture, vehicles, weapons, artwork and food for use in online virtual worlds;”
 - “downloadable virtual goods, namely, computer software programs featuring crypto tokens and virtual currency for use in online video games and online virtual worlds;”
 - “downloadable computer game software featuring virtual currency, namely, in-game crypto tokens and virtual currency for use in online web and mobile video games”.

- International Class 041:
 - “entertainment services, namely, providing online, non-downloadable virtual goods, namely, image files of avatars, jewelry, gems, clothing and clothing accessories, pets, buildings and furniture, vehicles, weapons, artwork and food for use in virtual environments created for entertainment purposes”

-- Bob

Robert B. Burlingame, *Attorney*

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From: Robert Burlingame

Sent: Tuesday, May 23, 2023 4:18 PM

To: Flint, Daniel <Daniel.Flint2@uspto.gov>

Subject: RE: U.S. Trademark Application Serial Nos. 97242886 PROPKNIGHT and 97242891 THE DAY BEFORE

Dear Mr. Flint,

Those additions of “online” and “crypto” are acceptable.

In regard to “clothing and accessories,” can we please change that to “clothing and clothing accessories”? There are several entries in the USPTO’s ID Manual (e.g., Term IDs 009-6521, 009-6523 and 035-3248) that indicate that the phrase “clothing accessories” is acceptable when specifying the nature of the image files.

If you would please implement those changes via Examiner's Amendment, that would be great.
Thank you.

-- Bob

Robert B. Burlingame, *Attorney*

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From: Flint, Daniel <Daniel.Flint2@uspto.gov>

Sent: Monday, May 22, 2023 4:53 PM

To: Robert Burlingame <bob@amplitudeip.com>

Subject: U.S. Trademark Application Serial Nos. 97242886 PROPKNIGHT and 97242891 THE DAY BEFORE

Dear Mr. Burlingame,

I am the Trademark Examining Attorney at the U.S. Patent and Trademark Office examining your applications for PROPKNIGHT (Serial No. 97242886) and THE DAY BEFORE (Serial No. 97242891).

As indicated below, several of the clauses in the amended ID pertaining to emerging technologies require further specification. My apologies for not catching some of these items in my initial review of the application.

If you agree, we can resolve these issues via an Examiner's Amendment, and the applications will either be approved for publication ('886) or suspended pending resolution of the cancellation proceeding ('891), subject to review by a supervisory attorney.

Requirement – Amendment to Identification

- Serial Nos. 97242886 and 97242891

Applicant may amend the identification to be consistent with the following guidance, if accurate.

- International Class 009:
 - “downloadable virtual goods in the nature of image files of avatars, jewelry, gems, clothing, ~~and accessories~~ _____ *{list specific types of accessories, e.g., sunglasses, eyewear, handbags, etc.; NOTE: The prefatory wording “accessories” has been deleted for clarity to make clear that the following items listed in the ID are not viewed as accessories}*, pets, buildings and furniture, vehicles, weapons, artwork and food for use in **online** virtual worlds;”
 - “downloadable virtual goods, namely, computer software programs featuring **crypto** tokens and virtual currency for use in **online** video games and online virtual worlds;”
 - “downloadable computer game software featuring virtual currency, namely, in-game **crypto** tokens and virtual currency for use in online web and mobile video games”.
- International Class 041:
 - “entertainment services, namely, providing online, non-downloadable virtual goods, namely, image files of avatars, jewelry, gems, clothing, ~~and accessories~~ *{see comments provided above}*, pets, buildings and furniture, vehicles, weapons, artwork and food for use in virtual environments created for entertainment purposes”

Please let me know by **6 p.m. EST on May 25, 2023 (Thursday)**, if you would like for me to enter these changes via an Examiner’s Amendment.

If you have any questions, please don’t hesitate to let me know. I can be reached by phone or email, whichever is most convenient for you.

Kind regards,

Daniel L. Flint

Examining Attorney, Law Office 116

U.S. Patent and Trademark Office

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