

Note To The File

Serial Number: 97456583
Date: 11/07/2022 11:35 am
Created by: Tasneem Hussain

VOCALO CHANGER

From: Reilly, Jenny <Jenny.Reilly@finnegan.com>
Sent: Monday, November 7, 2022 11:26 AM
To: Hussain, Tasneem <Tasneem.Hussain@USPTO.GOV>
Cc: Sommers, Mark <mark.sommers@finnegan.com>; Docket Updates <Docketupdates@finnegan.com>; Powell, Virginia <virginia.powell@finnegan.com>; Johnson, Laura <Laura.Johnson@finnegan.com>
Subject: RE: Serial Number: 97456583 - VOCALO CHANGER - issues to resolve before approval

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Examiner Hussain,

Thank you for extending the time to issue an Office Action. Our client has confirmed that it will need additional time beyond November 8th. Kindly proceed with issuing the Office Action.

Best regards,

Jenny M. Reilly for Mark Sommers, Esq.

Jenny Macioge Reilly
Trademark Legal Assistant
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

901 New York Avenue, NW

Washington, DC 20001

Tel.: 617.646.1638; Cell: 617.697.2814; Fax: 202-408-4400 | www.finnegan.com

jenny.reilly@finnegan.com

From: Hussain, Tasneem <Tasneem.Hussain@USPTO.GOV>
Sent: Thursday, November 3, 2022 2:08 PM
To: Reilly, Jenny <Jenny.Reilly@finnegan.com>
Cc: Docket Updates <Docketupdates@finnegan.com>; Powell, Virginia <virginia.powell@finnegan.com>; Sommers, Mark <mark.sommers@finnegan.com>; Johnson, Laura <Laura.Johnson@finnegan.com>
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EXTERNALEmail:

Yes, I can wait until noon on Tuesday, Nov 8 before I need to issue an Office Action. I look forward to hearing from someone by then.

/Ms. Tasneem Hussain/

From: Reilly, Jenny <Jenny.Reilly@finnegan.com>
Sent: Thursday, November 3, 2022 2:05 PM
To: Hussain, Tasneem <Tasneem.Hussain@USPTO.GOV>
Cc: Docket Updates <Docketupdates@finnegan.com>; Powell, Virginia <virginia.powell@finnegan.com>; Sommers, Mark <mark.sommers@finnegan.com>; Johnson, Laura <Laura.Johnson@finnegan.com>
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Dear Examiner Hussain,

Thank you for your recommendations. We are awaiting instructions from Yamaha and may not receive them before tomorrow's deadline.

Please advise if additional time is available to respond to your recommendations.

Best regards,

Jenny M. Reilly for Mark Sommers, Esq.

Jenny Macioge Reilly

Trademark Legal Assistant

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

901 New York Avenue, NW

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jenny.reilly@finnegan.com

From: Hussain, Tasneem <Tasneem.Hussain@USPTO.GOV>

Sent: Wednesday, November 2, 2022 6:58 AM

To: Docket Updates <Docketupdates@finnegan.com>

Subject: Serial Number: 97456583 - VOCALO CHANGER - issues to resolve before approval

EXTERNALEmail:

Good morning,

I am the examining attorney assigned to the application cited above. The following must be resolved before the application can proceed to registration.

Disclaimer

Applicant must disclaim the wording CHANGER because it is descriptive of applicant's goods as the website <https://www.vocaloid.com/en/> confirms. TMEP §1213. CHANGER is defined as "One that changes something". See <https://www.ahdictionary.com/word/search.html?q=changer>. As such, the term immediately informs consumers that applicant's goods involve changing sound. See also U.S. Reg. Nos. 6757661 and 5072130 in which the same term was disclaimed for the same type of goods. The following is the standard format used by the Office:

No claim is made to the exclusive right to use "CHANGER" apart from the mark as shown.

TMEP §1213.08(a)(i).

CONCLUSION: If an authorized person (e.g., attorney of record – please provide title) agrees to the above, I can prepare an Examiner's Amendment and approve the application immediately. If I do not hear from anyone by the close of business on **FRIDAY 5:00pm (EST)**, I will have to proceed with a formal Office Action; you may then respond or email me before the six month deadline to resolve the issue.

Thank you,

/Ms. Tasneem Hussain/

Trademark Examining Attorney