

## NONFINAL OFFICE ACTION

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned.** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date: November 18, 2019**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### SUMMARY OF ISSUES:

- Specimen and Request for Information Requirements
- Domicile and U.S. Counsel Requirements

### SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

However, applicant must respond to the following requirements.

### SPECIMEN REQUIREMENT

**Specimen refused.** Registration is refused because the specimen in International Class 25 appears to consist of a mock-up of the mark on the goods or their packaging and does not show the applied-for mark in actual use in commerce. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each international class of goods identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). "Use in commerce" means (1) a bona fide use of the applied-for mark in the ordinary course of trade (and not merely to reserve a right in the mark), (2) the mark is placed in any manner on the goods, packaging, tags or labels affixed to the goods, or displays that directly associate the mark with the goods and have a point-of-sale nature, and (3) the goods are actually sold or transported in commerce. *See* 15 U.S.C. §1127.

An image of a product or packaging that has been digitally created or otherwise altered to include the mark does not show actual use of the mark in commerce. *See* 15 U.S.C. §1127; TMEP §§904.04(a), 904.07(a); *cf. In re Chica, Inc.*, 84 USPQ2d 1845, 1848 (TTAB 2007) (holding that "a mere drawing of the goods with an illustration of how the mark may be displayed" was not an acceptable specimen because it did not show actual use in

commerce); *In re The Signal Cos.*, 228 USPQ 956, 957-58 n.4 (TTAB 1986) (noting that a printer's proof of an advertisement would not be an acceptable specimen because it does not show actual use in commerce).

In this case, the specimen is a photograph of a shirt and a coat, with a rectangular piece of paper sitting on top of the shirt. The paper has the wording "COCO OLIVIA" handwritten on it, and the paper does not appear to be attached to the shirt. Because the wording is handwritten, and the paper not clearly attached to the clothing, the paper does not appear to be a tag or label for clothing that is used in commerce. Therefore, the submitted specimen cannot be accepted.

**Additional information/documentation required.** To permit proper examination of the application record for compliance with use in commerce requirements, applicant must respond to the following requests for information and documentation about the specimen(s). See 37 C.F.R. §2.61(b); TMEP §814. Answer for each specimen/photograph/image previously provided. For any website source submitted as supporting evidence, provide a digital copy of the entire webpage from top to bottom, as rendered in an Internet browser, that includes the URL and access or print date. TMEP §710.01(b) (citing *In re I-Coat Co.*, 126 USPQ2d 1730, 1733 (TTAB 2018)).

- (1) Identify the particular good(s) listed in the application for which the specimen(s) was submitted to show use of the mark.

The specimen is deep blue long sleeve T-shirt and women classic work pants. They are classic for women in all season and one of the hot selling goods. We will keep it available forever.

- (2) Was the specimen created for submission with this application? If so, specify the date each specimen was created. If applicant obtained the image(s) of the goods shown in the specimen(s) from a third-party website, provide the URL of the website and a digital copy of relevant webpage(s) for each image.

Yes. The specimen is created on 05/01/2019 and from that day it is available to order from official website [www.cocoolivia.com](http://www.cocoolivia.com).

- (3) Provide information about and examples of how applicant's goods appear in the actual sales environment.

sell online, the official web site is [www.cocoolivia.com](http://www.cocoolivia.com), the link of specimen in real sales environment is <http://cocoolivia.com/product/womens-classic-office-work-pants/>, <http://cocoolivia.com/product/deep-blue-long-sleeve-t-shirt/>, digital copy of the web pages showing the goods for sale on the named website.

# Screen capture of T shirt.

Home » Clothing » T-shirt



## DEEP BLUE LONG SLEEVE T-SHIRT

★★★★★ (7 customer reviews)

~~\$25.00~~ **\$19.00**

Classic Basic Long Sleeve Plain Cotton T-Shirt Stretch Tight Crew Neck

Size

L

Clear

**ADD TO CART**

SKU: N/A  
Category: T-shirt

### Description Additional information Reviews (7)

Basic Long Sleeve Solid Top Womens Plain Cotton T-Shirt Stretch Tight Crew Neck

#### Description

The basic long sleeve top. Tight fitted look. Great for a base layer or wear on its own. 25.5" long hem length. (note: length will vary from model based on your size)

- Brand: Zenana Outfitters

- Fabric: 95(798938cb4bade23ff8eedafbea6251238bb17caf03f29928a1d01c1ad33039c6) cotton, 5(798938cb4bade23ff8eedafbea6251238bb17caf03f29928a1d01c1ad33039c6) spandex (Machine wash cold; Hang Dry)

- Model is wearing a size Small. She is 32bx22x34 Height 5'8"

#### Measurements

- Length: S 25.5" M 26" L 26.5"

- Chest Width: S 14" M 15" L 16"

#### Size Chart

- Small: Bust 34"- 35" | Waist 26"- 27" | Hips 36"- 37"

- Medium: Bust 36"- 37" | Waist 28"- 29" | Hips 38"- 39"

- Large: Bust 38"- 39" | Waist 30"- 31" | Hips 40"- 41"

Use above measurements as a guide to pick size. Read how to measure yourself below.

- Bust is measure around the fullest part of your bust.

- Waist is measured around your natural waist line. Bend to one side to find the natural crease of your waist.

- Hips is measured around the fullest part of your hips and rear.

### RELATED PRODUCTS



WOMEN'S DOLMAN SHORT SLEEVE TOP

★★★★★  
~~\$25.00~~ **\$18.00**



CAROLINA BLUE SHORT SLEEVE T-SHIRT

~~\$20.00~~ **\$15.00**



WOMEN'S COMFY CASUAL SHORT SLEEVE BLOUSE

★★★★★  
~~\$25.00~~ **\$25.00**



SUMMER HOODED PULLOVER TOPS

~~\$25.00~~ **\$18.00**

#### ABOUT MY SHOP

Feel free to talk to us

Phone: +1 919 526 0242

Email: info@cocooolivia.com

#### FOOTER TWO

Replace this widget content by going to Appearance → Customize → Footer → Footer Two and add widgets into this widget area.

#### TOP RATED PRODUCTS

Women Straw Beach Sun Summer Hat  
★★★★★  
\$15.00

Floral Maxi Dresses for Summer  
★★★★★  
~~\$50.00~~ **\$38.00**

#### PRODUCT CATEGORIES

Blouse (2)  
Clothing (15)  
Dresses (7)  
Hat (3)  
Pants (1)  
Shoes (4)  
Sunglasses (4)  
T-shirt (6)  
Uncategorized (0)


# Screen capture of classic office pants.






COCO OLIVIA
Howdy, 1090289651@qq.com


COCO OLIVIA  
Beautiful Fashion Clothing! The Official Site.
Home About Contact Blog Shop

Home » Pants

Sale!





WOMENS CLASSIC OFFICE WORK PANTS

★★★★★ (6 customer reviews)

~~\$60.00~~ **\$40.00**

size

MEDIUM

Clear

**ADD TO CART**

SKU: N/A  
Category: Pants

**Description**    Additional information    Reviews (6)

**WOMEN'S BOOTCUT PULL-ON DRESS PANTS OFFICE BUSINESS CASUAL YOGA WORK PANTS**

- 30% Rayon, 65% Nylon, 5% Spandex, Stretchy, Smooth and Comfortable.
- Imported
- Pull On closure
- FIT TIP: Before order, please carefully check the Size Chart we provided in the pictures
- Pull on yoga pants into dress pants, Dressy bootcut business casual workout work pants, Straight leg dress pants with pockets, Wear to work slacks trousers, Dress yoga pants for office
- Features: Stretch, Elastic Waist, and Non See-through, and Show off your streamlined look; Solid Color:Black, Navy Blue, Grey; US Standard Size XS/S/M/L/XL/2XL/3XL
- Versatile Occasions: Work/Office/Party/Casual/Travel/Yoga/Fitness/Workout/Running/Sports/Daily Style. Let you be a beautiful and flattering scene in the crowd
- Care Introductions: Recommended Hand Wash with cold water, Soak for no more than 30 minutes during Machine Washing, Hang to dry, Dryer temperature is controlled within 30 degrees, should be Ironed at low or medium temperature with a dry cloth, Avoid exposure and Wringing

**ABOUT MY SHOP**

Feel free to talk to us

Phone: +1 919 526 0242

Email: info@cocolivvia.com

**FOOTER TWO**

Replace this widget content by going to Appearance → Customize → Footer → Footer Two and add widgets into this widget area.

**TOP RATED PRODUCTS**

**Women Straw Beach Sun Summer Hat**

★★★★★

\$15.00

**Floral Maxi Dresses for Summer**

★★★★★

~~\$50.00~~ \$38.00

**PRODUCT CATEGORIES**

- Blouse (2)
- Clothing (15)
- Dresses (7)
- Hat (3)
- Pants (1)
- Shoes (4)
- Sunglasses (4)
- Tshirt (6)
- Uncategorized (0)

- (4) If the information in question (3) about how the goods appear in the actual sales environment is not available to applicant, please describe how applicant's goods are sold or transported and provide photographs and other documentation showing how applicant's mark appears on the goods and/or its packaging when the goods are sold or transported to or within the United States.

N/A

- (5) For each category of sales environment specified in response to questions (3) and (4), specify when the goods bearing the mark were first available for purchase within the United States, the date of the first sale of the goods to or within the United States, and whether the goods are still for sale to or within the United States in that environment.

The date of the first sale of the goods from official web is 05/02/2019, the order come in on second day after release it on web. and the goods are still for sale on line, because they are classic for women in all season and one of the hot selling goods. We will keep it available forever.

- (6) For the goods identified in response to question (1), specify the dollar amount of sales with or within the United States and provide at least three invoices or other supporting documentation that show payments or other consideration made, redacting personal or private information of buyers as necessary.

Sure, see invoice samples below.

# Invoice 1

## COCO OLIVIA Inc

Address: 108 W rosemary st  
chapel hill, NORTH CAROLINA  
27516

(919)-260-1891  
Frank.verecom@gmail.com  
www.cocoolivia.com

BILLED TO  
John Z\*\*\*  
Address  
115 Dover Furnace Rd,  
Dover Plains, NY 12522

jzhang.vt@gmail.com  
(802)-503-2037

## Invoice

INVOICE NUMBER  
10743

DATE OF ISSUE  
07/13/2019

DESCRIPTION	UNIT COST	QTY/HR RATE	AMOUNT
Women's Dolman Short Sleeve Top (L)	18	1	\$18
Womens Classic Office Work Pants (XL)	40	1	\$40

free shipping discount

SUBTOTAL \$58  
DISCOUNT \$0.0  
(TAX RATE) 4.75%  
TAX \$2.755

INVOICE TOTAL  
**\$60.755**

TERMS  
thank you for you order !

# Invoice 2

## COCO OLIVIA Inc

Address: 108 W rosemary st  
chapel hill, NORTH CAROLINA  
27516

(919)-260-1891  
Frank.verecom@gmail.com  
www.cocoolivia.com

### BILLED TO

Jane H\*\*

Address:

120 Pineland Cir Raleigh, NC  
27606

janehunt120@gmail.com  
(919)-851-6676

## Invoice

### INVOICE NUMBER

13403

### DATE OF ISSUE

09/13/2019

DESCRIPTION	UNIT COST	QTY/HR RATE	AMOUNT
Deep Blue Long Sleeve T Shirt (XL)	19	1	\$19
Women's Dolman Short Sleeve Top (XL)	18	1	18

Free shipping discount

SUBTOTAL \$37  
DISCOUNT \$0.0  
(TAX RATE) 4.75%  
TAX \$1.7575

INVOICE TOTAL  
**\$38.7575**

### TERMS

thank you for you order !

Invoice 3

COCO OLIVIA Inc

Address: 108 W rosemary st  
chapel hill, NORTH CAROLINA  
27516

(919)-260-1891  
Frank.verecom@gmail.com  
www.cocoolivia.com

BILLED TO  
Mary Jeremy  
Address:  
210 Sheridan St NW,  
Washington, DC 20011

zhzike@gmail.com (917)-891-0476

Invoice

INVOICE NUMBER  
11897

DATE OF ISSUE  
08/11/2019

DESCRIPTION	UNIT COST	QTY/HR RATE	AMOUNT
Deep Blue Long Sleeve T Shirt (XL)	19	1	\$19
Womens Classic Office Work Pants (XL)	40	1	40

Free shipping discount

SUBTOTAL \$59  
 DISCOUNT \$0.0  
 (TAX RATE) 4.75%  
 TAX \$2.8025

INVOICE TOTAL  
\$61.8025

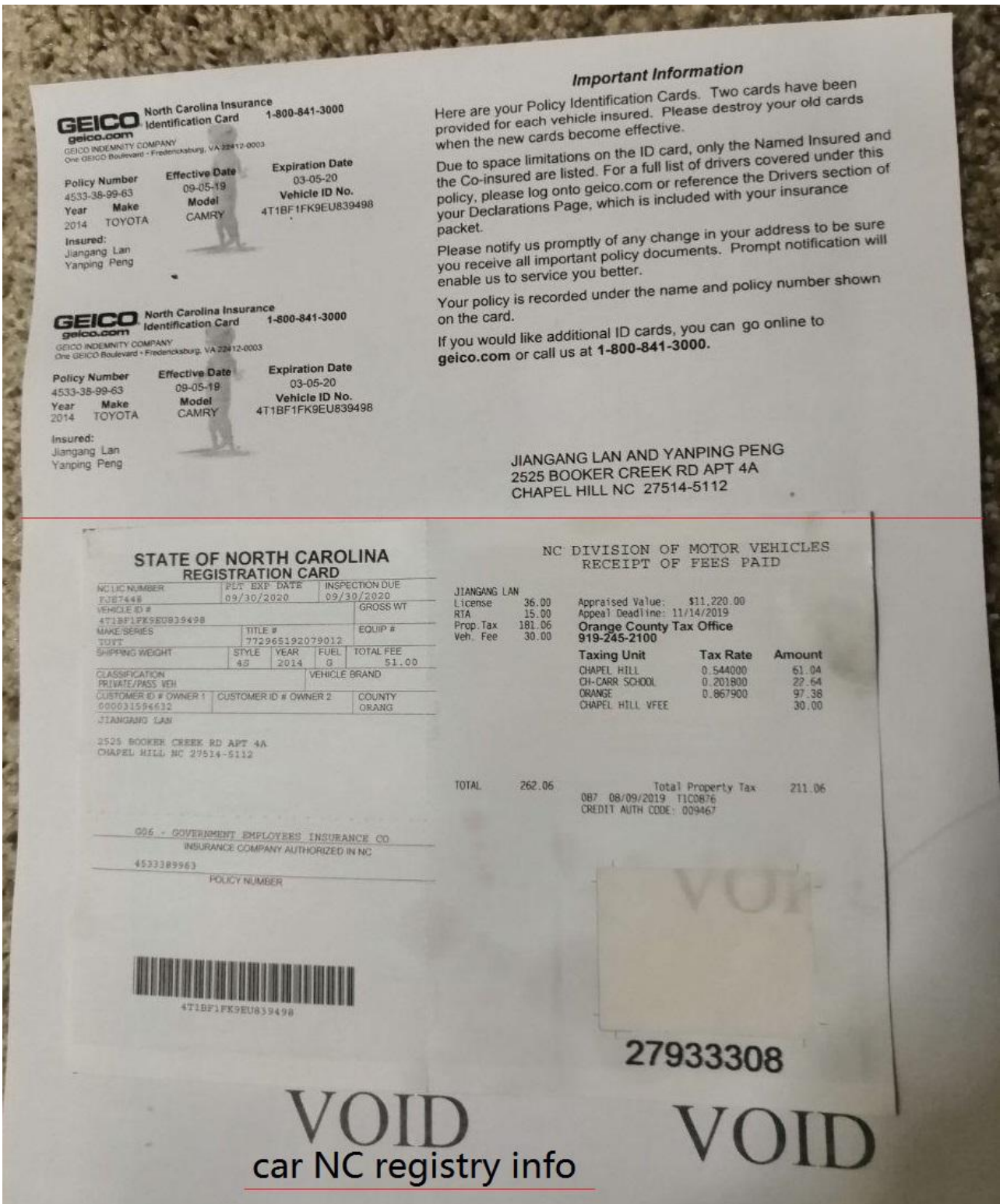
TERMS  
thank you for you order !

DOMICILE AND U.S. COUNSEL REQUIREMENTS



**GEICO car insurance policy info**

Feel free to call and verify the account





October 2, 2019  
 Account Number: 202-279539412-001  
 Security Code: 3706  
 Service At: 2525 BOOKER CREEK RD  
 APT 4A  
 CHAPEL HILL, NC 27514-5112

Auto Pay Notice

**Have questions about your bill?**  
 Visit us at [Spectrum.net/billing](http://Spectrum.net/billing)  
 Or, call us at 855-70-SPECTRUM (1-855-707-7328)

**SPECTRUM NEWS**

**Enrolled in Auto Pay:** Your Auto Pay payment will be deducted on your due date.

At Spectrum, we continue to enhance our services in order to offer more of the best entertainment and communication choices, and to deliver the best value. We are committed to offering you products and services we are sure you will enjoy.



**Important Billing Update**  
 Effective with your next billing statement, monthly pricing will change as follows:

- Internet Service will increase by \$4.00.

**Summary** Services from 10/01/19 through 10/31/19 details on following pages

Previous Balance	65.99
Payment Received - Thank You	-65.99
<b>Remaining Balance</b>	<b>\$0.00</b>
Spectrum Internet™	65.99
Current Charges	\$65.99
<i>YOUR AUTO PAY WILL BE PROCESSED 10/18/19</i>	
<b>Total Due by Auto Pay</b>	<b>\$65.99</b>

**LET'S GET MOVING!** Are you moving? We can help with that. Call today to transfer your Spectrum services, and we'll have everything connected so you can feel right at home. **Make the right move and call 1-866-200-6212 or visit [Spectrum.com/easymove](http://Spectrum.com/easymove)**

**You're Eligible To Save!** We've reviewed your account and have discovered you are eligible to save when you add Spectrum TV. Get more **FREE HD** than any other provider. Stream live TV at home and on-the-go with the Spectrum TV App. Plus, continue to enjoy your fast internet speeds with no data caps and a free internet modem. **Call 1-855-275-5727 or visit [Spectrum.com](http://Spectrum.com)**

**Thank you for choosing Spectrum.**  
 We appreciate your prompt payment and value you as a customer.

**Enrolled in Auto Pay:** Your Auto Pay payment will be deducted on your due date.



4145 S. Falkenburg Rd Riverview, FL 33578-8652  
 6810 0106 NO RP 02 10022019 YNNYNNVN 01 019991 0072

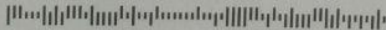
JIANGANG LAN  
 2525 BOOKER CREEK RD  
 APT 4A  
 CHAPEL HILL NC 27514-5112

October 2, 2019

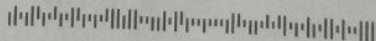
JIANGANG LAN

Account Number: 202-279539412-001  
 Service At: 2525 BOOKER CREEK RD  
 APT 4A  
 CHAPEL HILL, NC 27514-5112

**Total Due by Auto Pay \$65.99**



SPECTRUM  
 PO BOX 70872  
 CHARLOTTE, NC 28272-0872



05869001202279539412050006599

Utility bill info. Feel free to call and verify the account id.

00873645

Service Address: 2525 BOOKER CREEK RD APT 04A Bldg:04 Unit:A  
 Account Number: 4182-26843-878164 Auto Pay: \$55.81  
 Billing Cycle: 10/25/2019-11/25/2019 Due Date: 01/01/2020

Please enter your phone # \_\_\_\_\_ Payment Enclosed \$ \_\_\_\_\_  
 BOOKER CREEK APARTMENTS

Jiangang Lan  
 2525 BOOKER CREEK RD APT 04A  
 CHAPEL HILL, NC 27514-5112

National Exemption Service  
 P.O BOX 9020

Clearwater, FL 33758-9020

Please Cut On Line And Return Above Portion With Payment

**BILLING INFORMATION FOR Bldg:04 Unit:A**  
**Late Charges may be assessed for delinquent accounts**

**Please Make Payments To:**  
 National Exemption Service  
 P.O BOX 9020  
 Clearwater, FL 33758-9020

For Customer Service  
 (800) 488-1748  
 (727) 724-5940  
 To Make A Payment  
 (877) 884-5729

\*\*\*Pay Your Bill 24/7 at WWW.SUBMETER.COM \*\*\*

BOOKER CREEK APARTMENTS  
 Account Number: 4182-26843-878164  
 Service Address: 2525 BOOKER CREEK RD APT 04A  
**Service Cycle: 10/25/2019 - 11/25/2019, Due 01/01/2020 In Service: 04/26/2019**

Meter	Utility	Previous	Current	Usage
2685768101		336300	339200	2900
		0	0	0
		0	0	0
		0	0	0
		0	0	0

SERVICES	CURRENT CHARGES
Trash Charge	\$10.25
Monthly Administrative Fee	\$7.83
Water Charge	\$17.60
Sewer Charge	\$20.13
<b>Current Charges</b>	<b>\$55.81</b>
<b>Previous Charges</b>	<b>\$0.00</b>
<b>Previous Late Fees</b>	<b>\$0.00</b>
<b>Previous NSF Fees</b>	<b>\$0.00</b>
<b>Previous Deposit Due</b>	<b>\$0.00</b>
<b>Total Charges</b>	<b>\$55.81</b>
<b>Deposit</b>	<b>\$0.00</b>
<b>Payments Received</b>	<b>\$0.00</b>
<b>Auto Pay</b>	<b>\$55.81</b>

Community Note:  
 A charge of "Vandalism" will appear on your bill if a service call reveals tampering of your metering equipment. (Un cargo por "Vandalismo" aparecera en su factura si una llamada de servicio revela manipulacion de su equipo de medicion.

Please Note: NES has changed our bill format to better match the NCUC Rate approval.

<- Your bill payment will be automatically debited from your account.

Thank you for choosing NES!

NES charges a meter inspection fee of \$75, plus additional parts and labor, for work orders performed by an NES technician.  
 Returned Check Charge is \$30.

SID:19276059