

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	77162668
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (035)(current)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
concept and brand development, brand assessment, brand management, business development services, development of marketing strategies and concepts, consultancy services regarding business strategies, creation of marketing tools, development of marketing strategies and concepts, advertising and marketing, preparing advertisements for others, development of advertising campaigns, communications strategy, internet strategy, copywriting, environmental design, point of sale design, podcasting, flash and interactive development, CMS and custom application development, search engine optimization, banner advertising, e-mail marketing, video production, e-commerce solutions, custom application development; design, creation, hosting, maintenance of websites for others, graphic art design, commercial art design, graphic design services, graphic illustration services for others	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/02/2007
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/02/2007
<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
Providing concept and brand development services for others; advertising services, namely creating corporate and brand identity for others; business development services, namely providing start-up support for businesses of others; business leadership development services; development of marketing strategies and concepts; consultancy services regarding business strategies; creation of marketing tools designed to increase a client company's knowledge of customer needs, and its competitors' products and services, pricing, advertising strategy and sales strategy; advertising and marketing; preparing advertisements for others; development of advertising campaigns for radio, television, print, e-mail, websites and other digital and online transmission mediums; design of Internet advertising; copying of documents for others; design of point of sale advertising materials for others; producing promotional videotapes, video discs, and audio visual recordings.	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/02/2007
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/02/2007
<b>GOODS AND/OR SERVICES SECTION (042)(class added)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	
Environmental design, namely the design of specialty interior and exterior environment settings; interactive computer software development; search engine optimization, namely development, maintenance and updating of a telecommunication network search engine; design, creation, hosting, maintenance of websites for others; graphic art design; commercial art design; graphic design services; graphic illustration services for others.	
<b>FILING BASIS</b>	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 04/02/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/02/2007
<b>ADDITIONAL STATEMENTS SECTION</b>	
DISCLAIMER	"No claim is made to the exclusive right to use STUDIOS apart from the mark as shown."
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Harris A. Wolin/
SIGNATORY'S NAME	Harris A. Wolin
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	02/11/2008
RESPONSE SIGNATURE	/Harris A. Wolin/
SIGNATORY'S NAME	Harris A. Wolin
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	02/11/2008
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon Feb 11 22:31:34 EST 2008
TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XX-2 0080211223134433517-77162 668-4106fcc5e3bfb913ea1d6 db81b5bf754c3-CC-4654-200 80211222252558365

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **77162668** has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

##### Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 035 for concept and brand development, brand assessment, brand management, business development services, development of marketing strategies and concepts, consultancy services regarding business strategies, creation of marketing tools, development of marketing strategies and concepts, advertising and marketing, preparing advertisements for others, development of advertising campaigns, communications strategy, internet strategy, copywriting, environmental design, point of sale design, podcasting, flash and interactive development, CMS and custom application development, search engine optimization, banner advertising, e-mail marketing, video production, e-commerce solutions, custom application development; design, creation, hosting, maintenance of websites for others, graphic art design, commercial art design, graphic design services, graphic illustration services for others

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/02/2007 and first used in commerce at least as early as 04/02/2007, and is now in use in such commerce.

**Proposed:** Class 035 for Providing concept and brand development services for others; advertising services, namely creating corporate and brand identity for others; business development services, namely providing start-up support for businesses of others; business leadership development services; development of marketing strategies and concepts; consultancy services regarding business strategies; creation of marketing tools designed to increase a client company's knowledge of customer needs, and its competitors' products and services, pricing, advertising strategy and sales strategy; advertising and marketing; preparing advertisements for others; development of advertising campaigns for radio, television, print, e-mail, websites and other digital and online transmission mediums; design of Internet advertising; copying of documents for others; design of point of sale advertising materials for others; producing promotional videotapes, video discs, and audio visual recordings.

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/02/2007 and first used in commerce at least as early as 04/02/2007, and is now in use in such commerce.

**Applicant hereby adds the following class of goods/services to the application:**

**New:** Class 042 for Environmental design, namely the design of specialty interior and exterior environment settings; interactive computer software development; search engine optimization, namely development, maintenance and updating of a telecommunication network search engine; design, creation, hosting, maintenance of websites for others; graphic art design; commercial art design; graphic design services; graphic illustration services for others.

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/02/2007 and first used in commerce at least as early as 04/02/2007, and is now in use in such commerce.

#### **ADDITIONAL STATEMENTS**

##### **Disclaimer**

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

##### **FEE(S)**

Fee(s) in the amount of \$325 is being submitted.

##### **SIGNATURE(S)**

###### **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Harris A. Wolin/ Date: 02/11/2008

Signatory's Name: Harris A. Wolin

Signatory's Position: Attorney of record

###### **Response Signature**

Signature: /Harris A. Wolin/ Date: 02/11/2008

Signatory's Name: Harris A. Wolin

Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 4654

RAM Accounting Date: 02/12/2008

Serial Number: 77162668

Internet Transmission Date: Mon Feb 11 22:31:34 EST 2008

TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XX-2008021122313443

3517-77162668-4106fcc5e3bf913ea1d6db81b

5bf754c3-CC-4654-20080211222252558365

RAM SALE NUMBER: 4654  
RAM ACCOUNTING DATE: 20080212

INTERNET TRANSMISSION DATE:  
2008/02/11

SERIAL NUMBER:  
77/162668

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2008/02/11	325	1	325

**To:** Toolbox Studios, Inc. ([harris.wolin@myerswolin.com](mailto:harris.wolin@myerswolin.com))  
**Subject:** TRADEMARK APPLICATION NO. 77162668 - T TOOLBOX STUDIOS - TLBX 87  
**Sent:** 8/9/2007 6:10:30 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/162668

**MARK:** T TOOLBOX STUDIOS

**\*77162668\***

**CORRESPONDENT ADDRESS:**

HARRIS A. WOLIN  
MYERS WOLIN, LLC  
100 HEADQUARTERS PLAZA  
NORTH TOWER, 6TH FLOOR  
MORRISTOWN, NJ 07960-6834

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Toolbox Studios, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

TLBX 87

**CORRESPONDENT E-MAIL ADDRESS:**

[harris.wolin@myerswolin.com](mailto:harris.wolin@myerswolin.com)

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE: 8/9/2007**

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

**NO LIKELIHOOD OF CONFUSION FOUND**

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**RECITATION/CLASSIFICATION OF SERVICES**

Applicant classified the services "design, creation, hosting, maintenance of websites for others, graphic art design, commercial art design, graphic design services, graphic illustration services for others" in International Class 35; however, the correct classification is International Class 42. Additionally, applicant classified the services "podcasting" in International Class 35, but the correct classification is International Class 38. Applicant must either delete these services or add International Classes 38 42 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

The decision as to the proper classification of services is a purely administrative matter within the sole discretion of the United States Patent and Trademark Office. *In re Tee-Pak inc.*, 164 USPQ 88 (TTAB 1969).

Additionally, the wording “concept and brand development, brand assessment, brand management, business development services,” “creation of marketing tools,” “development of advertising campaigns, communications strategy, internet strategy, copywriting, environmental design, point of sale design,” and “flash and interactive development, CMS and custom application development, search engine optimization, banner advertising, e-mail marketing, video production, e-commerce solutions, custom application development” in the recitation of services is indefinite and must be clarified. TMEP §1402.01.

Specifically, applicant must state what business field applicant’s services specialize in, and what medium of advertising applicant’s services deal with. Also note that the term “flash” in the recitation of services is a registered mark not owned by applicant. See enclosed copy of U.S. Registration No. 2855434. In its own application, an applicant may use its own registered mark in a recitation of services, but may not use a registered mark owned by another party. A registered mark indicates origin in one party and cannot be used to define services that originate in a party other than the registrant. See *Camloc Fastener Corp. v. Grant*, 119 USPQ 264, 264 n.1 (TTAB 1958); TMEP §1402.09.

Applicant may adopt the following recitation of services, if accurate:

International Class 35 – “Concept and brand development in the field of {please indicate the business field}; advertising services, namely creating corporate and brand identity for others; business development services, namely providing start-up support for businesses of others; business leadership development services; development of marketing strategies and concepts; consultancy services regarding business strategies; creation of marketing tools designed to increase a client company’s knowledge of customer needs, and its competitors’ products and services, pricing, advertising strategy and sales strategy; advertising and marketing; preparing advertisements for others; development of advertising campaigns for {please indicate the communications medium, e.g. radio, television, print magazines, e-mail, websites, etc.}; design of Internet advertising; copying of documents for others; design of point of sale advertising materials for others; producing promotional videotapes, video discs, and audio visual recordings.”

International Class 38 – “Podcasting services.”

International Class 41 – “Production of video tapes and video discs.”

International Class 42 – “Environmental design, namely the design of specialty interior and exterior environment settings; interactive computer software development; search engine optimization, namely development, maintenance and updating of a telecommunication network search engine; design, creation, hosting, maintenance of websites for others; graphic art design; commercial art design; graphic design services; graphic illustration services for others.”

Please note that, while the recitation of services may be amended to clarify or limit the services, adding to the services or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the recitation to include services that are not within the scope of the services set forth in the present recitation.

For assistance with identifying and classifying services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

## **MULTIPLE CLASS ADVISORY**

The application identifies services that are classified in at least four classes; however, the fees submitted are sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810-810.01 and 1403.01.

Therefore, applicant must either: (1) restrict the application to the number of classes covered by the fee already paid, or (2) submit the fees for the additional classes.

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those services based on actual use in commerce under Trademark Act Section 1(a):

- (1) Applicant must list the services by international class with the classes listed in ascending numerical order;
- (2) Applicant must submit a filing fee for each international class of services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>); and
- (3) For each additional class of services, applicant must submit:
  - (a) dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial

application apply to that class; the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application;

- (b) one specimen showing use of the mark for each class of services; the specimen must have been in use in commerce at least as early as the filing date of the application;
- (c) a statement that “the specimen was in use in commerce on or in connection with the services listed in the application at least as early as the filing date of the application;” and
- (d) verification of the statements in 3(a) and 3(c) in an affidavit or a signed declaration under 37 C.F.R. §2.20. (NOTE: Verification is *not* required where (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, or (2) the original specimens are acceptable for the added class.)

37 C.F.R. §§2.6, 2.34(a), 2.59, 2.71(c), and 2.86(a); TMEP §§810, 904.09, 1403.01 and 1403.02(c).

**Please note that the specimen of record is acceptable for all listed classes.**

#### **DISCLAIMER**

Applicant must disclaim the descriptive wording “STUDIOS” apart from the mark as shown because it merely describes a characteristic of applicant’s services. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a).

Specifically, the term “STUDIO” means “the workshop of an artist.” See attached evidence. Because applicant’s services have a place where graphic design artists, software engineers, and advertising strategists can create their art, the term “STUDIO” is merely descriptive of applicant’s services.

A disclaimer does *not* physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording separate and apart from the mark as shown in the drawing.

The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use “STUDIOS” apart from the mark as shown.

*See In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

#### **MARK DESCRIPTION ADVISORY**

Applicant’s description of the mark will not be printed on any registration that may issue from this application. TMEP §808.03. The description is unnecessary because the mark is composed of easily recognized letters, numerals, designs, or figurative elements. TMEP §§808.01(a) and 808.01(b).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Jason Paul Blair/  
Examining Attorney  
Law Office 104  
Phone - (571) 272-8856  
Fax - (571) 273-8856

**RESPOND TO THIS ACTION:** If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office Action should be filed using the Office’s Response to Office action form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name,



title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**Print: Aug 9, 2007**

**75336392**

**TYPED DRAWING**

**Serial Number**  
75336392

**Status**  
REGISTERED

**Word Mark**  
FLASH

**Standard Character Mark**  
No

**Registration Number**  
2855434

**Date Registered**  
2004/06/22

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
ADOBE SYSTEMS INCORPORATED CORPORATION DELAWARE 345 PARK AVENUE SAN JOSE CALIFORNIA 95110

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: computer software for creating animation, sound, graphics, presentations, and illustrations; computer software for viewing and playing animation, sound, graphics, presentations, and illustrations; computer software for use in authoring for the web; computer software for enhancing the capabilities of web browser software; user manuals supplied. First Use: 1997/02/20. First Use In Commerce: 1997/02/20.

**Filing Date**  
1997/08/05

**Examining Attorney**  
KING, CHRISIE B.

**Attorney of Record**  
Daniel C. Poliak



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[\(Browse Nearby Entries\)](#)

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New Dedicated Chip. 6,000 pages HY Canada, PR, APO Shipping  
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*Dictionary.com Unabridged (v 1.1) - Cite This Source*

**stu·di·o** [stoo-dee-oh, styoo-] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

*-noun, plural -di·os.*

1. **the workroom or atelier of an artist, as a painter or sculptor.**
2. a room or place for instruction or experimentation in one of the performing arts: a *dance studio*.
3. a room or set of rooms specially equipped for broadcasting radio or television programs, making phonograph records, filming motion pictures, etc.

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**e-Studio 270P. 300P**



programs, making phonograph records, filming motion pictures, etc.

- 4. all the buildings and adjacent land required or used by a company engaged in the production of motion pictures.
- 5. [STUDIO APARTMENT](#).

[Origin: 1800-10; 1910-15 for def. 4; < It < L *studium*; see [STUDY](#)]

*Dictionary.com Unabridged (v 1.1)*  
Based on the *Random House Unabridged Dictionary*, © Random House, Inc. 2006.

*American Heritage Dictionary - Cite This Source*

**stu·di·o**   (stōō'dē-ō, styōō'-) [Pronunciation Key](#)

n. *pl.* **stu·di·os**

- 1. An artist's workroom.
- 2. A photographer's establishment.
- 3. An establishment where an art is taught or studied: *a dance studio*.
- 4.
  - a. A room, building, or group of buildings where movies, television shows, or radio programs are produced.
  - b. A room or building where tapes and records are produced.
- 5. A company that produces films.
- 6. A studio apartment.

[Italian, from Latin *studium*, *eagerness, application*; see [study](#).]

*(Download Now or Buy the Book)*  
*The American Heritage® Dictionary of the English Language, Fourth Edition*  
Copyright © 2006 by Houghton Mifflin Company.  
Published by Houghton Mifflin Company. All rights reserved.

*Online Etymology Dictionary - Cite This Source*

**studio**

1819, "work-room of a sculptor or painter," from It. *studio* "room for study," from L. *studium* (see [study](#)). Motion picture sense first recorded 1911; radio broadcasting sense 1922; television sense 1938. *Studio apartment* first recorded 1903.

*Online Etymology Dictionary*, © 2001 Douglas Harper

*WordNet - Cite This Source*

**studio**

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- [Acting Studio](#)
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 Indicates **premium content**, which is available only to subscribers.

**To:** Toolbox Studios, Inc. ([harris.wolin@myerswolin.com](mailto:harris.wolin@myerswolin.com))  
**Subject:** TRADEMARK APPLICATION NO. 77162668 - T TOOLBOX STUDIOS - TLBX 87  
**Sent:** 8/9/2007 6:10:31 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE**  
**USPTO OFFICE ACTION HAS ISSUED ON 8/9/2007 FOR**  
**APPLICATION SERIAL NO. 77162668**

Please follow the instructions below to continue the prosecution of your application:

**VIEW OFFICE ACTION:** Click on this link [http://portal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77162668&doc\\_type=OOA&mail\\_date=20070809](http://portal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77162668&doc_type=OOA&mail_date=20070809) (or copy and paste this URL into the address field of your browser), or visit <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **8/9/2007**.

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77162668**  
**Filing Date: 04/22/2007**

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	77162668
<b>MARK INFORMATION</b>	
*MARK	<a href="#">\\TICRS2\EXPORT12\771\626\77162668\xml1\APP0002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	T Toolbox Studios
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a canted capital "T" in block lettering followed by "Toolbox Studios" to the right in all capital letters.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	652 x 205
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Toolbox Studios, Inc.
*STREET	454 Soledad Street, Suite 100
*CITY	San Antonio
*STATE (Required for U.S. applicants)	Texas
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	78205
PHONE	210-225-8269
FAX	210-225-8200
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Texas
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	concept and brand development, brand assessment, brand management, business development services, development of marketing strategies and concepts, consultancy services regarding business strategies, creation of marketing tools, development of marketing strategies and concepts, advertising and marketing, preparing advertisements for others, development of advertising campaigns, communications strategy, internet strategy, copywriting, environmental design, point of sale design, podcasting, flash and interactive development, CMS and custom

	application development, search engine optimization, banner advertising, e-mail marketing, video production, e-commerce solutions, custom application development; design, creation, hosting, maintenance of websites for others, graphic art design, commercial art design, graphic design services, graphic illustration services for others
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/02/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/02/2007
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">spec-1-24149189107-015648201 . TLBX 87-89 ToolboxStudios.Com Specimen of Use.pdf</a>
CONVERTED PDF FILE(S) (6 pages)	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0003.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0004.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0005.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0006.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0007.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0008.JP G</a>
ORIGINAL PDF FILE	<a href="#">spec-1-24149189107-015648201 . TLBX 87-89 Toolbox Studios-web services overview.pdf</a>
CONVERTED PDF FILE(S) (20 pages)	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0009.JP G</a>
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	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0016.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0017.JP G</a>
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	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0023.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0024.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0025.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0026.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0027.JP G</a>
	<a href="#">\\TICRS2\EXPORT12\771\626 \77162668\xml1\APP0028.JP G</a>

SPECIMEN DESCRIPTION	Website printout and brochure
<b>ATTORNEY INFORMATION</b>	
NAME	Harris A. Wolin
ATTORNEY DOCKET NUMBER	TLBX 87
FIRM NAME	Myers Wolin, LLC
STREET	100 Headquarters Plaza
INTERNAL ADDRESS	North Tower, 6th Floor
CITY	Morristown
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	07960-6834
PHONE	973-401-7159
FAX	866-864-3947
EMAIL ADDRESS	harris.wolin@myerswolin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Brian S. Myers
<b>CORRESPONDENCE INFORMATION</b>	
NAME	Harris A. Wolin
FIRM NAME	Myers Wolin, LLC
STREET	100 Headquarters Plaza
INTERNAL ADDRESS	North Tower, 6th Floor
CITY	Morristown
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	07960-6834
PHONE	973-401-7159
FAX	866-864-3947
EMAIL ADDRESS	harris.wolin@myerswolin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEE DUE	325
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/Robert W. Simons/
SIGNATORY'S NAME	Robert W. Simons
SIGNATORY'S POSITION	President



DATE SIGNED	04/21/2007
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Sun Apr 22 22:27:31 EDT 2007
TEAS STAMP	USPTO/BAS-XX.XXX.XXX.XXX- 20070422222731757334-7716 2668-370ee8fd778ba72a180a 8a68716cada65-CC-1331-200 70421015648201473

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 77162668**  
**Filing Date: 04/22/2007**

### To the Commissioner for Trademarks:

**MARK:** T Toolbox Studios (stylized and/or with design, see [mark](#))

The literal element of the mark consists of T Toolbox Studios. The applicant is not claiming color as a feature of the mark. The mark consists of a canted capital "T" in block lettering followed by "Toolbox Studios" to the right in all capital letters.

The applicant, Toolbox Studios, Inc., a corporation of Texas, having an address of 454 Soledad Street, Suite 100, San Antonio, Texas, United States, 78205, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 035: concept and brand development, brand assessment, brand management, business development services, development of marketing strategies and concepts, consultancy services regarding business strategies, creation of marketing tools, development of marketing strategies and concepts, advertising and marketing, preparing advertisements for others, development of advertising campaigns, communications strategy, internet strategy, copywriting, environmental design, point of sale design, podcasting, flash and interactive development, CMS and custom application development, search engine optimization, banner advertising, e-mail marketing, video production, e-commerce solutions, custom application development; design, creation, hosting, maintenance of websites for others, graphic art design, commercial art design, graphic design services, graphic illustration services for others

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 035, the mark was first used at least as early as 04/02/2007, and first used in commerce at least as early as 04/02/2007, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Website printout and brochure.

**Original PDF file:**

[spec-1-24149189107-015648201 . TLBX 87-89 ToolboxStudios.Com Specimen of Use.pdf](#)

**Converted PDF file(s) (6 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)**Original PDF file:**

[spec-1-24149189107-015648201 . TLBX 87-89 Toolbox Studios-web services overview.pdf](#)

**Converted PDF file(s) (20 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

[Specimen File8](#)

[Specimen File9](#)

[Specimen File10](#)

[Specimen File11](#)

[Specimen File12](#)

[Specimen File13](#)

[Specimen File14](#)

[Specimen File15](#)

[Specimen File16](#)  
[Specimen File17](#)  
[Specimen File18](#)  
[Specimen File19](#)  
[Specimen File20](#)

The applicant hereby appoints Harris A. Wolin and Brian S. Myers of Myers Wolin, LLC, North Tower, 6th Floor, 100 Headquarters Plaza, Morristown, New Jersey, United States, 07960-6834 to submit this application on behalf of the applicant. The attorney docket/reference number is TLBX 87.

Correspondence Information: Harris A. Wolin

North Tower, 6th Floor  
100 Headquarters Plaza  
Morristown, New Jersey 07960-6834  
973-401-7159(phone)  
866-864-3947(fax)  
harris.wolin@myerswolin.com (authorized)

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Robert W. Simons/ Date Signed: 04/21/2007  
Signatory's Name: Robert W. Simons  
Signatory's Position: President

RAM Sale Number: 1331  
RAM Accounting Date: 04/23/2007

Serial Number: 77162668  
Internet Transmission Date: Sun Apr 22 22:27:31 EDT 2007  
TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XXX-200704222227317  
57334-77162668-370ee8fd778ba72a180a8a687  
16cada65-CC-1331-20070421015648201473