

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/618685

APPLICANT: Brian Regan

76618685

CORRESPONDENT ADDRESS:

RUPAK NAG
2170 CENTURY PARK E APT 1210
LOS ANGELES, CA 90067-2247

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: YOU TOO!

CORRESPONDENT'S REFERENCE/DOCKET NO: BR-TM001

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 76/618685

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

Search Results – Prior Pending Application

The Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potentially conflicting mark in a prior-filed pending application may present a bar to registration.

Information regarding pending Application Serial Nos. 78450649 is enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced marks. If one or more of the referenced applications registers, registration

may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed applications.

If applicant believes that there is no potential conflict between this application and the earlier-filed applications, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

If applicant chooses to respond to the refusal(s) to register, then applicant must also respond to the following requirement(s).

Identification of Goods and Services

The applicant identifies both goods and services that belong in several different classes. The wording "clothing" and "souvenirs" is too broad and requires applicant to use the common commercial name for the goods. Souvenirs could be in different classes depending on the type of goods. Applicant may adopt the following identification of goods and services, if accurate:

International Class 8: souvenir collector spoons

International Class 18: Souvenir bags

International Class 21: coffee mugs

International Class 25: clothing, namely [e.g., t-shirts, pants]

International Class 41: Entertainment in the nature of live stand-up comedic performances

TMEP §1402.01.

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

Combined Applications

Applicant must clarify the number of classes for which registration is sought. The submitted filing fees are insufficient to cover all the classes in the application. Specifically, the application identifies goods and/or services that are classified in at least 1 international classes, however applicant paid the fee for only 5 class(es).

Applicant must either: (1) restrict the application to the number of class(es) covered by the fee already paid, or (2) pay the required fee for each additional class(es). 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1401.04, 1401.04(b) and 1403.01.

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

- (1) Applicant must list the goods/services by international class with the classes listed in ascending numerical order;
- (2) Applicant must submit a filing fee for each international class of goods and/or 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 goods and/or 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 goods and/or 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 goods and/or 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(s) of record are not acceptable for any classes.

Specimen

Applicant must submit a substitute specimen showing use of the mark for the goods and/or services specified in the application, because the specimen currently of record does not show use of the mark for any goods and/or services identified in the application. 37 C.F.R. §2.56; TMEP §§904 and 904.01 *et seq.*. Applicant must also submit a statement that “the substitute specimen was in use in commerce at least as early as the filing date of the application,” verified with an

affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.59(a); TMEP §904.09.

The current specimen of record comprises a transcription. It does not show use for applicant’s goods and/or services listed in the application.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares *that the substitute specimen was in use in commerce at least as early as the filing date of the application*; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

(Signature)

(Print or Type Name and Position)

(Date)

Entity

Applicant must specify what type of entity is applying, e.g., an individual, partnership, corporation or joint venture. 37 C.F.R. §2.32(a)(3); TMEP §§803.03 *et seq.*

Standard Character

Applicant must submit the following standard character claim: “The mark is presented in standard characters without claim to any particular font style, size, or color.” 37 C.F.R. §2.52(a).

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);
or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

Aretha Somerville /acs/

Trademark Examining Attorney

Law Office 112

(571) 272-9414

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action issued via email you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

DESIGN MARK

Serial Number

78450649

Status

PUBLICATION/ISSUE REVIEW COMPLETE

Word Mark

U-2

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Lockheed Martin Corporation CORPORATION MARYLAND 6801 Rockledge Drive
Bethesda MARYLAND 20817

Goods/Services

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.
G & S: Mugs. First Use: 2004/05/13. First Use In Commerce:
2004/05/13.

Prior Registration(s)

2527801

Filing Date

2004/07/14

Examining Attorney

PERKINS, ELLEN

Attorney of Record

Susan Okin Goldsmith, Esq.

U-2

*** User:amasterson ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	54664	N/A	0	0	0:01	*you*[bi,ti]
02	10567	N/A	0	0	0:01	*too*[bi,ti]
03	348	N/A	0	0	0:01	1 and 2
04	182	0	182	98	0:02	3 not dead[ld]
05	11167	N/A	0	0	0:01	u[bi,ti]
06	40	20	20	13	0:01	2 and 5
07	509213	N/A	0	0	0:02	*two* or "2" or *to*[bi,ti]
08	11037	N/A	0	0	0:01	1 and 7
09	10567	N/A	0	0	0:01	2[bi,ti]
10	348	N/A	1	1	0:01	1 and 9
11	0	0	0	0	0:01	10 not 3
12	1178	N/A	0	0	0:01	5 and 7
13	40	20	20	13	0:01	5 and 9
14	93	51	42	23	0:01	*you\$to*[bi,ti]
15	7	2	5	4	0:01	*you\$two*[bi,ti]
16	54664	N/A	0	0	0:01	*you\$2*[bi,ti]

Session started 6/7/2005 10:05:54 AM

Session finished 6/7/2005 10:11:36 AM

Total search duration 0 minutes 18 seconds

Session duration 5 minutes 42 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 76618685

Clifton, Zachary (ITI)

From: Rupak Nag [rnag2002@hotmail.com]
Sent: Saturday, December 11, 2004 9:27 PM
To: TM Filing Receipt
Subject: Filing Receipt Correction

Dear Sir:

With respect to Serial No. 76/618,685, Filing Date: Nov. 1, 2004

Mark: YOU TOO!

Mark Type(s): Service Mark
Drawing Type: Stylized words, letters, or numbers

Applicant requests the following CORRECTIONS:

Mark Type(s) SHOULD BE "Trademark"
Drawing Type SHOULD BE "Standard Character Mark"

Please inform me via e-mail (if that is convenient) whether the above corrections are inconsistent with the application as filed.

Thank you.

Best Regards,
Rupak Nag
Reg. No. 37,493

BR-TM001

FILING RECEIPT FOR TRADEMARK APPLICATION

Nov 13, 2004

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Action on the merits should be expected from the United States Patent and Trademark Office (USPTO) approximately six months from the FILING DATE. When inquiring about this application, include the SERIAL NUMBER, FILING DATE, OWNER NAME and MARK.

RUPAK NAG
2170 CENTURY PARK E APT 1210
LOS ANGELES, CA 90067-2247

**ATTORNEY
REFERENCE NUMBER**
BR-TM001

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such request may be submitted by mail to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451; by fax to 703-308-9096; or by e-mail to tmfiling.receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/618685
FILING DATE: Nov 1, 2004
REGISTER: Principal
LAW OFFICE:
MARK: YOU TOO!
MARK TYPE(S): Service Mark
DRAWING TYPE: Stylized words, letters, or numbers
FILING BASIS: Sect. 1(a) (Use in Commerce)

ATTORNEY: Rupak Nag
OWNER: Brian Regan (NOT PROVIDED, Unknown)
2170 Century Park East
Suite 1210
Los Angeles, CALIFORNIA 900672247

FOR: Stand-up comedy performance; clothing; coffee mugs; and souvenirs
INT. CLASS: 041
FIRST USE: Jun 1, 1988 USE IN COMMERCE: Oct 1, 1988

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS



11-01-2004

U.S. Patent & TMOfo/TM Mail Ropt Dt. #67

APPLICANT : Brian Regan

BUSINESS ADDRESS : 2170 Century Park East
Suite 1210
Los Angeles, CA 90067-2247

DATE OF FIRST USE ANYWHERE : On or before June 1, 1988

GOODS/SERVICES : Stand-up comedy performance; clothing;
coffee mugs; and souvenirs in International
Class 41.

You Too!

U.S. Patent & TM Ofc/TM



76618685

Specimen "You Too!"

(transcribed from audio recording of live performance)

"...You ever say a phrase that you say all the time at the wrong time. Ya know... something like "You Too!" I was getting out of a cab at the airport and the driver goes - "Have a nice flight" ... You Too! - You have a nice flight too in case you ever fly someday.

Don't anybody look at me - I'm a moron - don't know when to say the "You Too!" phrase.



11-01-2004

U.S. Patent & TMOfo/TM Mail Ropt Dt. #67

APPLICANT : Brian Regan

BUSINESS ADDRESS : 2170 Century Park East
Suite 1210
Los Angeles, CA 90067-2247

DATE OF FIRST USE ANYWHERE : On or before June 1, 1988

GOODS/SERVICES : Stand-up comedy performance; clothing;
coffee mugs; and souvenirs in International
Class 41.

You Too!

U.S. Patent & TM Ofc/TM



76618685

76618685

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

11/05/2004 TMCCANTS 00000027 76618685

01 FC:6001

335.00 DP

(310) 785-9660
mag2002@hotmail.com

Oct. 18, 2004

BOX NEW APP – FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

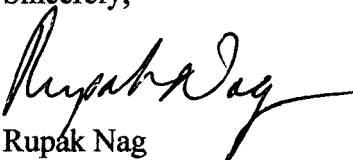
Re: New Trademark Application

Dear Sir:

Enclosed herewith please find an application for registration of a trademark including the fee as identified below:

APPLICANT: Brian Regan
MARK: You Too!
CLASS(ES): 41
REFERENCE NO.: BR-TM001
FILING FEE: \$335 (per class 3/2004)

Sincerely,


Rupak Nag

RN/
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark: You Too!
International Class No.: 41
Reference No.: BR-TM001

TO THE COMMISSIONER FOR TRADEMARKS

Applicant: Brian Regan

Business Address: 2170 Century Park East
 Suite 1210
 Los Angeles, California 90067-2247

GOODS AND/OR SERVICES

The above-identified applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. § 1051 et seq., as amended) for:

Stand-up comedy performance; clothing; coffee mugs; and souvenirs in International Class 41.

BASIS FOR APPLICATION

Applicant is using the mark in commerce on or in connection with the above-identified goods/service (15 U.S.C. § 1051(b), as amended). One specimen showing the mark as used in commerce is submitted with this application.

- Date of first use of the mark anywhere: On or before June 1, 1988.

- Date of first use of the mark in commerce which the U.S. Congress may regulate:
On or before October 1, 1988.
- Type of commerce: Interstate
- Manner or mode of use of mark on or in connection with the goods/services: In spoken word during live comedy performance, on audio and video recordings of live comedy performance, on printed materials, on advertising and promotional materials, and in other ways customary to the trade.

POWER OF ATTORNEY

Applicant hereby appoints Rupak Nag, Registration No. 37,493, to prosecute this application to register, to transact all business in the United States Patent and Trademark Office in connection therewith, and to receive the certificate of registration. Please direct all telephone calls to Rupak Nag at telephone no. (310) 785-9660.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine of 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 sought to be registered, or, if the application is being filed under 15 U.S.C. 105(b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm,

FROM : THE REGANS
10/14/2004 13:01

5166869009

PHONE NO. : 310 859 4735
TCC

Oct. 14 2004 09:34AM P1

PAGE 02

corporation, or association has the right to use the above-identified mark in commerce, either in the identical form or in such near resemblance thereto as may 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 all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Brian Regan

Dated: 10/14/04By: 
Name: Brian Regan

Rupak Nag
Attorney for Applicant
2170 Century Park East
Suite 1210
Los Angeles, CA 90067-2247
Telephone: (310) 785-9660
Facsimile: (310) 843-9703
Email address: rnag1002@hotmail.com