

To: Amanda M. Prose(aprose@wck.com)
Subject: U.S. Trademark Application Serial No. 90618638 - INFINISET - G185.6000US1
Sent: July 22, 2022 04:07:32 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 90618638

Mark: INFINISET

Correspondence Address:

Amanda M. Prose
WESTMAN, CHAMPLIN & KOEHLER, P.A.
121 SOUTH EIGHTH STREET, SUITE 1100
MINNEAPOLIS MN 55402 UNITED STATES

Applicant: Guertin, Matthew

Reference/Docket No. G185.6000US1

Correspondence Email Address: aprose@wck.com

FINAL 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) and/or Electronic System for Trademark Trials and Appeals (ESTTA). A link to the appropriate TEAS response form and/or to ESTTA for an appeal appears at the end of this Office action.

Issue date: July 22, 2022

Introduction

This Office action is in response to applicant's communication filed on 06/01/2022.

In a previous Office action(s) dated 12/02/2021, applicant was required to satisfy the following requirement(s): amend the identification of goods.

The trademark examining attorney maintains and now makes FINAL the requirement(s) in the summary of issues below. *See* 37 C.F.R. §2.63(b); TMEP §714.04.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- Requirement: Identification of Goods - International Class 9 - FINAL

Identification of Goods - International Class 9 - FINAL

THIS REQUIREMENT ONLY APPLIES TO THE FOLLOWING GOODS INTERNATIONAL CLASS 9: "system for use in cinematographic or live event staging, namely, cinematographic system comprised of rotatable endless track enabling movement along two axes, video screens".

The wording "system for use in cinematographic or live event staging, namely, cinematographic system comprised of rotatable endless track enabling movement along two axes, video screens" in the identification of goods is indefinite and must be clarified to further specify the cinematographic nature of the rotatable endless track. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

International Class 9: Cinematographic system for creating or producing video content comprised of cinematographic machines and apparatus in the nature of a rotatable endless track enabling movement along two axes and recorded computer software for syncing the movement of the endless track and video capture with one or more cameras for creating the illusion of movement; system for use in cinematographic or live event staging, namely, cinematographic system comprised of **a cinematographic apparatus being a** rotatable endless track enabling movement along two axes, video screens; downloadable green screen and imaging software for digital compositing; downloadable computer software for use in video and photo editing and sharing; photographic, cinematographic apparatus, namely, an endless track enabling movement of a camera user along two different axes; apparatus for recording, transmission or reproduction of sound, video, or images; cinematographic machines and apparatus in the nature of rotatable treadmills, namely, a treadmill rotatable about an axis different than the axis of travel of the endless track of the treadmill for purposes of creating the illusion of continuous or dynamic movement of a user on the endless track

International Class 42: Acceptable as written.

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

Response Options

If applicant does not timely respond within six months of the issue date of this final Office action, the following goods to which the final requirement applies will be **deleted** from the application by Examiner's Amendment: "system for use in cinematographic or live event staging, namely, cinematographic system comprised of rotatable endless track enabling movement along two axes, video screens" in International Class 9. 37 C.F.R. §2.65(a); *see* 15 U.S.C. §1062(b).

In such case, the application will proceed for the following goods and services only:

International Class 9: Cinematographic system for creating or producing video content comprised of cinematographic machines and apparatus in the nature of a rotatable endless track enabling movement along two axes and recorded computer software for syncing the movement of the endless track and video capture with one or more cameras for creating the illusion of movement; downloadable green screen and imaging software for digital compositing; downloadable computer software for use in video and photo editing and sharing; photographic, cinematographic apparatus, namely, an endless track enabling movement of a camera user along two different axes; apparatus for recording, transmission or reproduction of sound, video, or images; cinematographic machines and apparatus in the nature of rotatable treadmills, namely, a treadmill rotatable about an axis different than the axis of travel of the endless track of the treadmill for purposes of creating the illusion of continuous or dynamic movement of a user on the endless track

International Class 42: Providing online non-downloadable green screen and imaging software for digital compositing; providing online non-downloadable computer software for use in video and photo editing and sharing

Applicant may respond to this final Office action by providing one or both of the following:

- (1) A request for reconsideration that fully resolves all outstanding requirements and refusals; and/or
- (2) An appeal to the Trademark Trial and Appeal Board with the required filing fees.

TMEP §715.01; *see* 37 C.F.R. §2.63(b)(1)-(2).

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this final Office action](#) and/or [appeal it to the Trademark Trial and Appeal Board \(TTAB\)](#).

/Shelby Niemann/
Shelby Niemann

Trademark Examining Attorney
Law Office 125
(571) 270-7330
shelby.niemann@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on July 22, 2022 for
U.S. Trademark Application Serial No. 90618638

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.