

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/424660

MARK: BE GREEN PACKAGING

**\*77424660\***

**CORRESPONDENT ADDRESS:**

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**RESPOND TO THIS ACTION:**

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

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** Packaging Products Corporation

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

P0315/20010U

**CORRESPONDENT E-MAIL ADDRESS:**

**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:**

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, 2.65(a); TMEP §§711, 718.03.

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

**Disclaimer**

Applicant must disclaim the descriptive wording "green packaging" apart from the mark as shown because it merely describes the goods. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The attached copies of entries taken from [www.encarta.msn.com](http://www.encarta.msn.com) show that "green" means "made with little environmental harm" and "packaging" means "containers made of cardboard, plastic, foil, or other material in which goods are packed for sale, storage, or transportation."

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 "GREEN PACKAGING" apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A disclaimer is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

**Identification and Classification of Goods**

The identification of goods is unacceptable because the terms "bags, cartons, cups, lids, boxes, refrigerants, films, containers, and shippers" are indefinite. The applicant must indicate the composition of these items so that they may be classified properly. For example, if the bags, cartons, cups, lids, and boxes are composed of paper, they are classified in Class 16. Rubber bags for merchandise packaging are classified in Class 17, and plastic egg cartons for commercial use are classified in Class 20. The nature of the "refrigerants," "containers," and "shippers" is

not clear. Refrigerated shipping containers are classified in Class 11, and refrigerated trailers are classified in Class 12. Packaging containers made of paper are classified in Class 16, and packaging containers made of plastic are classified in Class 20. Finally, regarding “films,” plastic film for industrial and commercial packing use and plastic flexible packaging film sold in bulk to industrial and commercial manufacturers are classified in Class 17.

Applicant may adopt the following identification and classification of goods, if accurate:

- Flexible and ridged packaging products, namely, refrigerated shipping containers (Class 11)
- Flexible and ridged packaging products, namely, refrigerated trailers (Class 12)
- Flexible and ridged packaging products, namely, bags, cartons, cups, lids, and boxes composed of paper; packaging containers made of paper (Class 16)
- Rubber bags for merchandise packaging; plastic film for industrial and commercial packing use; plastic flexible packaging film sold in bulk to industrial and commercial manufacturers (Class 17)
- Plastic egg cartons for commercial use; packaging containers made of plastic (Class 20)

See TMEP §1402.01.

Although identifications of goods/services may be amended to clarify or limit the goods/services, adding to or broadening the scope of the goods/services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods/services that are not within the scope of the goods/services set forth in the present identification.

For assistance with identifying and classifying goods and/or 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>. See TMEP §1402.04.

### **Classification of Goods/Services**

If applicant adopts the suggested amendment of the goods, then applicant must amend the classification to International Classes 11, 12, 16, 17 and 20. See 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§805, 1401.

### **Multiple Class Requirements**

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class; and
- (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>).

See 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

/Leigh Caroline Case/  
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**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; 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.

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## Dictionary

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A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

**green**



**green** [ [green](#) ]

adjective (*comparative green-er, superlative green-est*)

**Definition:**

- grass-colored:** of a color in the spectrum between yellow and blue, like the color of grass
- having edible green leaves:** consisting of or containing green leaves of vegetables
  - a green salad*
- grassy or leafy:** consisting of or containing grass, plants, or foliage
- POLITICS advocating protection of**

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**4. POLITICS **advocating protection of environment:**** supporting or promoting the protection of the environment

**5. **made with little environmental harm:**** produced in an environmentally and ecologically friendly way, e.g. by using renewable resources

**6. **not ripe:**** unripe or not mature

- *green bananas*

**7. **jealous:**** envious or jealous

**8. **sickly-looking:**** pale and sickly-looking, especially as a result of nausea

**9. **innocent:**** naive and lacking experience, especially because of being new to something

**10. **new:**** young, new, recent, or fresh

**11. WOODWORK **unseasoned:**** describes newly cut and unseasoned wood

- *green wood*

**12. INDUSTRY **untanned:**** describes leather that is not yet tanned

**13. CERAMICS **unfired:**** describes objects that are not yet fired

noun (*plural greens*)

**Definition:**

**1. **color of grass:**** a primary color between yellow and blue in the spectrum, like the color of grass

**2. **green coloring:**** a green pigment or

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2. **green coloring:** a green pigment or dye

3. **green cloth:** green fabric or clothing

4. **green thing:** a green object

5. **grassy area:** an area of ground that is covered with grass, especially a public or communal area

6. **LAWN BOWLING grassy area for lawn bowling:** an area of grass that is maintained for lawn bowling and similar games

7. **GOLF grassy area surrounding golf hole:** the closely mowed area at the end of a fairway on a golf course on which the hole for the ball is located

8. **POLITICS advocate of protection of environment:** a supporter or advocate of protecting the environment, especially a member of a political party concerned with environmental issues

9. **FINANCE money:** cash or paper money (*slang*)

plural noun **greens**

**Definition:**

1. **green vegetables:** vegetables with green leaves and stems, e.g. cabbage and spinach

2. *North America* **decorative green foliage:** green foliage used for decoration

**3. green-colored clothing:** green clothing, e.g. Army uniforms or operating room scrubs ( *informal* )

transitive and intransitive verb ( *past and past participle* greened, *present participle* green-ing, *3rd person present singular* greens )

**Definition:**

**1. become green:** to become green, or make something green

**2. ENVIRONMENT become environmental advocate:** to become aware of environmental issues, or make somebody aware of environmental issues

[ Old English *grene*< Germanic ]

- **green-ish** *adjective*
- **green-ly** *adverb*
- **green-ness** *noun*

**go green** to become actively interested in environmental issues and support environmental causes

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# Dictionary

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A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

- pack drill
- pack ice
- pack in
- pack job
- pack off
- pack rat
- pack train
- pack up
- package**
  - package deal
  - package holiday
  - package insert
  - package mortgage
  - package store
  - package tour
  - packed
  - packed lunch

## package



pack·age [pákij]

noun (plural pack·ages)

### Definition:

- parcel:** an object or set of objects wrapped, boxed, or tied in a bundle for transportation or mailing
- COMMERCE packaging for goods:** a container made of cardboard, plastic, foil, or other material in which goods are packed for sale, storage, or transportation, or a container of this type together with its contents
  - a package of chewing gum
- different things constituting single item:** a number of different components intended to constitute a single item
  - a good severance package
  - a package of financial measures
- piece of general adaptable computer software:** a piece of computer software that can be used for a range of related purposes such as word processing

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related purposes such as word processing or financial analysis

**5. TRAVEL**  
*Same as* [package tour](#)

transitive verb (*past and past participle* pack·aged, *present participle* pack·ag·ing, *3rd person present singular* pack·ages)

**Definition:**

- 1. put something into package:** to put things into or wrap them up as a package
- 2. produce attractive packaging for something:** to create suitable or attractive packaging in which to sell a product
- 3. promote or present something:** to present somebody or something to others in a way intended to ensure appeal and acceptance
  - *It wasn't so much the policy that was wrong as the way it was packaged.*
- 4. group something as package:** to group or offer several different items together in a package
- 5. produce something for others to market:** to produce a book or television program or series in finished form ready to be published or broadcast by another company

• **pack·ag·er** *noun*

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