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| **To:** | Jill M. Pietrini(trademarksCC@sheppardmullin.com) |
| **Subject:** | U.S. Trademark Application Serial No. 90256820 - GRAFFITI DJ BREAKING MC MADE IN NEW YORK CITY ROCK THE BELLS CERTIFIED EST. 1973 MC BREAKING DJ GRAFFITI - 71AK-308425 |
| **Sent:** | October 12, 2021 04:31:32 PM EDT |
| **Sent As:** | tmng.notices@uspto.gov |

**Attachments**

screencapture-rockthebells-com-articles-doze-green-16340695752711
screencapture-rockthebells-com-categories-graffiti-16340696221571
screencapture-rockthebells-com-categories-breaking-16340696512561

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

**U.S. Application Serial No.** 90256820

**Mark:** GRAFFITI DJ BREAKING MC MADE IN NEW YORK CITY ROCK THE BELLS CERTIFIED EST. 1973 MC BREAKING DJ GRAFFITI

**Correspondence Address:**
Jill M. Pietrini
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1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES CA 90067 UNITED STATES

**Applicant:** Smith, James Todd

**Reference/Docket No.** 71AK-308425

**Correspondence Email Address:** trademarksCC@sheppardmullin.com

## SUBSEQUENT FINAL OFFICE ACTION

**Issue date:** October 12, 2021

**The USPTO must receive applicant's response to this letter within six months of the issue date above 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.

This Office action is in response to applicant's communication filed on September 21, 2021 and supersedes the previous final Office action also issued on October 12, 2021. Applicant was required to provide a disclaimer and has responded by offering only part of the required disclaimer. Therefore, the full disclaimer requirement is now made FINAL. *See* 37 C.F.R. §2.63(b). Applicant was also instructed to clarify its identification of services. As applicant has impermissibly amended the first clause of its identification beyond the scope of the original wording, the identification of services requirement is now made FINAL. *See* 37 C.F.R. §2.63(b).

**DISCLAIMER REQUIRED**

Applicant must disclaim the wording "MADE IN NEW YORK CITY," "CERTIFIED," "EST. 1973," "GRAFFITI," "DJ," "BREAKING" and "MC" because it is merely descriptive of the subject area, location and date of establishment for applicant's services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

With respect to the disputed terms "GRAFFITI," and "BREAKING" the examining attorney notes that applicant's identification of services includes providing a website that gives users the ability to review various print, photographic, graphic images, and audio and video content which is broad enough to include images of graffiti and content about breaking and also includes a website that gives users the ability to upload and share "other content" which is unlimited as to type and could include images of graffiti and content regarding breaking. Indeed, the attached examples from applicant's website, www.rockthebells.com shows that it has entire categories/pages devoted to content about both graffiti and breaking. Despite applicant's arguments that "breaking" is not the commonly used or modern term for "break dancing," it shows contemporary information about championships in breaking and ultimately, "Breaking hitting the Olympics in 2024." Therefore, these are clearly recognized topics featured in applicant's services.

Applicant may respond to this issue by submitting a disclaimer in the following format:

> **No claim is made to the exclusive right to use "MADE IN NEW YORK CITY," "CERTIFIED," "EST. 1973," "GRAFFITI," "DJ," "BREAKING" and "MC" apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the Disclaimer webpage.

**IDENTIFICATION OF SERVICES**

Particular wording in the proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.06 *et seq.*, 1402.07. Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the original identification in the application, and any previously accepted amendments, remain operative for purposes of future amendment. *See* 37 C.F.R. §2.71(a); TMEP §1402.07(d).

In this case, the application originally identified the first clause in the identification of services as

follows: “conducting entertainment exhibitions in the nature of contests.”

However, the proposed amendment identifies the following services: “conducting exhibitions for entertainment purposes.”

This portion of the proposed amendment is beyond the scope of the original identification because the exhibitions are not noted as being in the nature of contests and could instead involve many kinds of entertainment.

**Note**: applicant's amended second clause ("entertainment services, namely, conducting contests") is acceptable as amended.

**RESPONSE GUIDELINES**

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner’s amendment. Although the USPTO will not accept a formal response by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

**Note:** An applicant may check the status of or view documents filed in an application or registration using the Trademark Status and Document Retrieval (TSDR) system. Enter the application serial number or registration number and click on “Status” or “Documents.”

**ow to respond. Click to file a response to this final Office action and/or appeal it to the Trademark Trial and Appeal Board (TTAB).**

/Toby Bulloff/
Toby Bulloff
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toby.bulloff@uspto.gov

## RESPONSE GUIDANCE

- **Missing the response deadline 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.

https://rockthebells.com/articles/doze-green/
at 04:13:10, 10/12/2021

FEATURES

# DOZE GREEN: FLOWING INTO THE UNKNOWN

Ray Mock

Artists coming from a graffiti background rarely follow a straight path from the streets and train yards to the gallery. But even by those standards, the route Doze Green has taken has been unusually circuitous and lined with a plethora of predictable and unpredictable influences. Yet somehow he always found himself at the nexus of important moments in the history of hip-hop and urban art. Did Doze Green simply stumble his way to fame, or does he have a unique ability to sense and seize important moments in youth culture? After hearing his story, one suspects that the latter is closer to the truth.

As DOZE TC5, he painted New York's subways and learned directly about graffiti and life itself from RAMMELLZEE and Dondi White, the "graffiti gods," as he calls them. He was a member of the famous breakdancing Rock Steady Crew. He hung with Warhol  and Basquiat. He helped define the visual identity of hip-hop and street styles in Los Angeles as a RHYME SYNDICATE member, along with Ice-T, and then found himself in San Francisco as the artists of the Mission School took flight. He joined the FUTURE PRIMITIVE collective just as DJ culture went through a revival in San Francisco and subsequently saw his career as the fine artist Doze Green take off with a series of sold-out solo shows in the second half of the '90s.

Back in New York around the turn of the millennium, he worked as an art director for Ecko Unlimited and became a leading member of the BARNSTORMERS art collective. He was a street artist before the term was widely used and has exhibited around the world and refined his visual language consistently ever since.

Today, Green is known particularly for his abstract representations of the human form; tangled lines and shapes come together in stark portraits that evoke tribalistic art and channel

his myriad influences. It would take a book just to untangle the many inputs of creative thought and vision that have shaped Green's work, but even an examination of his most tangible influences yields compelling insights.

As a graffiti writer on New York's subways in the late '70s and early '80s, Green already had a penchant for symbolism, beginning with the five- and eight-pointed stars representing different generations of his crew, the CRAZY 5. He was put down with the crew by SEEN and became its vice president not long after. "I was known for my characters and letters in the '80s," Green recalls. But, he says, "it came to a point where I just got really bored of the letterform."

Credits to: Doze Green

He decided that he needed to destroy the letter in order to set himself free. The traditional graffiti outline hence morphed into a free-flowing, stream-of-consciousness form. "I pulled the line out, like pulling a thread out of a sheet or a piece of clothing. I took away the structure of the letterform and reconstructed it as I wanted. For me the line is not flat, it's a circle, it's a tube." He has also credited his experience as a dancer for his style of painting. "As a b-boy I saw footwork as points on a map. When you are training, you are drilling patterns, geometry, creating forms with your body." Similarly, the act of painting attunes the mind to the body, and vice versa.

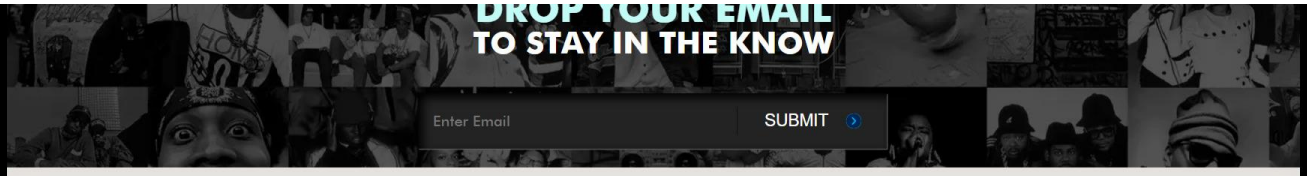
More recently, Green has increasingly (though not entirely) freed himself from the line itself. While he hasn't abandoned his instantly recognizable humanoid characters, rather than letting rigid lines define every aspect of the image, he is letting colors and negative space guide the eye of the viewer. "I use long-haired brushes to apply the line and to create the illusion of depth of field," he explains. "I see the lines spatially, overlapping, coming back out, moving behind, showing translucency." In many of the paintings he has created in recent years, "the negative space is coming forward into view, and what was predominant is falling back. The line is less important than what's in between." The resultant images depict fierce figures that can seem both ordinary in their humanity and mythical in their otherworldly shapes, proportions and spatial interplay of color and light.

Credits to: Doze Green

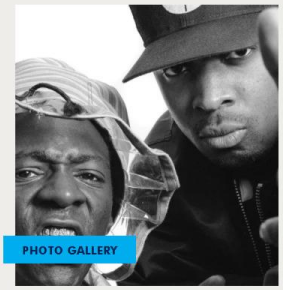
Green's new artistic direction is nurtured further by his recent move to yet another new home, this time in Brazil. "I'm excited about the freedom to create with less obstacles, to venture into projects in sculpture, welding, ceramics and sound installation," he reports. His prolific posts on social media serve as a window into his daily practice of meditation, creation and collaboration. But painting remains at the core of his work. The way Green describes it, the act of painting is a state of being that powerfully ties together physical reality and metaphysical ideals. "There's a chemical beauty in it; there's a beauty in the interaction between the layers and what was previously done. It's cool to see the strokes, from those done initially to the final strokes. It's kind of like a dance, the dance of the b-boy. It's about not getting stuck on things and continuing. Knowing things are always mutable, always moving and transforming into something else. Nothing stays in its form forever. Water evaporates into vapor, ether into the unknown." Article originally appeared in BEYOND THE STREETS show catalog.

Credits to: Doze Green

Credits to: Doze Green



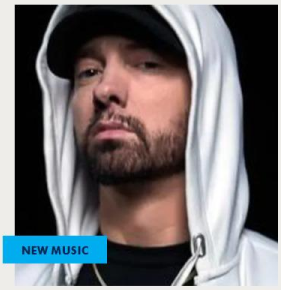

## WHAT'S NEW




**PUBLIC ENEMY THROUGH THE YEARS**

**GEORGE CLINTON RAPS RAKIM'S "FOLLOW THE LEADER"**

**LL COOL J EXPLAINS WHY HE CHOSE TYLER, THE CREATOR FOR CULTURAL INFLUENCE AWARD**

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## GRAFFITI

**GRAFFITI PIONEER, 'TAKI 183', CELEBRATES 50TH ANNIVERSARY OF ICONIC NEW YORK TIMES ARTICLE**

**RISK ROCK: FROM CUTTING A COP CAR IN HALF, TO HIS FIRST NFT**

ICONIC NEW YORK TIMES ARTICLE

CAR IN HALF, TO HIS FIRST NFT

CHAZ BOJÓRQUEZ AND THE IMPACT OF CHICANO GRAFFITI IN LOS ANGELES

THE GENIUS OF GRAFFITI LEGEND STAY HIGH 149



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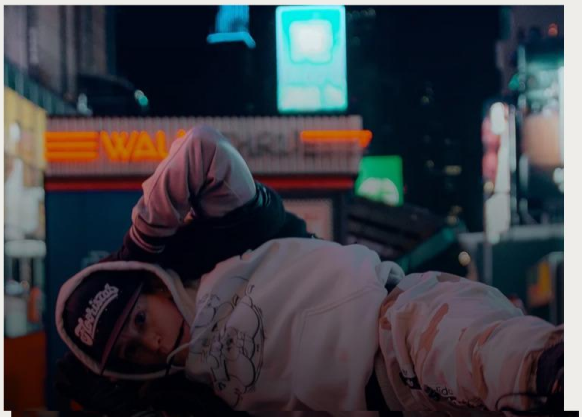
## BREAKING

RED BULL KICKS OFF BC ONE CYPHER IN NYC



MEET THE ARMY HELICOPTER MECHANIC WHO MIGHT WIN GOLD IN BREAKING

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**United States Patent and Trademark Office (USPTO)**

# USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on October 12, 2021 for
**U.S. Trademark Application Serial No. 90256820**

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be abandoned. Please follow the steps below.

**(1) Read the official letter**.

**(2) Direct questions** about the contents of the Office action to the assigned attorney below.

Toby Bulloff
Examining Attorney
LAW OFFICE 119
(571) 270-1531
Toby.Bulloff@USPTO.GOV

Direct questions about navigating USPTO electronic forms, the USPTO website, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the Trademark Assistance Center (TAC).

**(3) Respond within 6 months** (or earlier, if required in the Office action) from October 12, 2021, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond.

## 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**, if needed, to ensure you receive important USPTO notices about your application.
- **Beware of misleading notices sent by private companies about your application.**

Private companies **not** associated with the USPTO often use public information provided in USPTO trademark applications to mail and email trademark-related offers and notices - most of which require fees. These companies often have names similar to the USPTO. All **official USPTO correspondence** will only be **emailed from the domain "@uspto.gov".**