

**To:** Delvecchio, Jr., Paul ([HVBoeziIII@aol.com](mailto:HVBoeziIII@aol.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77929322 - DJ PAULY D - N/A  
**Sent:** 6/9/2011 8:41:21 AM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 77929322

**MARK:** DJ PAULY D

**\*77929322\***

**CORRESPONDENT ADDRESS:**

HENRY V. BOEZI III  
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**APPLICANT:** Delvecchio, Jr., Paul

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[HVBoeziIII@aol.com](mailto:HVBoeziIII@aol.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 6/9/2011**

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where

all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

This Office action addresses a new examination issue; therefore, an appeal to the Trademark Trial and Appeal Board is considered premature. *See* 37 C.F.R. §2.141(a); TMEP §714.03. Applicant must respond on the merits directly to the trademark examining attorney.

This Office action is in response to applicant's communication filed on May 21, 2011.

### **Amendment Would Exceed Scope of Services in Original Application**

The proposed amendment to the identification cannot be accepted because it refers to services that are not within the scope of the identification that was set forth in the application at the time of filing. *See* 37 C.F.R. §2.71(a).

The amendment identifies the following services: “entertainment services, namely live appearances by a celebrity musician; entertainment services, namely personal appearance by a celebrity musician; entertainment services, namely live music concerts by a celebrity; entertainment services, namely playing, scratching, manipulating, composing, mixing recorded music, sound equipment, selection and arrangement of musical programs; entertainment services, namely live appearances by a professional entertainer; entertainment services in the nature of live performances by a musical artist; entertainment services in the nature of live musical performances by a performer or group; entertainment in the nature of live musical performances by a turntablist or a musical ensemble; entertainment in the nature of live musical performances by a turntablist; entertainment in the nature of live musical performances by a musical artist who uses a turntable as a musical instrument; entertainment in the nature of live musical performances by a musical artist who uses a mixer, software, and a turntable as a musical instrument; music composition of music for others; music production services; music production services in the nature of music re-mixing; music publishing; mixing and scratching of audio recordings using a turntable as a musical instrument, live performance of turntablism including scratching with turntables, sounds, loops, vocals from a cd, vinyl record or any electronic source; music production services by manipulating sounds and creating music using phonograph or digital turntables and a dj mixer, musician who uses a turntable as a musical instrument to produce unique sounds and not reproduced, audio recording and production.”

Identifications can be amended only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. *Id.*; *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, this wording should be deleted from the identification.

### **Section 2(d) Refusal**

Applicant's arguments have been considered and found unpersuasive. The examining attorney will address applicant's arguments fully upon receipt of a response to this Office action.

The refusal under Section 2(d) based on U.S. Registration Nos. 3735703 and 3850538 is maintained and continued.

/Cynthia Sloan/  
Examining Attorney  
Law Office 116  
Telephone 571.272.9219  
Cynthia.Sloan@uspto.gov (Informal queries only)

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**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.