

## Filing Receipt for Response to Office Action Form and Next Steps in the Application Process

**Application serial no.** 97698769.

**Mark.** MISTER MUNCHI (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/97698769/large>).

Thank you for submitting your form to the U.S. Patent and Trademark Office (USPTO). Please read this filing receipt carefully and keep a copy for your records. If you find an error, the [After You File](#) page gives information about correcting errors.

### Next steps

- In four to five days, please confirm that we received the documents submitted with this form** by checking [Trademark Status and Document Retrieval](#) (TSDR). If your documents do not appear in TSDR after four to five days, please [email us](#).
- Within one to two months, the examining attorney will review your submission.**  
**If your submission is accepted,** you will receive a notice that your mark will be published in the [Trademark Official Gazette](#). For more information on publication, click on [Box 5a, USPTO Publishes Mark](#), in the application timeline.  
**If your submission is not accepted,** you will receive an Office action explaining why it was not accepted and listing your options for responding.
- Continue to check [TSDR](#) every three to four months for any updates to your application status.**
- Keep your addresses current in USPTO records using the [address forms](#) on our website.**
- Questions?** Please visit [our website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.
- Provide feedback.** You may receive a survey invitation in a separate email. Let us know how we can improve your experience.

### Stay current with Trademarks

Stay up-to-date with changes in Trademarks that may impact your application or registration. This may include upcoming system changes, events and roundtables, rules changes, and other operational matters. Sign up to get Trademark Alert emails through our [subscription center](#).

### How to sign up

On our [subscription center](#) webpage, select the Subscribe button, enter your email address, and select the Submit button. Consent to the privacy policy and select the Submit button. You can choose to receive emails about all United States Patent and Trademark (USPTO) topics or specific topics (e.g. Trademark Alerts). Pick your areas of interest, then select the Submit button.

The information submitted in the form appears below:

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	97698769
MARK SECTION (current)	
MARK FILE NAME	<a href="https://tmng-al.uspto.gov/resting2/api/img/97698769/large">https://tmng-al.uspto.gov/resting2/api/img/97698769/large</a>
LITERAL ELEMENT	MISTER MUNCHI

<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of stylized cursive "Mister" with a green outline and a white center with our Bud Nugget Mascot with White Gloved Hands, red and white Sneakers or shoes and with orange hairs and white smoke rolling out of the mouth and pinkish-red eyes, centered between a Stylized comic font "Munchi" in a green outline and white center.
<b>COLOR(S) CLAIMED (If applicable)</b>	The color(s) green, black, brown, pinkish-red, red, dark grey, dark green, white, purple, orange is/are claimed as a feature of the mark.
<b>MARK SECTION (proposed)</b>	
<b>MARK FILE NAME</b>	MRK260390013b00659f8c9a82 26c6aa4d1f-100338648Munchi_Original__1_.jpg
<b>LITERAL ELEMENT</b>	MISTER MUNCHI
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>COLOR MARK</b>	YES
<b>COLOR(S) CLAIMED (If applicable)</b>	The color(s) green, white, brown, black ,purple, orange, red, and pinkish-red is/are claimed as a feature of the mark.
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of The stylized white wording "MISTER MUNCHI" outlined in green. Between the wording is as stylized green plant with black eyebrows and ridges, and green leaves outlined in black and purple. The plant has stylized orange hairs. The plant has white gloves and black arms, black legs and red, white, and black shoes. The plant also has stylized red, white, pinkish-red eyes. The plant is outlined in purple and brown. Behind the plant and the wording is a stylized black background.
<b>PIXEL COUNT ACCEPTABLE</b>	NO
<b>PIXEL COUNT</b>	1200 x 600
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	evi_260390013b00659f8c9a8 226c6aa4d1f-20231206100338648940_._PXL_20231205_20 1310392.jpg
<b>DESCRIPTION OF EVIDENCE FILE</b>	The attached file shows our jar of gummies with the design in use on our jar of gummies for sale at our website.
<b>GOODS AND/OR SERVICES SECTION (025) (current)</b>	
<b>INTERNATIONAL CLASS</b>	025
<b>DESCRIPTION</b>	
Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (025) (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	025

<b>TRACKED TEXT DESCRIPTION</b>	
<del>Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Apparel; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets, keychains, and lanyards; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps.</del>	
<b>FINAL DESCRIPTION</b>	
Apparel; namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets, keychains, and lanyards; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps,	
<b>STATEMENT TYPE</b>	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
<b>SPECIMEN FILE NAME(S)</b>	SPU0-260390013b00659f8c9a 8226c6aa4d1f-202312061003 38648940_._PXL_20230903_1 84138460.PORTRAIT_-_Copy.jpg
<b>SPECIMEN DESCRIPTION</b>	The Specimen Consists of a woman wearing our branded Mister Munchi lanyard.
<b>WEBPAGE URL</b>	None Provided
<b>WEBPAGE DATE OF ACCESS</b>	None Provided
<b>DELETED FILING BASIS</b>	1(b)
<b>GOODS AND/OR SERVICES SECTION (030) (current)</b>	
<b>INTERNATIONAL CLASS</b>	030
<b>DESCRIPTION</b>	Gummy candies
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/24/2010
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 01/25/2022
<b>GOODS AND/OR SERVICES SECTION (030) (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	030
<b>TRACKED TEXT DESCRIPTION</b>	
Gummy candies; <a href="#">any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis</a>	
<b>FINAL DESCRIPTION</b>	
Gummy candies; any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis	
<b>FILING BASIS</b>	Section 1(a)

<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/24/2010
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 01/25/2022
<b>STATEMENT TYPE</b>	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
<b>SPECIMEN FILE NAME(S)</b>	SPU1-260390013b00659f8c9a 8226c6aa4d1f-202312061003 38648940_._PXL_20231205_2 01310392.jpg
<b>SPECIMEN DESCRIPTION</b>	The Specimen consists of our gummy candies with labeling laying on a bed of gummies at our webiste.
<b>WEBPAGE URL</b>	<a href="https://mistermunchi.com/ols/products/mister-munchi-gummy-buddies">https://mistermunchi.com/ols/products/mister-munchi-gummy-buddies</a>
<b>WEBPAGE DATE OF ACCESS</b>	12/05/2023
<b>GOODS AND/OR SERVICES SECTION (035)(class added)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
<p>On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring herbal cigarettes, hemp cigarettes, electronic cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums;; On-line retail store services featuring herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis; On-line retail store services featuring smokers' articles; On-line retail store services featuring rolling papers, hookahs, pipes, water pipes, vapor liquids, electronic vaping devices, oral vaporizers, lighters, matches, and other smokers' articles; Online retail herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; store services featuring in-store order pickup; Online retail herbal cigarettes, hemp cigarettes, electronic cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis services featuring in-store order pickup; Online retail smokers' articles store services featuring in-store order pickup; Online retail rolling papers, hookahs, pipes, water pipes, electronic cigarettes and refills, vapor liquids, electronic vaping devices, oral vaporizers, lighters, matches, detox products and other smokers' articles. store services featuring in-store order pickup; Retail store services featuring herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums;; Retail store services featuring herbal cigarettes, hemp cigarettes,hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis; Retail store services featuring smokers' articles; Retail store services featuring rolling papers, hookahs, pipes, water pipes, electronic vaping devices, oral vaporizers, lighters, matches, and other smokers' articles.;; Smoke shops</p>	
<b>FILING BASIS</b>	Section 1(a)
	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or

<b>STATEMENT TYPE</b>	originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
<b>SPECIMEN FILE NAME(S)</b>	SPN0-260390013b00659f8c9a 8226c6aa4d1f-20231206100338648940_._PXL_20231205_2 01310392.jpg
<b>SPECIMEN DESCRIPTION</b>	a picture of our webiste selling our gummies.
<b>WEBPAGE URL</b>	https://mistermunchi.com/ols/products/mister-munchi-gummy-buddies
<b>WEBPAGE DATE OF ACCESS</b>	12/05/2023
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use the fonts apart from the mark as shown.
<b>TRANSLATION</b>	The English translation of Mister Munchi in the mark is Mister Munchi.
<b>TRANSLATION</b>	The wording Mister Munchi has no meaning in a foreign language.
<b>SIGNIFICANCE OF MARK</b>	nothing appearing in the mark means or signifies or is a term of art for anything in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application.
<b>SIGNIFICANCE OF MARK</b>	Mister Munchi appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application, or any geographical significance.
<b>SIGNIFICANCE OF MARK</b>	The word(s) Mister Munchi has no meaning in a foreign language.
<b>SECTION 2(f) Claim of Acquired Distinctiveness, BASED ON EVIDENCE</b>	The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.
<b>2(f) EVIDENCE FILE NAME(S)</b>	e2f-260390013b00659f8c9a8 226c6aa4d1f-100338648_._Munchi_Original__1_.jpg
	e2f-260390013b00659f8c9a8 226c6aa4d1f-100338648_._PXL_20231205_201310392.jpg
<b>NAME(S), PORTRAITS(S), SIGNATURE(S) OF INDIVIDUAL(S)</b>	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Harber, Alan Adisorn
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	hello@mistermunchi.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	alanadisorn@gmail.com
<b>PAYMENT SECTION</b>	
<b>TOTAL FEES DUE</b>	The undersigned has elected not to submit a fee payment for the class(es), believing no fee payment is required under the <i>Trademark</i>

	<i>Rules of Practice</i> . The undersigned acknowledges that the USPTO may, upon later review, require a fee payment.
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	The undersigned has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> . The undersigned acknowledges that the USPTO may, upon later review, require a signed declaration.
<b>RESPONSE SIGNATURE</b>	/Alan Harber/
<b>SIGNATORY'S NAME</b>	Alan Harber
<b>SIGNATORY'S POSITION</b>	Owner
<b>SIGNATORY'S PHONE NUMBER</b>	2703049751
<b>DATE SIGNED</b>	12/06/2023
<b>ROLE OF AUTHORIZED SIGNATORY</b>	Owner/Holder not represented by an attorney
<b>SIGNATURE METHOD</b>	Signed directly within the form
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Dec 06 11:05:01 ET 2023
<b>TEAS STAMP</b>	USPTO/ROA-2603:9001:3b00: 659f:8c9a:8226:c6aa:4d1f- 20231206110501704884-9769 8769-850fac5ab9a9ea81a272 0c5ee71811bde6e84646de3a5 71dcf675be8718d9190c9-N/A -N/A-20231206100338648940

### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. **97698769** MISTER MUNCHI (Stylized and/or with Design, see [https://tmng-al.uspto.gov/resting2/api/img/9769876\\_9/large](https://tmng-al.uspto.gov/resting2/api/img/9769876_9/large)) has been amended as follows:

#### MARK

##### Applicant proposes to amend the mark as follows:

**Current:** MISTER MUNCHI (Stylized and/or with Design, see [https://tmng-al.uspto.gov/resting2/api/img/9769876\\_9/large](https://tmng-al.uspto.gov/resting2/api/img/9769876_9/large))

**Proposed:** MISTER MUNCHI (Stylized and/or with Design, see MRK260390013b00659f8c9a8226c6aa4d1f-100338648Munchi\_Original\_\_1\_.jpg)

The color(s) green, white, brown, black, purple, orange, red, and pinkish-red is/are claimed as a feature of the mark.

The mark consists of The stylized white wording "MISTER MUNCHI" outlined in green. Between the wording is as stylized green plant with black eyebrows and ridges, and green leaves outlined in black and purple. The plant has stylized orange hairs. The plant has white gloves and black arms, black legs and red, white, and black shoes. The plant also has stylized red, white, pinkish-red eyes. The plant is outlined in purple and brown. Behind the plant and the wording is a stylized black background.

#### EVIDENCE

Evidence has been attached: The attached file shows our jar of gummies with the design in use on our jar of gummies for sale at our website.1 [evi\_260390013b00659f8c9a8\_226c6aa4d1f-2023120610033\_8648940\_-\_PXL\_20231205\_201310392.jpg]

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

**Current:**

Class 025 for Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date. **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Apparel; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms;~~ [namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets, keychains, and lanyards; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps,](#)

Class 025 for Apparel; namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets, keychains, and lanyards; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps,

Deleted Filing Basis: 1(b)

Applicant hereby submits one(or more) specimen(s) for Class 025. The specimen(s) submitted consists of The Specimen Consists of a woman wearing our branded Mister Munchi lanyard..

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"** [for an application based on Section 1(a), Use in Commerce] OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. 1 [SPU0-260390013b00659f8c9a 8226c6aa4d1f-202312061003 38648940 \_\_PXL\_20230903\_1 84138460.PORTRAIT\_- \_Copy.jpg ]

Webpage URL: None Provided

Webpage Date of Access: None Provided

**Applicant proposes to amend the following:**

**Current:**

Class 030 for Gummy candies

**Filing Basis: Section 1(a), Use in Commerce: For all applications:** The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. The mark was first used at least as early as 06/24/2010 and first used in commerce at least as early as 01/25/2022 , and is now in use in such commerce.

**Proposed:**

**Tracked Text Description:** Gummy candies; [any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol \(THC\) concentration of not more than 0.3 percent on a dry weight basis](#)

Class 030 for Gummy candies; any CBD in the goods being solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis



**Filing Basis: Section 1(a), Use in Commerce:For all applications:** The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. The mark was first used at least as early as 06/24/2010 and first used in commerce at least as early as 01/25/2022 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 030. The specimen(s) submitted consists of The Specimen consists of our gummy candies with labeling laying on a bed of gummies at our webiste..

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"**[for an application based on Section 1(a), Use in Commerce] **OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. **OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. 1 [SPU1-260390013b00659f8c9a 8226c6aa4d1f-202312061003 38648940\_.\_PXL\_20231205\_2 01310392.jpg ]

Webpage URL: <https://mistermunchi.com/ols/products/mister-munchi-gummy-buddies>

Webpage Date of Access: 12/05/2023

**Applicant hereby adds the following class of goods/services to the application:**

**New:** Class 035 for On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring herbal cigarettes, hemp cigarettes, electronic cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums;; On-line retail store services featuring herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis; On-line retail store services featuring smokers' articles; On-line retail store services featuring rolling papers, hookahs, pipes, water pipes, vapor liquids, electronic vaping devices, oral vaporizers, lighters, matches, and other smokers' articles; Online retail herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; store services featuring in-store order pickup; Online retail herbal cigarettes, hemp cigarettes, electronic cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis store services featuring in-store order pickup; Online retail smokers' articles store services featuring in-store order pickup; Online retail rolling papers, hookahs, pipes, water pipes, electronic cigarettes and refills, vapor liquids, electronic vaping devices, oral vaporizers, lighters, matches, detox products and other smokers' articles. store services featuring in-store order pickup; Retail store services featuring herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums;; Retail store services featuring herbal cigarettes, hemp cigarettes, hemp derived CBD pouches, vaporizer pen refill cartridges, soft gels, beverages and hemp flower plants, confectionary, candies, edible foodstuffs, gummies, CBD gummies, chewing gums; all of which with a delta-9 THC concentration of no more than.3% on a dry weight basis; Retail store services featuring smokers' articles; Retail store services featuring rolling papers, hookahs, pipes, water pipes, electronic vaping devices, oral vaporizers, lighters, matches, and other smokers' articles.; Smoke shops

**Filing Basis: Section 1(a), Use in Commerce: For all applications:** The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). **For a collective trademark, collective service mark, collective membership mark, or certification mark application:** The applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the application filing date. **For a certification mark application:** The applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Applicant hereby submits a specimen for Class 035 . The specimen(s) submitted consists of a picture of our webiste selling our gummies. .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"**[for an application based on Section 1(a), Use in Commerce] **OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. **OR "The attached specimen is a true copy of the specimen that was**



originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen]. 1  
[SPN0-260390013b00659f8c9a 8226c6aa4d1f-202312061003 38648940\_.\_PXL\_20231205\_2 01310392.jpg ]

Webpage URL: <https://mistermunchi.com/ols/products/mister-munchi-gummy-buddies>

Webpage Date of Access: 12/05/2023

#### **ADDITIONAL STATEMENTS**

##### **Disclaimer**

No claim is made to the exclusive right to use the fonts apart from the mark as shown.

##### **Translation**

The English translation of Mister Munchi in the mark is Mister Munchi.

##### **Translation**

The wording Mister Munchi has no meaning in a foreign language.

##### **Significance of wording, letter(s), or numeral(s)**

nothing appearing in the mark means or signifies or is a term of art for anything in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application.

##### **Significance of wording, letter(s), or numeral(s)**

Mister Munchi appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application, or any geographical significance.

##### **Significance of wording, letter(s), or numeral(s)**

The word(s) Mister Munchi has no meaning in a foreign language.

#### **SECTION 2(f) Claim of Acquired Distinctiveness, BASED ON EVIDENCE**

The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.

1 [e2f-260390013b00659f8c9a8 226c6aa4d1f-100338648\_.\_M unchi\_Original\_\_1\_.jpg ]2 [e2f-260390013b00659f8c9a8 226c6aa4d1f-100338648\_.\_P XL\_20231205\_201310392.jpg ]

##### **Name(s), Portrait(s), Signature(s) of individual(s)**

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

#### **Correspondence Information**

Harber, Alan Adisorn

PRIMARY EMAIL FOR CORRESPONDENCE: [hello@mistermunchi.com](mailto:hello@mistermunchi.com)

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): [alanadisorn@gmail.com](mailto:alanadisorn@gmail.com)

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

The undersigned has elected not to submit a fee payment for the class(es), believing no fee payment is required under the *Trademark Rules of Practice*. The undersigned acknowledges that the USPTO may, upon later review, require a fee payment.

##### **Declaration Signature**

##### **Declaration Signature**

The undersigned has elected not to submit the signed declaration, believing no supporting declaration is required under the *Trademark Rules of Practice*. The undersigned acknowledges that the USPTO may, upon later review, require a signed declaration.

##### **Response Signature**

Signature: /Alan Harber/ Date: 12/06/2023

Signatory's Name: Alan Harber

Signatory's Position: Owner

Signatory's Phone Number: 2703049751  
Signature method: Signed directly within the form

The signatory has confirmed that he/she is not represented by an authorized attorney, and that he/she is either: (1) the owner/holder; or (2) a person or persons with legal authority to bind the owner/holder; and if he/she had previously been represented by an attorney in this matter, either he/she revoked their power of attorney by filing a signed revocation with the USPTO or the USPTO has granted this attorney's withdrawal request.

---

Thank you,

The TEAS support team

Wed Dec 06 11:05:02 ET 2023

STAMP: USPTO/ROA-2603:9001:3b00:659f:8c9a:8226:c6aa:4d1f-20231206110501704884-97698769-850fac5ab9a9ea81a2720c5ee71811bde6e84646de3a571dcf675be8718d9190c9-N/A-N/A-20231206100338648940