There Are Now 5 Live Trademarks With The UNKNOWN[DD] Design Code Description

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Mon 10/16/2023 10:00 AM

To:TMFeedback <tmfeedback@uspto.gov>;TMDesignCodeComments@USPTO.GOV <TMDesignCodeComments@USPTO.GOV>

Today, the Current TESS search **UNKNOWN[DD] NOT DEAD[LD]** retrieves 5 trademarks with the UNKNOWN design search code 030116 - the UNKNOWN design search code problem is expanding!

On TESS Beta, the search DD:"Heads of cats" retrieves those 5 trademarks from the Current TESS search **UNKNOWN[DD] NOT DEAD[LD]** mentioned above. Conversely, the Beta search **DD:"Heads of felines"** retrieves 4,350 live plus 752 dead trademarks - that **03.01.18 - Heads of felines, including cats of any size** is the **preferred design code for heads of cats** - that design code **03.01.16** does **NOT occur in the Design Search Code Manual** - that one or more data entry folks for design search codes has a BOGUS entry **030116 for heads of cats** that is adding invalid design search codes to the trademark search data.

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Ken Boone

From: Ken Boone <boondogles@hotmail.com>
Sent: Tuesday, October 3, 2023 8:25 PM
To: TMFeedback <tmfeedback@uspto.gov>
Subject: TESS Beta VS Current TESS Inconsistencies For 98169794, Filed 7 September 2023

Here's 98169794 via copy/paste from TESS Beta hit list directly to email (highlighting mine).

Wordmark
[M MAC TABBY CAT CAFÉ](#)

Status
LIVE

Goods & services
IC 043: CafÃ© services; Coffee shops; Pet-friendly cafe and restaurant...

outbound

Class
043

Serial
98169794

Owners
Mac Tabby, LLC (LIMITED LIABILITY COMPANY; NORTH CAROLINA)

That copy/paste appears to have succeeded. Note that design search codes are **NOT** displayed - that TESS Beta user do not get hints for searching similar designs from the Beta listing. For contrasts, here's the copy/paste directly from current TESS to email (highlighting mine)

Word Mark	M MAC TABBY CAT CAFÉ
Goods and Services	IC 043. US 100 101. G & S: CafÃ© services; Coffee shops; Pet-friendly cafe and restaurant services. FIRST USE: 20170801. FIRST USE IN COMMERCE: 20171201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.01.04 - Cats in the nature of housecats ; Domestic cats ; Kittens **03.01.16 - UNKNOWN**
Serial Number	**98169794**
Filing Date	September 7, 2023
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Mac Tabby, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 9819 Steed Ct Charlotte NORTH CAROLINA 28269
Attorney of Record	Lauren C. Concepcion
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CAT CAFE" APART FROM THE MARK AS SHOWN
Description of Mark	The applicant is not claiming color as a feature of the mark.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Both versions of TESS displays the **CafÃ©** blemish in the GS entry.

Viewing the raw application on TSDR, note the GS entry as submitted.

GOODS AND/OR SERVICES AND BASIS INFORMATION

***INTERNATIONAL CLASS**	043
***IDENTIFICATION**	Café services; Coffee shops; Pet-friendly cafe and restaurant services
***FILING BASIS**	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/00/2017
FIRST USE IN COMMERCE DATE	At least as early as 12/00/2017

Clearly, USPTO processing converted Café services; to CafÃ© services;. Shouldn't the USPTO fix that blemish?

Then there's the **03.01.16 - UNKNOWN** design code entry.

As it happens, the current TESS search **UNKNOWN[DD] NOT DEAD[LD]** retrieves this application. The equivalent TESS Beta search **DD:UNKNOWN AND LD:TRUE does not** retrieve this application, but curiously the TESS Beta search **DC:030116** retrieves this application - that the build of TESS Beta added

the design code but did not add the design description UNKNOWN when an unrecognized design search code was encountered during the build of the search database. Shouldn't the database build for TESS Beta add **UNKNOWN** as the design description just as current TESS does, versus making that unrecognized design code essentially invisible?

Viewing the Mark Information on TSDR,

Mark Literal Elements:	M MAC TABBY CAT CAFÉ
Standard Character Claim:	No
Mark Drawing Type:	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed:	The applicant is not claiming color as a feature of the mark.
Disclaimer:	"CAT CAFE"
Design Search Code(s):	03.01.04 - Cats in the nature of housecats; Kittens; Domestic cats

the problem 03.01.16 is not shown, but digging a little deeper on TSDR, the Notice of Design Search Code document on TSDR shows

The USPTO has assigned design search codes to your application (U.S. serial number: 98169794).

Design search codes assigned to your application:

03.01.04 - Cats in the nature of housecats
03.01.04 - Domestic cats
03.01.04 - Kittens
03.01.16 - Heads of cats, dogs, wolves, foxes, bears, lions, tigers

essentially confirming that the 03.01.16 design code is hiding somewhere in the data for this application.

Searching the Design Search Code Manual, the entry 03.01.18 - Heads of felines seems appropriate, though I do NOT see either heads of felines or heads of cats in the alphabetical index. Maybe the design search code folks might get a Heads-Up about this to update the alphabetical index with design code 03.01.18. Then again, searching 030118[DC] on current TESS does retrieve multiple hits with the 03.01.18 - **Heads of felines,** including cats of any size design description. Makes you wonder where they found that description, doesn't it?

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Ken Boone