

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Trademark searching: transitioning from TESS to new search

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# Reminders

- This session is being recorded.
- The slides will be emailed after the presentation.
- Captioning is available.
- Post your questions to the Q&A box.



# Discussion topics

- Trademark Electronic Search System (TESS) retirement
- Demonstration of new search system
- Translating TESS search strings to new search strings
- USPTO resources

# USPTO restrictions

- The USPTO does not provide legal advice.
  - This program is for informational purposes only.
  - It only covers the mechanics of searching the federal register.
  - It does not cover full clearance searching.
  - It does not cover everything you need to know about federal and common law trademark rights.

Discussion topic

# **TESS retirement**

# TESS retirement

- Why it's happening
  - TESS deployed on February 14, 2000
    - It relies on a backend system that will no longer be supported.
    - It relies on a programming language that will no longer be supported.
  - New search must replace TESS this year.

# TESS and new search

- Similarities
  - Field tags
  - Wildcards (internal and external truncation)
  - Pattern matching
  - Boolean operators
  - String-searching with semi-colons
    - (Search1; Search2; 1 AND 2)





# TESS and new search

- Differences

- Some new or different field tags
- Different search language
  - Called “regular expression” or “regex”
- Different search syntax
- New requirement of when to use uppercase and lowercase letters when searching

# TESS and new search

- Different syntax, but same results
  - Tips for basic searching
    - Field tags precede search term.
    - Field tags must be in all caps.
    - Field tags must be followed by a colon.
    - Search terms must be in lowercase.

**CM:trademark**





# TESS and new search

- Different language, but same results
  - Tips for regex searching
    - Search terms go between two forward slashes.
    - Pattern match by placing letters inside brackets.
    - Request a single character by inserting a period.
    - Request infinite characters by inserting a period and asterisk (“dot star”).

CM:/.\*trad.m[aeiouy]rk.\*/



Discussion topic

# **Federal trademark searching: live demonstration (basic)**



# Live demonstration (basic)

You want to register:

**RABBIT**

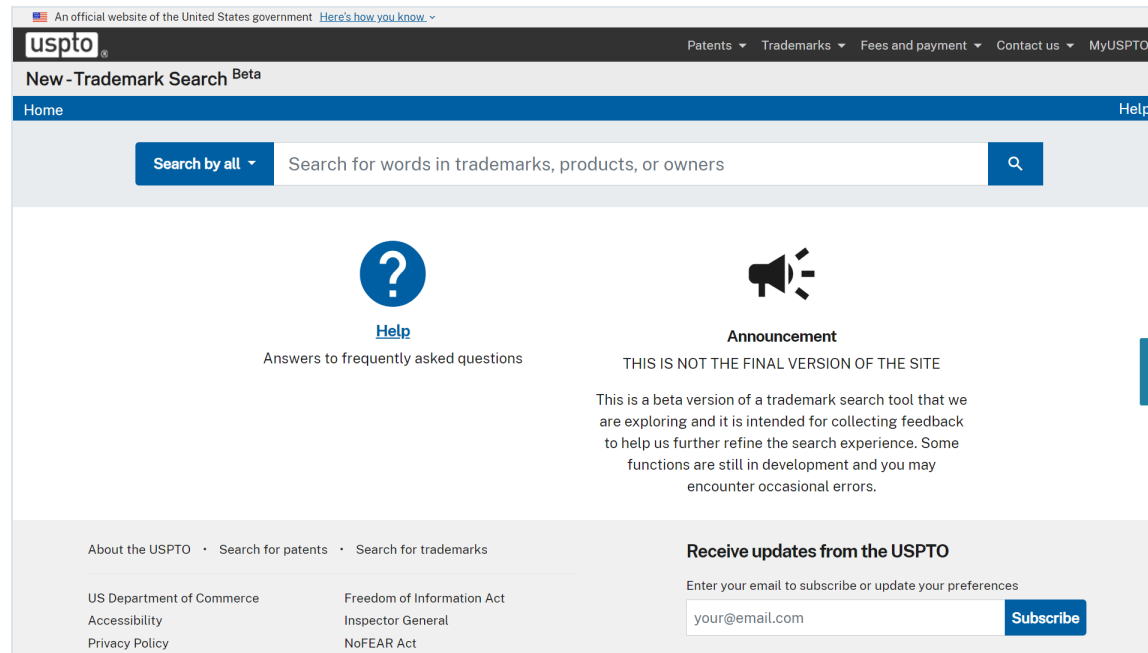
as a brand name for

**racquet ball rackets**



# Live demonstration (basic)

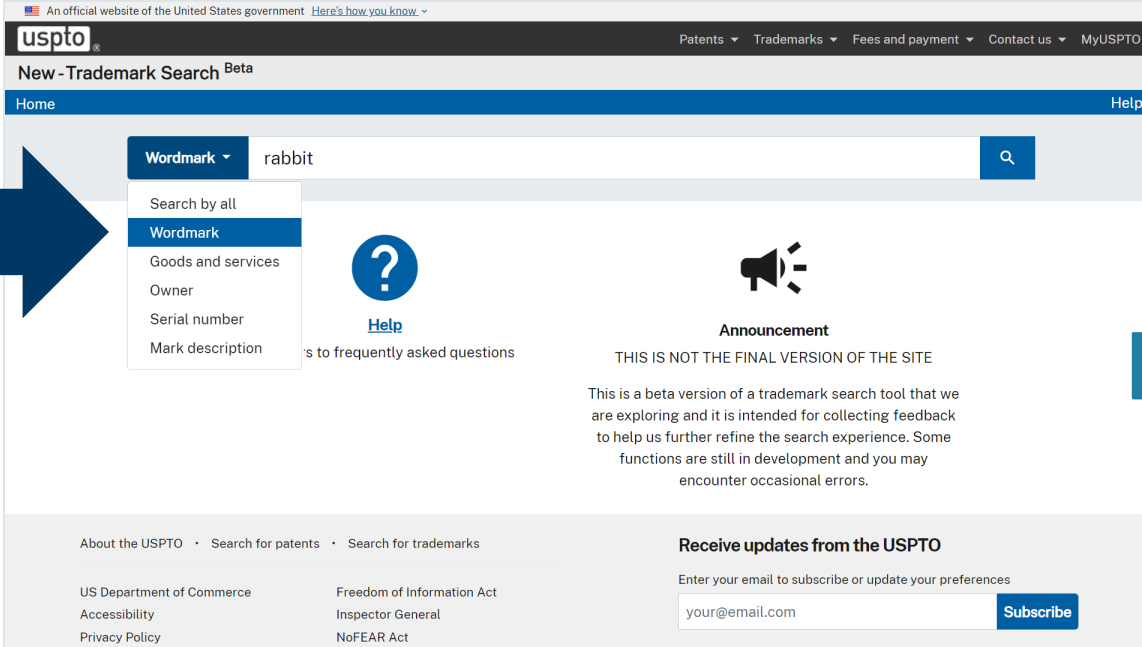
- Access the USPTO database.



The screenshot shows the USPTO website's 'New-Trademark Search Beta' page. At the top, there is a navigation bar with the USPTO logo and links for Patents, Trademarks, Fees and payment, Contact us, and MyUSPTO. Below this is a search bar with a dropdown menu set to 'Search by all' and a search input field containing the text 'Search for words in trademarks, products, or owners'. The main content area features two columns: the left column has a 'Help' icon (a question mark in a blue circle) and the text 'Answers to frequently asked questions'; the right column has an 'Announcement' icon (a megaphone) and a text block stating 'THIS IS NOT THE FINAL VERSION OF THE SITE' and 'This is a beta version of a trademark search tool that we are exploring and it is intended for collecting feedback to help us further refine the search experience. Some functions are still in development and you may encounter occasional errors.' A vertical 'Feedback' button is located on the right side of the announcement. The footer contains links for 'About the USPTO', 'Search for patents', and 'Search for trademarks', as well as a 'Receive updates from the USPTO' section with an email subscription form and a 'Subscribe' button. The USPTO logo is also present in the bottom right corner of the page.

# Live demonstration (basic)

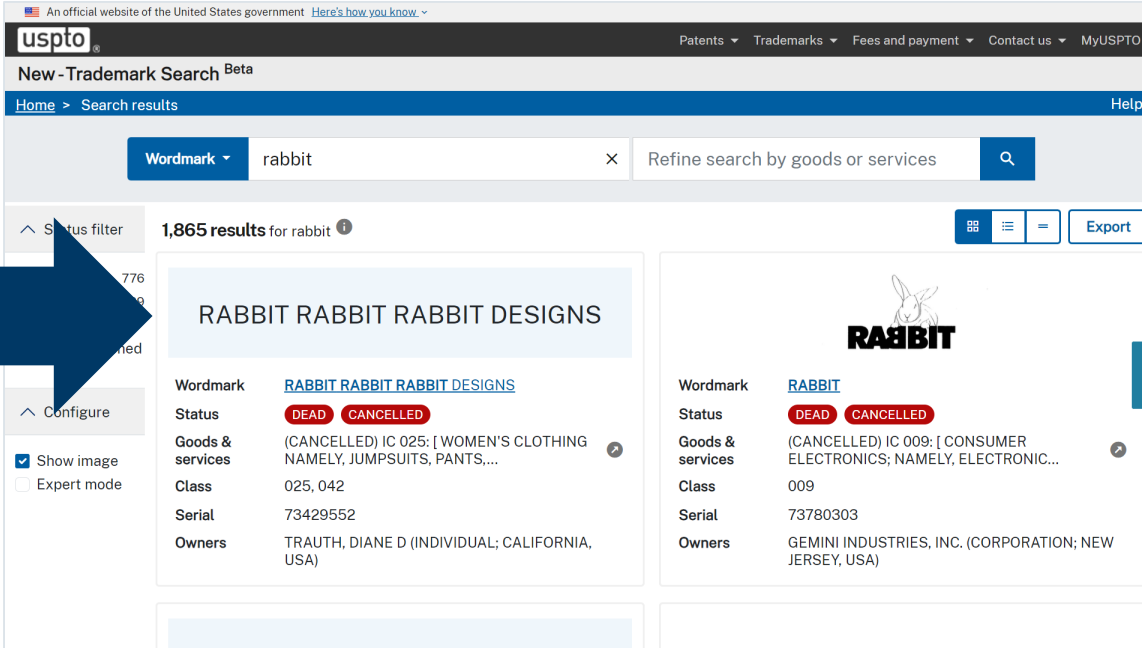
- Select “wordmark” and insert search term.



The screenshot shows the USPTO New-Trademark Search Beta website. The search bar is set to 'Wordmark' and contains the text 'rabbit'. A large blue arrow points to the 'Wordmark' dropdown menu, which is open and shows options: 'Search by all', 'Wordmark', 'Goods and services', 'Owner', 'Serial number', and 'Mark description'. The 'Wordmark' option is highlighted. Below the search bar, there is a 'Help' link and an 'Announcement' section stating: 'THIS IS NOT THE FINAL VERSION OF THE SITE. This is a beta version of a trademark search tool that we are exploring and it is intended for collecting feedback to help us further refine the search experience. Some functions are still in development and you may encounter occasional errors.' At the bottom, there is a footer with links to 'About the USPTO', 'Search for patents', and 'Search for trademarks', and a 'Receive updates from the USPTO' section with an email input field and a 'Subscribe' button.

# Live demonstration (basic)

- Look for conflicting trademarks.



The screenshot displays the USPTO New-Trademark Search Beta interface. The search term 'rabbit' is entered in the search bar, and the results show 1,865 entries. Two results are highlighted:

| Wordmark                                     | Status         | Goods & services  | Class    | Serial   | Owners   |
|--|----------------|---|----------|----------|--|
| <a href="#">RABBIT RABBIT RABBIT DESIGNS</a> | DEAD CANCELLED | (CANCELLED) IC 025: [ WOMEN'S CLOTHING NAMELY, JUMPSUITS, PANTS,... | 025, 042 | 73429552 | TRAUTH, DIANE D (INDIVIDUAL; CALIFORNIA, USA)          |
| <a href="#">RABBIT</a>                       | DEAD CANCELLED | (CANCELLED) IC 009: [ CONSUMER ELECTRONICS; NAMELY, ELECTRONIC...   | 009      | 73780303 | GEMINI INDUSTRIES, INC. (CORPORATION; NEW JERSEY, USA) |

A large blue arrow points to the 'RABBIT RABBIT RABBIT DESIGNS' result, highlighting the wordmark and status.

<https://www.uspto.gov/trademarks/search>



# Live demonstration (basic)

- Learn more about the potential conflict.

The screenshot shows the USPTO website's Trademark Status & Document Retrieval (TSDR) interface. The search results for US Serial Number 73429552 are displayed under the 'STATUS' tab. The results include the following information:

| STATUS   | DOCUMENTS                              | MAINTENANCE                    |
|--|--|--------------------------------|
| Generated on: This page was generated by TSDR on 2023-09-11 12:06:39 EDT |  |                                |
| Mark: RABBIT RABBIT RABBIT DESIGNS                                       |  | No Image exists for this case. |
| US Serial Number: 73429552   | Application Filing Date: Jun. 10, 1983 |                                |
| US Registration Number: 1390837  | Registration Date: Apr. 22, 1986       |                                |
| Register: Principal  |  |                                |
| Mark Type: Trademark, Service Mark                                       |  |                                |

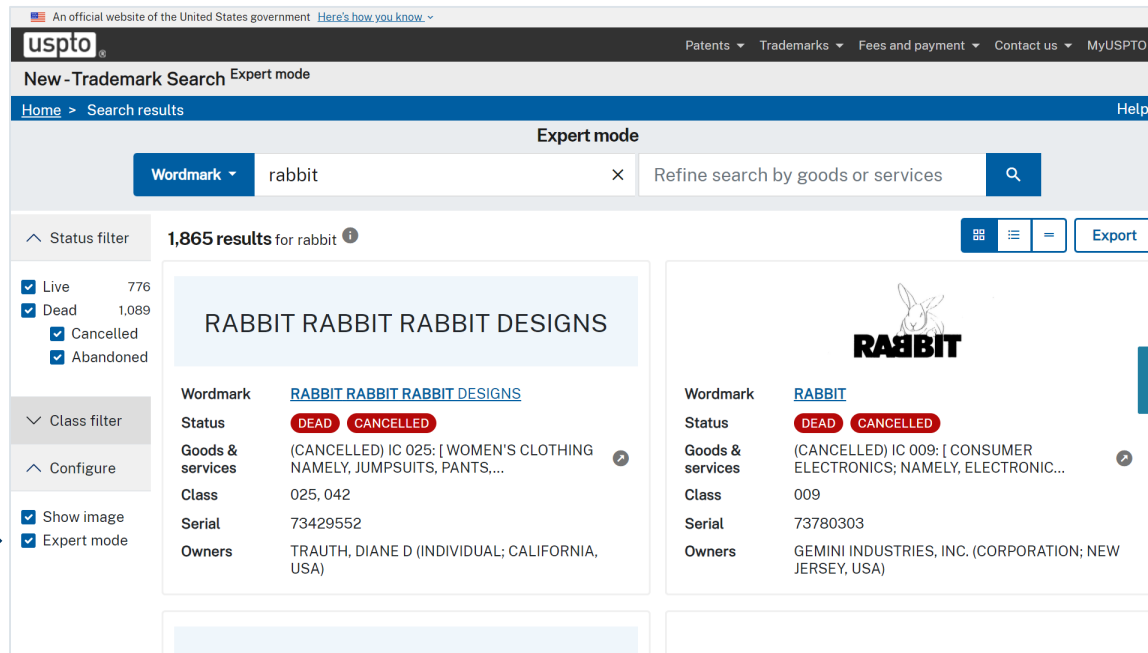
<https://www.uspto.gov/trademarks/search>

Discussion topic

# **Federal trademark searching: live demonstration (expert mode)**

# Live demonstration (advanced)

- Select "expert mode."



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New-Trademark Search Expert mode

Home Search results Help

Expert mode

Wordmark rabbit Refine search by goods or services

1,865 results for rabbit

Status filter:  Live (776),  Dead (1,089),  Cancelled,  Abandoned

Class filter

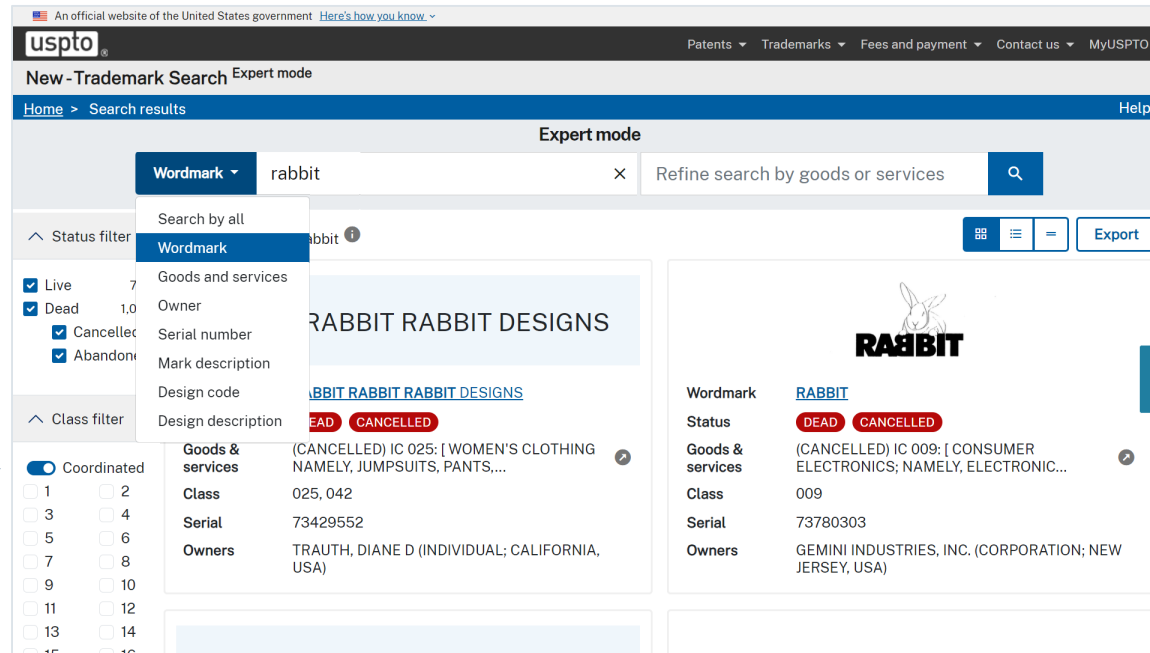
Configure:  Show image,  Expert mode

| Wordmark                                     | Status         | Goods & services  | Class    | Serial   | Owners   |
|--|----------------|---|----------|----------|--|
| <a href="#">RABBIT RABBIT RABBIT DESIGNS</a> | DEAD CANCELLED | (CANCELLED) IC 025: [ WOMEN'S CLOTHING NAMELY, JUMPSUITS, PANTS,... | 025, 042 | 73429552 | TRAUTH, DIANE D (INDIVIDUAL; CALIFORNIA, USA)          |
| <a href="#">RABBIT</a>                       | DEAD CANCELLED | (CANCELLED) IC 009: [ CONSUMER ELECTRONICS; NAMELY, ELECTRONIC...   | 009      | 73780303 | GEMINI INDUSTRIES, INC. (CORPORATION; NEW JERSEY, USA) |

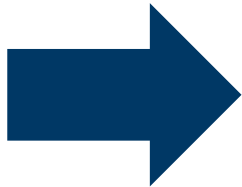


# Live demonstration (advanced)

- Filter by coordinated class.



The screenshot shows the USPTO Trademark Search interface. The search term is 'RABBIT'. The status filter is set to 'Cancelled'. The class filter is set to 'Coordinated'. The search results show a trademark for 'RABBIT RABBIT DESIGNS' with a status of 'DEAD CANCELLED'. The goods and services are '(CANCELLED) IC 025: [ WOMEN'S CLOTHING NAMELY, JUMPSUITS, PANTS,...'. The class is '025, 042'. The serial number is '73429552'. The owners are 'TRAUTH, DIANE D (INDIVIDUAL; CALIFORNIA, USA)'. The wordmark is 'RABBIT'. The status is 'DEAD CANCELLED'. The goods and services are '(CANCELLED) IC 009: [ CONSUMER ELECTRONICS; NAMELY, ELECTRONIC...'. The class is '009'. The serial number is '73780303'. The owners are 'GEMINI INDUSTRIES, INC. (CORPORATION; NEW JERSEY, USA)'.





Discussion topic

# **Translating TESS to new search: common search strategies**



# Translating TESS to new search

- You want to register a wordmark:

RABBIT

as a brand name for

**t-shirts**





# Translating TESS to new search

- Common search strategy
  - Execute dead-on search.
    - rabbit
- Example
  - TESS search: rabbit[comb]
  - New search: CM:rabbit



# Translating TESS to new search

- Common search strategy
  - Conduct an alternative spelling search.
    - rabbit or rabbit or rabet or rabbet, etc.
- Example
  - TESS search: `r{v}{"b"1:2}{v}t[comb]`
  - New search: `CM:/r[aeiouy]b{1,2}[aeiouy]t/`





# Translating TESS to new search

- Common search strategy
  - Conduct pattern matching with truncation.
    - rrrabbit or rabbitt or fastrabet or rabbetfood, etc.
- Examples
  - TESS search: `*r{v}{"b"1:2}{v}t*[comb]`
  - New search: `CM:/.*r[aeiouy]b{1,2}[aeiouy]t.*/*`



# Translating TESS to new search

- Common search strategy
  - Conduct design search.
    - 030901 or 03.09.01
- Example
  - TESS search: 030901[dc]
  - New search: DC:030901

Discussion topic

# **Translating TESS to new search: search fields and field tags**



# Translating TESS to new search: search fields and field tags

- What are search fields?
  - Database categories available for searching
    - e.g., goods and services
- What are field tags?
  - Abbreviations used to indicate a desired field
    - e.g., [gs] in TESS or GS: in new search



# Translating TESS to new search: search fields and field tags

- How do field tags work in new search?
  - Place at the front of the search statement.
  - Use capital letters followed by a colon.
    - DS:shoes
    - RG:supplemental



# Translating TESS to new search: search fields and field tags

- Combined mark field or CM:
  - Combines word mark, pseudo mark, and translation fields into a single searchable field.

| TESS            | New search   |
|-----------------|--------------|
| trademark[comb] | CM:trademark |



# Translating TESS to new search: search fields and field tags

- Design code field or DC:
  - Searches the six-digit codes assigned to the mark.
  - Search with or without the internal periods.

| TESS       | New search          |
|------------|---------------------|
| 030111[dc] | DC:030111           |
|            | DC:03.01.11         |
|            | DC:(030111 "foxes") |



# Translating TESS to new search: search fields and field tags

- Live/dead field or LD:
  - Filter based on live or dead status.
  - Live marks only = LD:true
  - Dead marks only = LD:false

| TESS          | New search   |
|---------------|--------------|
| not dead[lid] | AND LD:true  |
| and live[lid] | AND LD:true  |
| and dead[lid] | AND LD:false |





# Translating TESS to new search: search fields and field tags

| <b>TESS field tag</b> | <b>Search field</b> | <b>New field tag</b> |
|-----------------------|---------------------|----------------------|
| [comb]                | Combined mark       | CM:                  |
| [dc]                  | Design code         | DC:                  |
| [ld]                  | Live/dead           | LD:                  |
| [cc]                  | Coordinated class   | CC:                  |
| [ic]                  | International class | IC:                  |
| [gs]                  | Goods/services      | GS:                  |
| [ds]                  | Disclaimer          | DS:                  |
| [sn]                  | Serial number       | SN:                  |
| [rn]                  | Registration number | RN:                  |
| [on]                  | Owner name          | ON:                  |
| [at]                  | Attorney of record  | AT:                  |

Discussion topic

# **Translating TESS to new search: Regular expression searching**

# Translating TESS to new search: regular expression searching

- Regular expressions (or regex)
  - Uses a new syntax for searching.
  - Allows you to execute the same types of pattern matching and truncation as TESS.
  - Enables even more advanced pattern matching and wildcards than TESS.

# Translating TESS to new search: regular expression searching

- Regex statement reminders
  - Surround search term with forward slashes.
  - Type search term in lowercase letters.
    - CM:/cat/

Discussion topic

# **Translating TESS to new search: pattern matching**



# Translating TESS to new search: pattern matching

- Pattern matching searching
  - Allows you to efficiently execute searches that include alternate spellings.
    - CAT: cat or kat or qat or ccat or ckat or cqat, etc.



# Translating TESS to new search: pattern matching

- Regex reminders
  - Regex doesn't have an equivalent to {v} or {c}.
  - Can still use quantifiers to search for multiple instances of a character.

| TESS   | New search    |
|--------|---------------|
| {v}    | [aeiouy]      |
| {v1:2} | [aeiouy]{1,2} |

# Translating TESS to new search: common phonetic equivalents

| Common phonetic equivalent combos |                  |                        |                          |
|-----------------------------------|------------------|------------------------|--------------------------|
| Sound                             | Example          | TESS                   | Regex                    |
| Hard K                            | Cat; kite; fox   | {"ckqx"} or {"ckqx":2} | [ckqx] or [ckqx]{1,2}    |
| Soft S                            | Soup; scene; zen | {"scz"} or {"scz":2}   | [scz] or [scz]{1,2}      |
| F/PH                              | Fun; phonics     | {"fph":2}              | [fph] or [fph]{1,2}      |
| J/G                               | Genius, jeans    | {"d"0:1}{ "gj"}        | d{0,1}[gj]               |
| TION                              | Action, fashion  | {"scth":3}{v:2}n       | [scth]{0,3}[aeiou]{1,2}n |
| Long I/E                          | Sigh, lye        | {"iey":2}              | [iey]{1,2}               |





# Knowledge check

- How would you draft a search statement for the letter “k” using regex?
  - TESS: `{"ckqx"1:2}`
  - Regex: `[ckqx]{1,2}`

# Knowledge check

- How would you search for 1 to 3 instances of "iey" using regex?
  - TESS: `{"iey"1:3}`
  - Regex `[iey]{1,3}`



# Knowledge check

- How would you search for 1 to 2 instances of the letter "t" using regex?
  - TESS: `{"t"1:2}`
  - Regex: `t{1,2}`



# Knowledge check

- How would you search for RABBIT using regex and pattern matching?
  - TESS: `r{v}{"b"1:2}{v}t[comb]`
  - Regex: `CM:/r[aeiouy]b{1,2}[aeiouy]t/`

Discussion topic

# **Translating TESS to new search: truncation and wildcards**



# Translating TESS to new search: truncation and wildcards

- Wildcards
  - Allow you to efficiently broaden your search.
    - External truncation.
      - CAT: kittycat or catamaran
    - Internal truncation.
      - CAT: capture or crater

# Translating TESS to new search: truncation and wildcards

- Regex reminders
  - Can still use internal and external truncation.
  - Can still use quantifiers to search for multiple instances of a character.

# Translating TESS to new search: truncation and wildcards

| TESS wildcard | Explanation   | Regex wildcard |
|---------------|---|----------------|
| ?             | Match any character (excluding space) exactly one instance                      | .              |
| \$n           | Match any character (excluding space) 0 to n instances                          | .{0,n}         |
| \$            | Match any character (excluding space) 0 or more instances (internal)            | .*             |
| *             | Match any character (excluding space) 0 or more instances (external truncation) | .*             |





# Knowledge check

- How would you search for PLEAD using regex with pattern matching and external truncation?
  - TESS: `*pl{v:3}d*[comb]`
  - Regex: `CM:/.*pl[aeiouy]{1,3}d.*/*`



# Knowledge check

- How would you search for DOG using regex with pattern matching and external truncation?
  - TESS: `*d{"aou"1:2}{"hw"0:1}g*[comb]`
  - Regex: `CM:/. *d[aou]{1,2}[hw]{0,1}g.* /`



# Knowledge check

- How would you search for CAN'T using regex with pattern matching and internal and external truncation?
  - TESS: `*{"ckq"}{"a":2}{"n":2}?t*[comb]`
  - Regex: `CM:/.*[ckq]a{1,2}n{1,2}.t.*/`

Discussion topic

# **Translating TESS to new search: basic operators and groupings**



# Translating TESS to new search: basic operators and groupings

- Operators
  - Connect two or more search statements.
  - Must be in UPPERCASE letters.

| TESS | New search |
|------|------------|
| and  | AND        |
| or   | OR         |
| not  | AND NOT    |



# Translating TESS to new search: basic operators and groupings

- Groupings

- A space is treated as OR.

- Except when the space is between forward slashes.

- CM:/.\*hip hop.\* / will not find any marks.

- CM:(/.\*hip.\* / .\*hop.\* /) will find HIP marks or HOP marks.

- Search statements inside of parentheses are performed first.

# Translating TESS to new search: basic operators and groupings

| TESS | Explanation   | Examples                                     | New search  |
|------|---|--|-------------|
| AND  | Will include only results that meet additional search statement(s)    | CM:/.*d[oa]g.* / AND LD:true                 | AND         |
| OR   | Will include results that meet one of multiple search statement       | IC:009 OR IC:016<br>CM:(/.*hip.* / /.*hop.*) | OR<br>Space |
| NOT  | Will exclude results of search statement(s) met                       | GS:/toy.* / AND NOT GS:/pet.* /              | AND NOT     |
| ( )  | Groups together search statements to be modified by field or operator | IC:(009 a b 200)<br>(1 AND 2) OR 4           | ( )<br>( )  |

Discussion topic

# **Translating TESS to new search: practice tips**



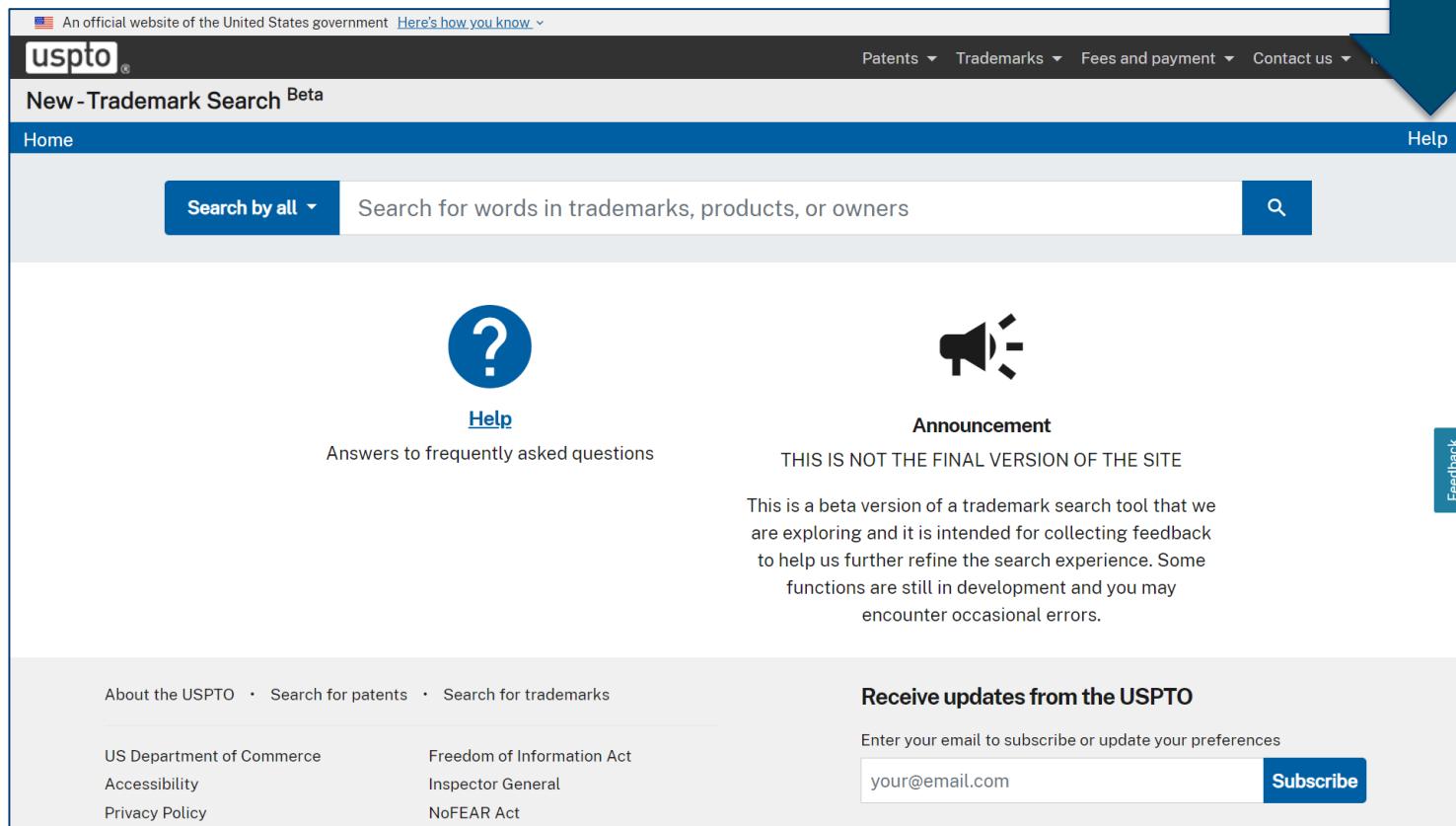
# Translating TESS to new search: practice tips

- Use regex to draft search terms with pattern matching.
- Surround the search term with forward slashes.
  - /term/
- Place pattern matched characters within square brackets.
  - [xyz]
- Place quantifiers in curly braces to the right of the character (or pattern matched characters).
  - [xyz]{1,3}

Discussion topic

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