

**To:** FUJAREK, GARY ([mark@terryfirm.com](mailto:mark@terryfirm.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 76709445 - VOICE - N/A  
**Sent:** 5/19/2016 2:29:06 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

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

U.S. APPLICATION SERIAL NO. 76709445

**MARK:** VOICE

**\*76709445\***

**CORRESPONDENT ADDRESS:**

Mark Terry  
801 Brickell Av. Suite 900  
Miami FL 33131

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[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** FUJAREK, GARY

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[mark@terryfirm.com](mailto:mark@terryfirm.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

**ISSUE/MAILING DATE: 5/19/2016**

**THIS IS A FINAL ACTION.**

On October 15, 2015, the Trademark Trial and Appeal Board (Board) suspended applicant's appeal and remanded the application to the trademark examining attorney to review applicant's request for reconsideration of the final Office action.

On November 10, 2015, action on this application was suspended pending disposition of cited U.S. Registration No. 3695547, for which maintenance documents were due to be filed. *See* 37 C.F.R. §2.67; TMEP §716.02(e). USPTO records indicate that the cited registration has been cancelled and/or expired and is no longer a bar to registration of applicant's mark. Therefore, the Section 2(d) refusal is withdrawn with respect to this particular registration.

The trademark examining attorney has carefully reviewed applicant's most recent response. Applicant's response does not resolve the other issues in final status because applicant has merely provided arguments and analysis that were raised previously. Therefore, all issues raised in the final Office action that issued on remain outstanding.

Because applicant's response does not resolve all outstanding refusals nor otherwise put the application in condition for publication or registration, the trademark examining attorney is holding all issues final, including the new issue raised in applicant's request for reconsideration. *See* 37 C.F.R. §§2.63(b), 2.142(d); TMEP §715.04(b).

The following issues are in final status: likelihood of confusion under Section 2(d) based on a likelihood of confusion with the marks in Registration Nos. 3129368, 3205170, and 1845914 and the refusal that the mark is merely descriptive under Section 2(e)(1) as to "broadcasting services, namely, radio broadcasting by satellite and mobile phones, via a global computer network."

The Board has been notified to resume the appeal. *See* TMEP §715.04(b).

/Kristina Morris/  
Examining Attorney  
Law Office 116  
571-272-5895  
kristina.morris@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 the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or 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/trademarks/teas/correspondence.jsp>.

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **5/19/2016** FOR U.S. APPLICATION SERIAL NO. 76709445

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **5/19/2016** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).