
To: RHE Hatco, Inc. (ggmark@radix.net)
Subject: U.S. TRADEMARK APPLICATION NO. 77348591 - D DOBBS DOBBS FIFTH AVENUE NEW - 21906.216*1
Sent: 11/17/2009 6:59:11 PM
Sent As: ECOM110@USPTO.GOV
Attachments: Attachment - 1
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/348591

MARK: D DOBBS DOBBS FIFTH AVENUE
NEW



CORRESPONDENT ADDRESS:

GREGORY H GUILLOT
GREGORY H GUILLOT PC
13455 NOEL RD
STE 1000
DALLAS, TX 75240-6814

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: RHE Hatco, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

21906.216*1

CORRESPONDENT E-MAIL ADDRESS:

ggmark@radix.net

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/17/2009

Applicant is requesting reconsideration of a final refusal issued/mailed January 22, 2009.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Applicant argues that the mark has acquired distinctiveness prior to NAFTA and was originally owned by a business located in New York, but was acquired by a company located elsewhere. Applicant argues that the mark no longer possesses geographically descriptive qualities because the company that originated the mark was sold years ago and that the mark is not deceptive because it reflects the historical origin of the goods and the manufacturer, but has long ago acquired secondary meaning.

DECEPTIVE REFUSAL

Registration was refused because the applied-for mark consists of or includes geographically deceptive matter in relation to the identified goods and/or services and is not eligible for registration on either the Principal or Supplemental Register. Trademark Act Section 2(a), 15 U.S.C. §1052(a); see *In re Les Halles De Paris J.V.*, 334 F.3d 1371, 67 USPQ2d 1539 (Fed. Cir. 2003); *In re Cal. Innovations Inc.*, 329 F.3d 1334, 66 USPQ2d 1853 (Fed. Cir. 2003); *Institut Nat'l des Appellations D'Origine v. Vintners Int'l Co.*, 958 F.2d 1574, 22 USPQ2d 1190 (Fed. Cir. 1992); *In re Perry Mfg. Co.*, 12 USPQ2d 1751 (TTAB 1989); *In re House of Windsor, Inc.*, 221 USPQ 53 (TTAB 1983); TMEP §1210.01(c).

In this case, the primary significance of the term "NEW YORK" is geographic. The goods and/or services do not originate in this geographic location. The public is likely to believe that applicant's goods and/or services originate from this place because New York is an area known for its production of hats [see additional attachments]. Furthermore, this belief would be a material factor in a significant portion of the relevant consumers' decision to purchase the goods and/or services because they would believe the goods were coming from New York, when in fact, the goods are coming from Texas. See *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1350, 1353, 90 USPQ2d 1489, 1490-93 (Fed. Cir. 2009); *In re House of Windsor*, 221 USPQ at 56-57; TMEP §1210.01(c).

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Dezmona J. Mizelle-Howard/

Dezmona J. Mizelle-Howard
United States Patent and Trademark Office
Law Office 110
571.272.9368

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.



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- [Women's Hats](#)
- [Red Hat Collection](#)
- [Church Hats](#)
- [High Style](#)
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Home



Home

Harlem's Heaven Hat Boutique

Harlem's Heaven designs hats of only the highest quality. We specialize in shipping top quality hats around the world.

We have designed custom hats for clients over the years and have made a small number of Collections available to clients not able to visit our shop in New York. This means you (and our other exclusive clientele around the globe) can buy our world-renowned hats. You can stay up with the latest fashions even if you can't make it to New York.

Evetta, our head designer, went to the highly reputable Fashion Institute of Technology. Since we only offer styles that are consistent with the hottest fashion trends, she regularly updates each Collection with new hats.

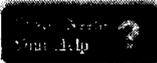
Our hats have been featured in a variety of newspapers and magazines including the New York Times, Crain's NY, and the New York Daily News. We have also been featured on Television including Europe's "Shop the World" fashion show with David Emanuel.

The hottest Collection right now is our Red Hat Collection. Women across the U.S. wishing to impress their friends are rapidly buying our newest Hats in the Red Hat Collection.

We also design custom-hats and special orders are welcome. So if you see a hat that is sold out, please contact us and we will do our best to accomodate your request.



Contact
About Us



(212) 491-7706

Search



CH #193 Silver Satin Pillbox
\$699.00



SS #105 Black Stretch Knit
Cap
\$35.00



ARC #175 Fuschie Fascinator
Hat
\$59.00



CH #280 White Straw, Pearl
and Aurora Borealis Pillbox
\$95.00



CH #395 Baby Pink Organza
Hat
\$175.00



ARC #117 Light Lime and Pink
Off-Face Hat
\$89.00



CH #315 Lemon Yellow Extra
Wide Brim Hat
\$450.00



ARC #119 Red and Violet Off-
Face Hat
\$89.00



HS #104 Beige and Cream
Feather Head Band
\$140.00

Harlems Heaven's Hats Home

Women's Hats - Red Hats - Church Hats - Kentucky Derby Hats - Working Girl Hats

Handbags, Purses and Accessories - Vintage Treasures - Hat Pins

Men's Hats - Fedoras, Apple-Jack and More

Hat Clearance Rack





Samuel's Hats

Toll Free: 866-481-HATS (4287)

exactwords Search

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If you are planning to attend the Kentucky Derby or you need a hat for any special occasion please take a look at our new arrivals by the greatest American and European designers.

At Samuel's Hats you will always find quality and styles that will give you the confidence of a perfectly well dressed lady.

Dear hat lover, welcome to our extensive and unique selection of fabulous hats by the World's most famous designers. And now you can buy these beautiful crowns online!

We feature an extensive and impressive selection of the latest, first-quality ladies hats and accessories; top name men's hats like Boradhuo, Kangol and others.

Come in and take a look at what we have to offer you in our online store. We will constantly be updating our site with our new arrivals, so make sure you come back and see our new selections.

Samuel's hats has been in business since 1933 and since then has become the store with the largest hat collection and a great reputation in New York for it's unique and high fashion designs. We specialize in hats by the most famous and well known designers from America and Europe who using the finest materials create hats like pieces of art for the delight of the ladies who appreciate a

fine hat.

Our collection has thousands of hand made hats to choose from. Many of them are one of a kind from casuals to the very dressy. If you are a lady who love a unique and beautiful hat this is a store you have to visit.

We also sell the most beautiful hat boxes for traveling or for storage.

If you are in New York you are welcome to visit us. We open Monday to Friday from 9:00AM till 7:00PM and Saturdays from 10:00AM till 5:00PM.

Our address is:

Samuel's Hats

74 Nassau St.

New York, NY 10038 (In the financial district)

Phone: 212-513-7322

Email: samuel@samuelshats.com



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Hat Stores in New York City Updated Nov 17 2009 01:23 PM EST with 22 listings

Jucy Winter Hat

Shop Jucy Cold Weather Apparel at Saks - The Latest Laundry Styles
www.saksfifthavenue.com/Hat

Blank Otto Caps & Hats

Buy Blank Baseball Cap Wholesale. Easy To Order, Same Day Shipping!
www.CapDirect.com

Shon Barnes of New York

View the Season's Hottest Designers Unique Styles & More. Shop Online!
www.Shon.com

Ads by Google

Ads by Google New York City Shopping
Hat Stores in New York City (23)

Things to See in NYC

Manhattan Apartment

Manhattan Child Resale
Related Categories:

Add Accessories

New York New York Comfortable and easy to wear clothing for the stylish professional!

401 West Broadway, Soho NY 10012 - between Houston/Pence, Tel: 212-639-1439

Albino Millinery

Specializing in the creation of hand made, one-of-a-kind leathers hats.

30 W. 39th St., Fashion District, NY Tel: 212-719-5290
Tel: 888-719-8389 ; Fax: 212-719-5249
E-mail: sales@albinoillinery.com; Website: albinoillinery.com

Amy Downs

103 Stanton St., Lower East Side, NY 10002 Ludlow St. Tel: 212-698-4189

Arnold Hatters, Inc.

Workily flavored hats made especially for men.

536 Eighth Ave., Hell's Kitchen, NY 10018 Tel: 212-768-3781
Tel: 800-628-4297 ; Fax: 212-768-0111
E-mail: info@ahat.com; Website: ahat.com

- Clothing Stores in New York City
- Department Stores in New York
- Furniture New York City

- Barbara Felman**
Classic styles with a casual twist
 60 E. 7th St., East Village NY near Flat Ave. Tel: 212-358-7092
Mix
- Carlos NY Hats**
 96 W. 30th St., Fashion District NY 10018 (near M41) Tel: 212-564-8825
Mix
- Case De Rodrigues**
Hats for men, women & children. Retail & wholesale
 150 Stanton St., SoHo NY 10012 Tel: 212-895-8880
 Fax: 212-865-1607 ; E-mail: David@drmcn.com
Mix
- Champion Shoes and Hats Manufacturers**
 94 Greenwich Ave., West Village NY 10011 Tel: 212-829-8886
Mix
- Chapeau Chapeau**
Full selection of ready to wear or customized hats
 450 E. 20th St., Yorkville NY near York Ave. Tel: 212-885-2132
Mix
- Eugenia Kim**
Hats, leather bags and accessories
 200 E. 4th St., East Village 16th St. Ave. A & B Tel: 212-673-9787
 E-mail: eu@eugeniakim.com Website: eugeniakim.com
Mix
- Georgia Hughes**
For style of female sales call us during regular business hours
 45 E. 89th St., Carnegie Hill NY 10128 Tel: 212-886-5183
Mix
- Hat Corner**
Cheap hats but not cheap looking. Mens & Womens
 13W 108th St., Fulton Hill at Beaman St. Tel: 212-484-5883
 Website: hats-online.com
Mix
- Hat Shop**
 120 Thompson St., SoHo NY 10012 (near Broome St.) Tel: 212-213-1446
Mix
- Haus Of City Caps**
 3659 Torch Ave., Inwood NY 10034 Tel: 212-304-0166
Mix
- Jonevon Furs Limited**
Custom culture of fur hats and accessories
 281 W. 29th St., Chelsea NY 10001 Tel: 212-714-0845
 Tel: 212-947-5846 ; Fax: 212-714-1118

- John J. Lons**
 E-mail: sales@lonvonnrs.com Website: lonvonnrs.com
 Also
- Kelly Chisley**
 235 Elizabeth St., Holts NY 10012, 4th Floor/Phone only Tel: 212-985-0688
 Also
- Leanne Marshall**
Finest custom culture of fur, straw and velvet hats and accessories
 281 W 29th St., Chelsea NY 10011 Tel: 212-647-5945
 Website: lonvonnrs.com
 By appointment also
- Lots**
Many of our clients are often seen in the major line's as well as on the runway. A favorite of celebrities by appointment only
 535 Eighth Ave., 10th Floor NY 10018 Tel: 212-279-8093
 Also
- Madina Hats Ltd.**
 740 W. 34th St., Chelsea NY 10011 Tel: 212-694-6886
 Website: madinahats.com
 Also
- Patricia Underwood**
Real designer, no sample sales
 498 Seventh Ave., Fashion District NY 10018 Tel: 212-268-0774
 Fax: 212-260-3719 E-mail: info@patriciaunderwood.com
 Website: patriciaunderwood.com
 Also
- Suzanne's Millinery**
Designer hats, one-of-a-kind or custom made
 740 Madison Ave., 10th Fl NY 10017 Tel: 212-593-3732
 Also
- Tacey Tanker Hats**
Re-made or custom made and custom fitted hats for the urban crowd
 19 Mercer St., SoHo NY 10013 Tel: 212-966-8685
 Also
- Whitall & Shon**
 485 Seventh Ave., Fashion District NY 10018 Tel: 212-594-2626
 Also



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sponsored results

Manhattan Hat
We found exactly what you need. Huge deals on all products and more.
[Manhattan.com](#)

Hats
Find Hats Online. See This Week's Featured Products
[www.Target.com](#)

New York City Hats
30 Styles and Colors. Embroidered. All Hats 9.99 or cheaper! Shop Now
[GrandSlamNewYork.com/NYC_Hats](#)

Hats in New York, NY results 1-10 of 152

Sort by: **best first**

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Original Hats & Accessories
Proudly Serving Bronx

Dyco Express Inc.
312.5th Ave, New York, NY 10001- 2.5 miles

B & G Clothes
536 E 187 Th St, Bronx, NY 10458- 11.8 miles

the Hat Warehouse

sponsored results

Carec Single Visit Crowns
Better Quality Crowns in One Visit Park Ave & 40th Street
[midtowndds.com](#)

Hats & Caps Men And Women
Quick shipping - free \$50.00 and up any style, same best prices, we care
[www.hollandhats.com](#)

Hats Ny
Buy Hats Ny up to 50% cheaper on best-price.com
[www.best-price.com/Hats-Ny](#)



View Larger Map

★★★★★ 2 reviews

Hats Warehouse
5304 New Utrecht Ave, Brooklyn, NY 11219- 5.6 miles
"Hat warehouse is a quality hat store that sells all the brand name hats. The sales staff is very helpful and knowledgeable and professional. The prices are very ..."

Fenster Hats ★★★★★ 2 reviews

5304 New Utrecht Ave, Brooklyn, NY 11219- 5.6 miles
"Great little place, very nice quality...staff is wonderful, and they seem to have quite a bit of stock that isn't on display so ask if you don't see ..."

J.J Hat Co Inc ★★★★★ 1 review

310 5th Ave, New York, NY 10001- 2.6 miles
"JJ Hat center is a very quaint and cute place to check out if you are in the mood or market for an old time hat shop in ..."

Hat Shop ★★★★★ 4 reviews

120 Thompson St #A, New York, NY 10012- 0.8 miles
"The review by Sachiko is in error as the Hat Shop does not sell baseball or Kangol hats. Also, we don't bargain over prices. Please remove it from ..."

Samuel's Hats ★★★★★ 1 review

72 Nassau St, New York, NY 10038- 0.3 miles
"Samuel's hats has a very large selection of hats from a number of different designers, and the best part is that their hats come from around the world ..."

Champion Shoe & Hat ★★★★★ 1 review

84 Greenwich Ave, New York, NY 10011- 1.7 miles
"Champion shoes and hats is so great because not only do they have a good selection of hats at different prices for anyone's budget, they also have different ..."

Hats Plus ★★★★★ 1 review

www.best-price.com/hats-ny

Elegant Hats on Web
Save on Unique Quality Designer hat Church, Wedding, Red Hats and more
www.kakyc.com

Nyc Hat
1000's of Choices. Low Prices. Save on Nyc Hat! Shopzilla.com

New York Cap
Save on New York Cap. \$4.99 3-Day Shipping on All Orders.
www.FootballFanatics.com

Related New York, NY searches

- Catalog Showrooms in New York, NY
- Clothing Accessories Stores in New York, NY
- Clothing Stores in New York, NY
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- Marketing Consultants in New York, NY
- Men's Clothing in New York, NY
- Shoe Stores in New York, NY

- See featured businesses in New York
- See favorite businesses by category in New York
- What New York insiders are saying

Hats Plus ★★★★★ 1 review
1366 Coney Island Ave, Brooklyn, NY 11230- 6.6 miles
"Hats Plus is a very good store. They have good prices and a good selection of hats. They also have a nice variety of shirts and beautiful ties. ..."

Hatitude ★★★★★ 2 reviews
93 Reade St, New York, NY 10013- 0.1 miles
"This shop sits in mfy Tribeca, but inside you'll find a large variety of hats. I bought my baseball cap here and it seems to be made of..."

Page 1 2 3 4 5 6 Next

We've Got Your Hat
Huge Selection Of Hats Made From Premium Materials. Order Online!
www.adventurehat.com

New York Baseball Hats
Caps are Fitted, Adjustable, Flex, Franchise- See All Hat Styles Now
cheross.com/yankeeshats.html

Del Mar Hat Co.
Custom, Couture, Designer, Casual, Opening Day Hats in 100's of colors
www.delmarhat.com

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NYFashionHats.com

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Tricornes
Cavalry Hats
Cowboy Hats
Top Hats
Bowler Hats
Fishing Hats
Winter Hats
Summer Hats
Party Hats
Children's Hats
Specialty Hats

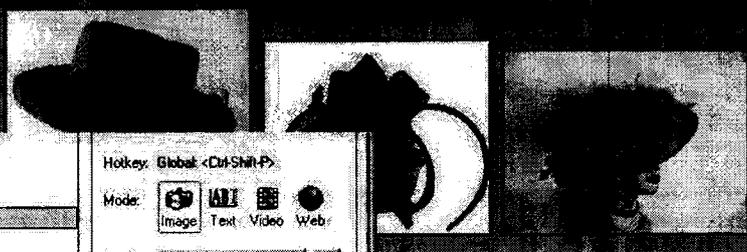
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Arts in the style of: [Abstract Expressionism](#), [Cubism](#), [Expressionism](#), [Impressionism](#), [Modernism](#), [Post-Modernism](#), [Renaissance](#), [Romanticism](#), [Surrealism](#), [Traditional](#)

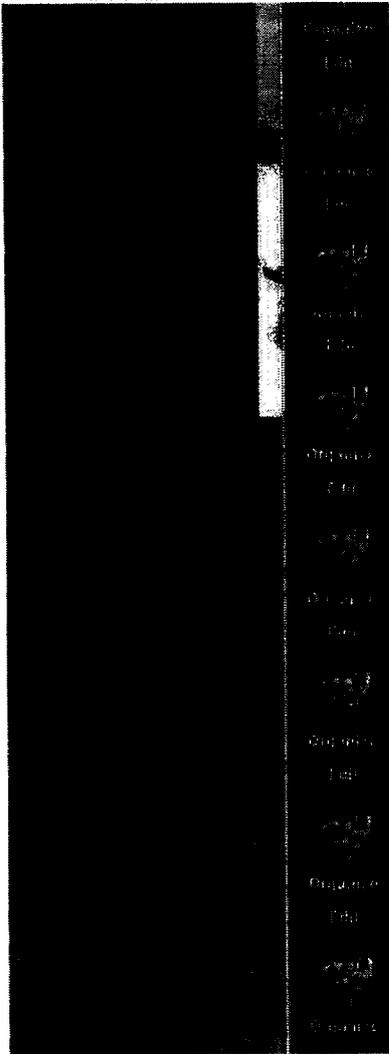
Arts by the style of: [Abstract Expressionism](#), [Cubism](#), [Expressionism](#), [Impressionism](#), [Modernism](#), [Post-Modernism](#), [Renaissance](#), [Romanticism](#), [Surrealism](#), [Traditional](#)



- An object on the screen
- The entire screen
- Other Capture Profiles (6)
- A region on the screen
- A menu with time delay option

Hotkey: Global <Ctrl>+Shift+P

Mode: Image Text Video Web



A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen
 The entire screen

Other Capture Profiles (6)

A menu with time delay option
 Text from a window
 An object on the screen

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web

Input:

Hotkey: Global <Ctrl>Shift-P

Mode: Image Text Video Web



The screenshot displays a software interface for capturing content from a website. The interface is divided into three main sections:

- Left Panel (List of Profiles):** A list of capture profiles, each with a radio button and a description. The profiles are:
 - An object on the screen
 - The entire screen
 - Other Capture Profiles (6)
 - A menu with time delay option
 - Text from a window
 - An object on the screen
 - The entire screen
 - Other Capture Profiles (6)
 - A menu with time delay option
 - Text from a window
 - An object on the screen
 - The entire screen
 - Other Capture Profiles (6)
 - A menu with time delay option
 - Text from a window
 - An object on the screen
 - The entire screen
 - Other Capture Profiles (6)
 - A menu with time delay option
 - Text from a window
 - Record a video of the screen
 - All images from a Web site
 - A Direct application (e.g. games)
 - My Profiles (0)
- Middle Panel (Configuration):** A configuration panel for the selected profile. It includes:
 - Hotkey: Global <Ctrl-Shift-P>
 - Mode: Image, Text, Video, Web (Image is selected)
 - Input: [Text Field]
 - Hotkey: Global <Ctrl-Shift-P>
 - Mode: Image, Text, Video, Web (Image is selected)
 - Input: [Text Field]
 - Hotkey: Global <Ctrl-Shift-P>
 - Mode: Image, Text, Video, Web (Image is selected)
 - Input: [Text Field]
 - Hotkey: Global <Ctrl-Shift-P>
 - Mode: Image, Text, Video, Web (Image is selected)
 - Input: [Text Field]
 - Output: [Text Field]
 - Filters: [Text Field]
 - Options: [Icons]
- Right Panel (Preview):** A preview area showing a grid of fashion hat images. The images are arranged in a 2x2 grid, with the top-right image being larger and more prominent.

ASOS

Search or Enter Magazine Code

Back to A To Z of Brands

Home > Men > A To Z of Brands > New York Hat Company

REFINE BY

COLOUR

- Black
- Brown
- Cream
- Grey
- Navy
- Red

PRICE RANGE

£0 - £70

SIZE

- S/M
- M
- L
- L/XL
- XL
- One Size

HATTYPE

- Berries
- Caps
- Structured Hats

SORT BY Select

Viewing all 13 styles



New York Hat Company Buffalo Trapper Hat £22.00



New York Hat Company Rugby Striped Beanie £8.00



New York Hat Company Rugby Striped Beanie £8.00



New York Hat Company Speck Pop Top Beaked Beanie £16.00



New York Hat Company Solid
Hi-Top Oversized Beanie
£10.00



New York Hat Company
Lambkin Fedora
£55.00



New York Hat Company Loole
Fedora
£45.00



New York Hat Company Stingy
Blues Hat
£32.00
NOW £26.00



New York Hat Company Bone
Herringbone Tilly
£35.00
NOW £24.00



New York Hat Company Rich
Diald Flatcap
£25.00
NOW £20.00



New York Hat Company The
Gent Low Top Hat
£50.00



New York Hat Company Suede
Dark Die
£35.00

New York Hat Company Wool
Stingy Hat
£35.00
NOW £28.00

New York Hat Company Mad
Hatter Top Hat
£70.00

New York Hat Company Pinched
Stingy Hat
£40.00

Viewing all 15 styles

ENTER EMAIL ADDRESS

To: RHE Hatco, Inc. (ggmark@radix.net)
Subject: U.S. TRADEMARK APPLICATION NO. 77348591 - D DOBBS DOBBS FIFTH AVENUE NEW - 21906.216*1
Sent: 11/17/2009 6:59:16 PM
Sent As: ECOM110@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77348591) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on 11/17/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77348591&doc_type=REC&mail_date=20091117) http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77348591&doc_type=REC&mail_date=20091117 OR go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 11/17/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.