

From: Estrada, Linda

Sent: 3/3/2011 7:11:53 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 77729594 - NEWSWEEK GREEN RANKINGS - 18078.TBD - Request for Reconsideration Denied - Return to TTAB - Message 1 of 5

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Count: 6

Files: gesm-1.jpg, gesm-2.jpg, gesm-3.jpg, gesm-4.jpg, gesm-5.jpg, 77729594.doc

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

**APPLICATION SERIAL NO.** 77729594

**MARK:** NEWSWEEK GREEN RANKINGS



**CORRESPONDENT ADDRESS:**  
BRIAN J WINTERFELDT  
STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVE NW  
WASHINGTON, DC 20036-1795

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

**APPLICANT:** HARMAN NEWSWEEK LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO:**  
18078.TBD

**CORRESPONDENT E-MAIL ADDRESS:**  
ipdocketing@steptoe.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 3/3/2011**

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated August 10, 2010 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

The examining attorney submits additional Internet evidence concerning applicant's rankings as well as additional evidence of common use of the wording by third parties. The examining attorney submits that the evidence supports the finding that "green rankings" is descriptive of applicant's goods and services.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §§715.03, 715.03(a), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

/Linda M. Estrada/  
Trademark Attorney, Law Office 104  
(571) 272-9298  
(571) 273-9104 Fax  
Linda.Estrada@uspto.gov

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## Newsweek moves from green rankings to cashing in Green

November 4th, 2009 - No Comments

What a difference a few weeks makes.

September 23-24, *Newsweek* was the "media partner" for the [Council on Competitiveness' National Energy Summit](#), mainly dominated by business leaders focused on developing meaningful responses and policies to tackle climate change. That session was a coming out, of sorts, for *Newsweek's* green business rankings, which purported to be the first comprehensive look at America's top 500 Corporations and their environmental policies. This Summit had speakers like [Secretary of Energy Steven Chu](#), the [Presidential Science Advisor John Holdren](#), and many others providing meaningful and valuable perspective on what we can (and should) do to mitigate climate change. (There were, of course, also [some fossil fools](#) there.) Writ large, it was a powerful event of business and other leaders learning from each other about possibilities and necessities.

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And, Newsweek provided many of the moderators (even if they were often seeming to shill for anti climate mitigation perspectives in their questions and comments) while handing out copies of their [Green Rankings](#).

Now we see that Green Newsweek perhaps should be ranking itself low on that in the rankings as it cashes in some green as [Newsweek is partnering this time with the American Petroleum Institute](#) for an "Executive Forum" on "Climate and Energy Policy". API is publishing full page ads in the Washington Post arguing against climate legislation with truthiness-laden assertions about energy prices.

[TPM Muckraker](#) put it like this:

*API has been a key opponent of serious efforts to address climate change, spending over \$3 million lobbying on the Waxman-Markey climate change bill this year. This summer, Gerard sent a memo to API member groups that laid out a plan to create astroturf rallies at which industry employees posing as ordinary citizens urged Congress to oppose global warming legislation. Newsweek itself covered that news, as an example of "how astroturfing is taking over local activism."*

TPM further notes, however, that *Newsweek* has a record of "going soft" on the oil industry, both in articles and in previous partnering for special forums.

*In September, Newsweek ran a story by Newsweek International editor Rana Foroohar entitled "Big Oil Goes Green For Real," which infuriated environmentalists by asserting that oil industry investments in alternative energy were no longer just green-washing, but rather were "the real deal."*

Well, looking at the upcoming "Newsweek Executive Forum", should we wonder what "the real deal" really is?

The VIP invitation that went out earlier this week:

- [Seeking to Put The Nail in The Coffin on America's Future Prosperity and Security](#) 2.16
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#### ENVIRONMENTAL JUSTICE / ACTIVISM

*From: Jennifer Slattery*

*To:*

*Sent: Mon Nov 02 18:36:27 2009*

*Subject: V.I.P. Invitation / Newsweek Executive Forum - Climate and Energy*

*Policy: Moving?*

*Dear \_\_\_\_\_,*

*The editors of Newsweek cordially invite you to attend Newsweek's Executive Forum entitled, Climate and Energy Policy: Moving? This Capitol Hill policy forum is scheduled on Tuesday, December 1, 2009 at 4:30 P.M. in the Mansfield Room (S-207) in the United States Capitol.*

*There will be an informal reception immediately following the discussion.*

*The panel discussion will be moderated Howard Fineman, Newsweek National-Affairs Columnist and Senior Washington Correspondent with special guest panelist Jack Gerard, President & Chief Executive Officer of American Petroleum Institute (API).*

*Newsweek is also honored to have forum invitations currently pending confirmation with notable members of the United States House of Representatives and the United States Senate.*

*These additional program announcements will be made in the coming days and you will be apprised of these updates.*

*Newsweek is pleased to be co-hosting this panel discussion with API. To R.S.V.P., please click the below link and register for the event.*

*<http://guest.cvent.com/>*

*Please don't hesitate to let us know if you need additional information or have further questions.*

*We look forward to hosting you on Tuesday, December 1, 2009.*

- [Green Prophet](#)
- [Jetson Green](#)
- [Le Monde: Planete](#)
- [Les Quatre Elements ...](#)
- [Mother Nature Network](#)
- [Open the Future \(James Cascio\)](#)
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**SHOP GREEN**

*We look forward to hosting you on Tuesday, December 1 and value your continued interest in energy issues of importance.*

*Sincerely,*

*Jennifer Slattery*

*Manager, Newsweek External Relations*

XXXX

[www.newsweek.com](http://www.newsweek.com)

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