

From: Benjamin, Sara

Sent: 1/20/2012 5:39:13 PM

To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 77752741 - CHILDREN'S DHA -
282019999016 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 4

Attachment Information:

Count: 10

Files: 20111010-ooa0002.JPG, 20111010-ooa0003.JPG, 20111010-ooa0004.JPG,
20111010-ooa0005.JPG, 20111010-ooa0007.JPG, 20111010-ooa0008.JPG, 20111010-
ooa0009.JPG, 20111010-ooa0010.JPG, 20111010-ooa0011.JPG, 77752741.doc

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

APPLICATION SERIAL NO. 77752741

MARK: CHILDREN'S DHA



CORRESPONDENT ADDRESS:

MEREDITH M WILKES
JONES DAY
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CLEVELAND, OH 44114-1190

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

APPLICANT: Nordic Naturals, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

282019999016

CORRESPONDENT E-MAIL ADDRESS:

mwilkes@jonesday.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 1/20/2012

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 June 29, 2011 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 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).

In accordance with TMEP §715.03, the attorney attaches additional evidence hereto showing (1) that CHILDREN'S is a generic designation for nutritional supplements; and (2) that the stylization of applicant's mark consisting of different colored letters is commonly used for children's supplements and medications.

/Sara N. Benjamin/
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