

From: Verhosek, William

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To: TTAB Efilng

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Subject: U.S. TRADEMARK APPLICATION NO. 77924132 - ASPIRA - N/A - SU - Request for
Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 30

Files: 71610206P001OF003.JPG, 71610206P002OF003.JPG, 71678849P001OF002.JPG,
71678849P002OF002.JPG, 71681428P001OF002.JPG, 71691449P001OF002.JPG,
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 77924132

MARK: ASPIRA



CORRESPONDENT ADDRESS:

ELIZABETH TWOMEY

EASTMAN CHEMICAL COMPANY

100 N EASTMAN ROAD

KINGSPORT, TN 37662

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: EASTMAN CHEMICAL COMPANY

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

etwomey@eastman.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 7/26/2015

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) made final in the Office action dated August 28, 2014 are

maintained and continue to be final: substitute specimen requirement. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

The final refusal regarding the differences of the marks in the specimens and the drawing as it pertains to EASTMAN ASPIRA COPOLYESTER EN177 in the specimen and ASPIRA in the drawing is addressed as follows. In its response of January 12, 2014, the applicant argues that COPOLYESTER EN177 is a model number. Upon further review, the examining attorney finds that the specimens of April 29, 2014 does show use of the mark in connection with other model numbers, e.g., EB062 COPOLYESTER. Thus, the wording COPOLYESTER EN177 is deemed a model designation and not material to the mark as shown on the specimen.

As to EASTMAN ASPIRA as shown on the specimen, 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.

In any event, the applicant may wish to amend the drawing of the mark to EASTMAN ASPIRA. TMEP §807.14(b).

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/William T. Verhosek/

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