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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. 77926169

MARK: BABY BESPOKE



CORRESPONDENT ADDRESS:

CHELSEA DAVIS

CHELSEA DAVIS PC

4416 BELCLAIRE AVENUE

DALLAS, TX 75205

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Baby Bespoke By Kathryn Beach, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

6956.1002

CORRESPONDENT E-MAIL ADDRESS:

cdavis@chelseadavispc.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 6/1/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration dated April 6, 2013 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) and/or refusal(s) made final in the Office action dated August 8, 2012 are maintained and continue to be final: refusal of the mark under Section

2(e)(1) of the Trademark Act. *See* TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action are satisfied: proper amendment to the identification of goods as applicant has deleted International Class 28 from the application. In addition, applicant has properly amended the identification of goods in International Class 25. *See* TMEP §§715.03(a)(ii)(B), 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. The examining attorney also encloses additional evidence supporting the finding that the wording in the mark is merely descriptive under Section 2(e)(1) of the Trademark Act.

Accordingly, the request is denied.

In addition, applicant has not properly responded to the Notice of Deficiency concerning the Amendment to Allege Use dated April 6, 2013. As indicated in the January 22, 2014 Notice of Deficiency, applicant's April 6, 2013 Amendment to Allege Use does not comply with the minimum requirements for filing an amendment to allege use and, therefore, will not be forwarded to the examining attorney for examination of the merits per Trademark Act Rule 2.76(e), 37 C.F.R. §2.76(e); TMEP §1104.01. Specifically, "the proposed amendment to allege use does not include the necessary statement that is signed and verified or supported by a declaration under §2.20, as required by Trademark Rule 2.76(e)(3), 37 C.F.R. § 2.76(e)(3); TMEP §1104.01." *See* January 22, 2014 Notice of Deficiency.

In addition, the January 22, 2014 Notice of Deficiency explains that "the applicant has until the approval of the mark for publication or, if a final action has issued, until the expiration of the six-month response period for that final action, to correct the above deficiency. If correction is not made within this time, the application will be processed without consideration of the amendment to allege use."

However, to date, applicant has not properly responded to the January 22, 2014 Notice by providing the necessary statement that is signed and verified or supported by a declaration under §2.20, as required by Trademark Rule 2.76(e)(3), 37 C.F.R. § 2.76(e)(3); TMEP §1104.01.

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).

/Linda M. Estrada/

Trademark Examining Attorney

Law Office 104

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Linda.Estrada@USPTO.gov

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be+spoke (bi-spōk') v.



bespoke

Past tense and a past participle of bespeak.

adj.

1.

Custom-made. Said especially of clothes.

2.

Making or selling custom-made clothes: a bespoke tailor.

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Bespoke. (2011). In The Editors of the American Heritage Dictionaries, The Editors of the American Heritage Dictionaries, & The Editors of the American Heritage Dictionaries (Eds.), *The American Heritage Dictionary of the English language*. Boston, MA: Houghton Mifflin. Retrieved from <http://search.credoreference.com/content/entry/hmdictenglang/bespoke/0>

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Wordnet 3.0

ADJECTIVE (1)

1. (of clothing) custom-made;
[syn: [bespoke](#), [bespoken](#), [made-to-order](#), [tailored](#), [tailor-made](#)]

The Collaborative International Dictionary of English v.0.48:
Bespoke \Beˈspokeˈ (b[-e]ˈsp[=o]k*),
imp. & p. p. of [Bespeak](#).
[1913 Webster]

The Collaborative International Dictionary of English v.0.48:
Bespeak \Beˈspekˈ, v. t. [imp. [Bespoke](#), [Bespake](#) (Archaic);
p. p. [Bespoke](#), [Bespoken](#); p. pr. & vb. n. [Bespeaking](#).]
[OE. bispeken, AS. besprecān, to speak to, accuse; pref. be-
+ spreca to speak. See [Speak](#).]
1. To speak or arrange for beforehand; to order or engage
against a future time; as, to bespeak goods, a right, or a
favor.
[1913 Webster]
Concluding, naturally, that to gratify his avarice
was to bespeak his favor. --Sir W.
Scott.
[1913 Webster]

2. To show beforehand; to foretell; to indicate.
[1913 Webster]
[They] bespoke dangers . . . in order to scare the

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Suite**
Ecommerce
Suite That
Does It All. All
In One
Solution - See
□


[1913 Webster] bespoken dangers. It is better to secure the allies.
--Swift.

[1913 Webster]

3. To betoken: to show; to indicate by external marks or appearances.

[1913 Webster]

When the abbot of St. Martin was born, he had so little the figure of a man that it bespoke him rather a monster.
--Locke.

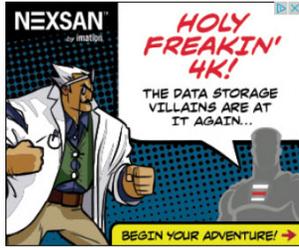
[1913 Webster]

4. To speak to; to address. [Poetic]

[1913 Webster]

He thus the queen bespoke. --Dryden.

[1913 Webster]



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Dictionary

Find definitions for:

be•spoke

Pronunciation: (bi-spōk), [key]

—v.
a pt. and pp. of bespeak.

—adj.
1. *Brit.*
a. (of clothes) made to individual order; custom-made: a bespoke jacket.
b. making or selling such clothes: a bespoke tailor.
2. *Older Use.* engaged to be married; spoken for.

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◀ bespectacled

bespoken ▶

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* Updated 10/2013

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