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Subject: U.S. TRADEMARK APPLICATION NO. 78095659 - SQRAT - N/A - SU - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 13

Files: 1.jpg, 2.jpg, 3.jpg, 4.jpg, 5.jpg, 6.jpg, 7.jpg, 8.jpg, 9.jpg, 10.jpg, 11-1.jpg, 11-2.jpg, 78095659.doc

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

U.S. APPLICATION SERIAL NO. 78095659

MARK: SQRAT



CORRESPONDENT ADDRESS:

DAVID A EINHORN

BAKER HOSTETLER

45 ROCKEFELLER PLZ FL 11

NEW YORK, NY 10111-0230

GENERAL TRADEMARK INFORMATION:

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Silberstein, Ivy

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

bhipdocket@bakerlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/14/2015

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) and/or refusal(s) made final in the Office action dated March

26, 2015 are maintained and continue to be final: Substitute Specimen Required and Failure to Function as a Service Mark. 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. Accordingly, the request is denied.

SUBSTITUTE SPECIMEN UNACCEPTABLE

In response to the final requirement, applicant argues that sufficient association between the mark SQRAT and the services exists because of the proximity between the mark and the TV/VIDEO term/link that appears on the webpage. The examining attorney is not persuaded by this argument.

Although the webpage features the term "TV/VIDEO," the mark SQRAT appears in the upper right corner with the intervening language READ ABOUT SUPERSONIC VS. 20TH CENTURY FOX between the terms SQRAT and TV/VIDEO such that there is no association between the mark and the term TV/VIDEO. In addition, the term TV/VIDEO is too vague and there is no indication on the specimen that term TV/VIDEO refers to the merchandising of the movies and television programs of others. For example, the term TV/VIDEO could refer to providing information about TV and video or the streaming of TV and VIDEO. In fact, the attached Internet evidence obtained from the TV/VIDEO link on the webpage specimen shows that the link connects to various TV and video clips available for streaming. (See: <http://ivysmedia.com/>; <http://ivysmedia.com/ivid/>). Representative clips are attached. The services "streaming of video material" are in Class 38 and are not considered merchandising services in Class 35.

Based on the foregoing, the specimen does not show use of the mark in connection with the identified services. Accordingly, the final requirement for a substitute specimen is maintained.

REFUSAL – FAILURE TO FUNCTION AS A MARK

The applied-for mark, as shown on the substitute webpage specimen, does not function as a service mark because it does not function as an indicator of source for the services. The mark merely appears in the upper right corner of the webpage without any reference to applicant's merchandising of movies and television shows. Thus, consumers would not perceive the mark as a source identifier for the applicant or for the services applicant provides.

Accordingly, the final refusal for failure to function as mark is maintained.

As 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).

/Michele-Lynn Swain/

Michele-Lynn Swain

Examining Attorney

Law Office 116

571-272-9232

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- 2000 SQRAT on CNN
- 2002 SQRAT on CNN
- Red Carpet VH1
- Craft Deathmatch
- Silveride Vee
- IVY on MTV UK
- Pam & Kelly
- Apprentice Finale
- Apprentice 12
- Operation Smile
- Pamela Anderson
- Gotti about Pam
- Wild on E!
- VH1 Tommy Lee
- Carmen Electra
- Scott Weiland
- Mary McCormack
- Raggs & Kelly
- Snoop Dogg
- East Sidaz
- Blondie Video
- CHLMTV Gossip on
- Howard Stern
- Fashion TV
- Stern, TheView, MTV
- MTV - Ananda
- Extra
- Extra-Bartly
- NY 1 Time to Win
- 2000 Prince
- The Smokers
- Empire
- GHA, Larry Holmes
- Monica Lewinsky
- High Voltage
- I.B.IVY - Bizbuzz
- BLAST: I.B.IVY
- 90210: I.B.V Jacket
- Money, Style & Power



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MT UK visits IVY in her design studio for a rundown on celebrity Style

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- Scott Weiland
- Maury Postich
- Ragis & Kelly
- Snoop Dogg
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Ivy Supersonic's Fashion Show Videos
Ivy Supersonic Designer Collection
Ivy's Feathered Hat Fashion Extravaganza

Ivy Supersonic: The Woman of Many Hats
Ivy Supersonic is a force of nature. She is a woman on a mission. To inspire the people of the world into realizing their own potential for freedom and happiness. Literally, the woman of many hats, the magical hatler, her multidimensional personality gives her the unique ability and insight to spread her positive message around the world via her TV All Good Campaign.

Read Ivy's Bio | Photo for Disability | 1st 20, 2015
Answer: Thanks for!

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Ivy's Music CD
Ivy Supersonic's new album features Ivy's lyrics on the new CD.
Listen to "Dress for Success" (Album)

Hat Designer to the Stars
Come into the gallery to see all of the designer hats have worned on Ivy hat.
Fashion Hat Gallery: More Famous Hats

With the Ivy Supersonic Costume Makeups
See the Ivy Supersonic Operations Social Campaigns Process
Watch Ivy Supersonic's Costume Make Videos

White House | Apprentice Gallery | Video | (story) | Party Designer to the Stars

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THE SINGLE WOMAN

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