

---

**To:** SAW-YOU.com Limited (david@kennedysgroup.com)  
**Subject:** TRADEMARK APPLICATION NO. 78300169 - WEEMEE - 34610  
**Sent:** 9/29/06 8:12:27 AM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

---

**UNITED STATES PATENT AND TRADEMARK OFFICE****SERIAL NO:** 78/300169**APPLICANT:** SAW-YOU.com Limited**CORRESPONDENT ADDRESS:**

Mark L. Fleshner  
FLESHNER & KIM, LLP  
P.O. Box 221200  
Chantilly, Virginia 20153-1200

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

If no fees are enclosed, the address should  
include the words "Box Responses - No Fee."

**MARK:** WEEMEE**CORRESPONDENT'S REFERENCE/DOCKET NO:** 34610**CORRESPONDENT EMAIL ADDRESS:**

david@kennedysgroup.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/300169

Applicant is requesting reconsideration of a final refusal dated January 19, 2006.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

**Section 2(d) - Likelihood of Confusion Refusal - FINAL ACTION MAINTAINED AND CONTINUED**

Registration of the proposed mark was refused and the refusal was made final January 19, 2006 because

of a likelihood of confusion with the marks in U.S. Registration Nos. 2952123 and 2824799. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

Registrant owns the marks "MEEWEE ENTERTAINMENT" and MEE WEE ENTERTAINMENT. Applicant has proposed the mark WEEMEE. The marks create a highly similar commercial impression.

Applicant argues that registrant's goods and services are not seen by the same segment of the purchasing public as applicant's goods and services; however, a determination of whether there is a likelihood of confusion is made solely on the basis of the goods and services identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999). If the cited registration describes the goods and services broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, then it is presumed that the registration encompasses all goods and services of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Linkvest S.A.*, 24 USPQ2d 1716 (TTAB 1992); *In re Elbaum*, 211 USPQ 639 (TTAB 1981); TMEP §1207.01(a)(iii). The goods and services are closely related.

When confronted with closely related goods and services bearing highly similar marks, a consumer is likely to have the mistaken belief that the goods originate from the same source. Because this likelihood of confusion exists, the final refusal to register must be maintained and CONTINUED.

/Kristina Kloiber/  
Examining Attorney  
Law Office 116  
(571) 272-5895  
(571) 273-9116 Fax