

From: Hammel, Laura

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Subject: U.S. TRADEMARK APPLICATION NO. 79083340 - APPLIQUATOR -
GLAWE-32477 - Request for Reconsideration Denied - Return to TTAB

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

APPLICATION SERIAL NO. 79083340

MARK: APPLIQUATOR



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

APPLICANT: Gilltec GmbH

CORRESPONDENT'S REFERENCE/DOCKET NO:

GLAWE-32477

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/18/2012
INTERNATIONAL REGISTRATION NO. 1040878

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 refusal made final in the Office action dated October 13, 2011 is 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, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Applicant argues that the refusal was improperly raised and refers to et al. Section 1904.03(a) of the TMEP. The examining attorney is not persuaded by applicant's arguments, as the refusal has been raised within the 18 month period and MPU has been contacted regarding the Office action containing the new refusal and is or has notified the IB of the new ground. The TMEP does not require that the IB be notified of a new refusal within the 18 month time period where it has already been notified that a prior Office action has been issued, only that the new refusal be raised within the 18 month time period. The new refusal was first raised on October 13, 2011, which is within the 18 month time period. 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 refusal 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).

/Laura A. Hammel/
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only)