

From: Benjamin, Sara

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To: TTAB E filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 79104322 - NOMA - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

Attachment Information:

Count: 9

Files: web1-1.jpg, web1-2.jpg, web1-3.jpg, web1-4.jpg, web2-1.jpg, web2-2.jpg, web2-3.jpg, web2-4.jpg, 79104322.doc

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

U.S. APPLICATION SERIAL NO. 79104322 MARK: NOMA	
CORRESPONDENT ADDRESS: MARY F LOVE ROTHWELL FIGG ERNST & MANBECK PC 607 14TH ST NW 8TH FLOOR WASHINGTON, DC 20005	GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp
APPLICANT: NOMA AF 2003 ApS	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A CORRESPONDENT E-MAIL ADDRESS:	

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 1095234

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)(2)(B), (a)(2)(E), 715.04(a). Applicant argued against the partial Section 2(d) refusal but did not address the partial identification amendment requirement. The examining attorney has carefully considered applicant's arguments regarding the partial Section 2(d) refusal, but is not persuaded. The partial Section 2(d) refusal and the partial identification amendment requirement made final in the Office action dated April 1, 2014 are maintained and continue to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

The attached Internet evidence consists of website excerpts. This evidence establishes that the same entity commonly provides the relevant goods and markets the goods under the same mark and the relevant goods are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Therefore, applicant's and registrant's goods are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Evidence obtained from the Internet may be used to support a determination under Trademark Act Section 2(d) that goods and/or services are related. See, e.g., *In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007).

In the present case, applicant's request has not resolved all the outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues 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.

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, (a)(2)(B), (a)(2)(E), (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 requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

/Sara N. Benjamin/

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★★★★★

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