From: Khan, Ahsen

Sent: 8/26/2014 8:37:02 PM

To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 79119647 - 2GOOD - N/A - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 34

Files: 85322677P001OF003.JPG, 85322677P002OF003.JPG, 85322677P003OF003.JPG, 85419669P001OF004.JPG, 85419669P002OF004.JPG, 85419669P003OF004.JPG, 85419669P004OF004.JPG, 85498112P001OF003.JPG, 85498112P002OF003.JPG, 85498112P003OF003.JPG, 85573725P001OF004.JPG, 85573725P002OF004.JPG, 85573725P003OF004.JPG, 85573725P004OF004.JPG, 85582460P001OF004.JPG, 85582460P002OF004.JPG, 85582460P003OF004.JPG, 85582460P004OF004.JPG, 85793327P001OF003.JPG, 85793327P002OF003.JPG, 85793327P003OF003.JPG, 85793550P001OF003.JPG, 85793550P002OF003.JPG, 85793550P003OF003.JPG, 85808161P001OF003.JPG, 85808161P002OF003.JPG, 85808161P003OF003.JPG, 85844891P001OF003.JPG, 85844891P002OF003.JPG, 85844891P003OF003.JPG, 86108839P001OF003.JPG, 86108839P002OF003.JPG, 86108839P003OF003.JPG, 79119647.doc

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

U.S. APPLICATION SERIAL NO. 79119647 **MARK:** 2GOOD	
CORRESPONDENT ADDRESS: JOSEPH F SCHMIDT TAFT STETTINIUS & HOLLISTER LLP 111 E WACKER DR STE 2800 CHICAGO, IL 60601	**GENERAL TRADEMARK INFORMATION:** http://www.uspto.gov/trademarks/index.jsp
APPLICANT: August Storck KG	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A **CORRESPONDENT E-MAIL ADDRESS:**	

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 1133636

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). The requirement(s) and/or refusal(s) made final in the Office action dated Feb. 4, 2014 are maintained and continue to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 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.

Applicant's arguments regarding the differing nature of the parties' marks were not found to be persuasive because the marks are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Also, please note that the trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely "chocolate bars" and "cocoa, cookies, and chocolate or cocoa beverages", are of a kind that may emanate from a single source under a single mark. *See In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Here, the goods are highly related and/or overlapping and the marks are phonetic equivalents. The differences in the appearance and connotation of the marks highlighted by applicant do not outweigh these factors and the Motion for Reconsideration is therefore 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).

/Ahsen Khan/

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