From: MacFarlane, James

Sent: 3/3/2015 6:36:14 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 79121759 - D - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 4

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Attachment Information:

Count: 53

Files: neim1-01.jpg, neim1-02.jpg, neim1-03.jpg, neim1-04.jpg, neim1-05.jpg, neim1-06.jpg, neim1-07.jpg, neim1-08.jpg, neim1-09.jpg, neim1-10.jpg, neim1-11.jpg, neim1-12.jpg, neim1-13.jpg, neim1-14.jpg, neim1-15.jpg, neim1-16.jpg, neim1-17.jpg, neim1-18.jpg, neim1-19.jpg, neim1-20.jpg, neim1-21.jpg, neim1-22.jpg, neim1-23.jpg, neim1-24.jpg, neim1-25.jpg, neim1-26.jpg, neim1-27.jpg, neim1-28.jpg, neim1-29.jpg, neim1-30.jpg, neim1-31.jpg, neim1-32.jpg, neim1-33.jpg, neim1-34.jpg, neim1-35.jpg, neim1-36.jpg, neim1-37.jpg, neim1-38.jpg, neim1-39.jpg, neim1-40.jpg, neim1-41.jpg, neim1-42.jpg, neim1-43.jpg, neim1-44.jpg, neim1-45.jpg, neim1-46.jpg, neim1-47.jpg, neim1-48.jpg, neim1-49.jpg, neim1-50.jpg, neim1-51.jpg, neim1-52.jpg, 79121759.doc

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

U.S. APPLICATION SERIAL NO. 79121759

MARK: D

CORRESPONDENT ADDRESS:

BURTON S EHRLICH

LADAS & PARRY LLP

SUITE 1600 224 S MICHIGAN AVENUE

CHICAGO , IL 60604

GENERAL TRADEMARK INFORMATION:

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

VIEW YOUR APPLICATION FILE

APPLICANT: DELVAUX DESIGN COORDINATION & FINANCE en ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

CHIUSTM@LADAS.NET

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 3/3/2015

INTERNATIONAL REGISTRATION NO. 1139273

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 requirement(s) and/or refusal(s) made final in the Office action dated June 1, 2014 are maintained and continue to be final. *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.

Specifically, as the attached evidence shows, patterns such as that in applicant's mark are in widespread use in the industry as decorations. Consumers exposed to the pattern will thus view it as merely an ornamental feature of the goods and not a source indicator. Moreover, the attached evidence from the Office's X-Search database shows numerous registrations in which similar patterns have been registered with proof of distinctiveness or on the Supplemental Register, thus supporting the position that such patterns are not inherently distinctive. Finally, applicant's evidence regarding monogramming does not indicate how the monograms are used on the goods. As the attached definitions show, monograms are simply initial applied to a product. Nothing in the web evidence presented by applicant shows that monograms are perceived as trademarks when applied in a decorative, repeating fashion over the surface of goods.

If 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).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the

trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/James MacFarlane/

Examining Attorney

Law Office 104

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(571) 270-2512 (fax)

james.macfarlane@uspto.gov

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SEARCH

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HANDBAGS : CATEGORIES : TOTES

ALL DESIGNERS
FEATURED DESIGNERS
CATEGORIES
- All Handbags
- Backpacks
- Clutches
- Crossbody Bags
- Diaper Bags
- Evening
- Exotic Handbags
- Hobos
- Satchels
- Shoulder Bags
- Small Accessories
- Totes
- Wallets

LIFESTYLES
CUSTOMER FAVORITES
INSITE
MONOGRAM SHOP
NEW THIS WEEK
NM EDITS

TOTES

FILTER BY:

Designer | Size | Color | Price | Lifestyle | In Store/Online

SORT BY: Best Match 1020 items VIEW: 30 120

1
2
3
4
...
9
NEXT

Quick Look

Saint Laurent
Sac de Jour Nano Crossbody Bag, Fuchsia
$1990
Quick Look

Saint Laurent
Sac de Jour Small Carryall Bag, Cobalt
$2750
Quick Look

Balenciaga
Papier A4 Leather Tote Bag, Black
$1545

$1545
Quick Look

Akris
Ai Small Horsehair Tote Bag, Black
$3990
Quick Look

3.1 Phillip Lim
Wednesday Trapezoid Tote Bag, Black
$1075
Quick Look

Alexander McQueen
Pebbled Padlock Shopper Tote, Red
$1460
Quick Look

Alexander Wang
Prisma Large Calfskin Tote Bag, Black
$950
Quick Look

Badgley Mischka
Lena Shiny Leather Tote Bag, Espresso
Original: $395

NOW: $256

Quick Look

Saint Laurent
Sac de Jour Grained Leather Carryall Bag, Earth Gray
$3490
Quick Look

Top

Balenciaga
Giant 12 Colden Sunday Tote Bag, Rose Aubergine
$1835
Quick Look

Tory Burch
Kerrington Square Tote Bag, Diamond Combo
$295
Quick Look

Alexander McQueen
Heroine Leather Tote Bag, Black
$1795

Top

Quick Look

Top

Prada
Fringe Twin Pocket Tote Bag, Caramel (Caramel)
$2750
Quick Look

Tory Burch
Robinson Mini Double-Zip Tote Bag, Black
$475
Quick Look

Alexander McQueen
Legend Small Whipstitch Shopper Bag
$2345
Pre-Order

Quick Look

Saint Laurent
Monogramme Matelasse Shopper Bag, Black
$2550
Quick Look

Fendi
Zucca Roll Tote Bag
$860
Quick Look

Top

Gucci
Bree Guccissima Leather Top Handle Bag, Black
$1350
Quick Look

Balenciaga
Papier Mini Leather Tote Bag, Red/Black
$1535
Pre-Order

Quick Look

Alexander McQueen
Legend Small Shopper Bag, Black/White
$2495
Pre-Order

Quick Look

Alexander Wang

Top

Prisma Large Skeletal Tote Bag, Plasma/Acid
$1095
Quick Look

Bottega Veneta
Intrecciato-Trim Stamped Medium Tote Bag, Navy/Black
$980
Quick Look

Tory Burch
Ella Mini Nylon Tote Bag, French Navy
$175
Quick Look

Top

Alexander McQueen
Skull Padlock Small Leather Satchel Bag, Black
$1545
Quick Look

Balenciaga
Paper A4 Tote, Light Pink
$2295
Pre-Order

Quick Look

Top

Balenciaga
Le Dix Cartable Tote Bag, Khaki
$1985
Quick Look

Alexander McQueen
Medium Padlock Zip-Around Tote Bag, Black
$1645
Quick Look

Top

Prada
Vela Zip-Front Tote Bag, Black (Nero)
$830
Quick Look

Gucci
Nice GG Supreme Canvas Tote, Brown
$980
Quick Look

Alexander McQueen
New Padlock Shopper Bag, Black
$1460

Top

Quick Look

Prada
Saffiano Executive Tote Bag, Brown (Palissandro)
$2430
Quick Look

Balenciaga
Nude Works Extra-Small Tote Bag, White
$2235
Quick Look

Top

Gucci
Miss GG Medium Tote Bag, Black
$1690
Quick Look

Balenciaga
Giant 12 Nickel City Bag
$1895
Quick Look

Top

Prada
Vela Nylon Tote Bag with Strap, Black (Nero)
$830
Quick Look

Alexander McQueen
Legend Medium Leather Tote Bag, Black
$2395
Quick Look

Alexander McQueen

Alexander McQueen
Skull Padlock Colorblock North-South Tote Bag, Black
$1545
Quick Look

Balenciaga
Papier A5 Zip Around Tote Bag, Gray
$1765
Quick Look

Alexander McQueen
Small Skull Padlock Leather Satchel, Camel
$1545
Quick Look

Top

Balenciaga
Paper A5 Zip Around Tote Bag, Black
$1935
Pre-Order

Quick Look

Balenciaga
Small Cable Shopper Bag with Strap, Hot Pink
$1785
Pre-Order

Quick Look

Top

Balenciaga
Papier A4 Side Zip Tote Bag, Gris Metal
$1835
Quick Look

Balenciaga
Paper A4 Tote, Black
$2295
Quick Look

Top

Balenciaga
Papier A5 Suede Zip-Around Tote Bag, Black
$2055
Quick Look

Balenciaga
AJ XS Bicolor Tote Bag, White/Blue
$2295
Pre-Order

Quick Look

Top

Balenciaga
Zigzagger Leather Tote Bag, Green/Black
$1415
Quick Look

Gucci
Soho Nubuck Leather Shoulder Bag, Gray
$1750
Quick Look

MCM
Shopper Project Reversible Logo-Print Shopper Bag, Red/Jaguar Brown
$715
Quick Look

Top

Chloe
Dilan East-West Leather Tote Bag, Black
$1250
Quick Look

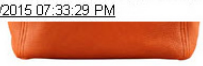
Gucci
Miss GG Medium Canvas Tote Bag, Beige
$1490
Quick Look

Top

Tory Burch
Marion Quilted Tote Bag, Black
$535
Quick Look

Valentino
1973 Micro Mini Shopper Bag, Multicolor
$2175
Quick Look

Top



Prada
Daino Side-Pocket Tote Bag, (Orange) Papaya
$1595
Quick Look

Gucci
Large A-Shape Shoulder Tote
$2600
Quick Look

Top

Prada
City Calf Double Bag, Gray (Argilla)
$2890

$2890
Quick Look

Saint Laurent
Y Ligne Soft Leather Bag, Black
$2950
Quick Look

Top

Gucci
Miss GG Original Canvas Top Handle Bag, Tan/Camel
$1490
Quick Look

Valentino
Rockstud Mini Tote Bag, Gray
$2095
Quick Look

Prada
Saffiano Double-Zip Executive Tote Bag, Beige (Sabbia)
$2350
Quick Look

Top

Balenciaga
Papier A4 Side Zip Leather Tote Bag, Black
$1835
Quick Look

Valentino
Rockstud Tote Bag, Beige
$2495
Quick Look

Top

Saint Laurent
Sac de Jour Small Carryall Bag, Pink
$2750
Quick Look

Bottega Veneta
Marco Polo Tote
$1080
Quick Look

Prada
Glace Calf Twin Pocket Tote Bag, Black (Nero)
$2430
Quick Look

Valentino
Rockstud Double-Handle Shoulder Tote Bag, Black
$2445
Quick Look

Prada
Daino Tote Bag, Gray (Marmo)
$1630
Quick Look

Top

Prada
Saffiano Double-Zip Executive Tote, Gray (Marmo)
$2350
Quick Look

Fendi
2Jours Petit Monster-Charm Shopping Tote Bag, Black
$2200
Quick Look

Top

Chloe
Dilan East-West Leather Tote Bag, Beige
$1250
Quick Look

Prada
City Calf Double Bag, Denim Blue (Avio)
$2890
Quick Look

Saint Laurent
Cassandre Chain-Strap Matelasse Shopper Bag, Beige
$2750
Quick Look

Top

Prada
Saffiano Cuir Double Bag, Camel (Caramel)
$2890
Quick Look

Stella McCartney
Baby Bella Faux Leather Tote Bag, Black
$1195
Quick Look

Top

Stella McCartney
Falabella Fold-Over Tote Bag, Pink (Nude)
$1095
Quick Look

Valentino
Rockstud Medium Soft Tote Bag, Red
$1895
Quick Look

Top

Prada
Vela Zip-Top Tote, Black (Nero)
$830
Quick Look

Prada
Saffiano Cuir Double Bag, Gray (Marmo)
$2890
Quick Look

Top

Prada
Mini Double-Handle Trapezoid Bag, Gray (Argilla)

$1780
Quick Look

Fendi
Pequin-Stripe Tote Bag, Brown/Forest Green
$1050
Quick Look

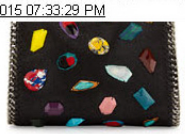
Gucci
Jackie Soft Leather Top Handle Bag, Black
$2300
Quick Look

Top

Prada
Mini Saffiano Lux Tote Bag, Wine (Cerise)
$1850
Quick Look

Prada
Saffiano Double-Zip Executive Tote Bag, Cobalt (Cobalto)
$2350
Quick Look

Top



Stella McCartney
Falabella Stone Embellishment Mini Bag, Black
$1495
Quick Look

Prada
City Calf Twin Pocket Tote Bag, Gray (Argilla)
$2395
Quick Look

Top

Nancy Gonzalez
Cristina Crocodile Tote Bag, Black
$2950
Quick Look

Saint Laurent
Sac de Jour Small Carryall Bag, Red
$2750
Quick Look

Givenchy
Antigona Large Madonna Tote Bag
$1145
Quick Look

Top

Tom Ford
Sedgwick Medium Python Zip Tote Bag, Nude
$5990
Quick Look

Longchamp
Le Pliage Leather Handbag, Purple
$555
Quick Look

Saint Laurent
Sac de Jour Small Grained Leather Tote Bag, Earth Gray
$2750
Quick Look

Prada
City Calf Large Twin Pocket Tote Bag, Gray (Argilla)
$2565
Quick Look

Gucci
Jackie Soft Leather Top Handle Bag, Camel
$2300
Quick Look

Top

Prada
Glace Calf Large Twin Pocket Tote Bag, Gray (Marmo)
$2565
Quick Look

Gucci
Bree Guccissima Leather Top-Handle Bag, Dark Brown
$1590
Quick Look

Top

Quick Look

Gucci
Bree Large Double-Handle Leather Tote, Mystic White
$1700
Quick Look

Fendi
Zucca Side-Tab Shopping Tote Bag, Brown
$1250
Quick Look

Top

Saint Laurent
Sac de Jour Small Carryall Bag, Fuchsia
$2750
Quick Look

Gucci
Jackie Soft Leather Top Handle Bag, Camel
$2990
Quick Look

Top

Gucci
Jackie Soft Leather Top Handle Bag, Bordeaux
$2990
Quick Look

Longchamp
Le Pliage Heritage Saffiano Leather Satchel Bag, Carmine
$1250
Quick Look

Prada
Saffiano Double Zip Executive Tote Bag, Turquoise (Turchese)

Top

Saffiano Double-Zip Executive Tote Bag, Turquoise (Turchesse)
$2350
Quick Look

Balenciaga
Papier A4 Mini Magnet Tote Bag, Tomette
$1245
Quick Look

Saint Laurent
Y-Ligne Cabas Mini Leather Bag, Bordeaux
$2650
Quick Look

Top

Saint Laurent
Y Ligne Cuir Gras Mini Bag, Red
$2650
Quick Look

Nancy Gonzalez
Crocodile Tote Bag, Denim Matte
$3950
Quick Look

Saint Laurent
Monogramme Matelasse Shopper Bag, Navy
$2550
Quick Look

Valentino
Small Rockstud Double-Handle Tote Bag, Rosso (Red)
$2245
Quick Look

Tom Ford
Amber Double-Zip Leather/Suede Tote Bag, Black
$2990
Quick Look

Gucci
Original GG Canvas Tote Bag, Nocciola Cognac
$1050
Quick Look

Prada
City Calf Large Twin-Pocket Tote Bag, Blue (Bluette)
$2565
Quick Look

Gucci
Soho Medium Leather Shoulder Bag, Dusty Blush Cognac
$2150
Quick Look

Prada
City Calf Twin Pocket Tote Bag, Red (Fuoco)
$2395
Quick Look

Chloe
Baylee Bicolor Tote Bag, Gray/Black
$1990
Quick Look

Top

Gucci
Jackie Soft Leather Top Handle Bag, Cobalt
$2990
Quick Look

Bottega Veneta
A-Shaped Tote Bag, Dark Brown
$3350
Quick Look

Top

Prada
Saffiano Double-Zip Executive Tote Bag, Orange (Papaya)
$2350
Quick Look

Bottega Veneta
Lido Medium Woven Tote Bag, Black
$8650