

From: Yontef, David

Sent: 10/14/2014 4:58:28 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 79123938 - SNEEZING BABY PANDA - N/A - Request for  
Reconsideration Denied - Return to TTAB

\*\*\*\*\*

Attachment Information:

Count: 1

Files: 79123938.doc

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

<b>U.S. APPLICATION SERIAL NO.</b> 79123938  <b>MARK:</b> SNEEZING BABY PANDA	
<b>CORRESPONDENT ADDRESS:</b> WILLIAM J SEITER  SEITER LEGAL STUDIO  2500 BROADWAY BLDG F  SANTA MONICA, CA 90404	<b>GENERAL TRADEMARK INFORMATION:</b>  <a href="http://www.uspto.gov/trademarks/index.jsp">http://www.uspto.gov/trademarks/index.jsp</a>  <a href="#">VIEW YOUR APPLICATION FILE</a>
<b>APPLICANT:</b> Wild Candy Pty Ltd	
<b>CORRESPONDENT'S REFERENCE/DOCKET NO:</b>  N/A  <b>CORRESPONDENT E-MAIL ADDRESS:</b>  williamjseiter@seiterlegalstudio.com	

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 10/14/2014

**INTERNATIONAL REGISTRATION NO.** 1144816

This letter confirms applicant's response filed September 23, 2014.

The trademark examining attorney has carefully reviewed applicant's requests for reconsideration and is denying the requests 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 refusal under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1) based on the descriptive nature of the applied-for mark in relation to the identified goods and services in Classes 9, 16, 21, 25, 28, 35 and 41 made final in the Office actions dated May 31, 2013 and May 21, 2014 is maintained and continue to be final.

In addition, the requirements to submit information about the products and services in Classes 9, 16, 21, 25, 28, 35 and 41 and disclose the meaning of the applied-for mark made final in the same Office actions 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 requests have not resolved all the outstanding issues, nor do they raise new issues or provide any new or compelling evidence with regard to the outstanding issues in the final Office actions. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the requests are 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 requirements and/or refusals 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).

In this regard, applicant's appeal filed October 11, 2013 only pertains to the goods and services in Classes 9, 16, 25, 35 and 41. Should applicant file an appeal with the Board to resolve the outstanding refusal and requirements in connection with the goods in Classes 21 and 28 by November 21, 2014, the examiner has no objection to consolidating the appeals for the interests of judicial efficiency.

## **Miscellaneous**

If applicant has questions about its application or needs further assistance, please telephone the assigned trademark examining attorney directly at the number below.

### **Advisory Regarding E-mail Communications**

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. §2.191; TMEP §§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.

/David Yontef/

Trademark Attorney Advisor

Law Office 118

(571) 272-8274

david.yontef@uspto.gov