

From: Brown, Barbara (TM)

Sent: 8/26/2014 11:58:21 AM

To: TTAB E Filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 79131650 - ORIENT-EXPRESS - 05339-T0013C - Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

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Attachment Information:

Count: 7

Files: evidence.jpg, evidence1-01.jpg, evidence1-02.jpg, evidence1-03.jpg, evidence2-1.jpg, evidence2-2.jpg, 79131650.doc

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

<b>U.S. APPLICATION SERIAL NO.</b> 79131650  <b>MARK:</b> ORIENT-EXPRESS	
<b>CORRESPONDENT ADDRESS:</b> ANDY I COREA  ST ONGE STEWARD JOHNSTON & REENS LLC  986 BEDFORD STREET  STAMFORD, CT 06905-5619	<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> SOCIETE NATIONALE DES CHEMINS DE FER FRA ETC.	
<b>CORRESPONDENT'S REFERENCE/DOCKET NO:</b>  05339-T0013C  <b>CORRESPONDENT E-MAIL ADDRESS:</b>  tm-pto@ssjr.com	

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 8/26/2014

**INTERNATIONAL REGISTRATION NO.** 1164229

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request in part 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). Based on the applicant's amendments to the identification, the likelihood of confusion refusal based on Registration Nos. 3259698 and 3676783 is withdrawn. The refusal of the applied for mark based on Registration No. 3577866 made final in the Office action dated February 19, 2014 is, however, maintained and continues to be final with respect to the goods in International Class 30. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

The applicant's mark is ORIENT-EXPRESS for "tea; beverages based on tea" in International Class 30 and the mark in cited Registration No. 3577866 is ORIENT EXPRESS for "coffee" in International Class 30. The marks are essentially the same in sound and appearance and the goods are closely related as coffee and tea commonly travel in the same channels of trade, being served in the same drink establishments and provided by the same retailers. *See* attached evidence.

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 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. 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).

/Barbara Brown/

Trademark Examining Attorney

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## Home

Sidamo Coffee and Tea is proud to provide quality organic, shade grown, fair traded, and some unique conventional coffees and a Variety of teas in Washington DC and Fulton MD. Once you see the atmosphere at Sidamo Coffee and Tea, and test our organic coffee and tea there is no doubt that you would love to come again.

We also provide free Wi-Fi



**Sidamo Coffee and Tea**  
417 H Street NE  
Washington, DC 20002  
(202) 548-0081

Hours:

Monday – Friday 7:00 a.m. – 7:00 p.m.  
Saturday 8:00 a.m. – 6:00 p.m.  
Sunday 8:00 a.m. – 5:00 p.m.



**Sidamo Coffee and Tea**  
8180 Maple Lawn BLVD  
Fulton MD, 20759  
(301) 483-3683

Hours:

Monday – Friday 7:00 a.m. – 6:00 p.m.  
Saturday 8:00 a.m. – 5:00 p.m.  
Sunday 8:00 a.m. – 4:00 p.m.

TOP

TOP



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## SONGBIRD COFFEE & TEA HOUSE

### BEST COFFEE + TEA IN PHOENIX



#### HOT DRINKS

SUN-THURS 7AM-7PM | FRI + SAT: 7AM-10PM

We offer hot pour-over, by the cup coffee + tea in a 12 or 16 oz. What's more, if you order your tea for here, we give you a tea infuser and two minute timer (to allow the tea to steep properly) and you're welcome to ask for multiple steeps of the same loose leaf tea.

\$2.77 AVERAGE PRICE

[VIEW 13 ITEMS](#)



#### ICED DRINKS

SUN-THU :: 7am-7pm | FRI-SAT :: 7am-10pm



Included on the menu is the description of the drink and total price

\$2.78 AVERAGE PRICE

[VIEW 9 ITEMS](#)



## HOT OR ICED DRINKS

SUN-THURS :: 7am-7pm | FRI-SAT :: 7am-10pm

our customers have the option of ordering the following drinks hot or iced and 12 or 16 oz

\$3.48 AVERAGE PRICE

[VIEW 15 ITEMS](#)

## MEET OUR BARISTAS



### ERIN WESTGATE CARROLL

BARISTA, ATTENTION TO DETAIL, CUSTOMER SERVICE

:: Co-owner/founder, operator + head barista ::

Erin was born and raised in northern California and since her college days at Point Loma Nazarene Univeristy in San Diego, she always had a dream of opening her own coffee + tea house -- that dream became a reality when Songbird officially opened on Monday, July 23rd, 2012.

[LEARN MORE ►](#)



## ELIZABETH KENNEDY BAYER

BARISTA, LATTE ART, GREAT CONVERSATIONALIST

:: Full-time barista, music composer, transcriber ::

Elizabeth is not only a fantastic barista, she's an amazing flautist + composer. For real. She has a master's degree in composition and is as friendly as can be.

In addition, she's an amazing liege belgian waffle maker (in which you can find here at Songbird most Saturday mornings starting at 9am) and will talk all night + day about coffee. She's talented -- to say the least.

[LEARN MORE ►](#)



## MARIAH DERAET

BARISTA, CREATIVE, LATTE ART, OUTGOING

:: Full-time barista, musician ::

Mariah is a fairly well-known local musician, who co-founded local folk rock band, Avery, but has since started a few other projects, including her own solo career.

Ms. DeRaet has an amazing passion for coffee + tea and is consistent, hard working and highly enjoyable to talk with.

Trend Coffee & Tea House



HOME PAGE ABOUT TREND FOOD MENU DRINK MENU PHOTOGALLERY FOR RENT

BLOG CONTACT US

# Trend Coffee & Tea House

is located in the heart of Montclair

### Trend Coffee & Tea House



Trend Coffee & Tea House is in the heart of Montclair in the oldest house built in 1850 with a unique charismatic feeling while sipping our signature coffees and freshly brewed teas.

### Explore our menus



Explore our wide selection of dishes. We make dishes from purely natural raw materials prepared solely according to the recipes of our ancestors.

### Events



Lots of events in Trend Coffee & Tea House. Live music, Open Mic and more. Read more in our BLOG to stay up to date. We look forward to seeing you!

signature coffee and tea house

More about us

Explore food menu

see how we serve you

See all events

Hello! Welcome to the Trend Coffee & Tea House Place. Our home is historical city of Montclair. We tried to capture the feel of this magnificent city and transform in into a welcoming and homey house of coffee and tea - a place where you can feel home away from home. Have a look at our gallery to get a hint of our comfortable and relaxing ambient. Also, the Trend Coffee & Tea House is open to private events of all kinds, for that check out our online booking. Feel free to follow and like us on Facebook and Twitter.

29/07



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Jeff Young Band/MTJ, Aug-29

29/07



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Andrew Nieporent at Trend Stage, Aug 22

29/07



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Einstein's Music Fair, live Aug 15

### Opening hours

Monday	09:00 am - 10:00 pm
Tuesday	09:00 am - 10:00 pm
Wednesday	09:00 am - 10:00 pm
Thursday	09:00 am - 11:00 pm
Friday	09:00 am - 12:00 am
Saturday	09:00 am - 12:00 am
Sunday	09:00 am - 08:00 pm

### Events

Live Music

Open MIC

Trend events

### Trend Coffee & Tea House Chill Mix

Black Books - The Big Idea

Next Playng pop-out +Prev Next+ Stop Pause

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