

Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field | Entered |
|--|---|
| SERIAL NUMBER | 79134149 |
| LAW OFFICE ASSIGNED | LAW OFFICE 109 |
| MARK SECTION (current) | |
| STANDARD CHARACTERS | NO |
| USPTO-GENERATED IMAGE | NO |
| LITERAL ELEMENT | BOUCHERON |
| COLOR(S) CLAIMED (If applicable) | Color is not claimed as a feature of the mark. |
| DESCRIPTION OF THE MARK (and Color Location, if applicable) | The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of black squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The shades of gray appearing inside the ring are due to the reflection of light. |
| MARK SECTION (proposed) | |
| MARK FILE NAME | \\TICRS\EXPORT16\IMAGEOUT16\791\341\79134149\xml24\RFR0002.JPG |
| STANDARD CHARACTERS | NO |
| USPTO-GENERATED IMAGE | NO |
| LITERAL ELEMENT | BOUCHERON |
| COLOR MARK | NO |
| DESCRIPTION OF THE MARK (and Color Location, if applicable) | The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of black squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark. |
| PIXEL COUNT ACCEPTABLE | YES |
| PIXEL COUNT | 920 x 713 |

ARGUMENT(S)

The Examiner has refused registration of Applicant's mark for a variety of issues

1. Functionality Refusal, Section 2(e)(5)

Upon discussion with the Examining Attorney, Applicant has submitted a new drawing indicating that it does not claim exclusive rights to the three dimensional configuration of the circular shape. Applicant, thus, kindly requests that the functionality refusal based upon section 2(e)(5) be withdrawn.

2. Informational Request

Upon discussion with Examiner, Applicant established that it already has provided the relevant information and, thus, complied with the request for information.

3. Inconsistent Goods

Applicant has deleted the relevant inconsistent goods from the specification as requested by the Examiner.

4. Description of the Mark

Color is not claimed as a feature of the mark. The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of dark squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark

5. Color Claim Clarification

Applicant confirms that the application does not include a color claim. As indicated in the description, The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark.

6. Translation

Applicant further indicated that the term BOUCHERON has no foreign language meaning. In view of the foregoing Amendments, and these Remarks, it is believed that this application is in condition for prompt publication. Favorable action is therefore requested. Applicant also kindly requests the Examiner to contact Applicant's attorney by phone if there remaining issues that need to be resolved.

GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS

014

DESCRIPTION

Jewelry and precious stones; goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, jewelry, earrings, brooches, pendants, medals; cuff links, tie pins; key rings trinkets or fobs

GOODS AND/OR SERVICES SECTION (proposed)

| | |
|---|---|
| INTERNATIONAL CLASS | 014 |
| TRACKED TEXT DESCRIPTION | |
| Jewelry and precious stones; <u>Goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, brooches, pendants, cuff links, key rings trinkets or fobs;</u> goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, jewelry, earrings, brooches, pendants, medals; cuff links, tie pins; key rings trinkets or fobs | |
| FINAL DESCRIPTION | |
| Goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, brooches, pendants, cuff links, key rings trinkets or fobs | |
| ADDITIONAL STATEMENTS SECTION | |
| TRANSLATION | The wording BOUCHERON has no meaning in a foreign language. |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /R Peter Spies/ |
| SIGNATORY'S NAME | R Peter Spies |
| SIGNATORY'S POSITION | Attorney of record, MI bar member |
| SIGNATORY'S PHONE NUMBER | 3123381000 |
| DATE SIGNED | 03/27/2015 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | NO |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Mar 27 13:36:05 EDT 2015 |
| TEAS STAMP | USPTO/RFR-209.252.70.107- 20150327133605775259-7913 4149-530ecdeb3cdcde6fbce5 8b442a63843a209fcb70fe415 d77f951fcc35a32758-N/A-N /A-20150327132732116164 |

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79134149** has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: BOUCHERON (Stylized and/or with Design)

Color is not claimed as a feature of the mark.

The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of black squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The shades of gray appearing inside the ring are due to the reflection of light.

Proposed: BOUCHERON (Stylized and/or with Design, see [mark](#))

The applicant is not claiming color as a feature of the mark.

The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of black squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark.

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examiner has refused registration of Applicant's mark for a variety of issues

1. Functionality Refusal, Section 2(e)(5)

Upon discussion with the Examining Attorney, Applicant has submitted a new drawing indicating that it does not claim exclusive rights to the three dimensional configuration of the circular shape. Applicant, thus, kindly requests that the functionality refusal based upon section 2(e)(5) be withdrawn.

2. Informational Request

Upon discussion with Examiner, Applicant established that it already has provided the relevant information and, thus, complied with the request for information.

3. Inconsistent Goods

Applicant has deleted the relevant inconsistent goods from the specification as requested by the Examiner.

4. Description of the Mark

Color is not claimed as a feature of the mark. The mark consists of a ring with four bands. The first being striated, the second is smooth, the third is composed of dark squares and the last is smooth with a separation in the middle. The inscription "BOUCHERON" is engraved inside the ring. The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark

5. Color Claim Clarification

Applicant confirms that the application does not include a color claim. As indicated in the description, The gray shading appearing inside the ring is due to the reflection of light and is not claimed as part of the mark.

6. Translation

Applicant further indicated that the term BOUCHERON has no foreign language meaning. In view of the foregoing Amendments, and these Remarks, it is believed that this application is in condition for prompt publication. Favorable action is therefore requested. Applicant also kindly requests the Examiner to contact Applicant's attorney by phone if there remaining issues that need to be resolved.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 014 for Jewelry and precious stones; goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, jewelry, earrings, brooches, pendants, medals; cuff links, tie pins; key rings trinkets or fobs

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Jewelry and precious stones;~~ [Goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, brooches, pendants, cuff links, key rings trinkets or fobs;](#) ~~goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, jewelry, earrings, brooches, pendants, medals; cuff links, tie pins; key rings trinkets or fobs~~

Class 014 for Goods made of precious metals or coated therewith, namely rings, bracelets, necklaces, brooches, pendants, cuff links, key rings trinkets or fobs

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

ADDITIONAL STATEMENTS

Translation

The wording BOUCHERON has no meaning in a foreign language.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /R Peter Spies/ Date: 03/27/2015

Signatory's Name: R Peter Spies

Signatory's Position: Attorney of record, MI bar member

Signatory's Phone Number: 3123381000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the

highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79134149

Internet Transmission Date: Fri Mar 27 13:36:05 EDT 2015

TEAS Stamp: USPTO/RFR-209.252.70.107-201503271336057

75259-79134149-530ecdeb3cdcde6fbce58b442

a63843a209fcb70fe415d77f951fccc35a32758-

N/A-N/A-20150327132732116164

