

From: Fink, Gina

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Subject: U.S. TRADEMARK APPLICATION NO. 79137397 - KHAKI PILOT - Q281 - Request for  
Reconsideration Denied - Return to TTAB

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

**U.S. APPLICATION SERIAL NO.** 79137397

**MARK:** KHAKI PILOT



**CORRESPONDENT ADDRESS:**

AUDRA KEMP

COLLEN IP INTELLECTUAL PROPERTY LAW PC

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**GENERAL TRADEMARK INFORMATION:**

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

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**APPLICANT:** Hamilton International AG; (Hamilton Int ETC.)

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

Q281

**CORRESPONDENT E-MAIL ADDRESS:**

trademark@collenip.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 2/18/2015

**INTERNATIONAL REGISTRATION NO. 1178782**

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 following requirement(s) and/or refusal(s) made final in the Office action dated July 17,

2014, are maintained and continue to be final: (1) Likelihood of Confusion – Final Refusal to Register under Section 2(d) as to Registration No. 1148416 – Insufficient Showing of “Unity of Control”. See TMEP §§715.03(a)(ii)(B), 715.04(a).

At the Applicant’s verbal request, the Examining Attorney “considered” the argument for the longest period of time allowable – in an effort to give the Applicant the longest amount of time to supplement their request with better evidence of a “unity of control”. At this point “further action” is required and no further evidence of “unity of control” has been submitted for consideration. As the record stands, the “unity of control” burden has not been met. Accordingly, the 2(d) refusal under Final must be maintained and continued.

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.

As the 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).

/Gina M. Fink/

Trademark Examining Attorney

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