

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	79138141
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 107
<b>MARK SECTION (no change)</b>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_389416710-20141224113134561660.:_PINKO_9_12_14_-_Final_OAR.pdf</a>
<b>CONVERTED PDF FILE(S) (6 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\381\79138141\xml11\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\381\79138141\xml11\RFR0003.JPG</a>
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	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\381\79138141\xml11\RFR0007.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	office action response
<b>GOODS AND/OR SERVICES SECTION (009)(current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
<p>Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; pre-recorded electronic media featuring music; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets</p>	

**GOODS AND/OR SERVICES SECTION (009)(proposed)****INTERNATIONAL CLASS**

009

**TRACKED TEXT DESCRIPTION**

Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; ~~pre-recorded electronic media featuring music~~; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets

**FINAL DESCRIPTION**

Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets

**GOODS AND/OR SERVICES SECTION (012)(no change)****GOODS AND/OR SERVICES SECTION (014)(no change)****SIGNATURE SECTION****RESPONSE SIGNATURE**

/mhuq/

**SIGNATORY'S NAME**

Muzamil Huq

**SIGNATORY'S POSITION**

Attorney of record, New York bar member

**SIGNATORY'S PHONE NUMBER**

212-326-0809

**DATE SIGNED**

12/24/2014

**AUTHORIZED SIGNATORY**

YES

**CONCURRENT APPEAL NOTICE FILED**

YES

**FILING INFORMATION SECTION****SUBMIT DATE**

Wed Dec 24 11:36:26 EST 2014

USPTO/RFR-38.94.167.10-20

TEAS STAMP

141224113626218828-791381  
41-50084f194b6384f10a0532  
b38e41e8c11b5a626522b2ed7  
eaa5d217a6d1bd98-N/A-N/A-  
20141224113134561660

PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79138141** has been amended as follows:

### EVIDENCE

Evidence in the nature of office action response has been attached.

#### Original PDF file:

[evi\\_389416710-20141224113134561660 . PINKO 9 12 14 - Final OAR.pdf](#)

Converted PDF file(s) ( 6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

**Current:** Class 009 for Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; pre-recorded electronic media featuring music; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets

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:** Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; ~~pre-recorded electronic media featuring music~~; computer game programs; computer software for wireless

content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets

Class 009 for Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children's books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets

**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.

### **SIGNATURE(S)**

#### **Request for Reconsideration Signature**

Signature: /mhuq/ Date: 12/24/2014

Signatory's Name: Muzamil Huq

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone Number: 212-326-0809

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79138141

Internet Transmission Date: Wed Dec 24 11:36:26 EST 2014

TEAS Stamp: USPTO/RFR-38.94.167.10-20141224113626218

828-79138141-50084f194b6384f10a0532b38e4

1e8c11b5a626522b2ed7eaa5d217a6d1bd98-N/A

-N/A-20141224113134561660



**Muzamil Huq**  
Associate

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Direct Fax: 212-798-6358  
mhuq@pryorcashman.com

December 24, 2014

**VIA TEAS**

Trademark Examining Attorney  
Law Office 107  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
Attention: Kevin A. Mittler, Esq.

Re: Response to June 25, 2014 Final Refusal issued  
in connection with Serial of Hyundai Motor Company to Register  
PINKO with Design in cls. 9, 12 and 14, Appl. Ser. No. 79/138,141

Dear Mr. Mittler:

In response to the Final Refusal (hereinafter “Final Refusal”) issued on June 25, 2014 in connection with the above-referenced United States application serial number (hereinafter “Serial”) representing the United States Extension of Protection derived from International Registration No. 1180875, Hyundai Motor Company (otherwise referred to herein as “Applicant”) respectfully requests reconsideration in view of the following Amendment and Remarks hereby submitted.

**AMENDMENT**

Please amend, *without prejudice*, the identification of record by inserting in its place the following revised description of goods in the corresponding class categories:

--“Video disks and video tapes with recorded animated cartoons; downloadable electronic publications in the nature of children’s books; downloadable electronic study books or papers in the field of elementary school education; pre-recorded electronic media featuring cartoon images; ~~pre-recorded electronic media featuring music~~; computer game programs; computer software for wireless content delivery; computer application software for mobile phones for wireless content delivery; wrist rests for use with computers; computer mouse; mouse pads; cases for mobile phones; cameras; goggles for sports; children's eye glasses; compact discs featuring music; blank USB flash drives; Pre-recorded USB flash drives featuring cartoon images; protective helmets for sports; bicycle helmets” in cl. 9;

### **REMARKS**

Pursuant to the Final Refusal, the Examining Attorney has continued the refusal to register the designation PINKO *with Design* (hereinafter the “Mark”), but limited to “pre-recorded electronic media featuring music” in cl. 9 given the existence of PINKO RECORDS covering “Digital media, namely, pre-recorded sound recordings and visual recordings, downloadable audio recordings, and CDs, featuring musical performances” in cl. 9, as reflected in U.S. Reg. No. 4,012,838 (hereinafter referred to as the “Cl. 9 Registration”), and the entire cl. 14 recitation of goods given the existence of PINKO covering “Ankle bracelets; badges of precious metal; jewelry, namely, amulets, bracelets, bracelets of precious metal, brooches, necklaces, rings, pendants, chains, neck chains, pins, diadems, medallions, medals, trinkets, charms, earrings; cuff links; ornaments of precious metal; ornamental pins; watches; pocket watches; wrist watches; chronograph for use as watches; chronometers; watch straps; jewelry watches; watch bands and straps; watch cases; watch chains; key chains of precious metal; key holders of precious metal; key rings of precious metal” in cl. 14, as reflected in U.S. Reg. No. 3,492,924 (hereinafter referred to as the “Cl. 14 Registration,” and together with the Cl. 9 Registration, the “Cited Marks”), pursuant to Trademark Act §2(d), 15 U.S.C. §1052(d).

While Applicant respectfully disagrees with the Examining Attorney that there would be any likelihood of confusion between Applicant's Mark, were the Serial to register, and the Cited Marks, in an effort to expedite registration Applicant has deleted the aforementioned goods from the cl. 9 recitation of the Serial to overcome the objection with respect to the Cl. 9 Registration. With respect to the Cl. 14 Registration, Applicant wishes to note that this registration is vulnerable to cancellation given that the Section 8 affidavit that was otherwise due on August 26, 2014 was not filed by such date, as shown in the attached screenshots from TSDR. Given the owner's failure to file its renewal, Applicant anticipates that the owner will likely fail to file the Section 8 affidavit during the grace period which expires imminently on February 26, 2015. In view of this, Applicant believes that the Cl. 14 Registration will lapse in due course and accordingly, will remove itself as a potential bar to registration. For these reasons, Applicant hereby requests that the instant Application be SUSPENDED for a period of six (6) months pending the imminent cancellation of the Cl. 14 Registration.

#### **CONCLUSION**

In view of submission of the foregoing Amendment and Remarks responsive to the issues raised in the Office Action, Applicant believes that the Serial is now in condition for publication. Favorable action is therefore solicited. Simultaneously with the filing of the instant Request, Applicant has filed a Notice of Appeal in the unlikely event the Examining Attorney finds Applicant's submissions herein deficient in some way.



Windows Internet Explorer  
http://tsdr.uspto.gov/#caseNumber=3492924&caseType=US\_REGISTRATION\_NO&searchType=statusSearch

carpediem CSC - Screening Query Online Exchange login from Intr... Status Search SN 86233084

Status Search SN 86233084 - Windows Internet Explorer

STATUS DOCUMENTS ? Download Print Preview

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Mark: PINKO

US Serial Number: 79043977 Application Filing Date: Jun. 27, 2007

US Registration Number: 3492924 Registration Date: Aug. 26, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 26, 2008

Publication Date: Jun. 10, 2008

Expand All

- Mark Information
- Related Properties Information
- Goods and Services
- Basis Information (Case Level)
- Current Owner(s) Information
- Attorney/Correspondence Information
- Prosecution History
- International Registration Information (Section 66a)
- TM Staff and Location Information
- Assignment Abstract Of Title Information - Click to Load

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Kevin A. Mittler, Esq.  
December 24, 2014  
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17 document(s) found

STATUS DOCUMENTS ?

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Trademark Docs: 17 Proceedings Docs: [click to load proceedings](#)

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Select All <input type="checkbox"/>	Create/Mail Date	Document Description	Document Type
<input type="checkbox"/>	Dec. 27, 2012	IB-Processed Transaction	XML
<input type="checkbox"/>	Feb. 16, 2012	IR-Name Address Change	XML
<input type="checkbox"/>	Jul. 23, 2009	IR-Name Address Change	XML
<input type="checkbox"/>	Dec. 17, 2008	IB-Final Disposal To	XML
<input type="checkbox"/>	Aug. 26, 2008	Registration Certificate	TIFF
<input type="checkbox"/>	May 21, 2008	Notice of Publication	XML
<input type="checkbox"/>	May 03, 2008	Publication & Issue Review Complete	MULTI
<input type="checkbox"/>	May 03, 2008	TRAM Snapshot of App at Pub for Oppostn	MULTI
<input type="checkbox"/>	Mar. 26, 2008	Amendment and Mail Process Complete	MULTI
<input type="checkbox"/>	Mar. 13, 2008	IB-Correction from	MULTI
<input type="checkbox"/>	Nov. 15, 2007	IB-Processed Transaction	XML
<input type="checkbox"/>	Oct. 30, 2007	IB-1rst Refusal Note	XML
<input type="checkbox"/>	Oct. 29, 2007	Offc Action Outgoing	XML
<input type="checkbox"/>	Oct. 22, 2007	Notation to File	XML

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