

From: Jun, Wendy

Sent: 1/16/2015 7:07:43 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 79142068 - NEOLITH - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

Attachment Information:

Count: 11

Files: hs-1.jpg, hs-2.jpg, hs-3.jpg, hs2-1.jpg, hs2-2.jpg, hs2-3.jpg, hs2-4.jpg, hs2-5.jpg, re-1.jpg, re-2.jpg, 79142068.doc

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

U.S. APPLICATION SERIAL NO. 79142068 MARK: NEOLITH	
CORRESPONDENT ADDRESS: ARTURO PEREZ-GUERRERO LAW OFFICES OF ARTURO PEREZ-GUERRERO PO BOX 9024163 SAN JUAN, PR 00902-4163	GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp VIEW YOUR APPLICATION FILE
APPLICANT: THE SIZE SINTERED CERAMICS, S.L.	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A CORRESPONDENT E-MAIL ADDRESS: mailroom@mg-ip.com	

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 1/16/2015

INTERNATIONAL REGISTRATION NO. 1190994

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. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated June 20, 2014 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 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.

Please see additional evidence supporting the likelihood of confusion refusal, showing that the parties' goods/services commonly emanate from the same source, e.g. companies that provide retail and/or wholesale services of building materials also provide these building materials, make furniture out of those materials, and/or provide business services relating to the materials such as promoting and importing them. As currently identified, applicant's goods/services include non-metallic and/or stone building materials, items made from such materials and the sale of such materials. Registrant's services are sale of stone building materials. Thus, the parties' goods/services are identical, directly overlapping, and/or closely related.

The examining attorney disagrees with applicant's argument, that the marks are different because NEOLITHIC refers to the era of stone ages while NEOLITH is a coined and invented term. The term "neolith" is not a coined term. A search of the term in Onelook.com shows the word appearing in sixteen dictionaries. See attached. Multiple dictionaries define the term "neolith" as a Neolithic stone implement. This shows that the terms "neolith" and "Neolithic" are merely different forms of the same root word and, thus, have similar commercial impressions and meanings. In fact, Merriam-Webster Dictionary specifically indicates that the origin of "neolith" is from "Neolithic." See attached. Thus, the marks are highly similar.

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).

/W. Wendy Jun/

Trademark Examining Attorney

Law Office 103

United States Patent and Trademark Office

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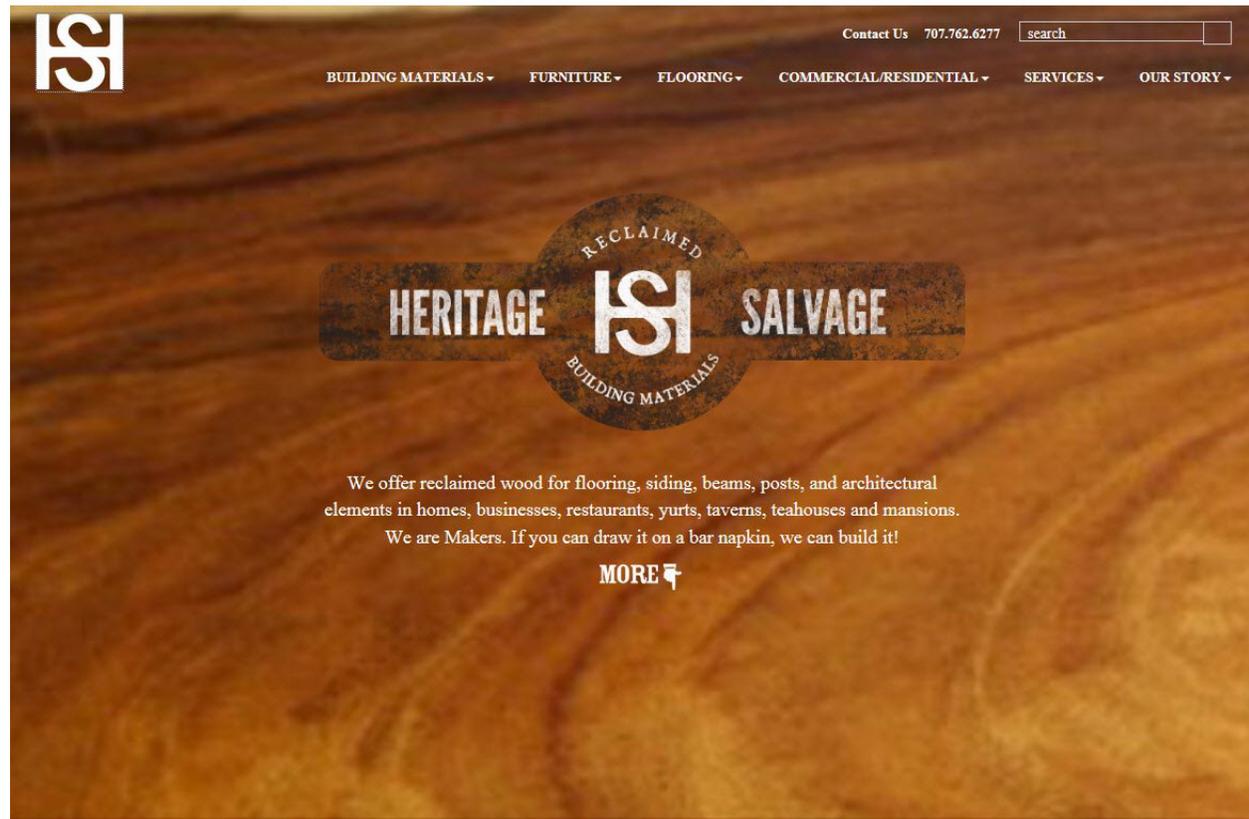
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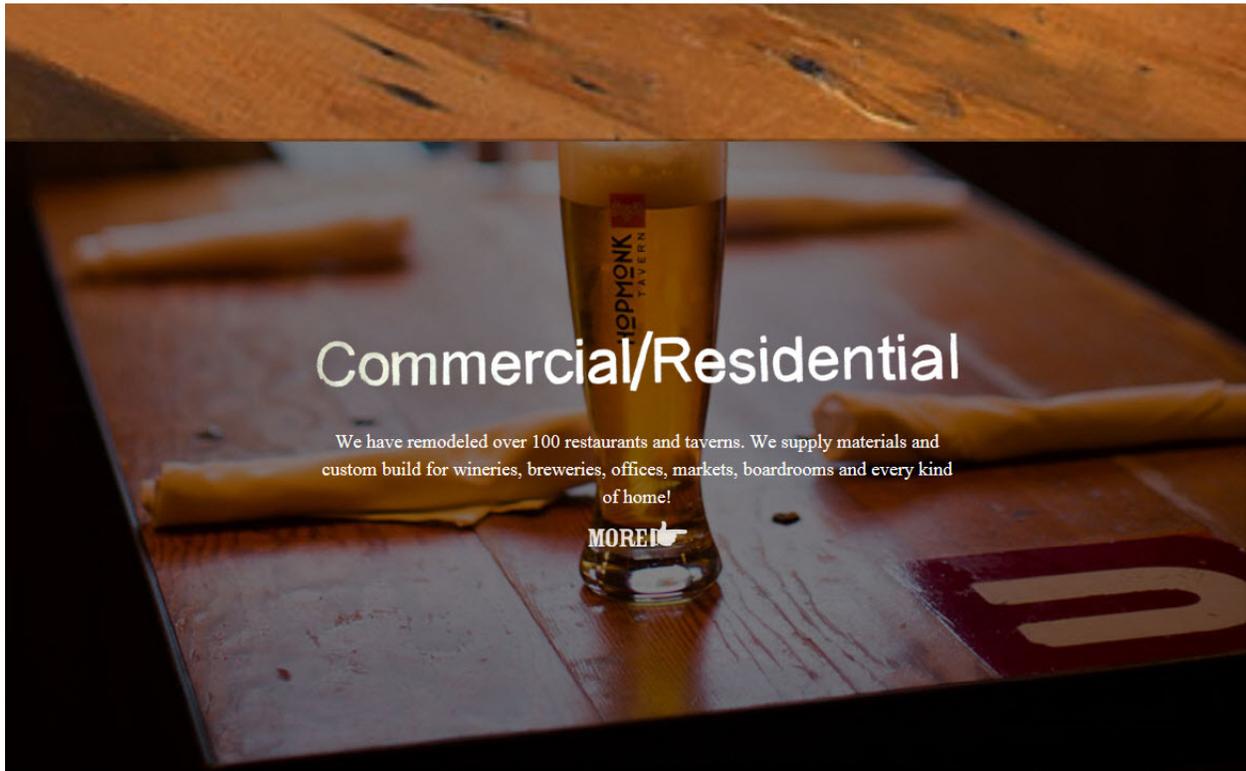
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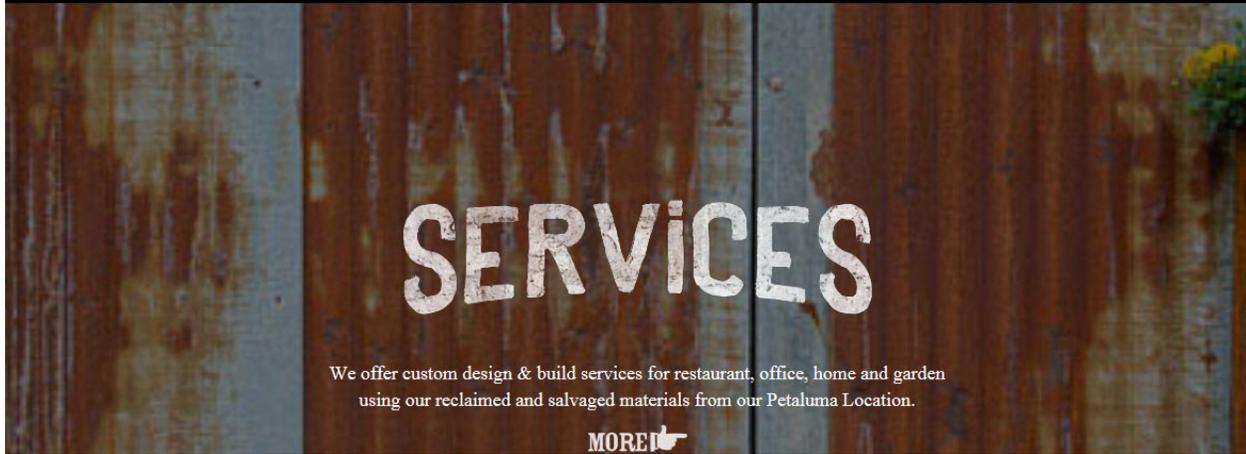
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