

From: Rinaldi, Cynthia

Sent: 4/30/2015 12:16:18 PM

To: TTAB E Filing

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Subject: U.S. TRADEMARK APPLICATION NO. 79145119 - DIAMOND X COLLECTION - 8280-0001 -
Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

Attachment Information:

Count: 13

Files: 1-1.jpg, 1-2.jpg, 1-3.jpg, 1-4.jpg, 2-01.jpg, 2-02.jpg, 2-03.jpg, 2-04.jpg, 2-05.jpg, 2-06.jpg, 2-07.jpg,
2-08.jpg, 79145119.doc

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

U.S. APPLICATION SERIAL NO. 79145119

MARK: DIAMOND X COLLECTION



CORRESPONDENT ADDRESS:

PAM KOHLI JACOBSON

BETTS, PATTERSON, & MINES, P.S.

701 PIKE STREETSUITE 1400

SEATTLE, WA 98101

GENERAL TRADEMARK INFORMATION:

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Powerful Vision Limited

CORRESPONDENT'S REFERENCE/DOCKET NO:

8280-0001

CORRESPONDENT E-MAIL ADDRESS:

trademarks@bpmlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/30/2015

INTERNATIONAL REGISTRATION NO. 1198350

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

10/9/2014 are maintained and continue to be final: Section 2(d) refusal and disclaimer requirement. See TMEP §§715.03(a)(ii)(B), 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 raises no new arguments. The applicant clearly sells registrant's goods. Under the "Cabinets" tab on the applicant's website, there is a link for "Oak." See <http://www.illuminated-mirrors.uk.com/bathroom-cabinets/oak-bathroom-demister-cabinets.html>. In addition, the attached evidence shows that mirrors, including illuminated ones, travel in the same trade channels as registrant's wooden cabinets and applicant's mirrored bathroom furniture/cabinets. See <http://www.potterybarn.com/shop/accessories-decor/mirrors/>; <http://www.ikea.com/us/en/catalog/categories/departments/bedroom/20489/>; <http://www.wayfair.com/Makeup-and-Shaving-Mirrors-C433040.html>.

As to the disclaimer requirement, there is evidence of record from the applicant's website that the term "DIAMOND" is descriptive of applicant's goods, in particular, that the mirrors are cut by diamonds. Furthermore, "COLLECTION" refers to things gathered or collected. See <http://www.yourdictionary.com/collection>; <http://www.collinsdictionary.com/dictionary/american/collection?showCookiePolicy=true>. Applicant's goods are gathered and collected for display by potential customers. Therefore, this wording is also descriptive.

Accordingly, the request is denied.

If 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).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Cynthia Y. Rinaldi/

Trademark Examining Attorney

Law Office 107

571-272-4685

cynthia.rinaldi@uspto.gov

The screenshot displays the website for Illuminated Mirrors, featuring a navigation menu with links for Home, LED Mirrors, Cabinets, About, Trade, Next Day Delivery, FAQ, and Contact. A search bar is located in the top right corner. The main content area highlights a product: Solid Oak Bathroom Cabinets with Demisters, Sensors & Shavers. A video player shows the interior of a cabinet door with a demisting mirror, accompanied by the text: "The inside cabinet door also has a demisting mirror".

On the left side, there is a "SHOWROOM" section with the following details:
Dimitris X. SHOWROOM
Open from 9am-4pm*
Monday to Friday
Exclusive 10% Discount on every purchase made in the showroom only
Valid till 30th April 15
*by appointment only
Click here for more...

The product listing includes the following details:
BROWSE BY: LED (4), Fluorescent (2), Audio Bluetooth (15)
SOLID OAK LED Bathroom Cabinets with Demisters, Sensors & Shavers
CLICK HERE to view full product range
Sort by Price

At the bottom, there is a cookie consent banner: "This site uses cookies to store information on your computer. More information" with "Accept" and "Disable" buttons. A "Click here for more info" link is also present.

In the bottom right corner, there is a "Click here to chat live" button and a "Questions? Let us assist you From 9am till 5pm" message.

£200.00 - £299.99 (3)
£300.00 - £399.99 (3)
£400.00 - £499.99 (9)
£500.00 and above (5)

PRODUCT WIDTH
400mm (2)
600mm (12)
900mm (8)

PRODUCT HEIGHT
600mm (10)
690mm (12)

0% Finance
and get inspiration
Testimonials

SHOWROOM
Open from 9am-5pm*
Monday to Friday
Exclusive 10% Discount on every purchase made in the showroom only
Valid till 30th April 15
*by appointment only
Click here for more...

Solid Oak Fluorescent Bathroom Cabinets with Demisters, Sensors & Shavers
CLICK HERE to View full product range

Astral Demist Cabinet
H600mm x W400mm
★★★★★ 2 Reviews

Saturn Demist Cabinet
H690mm x W600mm
★★★★★ 9 Reviews

Supreme Demist Cab
H600mm x W900mm
★★★★★ 9 Reviews

Sort By Price ↑

Click here to chat live
Questions?
Let us assist you
From 8am till 5pm

Now delivering on Saturday For FREE

Free next day or nominated delivery*
*Free delivery

[CLICK HERE to view full product range](#)

Oak Bathroom Demister Cabinets

A delightful mix of traditional home decor and modern bathroom style, our oak bathroom cabinets with mirrors are ideal for the traditionalist who still wants the benefits of modern bathroom fittings.

Our range of oak demister cabinets includes a range of aesthetically-pleasing designs and demister pads, all topped off with a stunning real oak wood cabinet.

All of our oak demister cabinets are subject to FREE next day delivery.

[Click here to chat live](#)

Questions? Let us assist you From 8am till 5pm

SHOWROOM
Open from 9am-4pm*
Monday to Friday

Exclusive 15% Discount on every purchase made in the showroom only valid to 30th April 15

*by appointment only
[Click here for more...](#)

Feedback
This site uses cookies to store information on your computer. [More information](#)

ekomi
The Feedback Company

Excellent
1571 reviews from real customers
great service great product!
2015-04-29 [more](#)

Diamond X COLLECTION
ILLUMINATED MIRRORS

[Click here for more info](#)

[Click here for brochure](#)

[Click here for more info](#)

[Click here to chat live](#)

Questions? Let us assist you From 8am till 5pm

The screenshot displays the website's layout. At the top, there is a navigation bar with a 'SHOWROOM' banner on the left, a central menu with 'View our custom', 'Visit our new', and 'Why buy Diamond Y', and a 'Click here to chat live' button on the right. Below the navigation bar is a dark purple banner featuring logos for 'GRAND DESIGNS', 'Daily Mail', 'topmodel', 'Ideal Home', and 'BBC'. The main content area is divided into three columns: 'Illuminated Mirrors' with links to 'Blog', 'Cookies', 'Terms & Conditions', 'Privacy Policy', 'Warranty & Returns', 'Contact Us', and 'Sitemap'; 'Customer Services' with 'Next Day Delivery', '10 Year Warranty', 'Why Buy Diamond X', 'Your Shopping Security', and 'Visit Our Showroom'; and 'Warehouse address' for 'Powerful Vision Ltd.' in Westbury, BA13 4JT, with contact details and a 'Click here to chat live' button. The footer contains social media icons, a copyright notice for '© Powerful Vision Ltd. Company # 06715308', and a 'Click here to chat live' button. A '0% Finance' banner is visible at the bottom of the page.

POTTERY BARN

WHAT'S NEW FREE INTERIOR DESIGN SERVICES BLOG REGISTRY

MY ACCOUNT TRACK YOUR ORDER

CHECKOUT

FURNITURE OUTDOOR RUGS & WINDOWS BEDDING BATH LIGHTING DECOR & PILLOWS ORGANIZATION TABLETOP GIFTS SALE

UP TO 25% OFF ALL RUGS* THROUGH THURS., 4/30/15 *EXCLUDES CUSTOM RUGS

UP TO 30% OFF ALL FRAMES, JEWELRY BOXES & MORE >

UP TO 30% OFF BEST-SELLING COFFEE & SIDE TABLES & MORE. ENDS SUN., 5/3/15 >

20% OFF ALL LANTERNS >

DECOR & PILLOWS

PILLOWS, TROWS & SLIPCOVERS

- All Pillows & Throws
- Pillows
- Throws

DECOR

- All Home Decor
- Home Accessories
- Vases & Flowers
- Candles
- Candleholders & Lanterns
- Outdoor Decorating
- Hardware
- Fireplace

ART

- All Art
- Decorative Art
- Photography
- Prints & Canvases
- Plates to Art

WALL DECOR & FRAMES

All Wall Decor

Mirrors

- Wall Mirrors
- Floor Mirrors
- Frames
- Ledges & Shelves
- Clocks

FEATURES

- What's New
- July 4th Decor
- The Monogram Shop
- The Faux Fur Shop

GREAT DEALS

- Free Shipping
- Site

MIRRORS



MIRRORS

WALL MIRRORS



QUICKLOOK

EAGAN MULTIPANEL LARGE MIRROR \$695
online only



QUICKLOOK

EAGAN MULTIPANEL EXTRA SMALL MIRROR \$269



QUICKLOOK

EAGAN MULTIPANEL ROUND MIRROR \$399



WEDDING
REGISTRY
The best place to go
for special occasions.
[See more](#)



QUICKLOOK
EAGAN MULTIPANEL SMALL MIRROR
\$299



QUICKLOOK
UPSTON MIRROR
\$299
online only



QUICKLOOK
BRINKLEY MIRROR
\$299 - \$899
available in 2 sizes



QUICKLOOK
OVALS MIRROR
\$499
new



QUICKLOOK
MARIYAM MOROCCAN MIRROR
\$199
new
online only



QUICKLOOK
BANCA MIRROR
\$399



QUICKLOOK
ROUND MIRROR ON STAND
\$199
new



QUICKLOOK
SILVER BEADED ROUND MIRROR
\$399



QUICKLOOK
SILVER BEADED MIRROR
\$399





QUICKLOOK
FARRAH HALHEAD MIRROR
\$299
online only



QUICKLOOK
BEVEL RECTANGULAR MIRROR
\$199 - \$399
available in 2 sizes



QUICKLOOK
BEVEL SQUARE MIRROR
\$149



QUICKLOOK
ASTOR MIRROR
\$299



QUICKLOOK
ELEANOR FRAMELESS MIRRORS
\$99 - \$129
online only



QUICKLOOK
PIPER FRAMELESS MIRRORS
\$99 - \$149
online only



QUICKLOOK
CHAMPAGNE GILT MIRROR
\$349



QUICKLOOK
DECORATIVE GALVANIZED RIMMED MIRROR
\$299
new



QUICKLOOK
SCHOLLI WROUGHT IRON MIRROR
\$399





QUICKLOOK
CARLETON MIRROR
\$499
online only



QUICKLOOK
OXFORD MIRROR
\$399
new



QUICKLOOK
SOLANO MIRROR
\$399



QUICKLOOK
SANTORINI PAINTED MIRROR
reg-price \$499 - \$699
special \$169 - \$399
available in 2 sizes



QUICKLOOK
BLACK FRETWORK WALL MIRROR
\$499



QUICKLOOK
GOLD GILT & BLACK MIRROR
\$399



QUICKLOOK
GOLD GILT MIRROR
\$399
online only



QUICKLOOK
JASMINE BAMBOO MIRROR
\$399



QUICKLOOK
PRESTON MIRROR
\$399
new
online only





QUICKLOOK
SOLEIL MIRROR
\$179
new
online only



QUICKLOOK
DECORATIVE STAR MIRROR
\$89 - \$99
online only



QUICKLOOK
WOOD SUN MIRROR
\$399
new



QUICKLOOK
GOLD SUNBURST MIRROR
\$399
online only



QUICKLOOK
BRONZE SUN MIRRORS
\$119 - \$399
new



QUICKLOOK
ARCHED PANED MIRROR
\$299 - \$589



QUICKLOOK
CRUZ MIRROR
\$249
new
online only



QUICKLOOK
RELAY WHITE ROPE MIRROR
\$179
new
online only



QUICKLOOK
MIRANDA CAPIZ ROUND MIRROR
\$349





QUICKLOOK
MIRANDA CAPIZ MIRROR
\$349
online only



QUICKLOOK
LATTICE MIRROR
\$99
online only



QUICKLOOK
MASIE VANITY MIRROR
\$399



QUICKLOOK
SONOMA DOUBLE-WIDE MIRROR
\$449
online only



QUICKLOOK
KENSINGTON PIVOT RECTANGULAR MIRROR
reg-price \$399 - \$299
special \$179 - \$279
available in 2 sizes



QUICKLOOK
CLASSIC DOUBLE WIDE MIRROR
\$399



QUICKLOOK
KENSINGTON PIVOT WIDE RECTANGULAR MIRROR
\$299



QUICKLOOK
KENSINGTON MIRROR
reg-price \$279 - \$229
special \$139 - \$279
online only



QUICKLOOK
CLASSIC MIRROR
\$149 - \$199
online only





QUICKLOOK
KENSINGTON PIVOT ROUND MIRROR
reg. price \$245 - \$299
sale \$199.99 - \$259
available in 2 sizes
online only



QUICKLOOK
KENSINGTON PIVOT OVAL MIRROR
\$249 - \$299
available in 2 sizes



QUICKLOOK
OVER-THE-DOOR MIRROR
\$199
online only



QUICKLOOK
KENSINGTON STORAGE MIRROR
\$399
NEW



QUICKLOOK
KALEEN MIRROR
\$299



QUICKLOOK
MINI BLUE PORTHOLE MIRROR
\$39
new
online/catalog only



QUICKLOOK
PUB MIRROR
\$309
online only



FLOOR MIRRORS





QUICKLOOK
EAGAN MULTIPANEL FLOOR MIRROR
reg-price \$699
special \$579
online only



QUICKLOOK
OVALS MIRROR
\$499
new



QUICKLOOK
PIVOTING METAL FLOOR MIRROR
\$349
online only



QUICKLOOK
BERKE OVERSIZED FLOOR MIRROR
\$799
online only



QUICKLOOK
GOLD CLAD FLOOR MIRROR
\$649
new
online only



QUICKLOOK
CHAMPAGNE GILT FLOOR MIRROR
reg-price \$499
special \$349



QUICKLOOK
SILVER SEADED FLOOR MIRROR
\$599



QUICKLOOK
FARRAH HALL-HEAD FLOOR MIRROR
\$499



QUICKLOOK
BEVEL FLOOR MIRROR
\$599

