

From: Leipzig, Marc J.

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 79160557 - DESIGNPEDIA - T39889US0 - Request for Reconsideration Denied - Return to TTAB

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Files: 79160557.doc

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

U.S. APPLICATION SERIAL NO. 79160557

MARK: DESIGNPEDIA



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Juan José Gasca Rubio / Rafael Zaragoza ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

T39889US0

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/24/2016

INTERNATIONAL REGISTRATION NO. 1236047

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 September 27, 2015 are maintained and continue to be final: **requirement for a properly-worded and defined identification of goods.** See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action are satisfied: that applicant clarify the nature of the entity applying for registration. 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 analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

Identification of Goods

The identification of goods is indefinite and must be clarified. See TMEP §1402.01. Applicant must specify the common commercial or generic name for the goods. If there is no common commercial or generic name, applicant must describe the product and intended consumer as well as its main purpose and intended uses.

In particular, applicant has failed to specify any definable field of use with the wording "in the field of developing solutions and ideas of general application."

Applicant may adopt the following identification, if accurate (**suggested edits in bold**):

- Electronic publications and downloadable electronic publications, namely, books, magazines, instruction manuals, newsletters, in the field of developing solutions and ideas of general application **in the field of [specify particular field of use]**; electronic book readers; apparatus for recording sound and images; blank magnetic tapes for tape recorders; blank compact disks; blank recordable DVDs and blank digital storage media; data processing apparatus; computers, electronic apparatus in the nature of MP3 players, mobile telephones, digital cameras and personal digital assistants; **multimedia projectors, multimedia accelerator boards**, and multimedia **system** consisting **primarily** of multimedia projectors, multimedia accelerator boards, data processing apparatus, apparatus for recording and reproduction of sound, images or data, electronic apparatus in the nature of MP3 players, mobile telephones, digital cameras and personal digital assistants, **all** for use in managing personal property inventory, for use in securing property and facilities, **and** for storing and sharing personal information; software for use in reading, writing, publishing, transmitting, cataloging, and organizing electronic publications and downloadable electronic publications, in Class 9
- Printed matter and publications, namely, books and magazines, instructional and teaching materials being manuals, all in the field of developing solutions and ideas of general application **in the field of [specify particular field of use]**; catalogs in the field of developing solutions and ideas of general application **in the field of [specify particular field of use]**; stationery; calendars; printed paper labels; stickers; **cards**, namely, greeting cards, note cards, business cards, in Class 16

An applicant may only amend an identification to clarify or limit the goods, but not to add to or broaden the scope of the goods. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

In a Trademark Act Section 66(a) application, classification of goods and/or services may not be changed from that assigned by the International Bureau of the World Intellectual Property Organization. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Additionally, classes may not be added or goods and/or services transferred from one class to another in a multiple-class Section 66(a) application. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Application to be Returned to TTAB

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).

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