To:	NCO Holdings, Inc. (pecsenye@blankrome.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85026093 - NRC NATIONAL REVENUE CORPORATION AN - 101358-00100 - Request for Reconsideration Denied - No Appeal Filed
Sent:	8/1/2011 3:44:54 PM
Sent As:	ECOM107@USPTO.GOV
Attachments:	

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

APPLICATION SERIAL NO. 85026093

MARK: NRC NATIONAL REVENUE CORPORATION AN

85026093

CORRESPONDENT ADDRESS:
LISA CASEY SPANIEL
BLANK ROME LLP
1 LOGAN SQ FL 8
PHILADELPHIA, PA 19103-6998

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: NCO Holdings, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
101358-00100
CORRESPONDENT E-MAIL ADDRESS:
pecsenye@blankrome.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 8/1/2011

This Office action is in response to applicant's communication filed on July 11, 2011.

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), 715.04(a). The refusal made final in the Office action dated January 11, 2011 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue 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.

Specifically, applicant argues that "[w]here the application states that use of the mark is by a related company or companies, the USPTO does not require an explanation of how the applicant controls use of the mark." The examining attorney is not persuaded, as applicant has essentially stated on the record that the applicant and registrant are sister corporations owned through a common parent through subsidiaries. Section 1201.03(e) of the TMEP states that: "[t]he fact that two sister corporations are controlled by a single parent corporation does not mean that they are related companies. **Where two corporations are wholly owned subsidiaries of a common parent, use by one sister corporation is not considered to inure to the benefit of the other, unless the applicant sister corporation exercises appropriate control over the nature and quality of the goods or services on or in connection with which the mark is used**." (Emphasis Added). Therefore, additional evidence is required to show unity of control to show how the parties constitute a single source. *See In re Pharmacia, Inc.*, 2 USPQ2d 1883, 1884 (TTAB 1987); TMEP §1201.07(b)(iii). Therefore, applicant must provide a verified statement explaining the nature of the legal relationship between the parties. Applicant must also provide a detailed written explanation and any documentary evidence showing the parties' "unity of control" over the nature and quality of the goods and/or services in connection with which the trademarks and/or service marks are used, and the parties' "unity of control" over the use of the trademarks and/or service marks. The explanation must be verified with an affidavit or signed declaration under 37 C.F.R. §2.20. TMEP §1201.07(b)(ii)-(iii); *see* 37 C.F.R. §2.193(e)(1). Therefore, the final Section 2(d) refusals to register based upon 3769957 and 3769958 are continued and maintained.

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, 715.03(a), (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 refusal and/or to file an appeal with the Board. TMEP §715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

/Laura A. Hammel/
Trademark Examining Attorney
Law Office 116
(571)272-8260
laura.hammel@uspto.gov (informal queries only)

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IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 8/1/2011 FOR SERIAL NO. 85026093

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **8/1/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.