

From: Hayes, Gina

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To: TTAB E filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85306954 - CVC - N/A - Request for Reconsideration
Denied - Return to TTAB

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

U.S. APPLICATION SERIAL NO. 85306954

MARK: CVC



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

APPLICANT: KSM CASTINGS GROUP GMBH

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

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 January 25, 2013 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.

The registration is CVCC for "structural parts AND engines for automobiles." By the use of "and" in the registrant's identification it is essentially two identifications in one. That is, the identification covers "structural parts for automobiles" AND "engines for automobiles".

The applicant is trying to limit the identification of the registration to just automobile engines and/or structural parts for automobile engines, which is incorrect as the identification also covers "structural parts for automobiles", not just engines. Thus, the identification of goods in the registration overlaps with the applicant's identification of goods, namely, various structural parts of vehicles under the proposed mark CVC.

The fact that applicant has limited its identification to say "not part of engines" does not obviate the confusion, because there are a lot of structural parts of autos that are not parts of the engine.

As to the applicant's argument that CVCC has a specific recognized meaning that is different than the "meaning" of CVC, that is not convincing, because applicant has not shown that all relevant consumers who buy "structural parts for automobiles" recognize that the letters have that specific meaning and would look beyond the confusing similarity of the letters and attach a meaning to those letters. Thus, the likelihood of confusion is established by the two letter marks with letters that are confusingly similar.

Accordingly, the request is denied.

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 when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

/Gina Hayes/

Trademark Examining Attorney

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