

From: Manor, Thomas M.

Sent: 9/4/2012 7:07:15 PM

To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 85436615 - MOTT'S - 5338.4163 -  
Request for Reconsideration Denied - Return to TTAB - Message 1 of 8

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Attachment Information:

Count: 11

Files: 72213422P001OF002.JPG, 72213422P002OF002.JPG,  
75536715P001OF001.JPG, 78917320P001OF003.JPG, 78917320P002OF003.JPG,  
78917320P003OF003.JPG, 78922852P001OF002.JPG, 78922852P002OF002.JPG,  
Mott1-1.jpg, Mott1-2.jpg, 85436615.doc

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

**APPLICATION SERIAL NO.** 85436615

**MARK:** MOTT'S



**CORRESPONDENT ADDRESS:**

PAMELA B HUFF  
COX SMITH MATTHEWS INCORPORATED  
112 E PECAN ST STE 1800  
SAN ANTONIO, TX 78205-1521

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

**APPLICANT:** MOTT'S LLP

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

5338.4163

**CORRESPONDENT E-MAIL ADDRESS:**

ipdocket@coxsmith.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 9/4/2012**

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 requirement(s) and/or refusal(s) made final in the Office action dated February 17, 2012, 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(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. The Examining attorney has carefully reviewed the additional evidence provided by the applicant, but this evidence has not altered the Examining Attorney's position with regard to the primarily merely a surname refusal. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

Additionally, the Examining attorney attaches hereto additional articles from the internet showing the use of the term "Mott" as primarily merely a surname. It should also be noted that four prior Registrations of the Applicant, attached hereto, for the mark "MOTT'S" are on the principal register pursuant to acquired distinctiveness pursuant to Trademark Act Section 2(f ), which means the Applicant has admitted in the past the term "MOTT'S" is primarily merely a surname.

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 requirement(s) and/or refusal(s) 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).

/Thomas M. Manor/  
Trademark Examining Attorney  
Law Office 110  
Phone : (571) 270-1519  
Fax. No. (571) 273-9110  
Thomas.Manor@USPTO.GOV

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## Meers Advertising Appoints Jeff Mott As Chief Operating Officer

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Sam Meers, president and CEO of Meers Advertising, a national digital marketing and advertising agency based in Kansas City, MO, today announces the appointment of Jeff Mott as chief operating officer. The COO position is a new one at the agency. Mott, 46, joins Meers on September 5.

Mott comes to Meers after serving as director of the Leadership Institute at Washburn University for the last four years. Prior that, he was vice president for Customer-Base Management and Loyalty Marketing at Sprint Corp., responsible for the revenue from 17 million Sprint wireless and wireline consumers. His tenure at Sprint lasted 13 years.

"The growth we have experienced as an agency in the past two years and our plans for future growth require us to bring in the best talent to run the operational side of this agency," said Meers. "Jeff's leadership and management experience make him perfect for this position and mandate. As an officer of Sprint, he led large teams of employees through extraordinary industry transitions in telecom."

As COO, Mott, who will report directly to Meers, is charged with providing leadership, direction and guidance on overall agency activities. Some of his responsibilities will include:

- Development of operational capacity to support the rapid growth of the agency;
- Agency management development and mentoring;
- Creation of new operating systems that streamline project flow and accountability across the agency;
- Oversight of agency capital allocation and growth projects, financial processes and performance;
- Creation of innovative employee and staffing programs that fully enrich client

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- Creation of innovative employee and starting programs that fully enrich client relationships.

"Jeff will work directly with the agency's senior staff to assure we deliver a great creative product and an excellent client experience," continued Meers.

Earlier in his career, Mott worked at KPMG where he supervised financial consulting engagements for global clients in the financial services, manufacturing and technology sectors.

Mott serves on the Board of Directors for the United Way of Greater Topeka, chairing the Strategic Planning Committee and participating as a member of the Executive Committee. He also serves on the Board Development Committee for Easter Seals Capper Foundation and as an Elder for his church. He recently completed a six-year term on the Alumni Board of Governors for the Ross School of Business at the University of Michigan.

His education includes a bachelor's degree in economics from Boston College, an MBA from the Ross School of Business at the University of Michigan, and a Ph.D. in Management from the University of Massachusetts in Amherst.

Mott and his wife, Brenda, have three children, Carly, Griffin, and Peyton.

#### ABOUT MEERS ADVERTISING

Founded in 1993, Meers is a national full-service digital marketing and advertising agency headquartered in Kansas City, Missouri. The agency works to advance clients' businesses by helping them solve marketing challenges through relevant, engaging and compelling communications. Meers works with Armed Forces Bank, Academy Bank, Missouri Gas Energy, Kauffman Center for the Performing Arts, several Blue Cross and Blue Shield plans, and others. For the second consecutive year, Meers was named as the fastest growing Kansas City private company in 2012 by Inc. Magazine's "Inc. 5000." In July 2012, Meers was recognized as "Kansas City's Top Company" by KC Business Magazine. Meers is a member of the 4As. For more information about Meers Advertising, please visit <http://www.meers.com>.

Read the full story at <http://www.prweb.com/releases/2012/9/prweb9862441.htm>

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