

From: Perez, Steven

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Subject: U.S. TRADEMARK APPLICATION NO. 85440869 - DJ MELEE - 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. 85440869

MARK: DJ MELEE



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Giacoppo, Jason

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 2/3/2015

On August 5, 2013, action on this application was suspended pending the disposition of U.S. Registration No. 3042420. The referenced registration has been cancelled and is no longer a bar to the registration of applicant's mark. Accordingly, suspension of the subject application is lifted. However, given that the second cited registration remains active, the final refusal under Trademark Act Sec. 2(d) is maintained. Applicant's request for reconsideration dated March 4, 2013, is addressed below.

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 4, 2012, are maintained and continue to be final: Sec. 2(d) refusal citing Reg. No. 3042420 and the name significance inquiry under Trademark Act Sec. 2(c). 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.

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).

DISCUSSION

For the reasons previously set forth the final refusal under Trademark Act Sec. 2(d) is maintained and continued with respect to cited Reg. No. 3042420. Applicant's request for reconsideration adds no new evidence or arguments and appears to be identical to its response dated August 2, 2012.

It must be noted that applicant's arguments relying on the coexistence of the cited marks are rendered moot by the cancellation of the second cited registration. Applicant's remaining arguments again overstate the significance of the added term DJ given the similarity of the services of the parties. As previously discussed, applicant erroneously restricts its comparison of the services to certain limited wording in the respective identifications while ignoring clear overlap of other services. If applicant

wishes to argue, for instance, that its services are limited to “disc jockey services for parties and special events,” it must first restrict its identification to such services and delete all others.

As to the second basis for final refusal, applicant’s arguments appear to indicate that the proposed mark identifies a particular individual. For reasons best known to itself, applicant has twice failed to address the name significance inquiry. As such, the final requirement must be maintained.

If the applicant has any questions or needs assistance in responding to this Office action, please e-mail or telephone the assigned examining attorney.

/SMP/

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