

From: Mizelle, Dezmona

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Subject: U.S. TRADEMARK APPLICATION NO. 85691028 - SIT, FLOP, POP AND LOOK - 11104-43 - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

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Files: 85691028.doc

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

**U.S. APPLICATION SERIAL NO.** 85691028

**MARK:** SIT, FLOP, POP AND LOOK



**CORRESPONDENT ADDRESS:**

CHARLES J MEYER

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INDIANAPOLIS, IN 46204-5107

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** Cowan, Jeff

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

11104-43

**CORRESPONDENT E-MAIL ADDRESS:**

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**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 1/10/2014

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 March 4, 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. Accordingly, the request is denied.

Applicant argues that the use of the registration symbol furthers the trademark use, and that the mark is more than the subject matter of the services, but is "arbitrary, unique and was coined by Applicant to broadly promote its services". Based on the specimens that have been submitted and the training materials that were submitted with the request for reconsideration, it remains examining attorney's contention that the mark is not seen in connection with the provision of education services, but rather as the subject matter of educational services presented by "Jeff Cowan's Pro Talk". It is not clear that one would look at the training materials, even with the addition of the registration symbol, and pull out that mark for educational services. (EVERY CARE EVERY TIME? clearly appears as a trademark on the bottom of the page, separated, and in connection with the provision of the services). The other three "points" in the group of THE FOUR POINT WALK AROUND are not viewed as individual trademark, but rather as prongs, like "Sit, flip, pop and look", a strategy presented for the purpose of "sales training". The use of the mark on the sweatshirt does not evidence the use of the mark in connection with "educational services".

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. See TMEP §715.04(a).

/Dezmona J. Mizelle-Howard/

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