

From: Kaveeshvar, Juhi

Sent: 12/26/2013 2:38:17 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85694006 - AFP FONT COLLECTION FOR S/390 - N/A -  
Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 1

Files: 85694006.doc

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

**U.S. APPLICATION SERIAL NO.** 85694006

**MARK:** AFP FONT COLLECTION FOR S/390



**CORRESPONDENT ADDRESS:**

GINA M LYONS

INTERNATIONAL BUSINESS MACHINES CORP

INTELLECTUAL PROPERTY N CASTLE DR

ARMONK, NY 10504

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** International Business Machines Corporat ETC.

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

ibmtm@us.ibm.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 12/26/2013

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 June 7, 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.

Specifically, applicant has provided information about applicant's business model and how applicant provides its goods to its customers, and has requested that the examining attorney reconsider the substitute specimen provided on May 16, 2013. The examining attorney is not persuaded to withdraw the specimen refusal because, as stated in the Office action dated June 7, 2013, the contact information provided does not specify that the contact information is to be used *for purchasing and/or ordering the goods*. Even considering applicant's business model, the contact information on the substitute specimen is incredibly vague and is not sufficient to make the specimen acceptable.

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).

/Juhi Kaveeshvar Patel/

Ms. Juhi Kaveeshvar Patel

Trademark Examining Attorney

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