From: Milton, Priscilla

Sent: 3/26/2014 9:30:45 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 85751529 - NEATO BOTVAC - 13861/66 - 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. 85751529

MARK: NEATO BOTVAC

CORRESPONDENT ADDRESS:

MIMI RUPP

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NEW YORK, NY 10004-1007

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: Neato Robotics, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

13861/66

CORRESPONDENT E-MAIL ADDRESS:

tmdocketny@kenyon.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 3/26/2014

This Office action is in response to applicant's communication filed on 3/4/14.

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 disclaimer requirement made final in the Office action and Supplement to the final Office action dated 9/4/13 is maintained and continue to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

The applicant's claim of ownership of a prior U.S. Registration has been accepted.

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.

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).

/Priscilla Milton/

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