

From: Bibbins, Odessa

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Subject: U.S. TRADEMARK APPLICATION NO. 85781180 - YOUTH PRIDE CHORUS - 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. 85781180 MARK: YOUTH PRIDE CHORUS	
CORRESPONDENT ADDRESS: JASON M. VOGEL KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS NEW YORK, NY 10036-7703	GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp VIEW YOUR APPLICATION FILE
APPLICANT: Big Apple Performing Arts, Inc.	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A CORRESPONDENT E-MAIL ADDRESS: NYTrademarks@KilpatrickTownsend.com	

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/6/2014

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 Final Refusals, *2(e)(1) Merely Descriptive Refusal* and the *Arguments and Evidence in Support of the 2(f) claim of Acquired Distinctiveness, Insufficient to Establish Secondary Meaning* in the Final Office action dated May 7, 2014 are both 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 does not raise a new issue or provide any new or compelling evidence with regard to the outstanding Refusals in the final Office action. Applicant submitted three *additional* Declarations in Support of Acquired Distinctiveness of the mark, and the *same evidence* listing its media presence and public performances. 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).

/Odessa Bibbins/

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