

From: Phillips, Wendell

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Subject: U.S. TRADEMARK APPLICATION NO. 85864264 - GET CENSORED - 13#626 - 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**

<b>U.S. APPLICATION SERIAL NO.</b> 85864264  <b>MARK:</b> GET CENSORED	
<b>CORRESPONDENT ADDRESS:</b> ANDREW LAHSER  LAW OFFICE OF ANDREW P. LAHSER, PLC  16824 E AVENUE OF THE FOUNTAINS STE 14  FOUNTAIN HILLS, AZ 85268-8408	<b>GENERAL TRADEMARK INFORMATION:</b>  <a href="http://www.uspto.gov/trademarks/index.jsp">http://www.uspto.gov/trademarks/index.jsp</a>  <a href="#">VIEW YOUR APPLICATION FILE</a>
<b>APPLICANT:</b> Shanon Preston	
<b>CORRESPONDENT'S REFERENCE/DOCKET NO:</b>  13#626  <b>CORRESPONDENT E-MAIL ADDRESS:</b>  docket@lahserpatent.com	

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 10/8/2014**

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 refusal under Trademark Act Section 2(d) due to a likelihood of confusion with the mark in U.S. Registration No. 4144833, which was made final in the Office action dated January 10, 2014, is **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 issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. In particular, applicant's amendment to the identification of goods to limit the trade channels in which the goods are offered does not obviate the likelihood of confusion because the cited registration has no trade channel limitations, so it can be presumed that registrant's goods travel in all normal channels of trade, including online retail stores like those of the applicant. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)).

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).

/Wendell S. Phillips III/

Trademark Examining Attorney

Law Office 110

(571) 272-5271

wendell.phillips@uspto.gov