

From: Sparer, Zachary

Sent: 7/14/2014 10:04:10 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 85867859 - CASA DO FADO - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 8

Attachment Information:

Count: 48

Files: 76715222P001OF002.JPG, 76715222P002OF002.JPG, 85038109P001OF002.JPG, 85038109P002OF002.JPG, 85058722P001OF002.JPG, 85058722P002OF002.JPG, 85107925P001OF003.JPG, 85107925P002OF003.JPG, 85107925P003OF003.JPG, 85148635P001OF003.JPG, 85148635P002OF003.JPG, 85148635P003OF003.JPG, 85157435P001OF002.JPG, 85157435P002OF002.JPG, 85230709P001OF002.JPG, 85230709P002OF002.JPG, 85254634P001OF003.JPG, 85254634P002OF003.JPG, 85254634P003OF003.JPG, 85293323P001OF002.JPG, 85293323P002OF002.JPG, 85303358P001OF002.JPG, 85303358P002OF002.JPG, 85316060P001OF003.JPG, 85316060P002OF003.JPG, 85316060P003OF003.JPG, 85366421P001OF003.JPG, 85366421P002OF003.JPG, 85366421P003OF003.JPG, 85369905P001OF002.JPG, 85369905P002OF002.JPG, 85458200P001OF003.JPG, 85458200P002OF003.JPG, 85458200P003OF003.JPG, 85501521P001OF002.JPG, 85501521P002OF002.JPG, 85508379P001OF002.JPG, 85508379P002OF002.JPG, 85517485P001OF003.JPG, 85517485P002OF003.JPG, 85517485P003OF003.JPG, 85586317P001OF002.JPG, 85586317P002OF002.JPG, 85766331P001OF002.JPG, 85766331P002OF002.JPG, 86055012P001OF002.JPG, 86055012P002OF002.JPG, 85867859.doc

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

U.S. APPLICATION SERIAL NO. 85867859

MARK: CASA DO FADO



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

APPLICANT: ANA ROSA NETO CELESTINO CAMPINA

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 7/14/2014

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 December 26, 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.

Additional Evidence Added to Record

The examining attorney has attached additional evidence to the record.

The attached Internet evidence consists of examples of entities, in addition to applicant, that provide both applicant's hotel services and applicant's and registrant's shared restaurant services. This evidence establishes that the same entity commonly provides the relevant services and markets the services under the same mark. Therefore, applicant's and registrant's hotel and restaurant services are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009). Evidence obtained from the Internet may be used to support a determination under Trademark Act Section 2(d) that services are related. See, e.g., *In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007).

Further, the trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar services as those of both applicant and registrant in this case. This evidence shows that the services listed therein, namely hotel and restaurant services, are of a kind that may emanate from a single source under a single mark. See *In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

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).

Zachary R. Sparer

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