From: Carl, Fred

Sent: 8/7/2015 6:51:57 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 85884760 - GLASSWALK - 002638-1009 - 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. 85884760

MARK: GLASSWALK

CORRESPONDENT ADDRESS:

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BOSTON, MA 02109-4316

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: MINE, INC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

002638-1009

CORRESPONDENT E-MAIL ADDRESS:

trademarks@gesmer.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 8/7/2015

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement for an acceptable identification of services in class 41, made final in the Office action dated January 27, 2015 is maintained and continues to be final. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

IDENTIFICATION OF SERVICES IN CLASS 41

The wording "videos, pictures, images, text, photos, and audio content on a wide variety of topics and subjects" in the identification of services is indefinite because it could include services in other international classes. *See* TMEP §§1402.01, 1402.03. Specifically, "text … on a wide variety of topics and subjects" would be the provision of information "on a wide variety of topics and subjects." When identifying the provision of information, these services are classified based on the subject matter. TMEP §1402.11(b). Information on advertising would be in class 36, information on mortgage planning would be in class 36, information on asbestos removal would be in class 37, cable television broadcasting information would be in class 38, and bus transportation information would be in class 39, etcetera.

Additionally, as suggested in the earlier office action, these services would be more easily understood if they are separated into gaming services and other services, rather than grouped together as a single service. Applicant may adopt the following identification of services in order to overcome this refusal, if accurate:

Class 41

> Entertainment services, namely, providing temporary use of computer game software and electronic game software ***via the Internet and via cloud computing environments;*** providing a website featuring ***non-downloadable*** videos, pictures, images text and audio ***in the fields of entertainment, music and art*** via the Internet and via cloud computing environments

If applicant would like to adopt this wording, applicant is encouraged to telephone the examining attorney to make the amendment by telephone. Additionally, if applicant would like to discuss other alternative wording with the examining attorney for these services, **applicant is encouraged to telephone the examining attorney** to discuss this matter.

However, the identification of services, as amended on June 17, 2015 remains unacceptable.

Accordingly, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. Therefore, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Fred Carl III/

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*** Email correspondence cannot be accepted as a response to an outstanding action. Please SPEAK with the examining attorney by telephone BEFORE attempting to send email.**