

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85927586
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>RESPONSE TO FINAL OFFICE ACTION</u></p> <p>This responds to the Final Office Action issued on October 17, 2013. In that Office Action, the Examining Attorney made final her refusal of registration of the Applied-for Mark IDEAL STRETCH. Specifically, the Examining Attorney alleged Applicant's Mark is likely to be confused with IDEAL Registration No. 3,974,256 for use in connection with jackets, pants, shirts, suits, ties, and tuxedos because the two marks are highly similar and are associated with the same goods. Given this, the Examining Attorney concluded the Applied-for Mark may not be registered.</p> <p>Applicant respectfully disagrees with the Examining Attorney and maintains that IDEAL STRETCH is not likely to be confused with IDEAL because the marks are: (1) dissimilar; (2) bring about two strikingly different commercial impressions; (3) are used on different goods; and (4) co-exist within a crowded market. Notwithstanding Applicant's position, Applicant has filed a Petition for Cancellation of IDEAL on April 17, 2014 with the Trademark Trial and Appeal Board. Applicant filed its Petition for Cancellation of IDEAL upon information and belief that Registrant has abandoned IDEAL, pursuant to 15 U.S.C. §1064(3).</p> <p>In the interest of costs and judicial efficiency, Applicant respectfully asks the Examining Attorney to suspend consideration of Application Serial No. 85/927,586 until the Petition for Cancellation of Ideal is decided, as a favorable ruling in the cancellation proceeding will obviate the need to respond to the Final Office Action.</p>	
SIGNATURE SECTION	

RESPONSE SIGNATURE	/samantha m quimby/
SIGNATORY'S NAME	Samantha M. Quimby
SIGNATORY'S POSITION	Attorney of record, Ohio bar member
SIGNATORY'S PHONE NUMBER	614.559.7282
DATE SIGNED	04/17/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Apr 17 16:42:22 EDT 2014
TEAS STAMP	USPTO/RFR-69.61.131.58-20 140417164222709909-859275 86-500ce4bf814f0559629f2e 73df823ac4e84a691b4b58fdc 74eae916833322667e-N/A-N/ A-20140417163648031356

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **85927586** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

RESPONSE TO FINAL OFFICE ACTION

This responds to the Final Office Action issued on October 17, 2013. In that Office Action, the Examining Attorney made final her refusal of registration of the Applied-for Mark IDEAL STRETCH. Specifically, the Examining Attorney alleged Applicant's Mark is likely to be confused with IDEAL Registration No. 3,974,256 for use in connection with jackets, pants, shirts, suits, ties, and tuxedos because the two marks are highly similar and are associated with the same goods. Given this, the Examining Attorney concluded the Applied-for Mark may not be registered.

Applicant respectfully disagrees with the Examining Attorney and maintains that IDEAL STRETCH is not likely to be confused with IDEAL because the marks are: (1) dissimilar; (2) bring about two strikingly different commercial impressions; (3) are used on different goods; and (4) co-exist within a crowded market. Notwithstanding Applicant's position, Applicant has filed a Petition for Cancellation of IDEAL on April 17, 2014 with the Trademark Trial and Appeal Board. Applicant filed its Petition for Cancellation of IDEAL upon information and belief that Registrant has abandoned IDEAL, pursuant to 15 U.S.C. §1064(3).

In the interest of costs and judicial efficiency, Applicant respectfully asks the Examining Attorney to suspend consideration of Application Serial No. 85/927,586 until the Petition for Cancellation of Ideal is decided, as a favorable ruling in the cancellation proceeding will obviate the need to respond to the Final Office Action.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /samantha m quimby/ Date: 04/17/2014

Signatory's Name: Samantha M. Quimby

Signatory's Position: Attorney of record, Ohio bar member

Signatory's Phone Number: 614.559.7282

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85927586

Internet Transmission Date: Thu Apr 17 16:42:22 EDT 2014

TEAS Stamp: USPTO/RFR-69.61.131.58-20140417164222709

909-85927586-500ce4bf814f0559629f2e73df8

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