

From: Goodsaid, Ira

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 85980011 - THE COOLER COMPANY - 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. 85980011

MARK: THE COOLER COMPANY



CORRESPONDENT ADDRESS:

SETH I APPEL

PATTISHALL MCAULIFFE NEWBURY HILLIARD ET

200 SOUTH WACKER DR SUITE 2900

CHICAGO, IL 60606-6631

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: The Coleman Company, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jmarvel@pattishall.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/7/2013

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 briefed by the Examiner's Statement dated 8/1/13 and reiterated by the Office action of 9/8/13 is maintained and continues 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 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, brief or denial of request for reconsideration. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issue. 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 the outstanding final refusal 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).

The Amendment to Allege use avers first use of the mark in commerce as of January 31, 2012. The specimen of use is a picture of a cooler with THE COOLER COMPANY on a label affixed to the cooler. There is no other wording on the specimen which suggests anything other than the ordinary meaning of the words, THE COOLER COMPANY – a company that sells coolers. Since the meaning must be construed in the context of the goods at issue (coolers et al), the proposed mark is simply the combination of generic terms for the goods and the entity offering those goods. The evidence and arguments of all the prior Office actions are incorporated herein by reference.

/Ira Goodsaid/

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