

From: Richardson, Jennifer

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Subject: U.S. TRADEMARK APPLICATION NO. 86004595 - SMARTDGA - 17677027001 - Request for
Reconsideration Denied - Return to TTAB

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Count: 1

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

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| U.S. APPLICATION SERIAL NO. 86004595 MARK: SMARTDGA |  |
| CORRESPONDENT ADDRESS: JOHN W MONTGOMERY OSHA LIANG LLP 909 FANNIN ST STE 3500 HOUSTON, TX 77010-1034 | GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp VIEW YOUR APPLICATION FILE |
| APPLICANT: LumaSense Technologies Holdings, Inc. | |
| CORRESPONDENT'S REFERENCE/DOCKET NO: 17677027001 CORRESPONDENT E-MAIL ADDRESS: docketing@oshaliang.com | |

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/5/2014

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 made final in the Office action dated May 16, 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 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. Common geometric shapes, such as circles, ovals, triangles, diamonds, or stars, when used as a background for word or letter marks are not considered inherently distinctive. See *In re Benetton Group S.p.A.*, 48 USPQ2d 1214, 1216 (TTAB 1998).

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).

/Jennifer D. Richardson/

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