

From: Carl, Fred

Sent: 12/5/2014 6:41:02 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 86012187 - HEALTHY NEVER LOOKED SO GOOD. -
020589.0200 - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

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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. 86012187 MARK: HEALTHY NEVER LOOKED SO GOOD.	
CORRESPONDENT ADDRESS: MARY SOTIS FRANKFURT KURNIT KLEIN & SELZ PC 488 MADISON AVE FL 10 NEW YORK, NY 10022-5754	GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp VIEW YOUR APPLICATION FILE
APPLICANT: SBD Holdings Group Corp.	
CORRESPONDENT'S REFERENCE/DOCKET NO: 020589.0200 CORRESPONDENT E-MAIL ADDRESS: pto@fkks.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 requirement and refusal made final in the Office action dated May 28, 2014 are maintained and continue to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In this case, applicant's request has not resolved the two outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues 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. The following two issues must be addressed on appeal to the Board:

- (1) Likelihood of confusion with the registered mark found at U.S. Registration No. 3470378, under 15 U.S.C. §1052(d), and
- (2) Applicant's failure to provide an acceptable specimen under 15 U.S.C. §§1051, 1127.

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 and 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).

/Fred Carl III/

Examining Attorney

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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.**