

From: Mayes, Laurie A.

Sent: 12/11/2014 9:24:33 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 86058261 - AVIATOR - 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**

<b>U.S. APPLICATION SERIAL NO.</b> 86058261  <b>MARK:</b> AVIATOR	
<b>CORRESPONDENT ADDRESS:</b> THOMAS W COLE  ROBERTS MLOTKOWSKI SAFRAN & COLE PC  7918 JONES BRANCH DRIVE SUITE 500  MCLEAN, VA 22102	<b>GENERAL TRADEMARK INFORMATION:</b>  <a href="http://www.uspto.gov/trademarks/index.jsp">http://www.uspto.gov/trademarks/index.jsp</a>  <a href="#">VIEW YOUR APPLICATION FILE</a>
<b>APPLICANT:</b> Wilson Imports Limited	
<b>CORRESPONDENT'S REFERENCE/DOCKET NO:</b>  N/A  <b>CORRESPONDENT E-MAIL ADDRESS:</b>  tcole@rmsclaw.com	

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 12/11/2014

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 applicant's amended identification overcomes the likelihood of confusion refusal based on Reg. No. 4069556.**

**The final likelihood of confusion refusal based on Reg. No. 4103144 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 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. The marks registered mark has the term "aviator" repeated, emphasizing the dominance of this term in the minds of the consumer. The proposed mark consists only of the term "aviator" and has no other term, design or other element that would serve to distinguish it from the registered mark. Also, each of the other marks that are already coexisting do have at least one other term or element that serves to distinguish it from the other marks, or the goods differ in some way.

Accordingly, the request is denied as to the refusal based on Reg. No. 4103144.

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).

/Laurie Mayes/

Examining Attorney, LO 101

(571) 272-5874; FAX (571) 273-9101

[laurie.mayes@uspto.gov](mailto:laurie.mayes@uspto.gov) (NOT for responses)