

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86068524
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_1017110105-20141028121019305243_. NY01- 3412703-v1-BLINKY_BUDDIES_OAR_October_2014.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\860\685\86068524\xml8\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\860\685\86068524\xml8\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	evidence in the nature of arguments as PDF attachment
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Amy Gaven/
SIGNATORY'S NAME	Amy Gaven
SIGNATORY'S POSITION	Attorney of record, New York bar member
SIGNATORY'S PHONE NUMBER	212-808-7800
DATE SIGNED	10/28/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	

SUBMIT DATE	Tue Oct 28 12:52:22 EDT 2014
TEAS STAMP	USPTO/RFR-10.171.10.105-2 0141028125222962974-86068 524-50035adb5c8baecf3be17 b248ce35b763c26858601580e 2553efb1cdf9a5e6e54-N/A-N /A-20141028121019305243

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

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

Application serial no. **86068524** has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of evidence in the nature of arguments as PDF attachment has been attached.

Original PDF file:

[evi_1017110105-20141028121019305243_NY01-3412703-v1-BLINKY_BUDDIES_OAR_October_2014.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Amy Gaven/ Date: 10/28/2014

Signatory's Name: Amy Gaven

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone Number: 212-808-7800

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86068524

Internet Transmission Date: Tue Oct 28 12:52:22 EDT 2014

TEAS Stamp: USPTO/RFR-10.171.10.105-2014102812522296

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N/A-N/A-20141028121019305243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Avon Products, Inc.
Serial No. : 86/068,524 Examiner: Marynelle Wilson
Filed : September 18, 2013 Law Office 113
Mark : BLINKY BUDDIES

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S RESPONSE TO OFFICE ACTION DATED MAY 6, 2014

The Examining Attorney has refused registration of Applicant's BLINKY BUDDIES trademark on the ground that the mark when used in connection with footwear so resembles BLINKY WINKY (Registration No. 3,518,824) for a wide variety of goods in Classes 3, 14, 18 and 25, including footwear owned by Sazaby League, Ltd. that it is likely to cause confusion, or to cause mistake, or to deceive.

Applicant respectfully notes that the Declaration of Use for BLINKY WINKY was due by October 21, 2008 and that, to date, no Declaration of Use has been filed. As the registration for BLINKY WINKY is currently in its grace period and may be subject to cancellation, Applicant respectfully requests that its Application be suspended pending the determination of the BLINKY WINKY registration.

Respectfully submitted,

KELLEY DRYE & WARREN LLP
Attorneys for Applicant

Dated: October 28, 2014

By: /Amy Gaven/

Andrea L. Calvaruso
Amy Gaven

101 Park Avenue
New York, NY 10178
Tel: 212-808-7800