

From: Griffin, Jim

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Subject: U.S. TRADEMARK APPLICATION NO. 86117423 - SILVERSPHERE - 120044 - SU - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

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Files: 86117423.doc

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

**U.S. APPLICATION SERIAL NO.** 86117423

**MARK:** SILVERSPHERE



**CORRESPONDENT ADDRESS:**

DAVID L. SIGALOW

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRI

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**GENERAL TRADEMARK INFORMATION:**

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

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**APPLICANT:** Tel-Tron Technologies Corporation

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

120044

**CORRESPONDENT E-MAIL ADDRESS:**

dsigalow@addmg.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 3/31/2016

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated 9/28/2015 are maintained and continue to be final: **Specimen requirement**. See TMEP §§715.03(a)(ii)(B), 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. Accordingly, the request is denied.

Specifically, the new specimens remain unacceptable. The reconsideration request says:

The specimens submitted herewith are copies of the instructional manuals provided to Applicant's customers and clients which explain how the client's emergency response medical alarm system may be monitored through a desktop computer or a cellular telephone. For example, the second page of the ATMOS Mobile Instructional Manual specifically states that this system "now allows caregivers and staff to receive alarm notification information in real time on BYOD mobile and handheld devices." The manual also states that the system provides "improved efficiency through tracking alarm status and staff activity" which, in turn, "allows staff to request backup when necessary". As the Examining Attorney will note, the SILVERSPHERE mark is prominently featured in the heading of every other page of this specimen.

As before, this specimen is unacceptable because it does not show the applicant providing alarm monitoring services. The applicant applied for the service of "Emergency response medical alarm monitoring services for the elderly and the infirm," in Class 45. That service is the service of monitoring emergency response medical alarms for others. The specimens only show a software and/or hardware product that "allows caregivers and staff to receive alarm notification information in real time on BYOD mobile and handheld devices." A proper specimen must show the applicant providing an alarm monitoring service for others under the SILVERSPHERE service mark.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

/James T. Griffin/

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(informal communications only)