

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86150057
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 114
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_162217205178-20150517184036229492_.05.17.15 - FINAL Request for Reconsideration.pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\861\500\86150057\xml10\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\861\500\86150057\xml10\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\861\500\86150057\xml10\RFR0004.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Request for Reconsideration After Final Action dated November 17, 2014
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	045
<b>DESCRIPTION</b>	Dating services; Matchmaking services
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/25/2010
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/25/2010
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	045

<b>TRACKED TEXT DESCRIPTION</b>	
<del>Dating services</del> ; <a href="#">Dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines.</a> ; <del>Matchmaking services</del>	
<b>FINAL DESCRIPTION</b>	
Dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines.	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/25/2010
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/25/2010
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Neda Lajevardi/
<b>SIGNATORY'S NAME</b>	Neda Lajevardi
<b>SIGNATORY'S POSITION</b>	Attorney of record, a Florida Bar member.
<b>SIGNATORY'S PHONE NUMBER</b>	305-448-7089
<b>DATE SIGNED</b>	05/17/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Sun May 17 18:53:40 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-162.217.205.178 -20150517185340545410-861 50057-530f1ce4c847b82772e 14ae1f2d5387cbcbae76b63b1 aed12417bcf897478b9d-N/A- N/A-20150517184036229492

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

Application serial no. **86150057** 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 Request for Reconsideration After Final Action dated November 17, 2014 has been attached.

**Original PDF file:**

[evi\\_162217205178-20150517184036229492\\_.05.17.15\\_-\\_FINAL\\_Request\\_for\\_Reconsideration.pdf](#)

**Converted PDF file(s)** ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 045 for Dating services; Matchmaking services

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 08/25/2010 and first used in commerce at least as early as 08/25/2010 , and is now in use in such commerce.

**Proposed:**

**Tracked Text Description:** ~~Dating services;~~ [Dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines.](#); ~~Matchmaking services~~

Class 045 for Dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines.

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 08/25/2010 and first used in commerce at least as early as 08/25/2010 , and is now in use in such commerce.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Neda Lajevardi/ Date: 05/17/2015

Signatory's Name: Neda Lajevardi

Signatory's Position: Attorney of record, a Florida Bar member.

Signatory's Phone Number: 305-448-7089

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86150057

Internet Transmission Date: Sun May 17 18:53:40 EDT 2015

TEAS Stamp: USPTO/RFR-162.217.205.178-20150517185340

545410-86150057-530f1ce4c847b82772e14ae1

f2d5387cbcbae76b63b1aed12417bcf897478b9d

-N/A-N/A-20150517184036229492

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant: Avalanche, LLC

Mark: **JEWCIER**

Serial No.: 86/150,057

Filed: December 20, 2013

Trademark  
Examining  
Attorney: Suzanne Blane

Law Office: 114

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**REQUEST FOR RECONSIDERATION AFTER FINAL ACTION**

This is a request for reconsideration after a Final Office Action mailed November 17, 2014.

**I. INTRODUCTION**

The Examining Attorney (“Examiner”) has refused registration of Applicant’s **JEWCIER** mark on the ground that under Trademark Act § 2(d), 15 U.S.C. § 1052(d), it is likely to cause confusion with the marks **JEWCY and Design**, Registration No. 4432665; **JEWCY and Design**, Registration No. 4293528; and **JEWCY**, Registration No. 2843648. Applicant responds below.

**II. AMENDMENT: IDENTIFICATION OF SERVICES**

Applicant respectfully requests that its identification of services in International Class 45 be amended as follows and submits that this will eliminate a likelihood of confusion with all of the cited trademark registrations:

*Dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines.*

**III. REGISTRATION NO. 2843648 for JEWCY**

Applicant respectfully submits that according to the USPTO electronic record for Registration No. 2843648, the registration was cancelled on December 19, 2014. Accordingly, Applicant respectfully requests that the Examiner withdraw this reference as a bar to registration of Applicant's mark.

**IV. CONCLUSION**

The Examiner has refused registration of Applicant's mark, under Trademark Act § 2(d), 15 U.S.C. § 1052(d) based on the Examiner's determination that Applicant's **JEWCIER** mark so resembles the marks **JEWCY and Design**, Registration No. 4432665; **JEWCY and Design**, Registration No. 4293528; and **JEWCY**, Registration No. 2843648, as to be likely to cause confusion, mistake, or deception as to the source of the goods and/or services of the Applicant and registrant. These registrations should no longer bar registration of Applicant's mark, as Applicant has requested that its identification of services in International Class 45 be amended, and Registration No. 2843648 should further not present a bar to registration of Applicant's mark because it has been deemed cancelled by the USPTO. Based on the foregoing, Applicant respectfully requests that its application be amended according to the request herein and approved for publication.

**Mark: JEWCIER**  
**Serial No. 86/150,057**  
**Law Office: 114**

Date: May 17, 2015

Respectfully submitted,

**LOTT & FISCHER, PL**

s/Neda Lajevardi

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Ury Fischer

Neda Lajevardi

PO Drawer 141098

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(305) 448-7089

Our File No. 01177-1-8020

*Attorneys for Applicant*

*Avalanche, LLC*