

From: Blane, Suzanne

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 86150057 - JEWCIER - 01177.8020 - Request for
Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 1

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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. 86150057

MARK: JEWCIER



CORRESPONDENT ADDRESS:

NEDA LAJEVARDI

LOTT & FISCHER PL

PO BOX 140198

CORAL GABLES, FL 33114-0198

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: Avalanche, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

01177.8020

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

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 November 17, 2014 are maintained and continue to be final: Section 2(d) refusal with respect to RNs.

4432665 and 4293528. *See* TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action is withdrawn: Section 2(d) refusal with respect to RN. 2843648 due to the cancellation of that registration. *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. Specifically, applicant argues that its amended identification of services obviates the likelihood of confusion with regard to RNs 4432665 and 4293528. The existing identification read: "dating and matchmaking services." The amended identification reads "dating and matchmaking services, not including the provision of live entertainment events, on-line journals, blogs and magazines." The provision of live entertainment events, on-line journals, blogs and magazines are among the services identified in the two cited registrations. Although applicant has narrowed its identification, registrant has not. The final Office action includes evidence that the provision of live entertainment events, on-line journals, blogs and magazines, and dating and matchmaking services commonly have the same source. Consumers of the identified services are likely to presume the services share a common source when they are marketed under strongly similar marks. Accordingly, the request is denied.

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).

/Suzanne Blane/

Examining Attorney

Law Office 114

suzanne.blane@uspto.gov

Phone: 571-272-5497