

From: Dennis, Seth

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Subject: U.S. TRADEMARK APPLICATION NO. 86263642 - MERSIN - 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**

U.S. APPLICATION SERIAL NO. 86263642

MARK: MERSIN



CORRESPONDENT ADDRESS:

NIHAT DENIZ BAYRAMOGLU

BAYRAMOGLU LAW OFFICES LLC

2520 SAINT ROSE PARKWAY SUITE 309

HENDERSON, NV 89074

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Yahya Kemal Gungor

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

in@bayramoglu-legal.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/29/2016

This Request for Reconsideration Denial is in response to applicant's communication filed on April 1, 2016.

In a Final action dated April 10, 2015, the trademark examining attorney issued a final requirement for applicant to disclaim wording in the mark. The refusal of applicant's claim of acquired distinctiveness was not addressed at that time.

On October 15, 2015, applicant filed a notice of appeal in connection with the disclaimer requirement, and applicant's appeal brief was forwarded to the examining attorney on January 23, 2016.

On March 08, 2016, the examining attorney requested that the application be remanded so that a final action could be issued with respect to the claim of acquired distinctiveness. The application was remanded to the examining attorney on March 08, 2016.

On March 09, 2016, the examining attorney issued a subsequent Final action in which the refusal of applicant's Section 2(f) claim of acquired distinctiveness was maintained and made final. The subsequent Final action only addressed the Section 2(f) claim of acquired distinctiveness, and the requirement to disclaim wording in the mark was maintained and continued to be made final.

On April 1, 2016, the applicant filed a Request for Reconsideration in which applicant withdrew the Section 2(f) claim of acquired distinctiveness.

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 made that was made final in the Final action dated April 10, 2015, and maintained and continued to be made final in the subsequent Final action dated March 09, 2016, is ***maintained and continues to be made final***:

- (1) Requirement to disclaim wording in the mark.

See TMEP §§715.03(a)(ii)(B), 715.04(a).

In applicant's Request for Reconsideration dated April 01, 2016, applicant withdrew the Section 2(f) claim of acquired distinctiveness. Therefore, the following refusal made final in the Office action dated March 09, 2016 is ***hereby obviated***:

- (1) Refusal of applicant's Section 2(f) claim of acquired distinctiveness.

See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues 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.

DISCLAIMER REQUIRED

The requirement to disclaim the wording "**MERSIN**" because it is primarily geographically descriptive of the origin of applicant's goods *is maintained and continues to be final*. See 15 U.S.C. §§1052(e)(2), 1056(a); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 959, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1309 (TTAB 2006); TMEP §§1210.01(a), 1210.06(a), 1213.03(a).

WHAT HAPPENS NEXT

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).

/Seth Dennis/

Examining Attorney

Law Office 113

(571) 272-9495

seth.dennis@uspto.gov