

From: Rappaport, Seth A.

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To: TTAB E filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86321433 - THE PAVILION AT KING OF PRUSSIA - PSAC-0004US/ - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 1

Files: 86321433.doc

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

U.S. APPLICATION SERIAL NO. 86321433

MARK: THE PAVILION AT KING OF PRUSSIA



CORRESPONDENT ADDRESS:

CAMILLE M MILLER

COZEN OCONNOR

1650 MARKET STONE LIBERTY PLACE

PHILADELPHIA, PA 19103

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: PS Court Associates, LP

CORRESPONDENT'S REFERENCE/DOCKET NO:

PSAC-0004US/

CORRESPONDENT E-MAIL ADDRESS:

cmiller@cozen.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/29/2015

This letter responds to the applicant's communication filed on October 22, 2015. The applicant (1) stated that U.S. Trademark Registration Nos. 2909667 and 2894594 have been canceled and (2) argued against the refusal under Section 2(d) with respect to the other cited marks.

Since U.S. Registration Nos. 2909667 and 2894594 have been canceled, the refusal under Section 2(d) with respect to these registrations is withdrawn.

With respect to the refusal under Section 2(d) with respect to U.S. Registration Nos. 2892753, 2892752, and 2894595, 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 refusal made final in the Office action dated 04/24/2015 is maintained and continues to be final: Section 2(d) – Likelihood of Confusion Refusal with respect to U.S. Registration Nos. 2892753, 2892752, and 2894595. *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.

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).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Seth A. Rappaport/

Seth A. Rappaport

Trademark Examining Attorney

Law Office 103

Phone: (571) 270-1508

Fax: (571) 270-2508

email: seth.rappaport@uspto.gov