

From: Johnson, Don

Sent: 10/14/2015 10:58:42 AM

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Subject: U.S. TRADEMARK APPLICATION NO. 86325151 - YOU CAN GET ANYWHERE FROM HERE -
23435-122 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 2

Attachment Information:

Count: 5

Files: uncsa art music.jpg, 50 post secondary schools - art music etc.jpg, hunter college academics.jpg,
cuny art.jpg, 86325151.doc

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

U.S. APPLICATION SERIAL NO. 86325151

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CORRESPONDENT ADDRESS:

MICHAEL A MANN

NEXSEN PRUET LLC

1230 MAIN ST

COLUMBIA, SC 29201-3213

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Midlands Technical College

CORRESPONDENT'S REFERENCE/DOCKET NO:

23435-122

CORRESPONDENT E-MAIL ADDRESS:

mmann@nexsenpruet.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/14/2015

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 March 6, 2015, is maintained and

continues to be final: Trademark Act Section 2(d) Refusal (Likelihood of Confusion). See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirements made final in the Office action are satisfied: Entity Identification Requirement and Information Requirement. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues.

Applicant asserts that there is no evidence of the existence of actual confusion in this case. However, the test under Trademark Act Section 2(d) is whether there is a likelihood of confusion. It is not necessary to show actual confusion to establish a likelihood of confusion. *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1571, 218 USPQ 390, 396 (Fed. Cir. 1983)); TMEP §1207.01(d)(ii). The Trademark Trial and Appeal Board stated as follows:

[A]pplicant's assertion that it is unaware of any actual confusion occurring as a result of the contemporaneous use of the marks of applicant and registrant is of little probative value in an ex parte proceeding such as this where we have no evidence pertaining to the nature and extent of the use by applicant and registrant (and thus cannot ascertain whether there has been ample opportunity for confusion to arise, if it were going to); and the registrant has no chance to be heard from (at least in the absence of a consent agreement, which applicant has not submitted in this case).

In re Kangaroos U.S.A., 223 USPQ 1025, 1026-27 (TTAB 1984).

Applicant also argues that "insufficient weight is being given to the nature of the services provided by Applicant and Registrant," but concedes that applicant and registrant both offer post-secondary educational services.

Attached is additional Internet evidence consisting of webpages from the websites of <http://www.uncsa.edu/academicprograms/programs.htm>, <http://www.greatvaluecolleges.net/affordable/art-music/>, <http://www.hunter.cuny.edu/academics>, <http://www.cuny.cuny.edu/mca/index.cfm>, <http://www.cuny.cuny.edu/music/index.cfm>,



- Featured Class
AP Calculus
By the Numbers
High School and College Profiles
A Different Path
Career Choices

ACADEMIC PROGRAMS
Programs

College B.F.A./B.M. Degree College Arts Certificate High School Diploma

The University of North Carolina School of the Arts (UNCSA) is accredited by two separate divisions of the Southern Association of Colleges and Schools (SACS), which is the accrediting body for educational institutions in the Southeast Region of the U.S.

UNCSA is accredited by the SACS Council on Accreditation and School Improvement (SACS-CASI) to award the high school diploma with concentrations in dance, drama, music, and visual arts.

UNCSA is accredited by the SACS Commission on Colleges (SACSCOC) to award the following certificates and degrees:

- Undergraduate Arts Certificate
Bachelor of Fine Arts (BFA) in Dance, Design & Production, Drama, and Filmmaking
Bachelor of Music (BM)
Master of Fine Arts (MFA) in Design and Production and Film Music Composition
Master of Music (MM)
Professional Artist Certificate

The High School Academic Program and the Division of Liberal Arts are the academic components of the University of North Carolina School of the Arts, comprising both the high school and college general education programs.



College B.F.A./B.M. Degree

The Division of Liberal Arts provides a wide array of courses that meet the general education requirements for the Bachelor of Fine Arts or the Bachelor of Music. Students generally take two academic courses per term for a total of 36 to 42 semester credits in the Division of Liberal Arts; requirements vary depending upon the arts school. Many students take more than the number of required courses and electives by the time they graduate from UNCSA.

UNCSA awards the Bachelor of Fine Arts (B.F.A.) in Dance, Design & Production, Drama, and Filmmaking, and the Bachelor of Music (B.M).

College Degree Requirements found in Bulletin

- Academic Information for New Dance Students
Academic Information for New Design and Production Students
Academic Information for New Drama Students
Academic Information for New Filmmaking Students
Academic Information for New Music Students



College Arts Certificate

The Arts Certificate program is a college-level program designed to allow students who choose not to pursue a degree at the University of North Carolina School of the Arts to take arts courses only. These students often include those who have previously completed a baccalaureate degree at another institution. Students enrolled in the Arts Certificate program are prohibited from registering for Liberal Arts courses.

UNCSA awards the college Arts Certificate in Dance, Drama, and Music.



High School Diploma

The High School Academic Program grants the University of North Carolina School of the Arts diploma with concentrations in Dance, Drama, Music, and Visual Arts to students who successfully complete all requirements for their arts program and sufficient college preparatory-level academic courses to meet graduation requirements. The high school program prides itself on ensuring that its graduates are successful applicants to a diverse array of college and university programs, in arts disciplines and other areas of study. With the exception of music students in grades 8-10, students take up to four academic courses along with their required arts courses. Music students in grades 8-10 may take up to five academic courses.

High School Requirements in Bulletin

Year	Value	Value	Value	Value
2000	100	100	100	100
2001	100	100	100	100
2002	100	100	100	100
2003	100	100	100	100
2004	100	100	100	100
2005	100	100	100	100
2006	100	100	100	100
2007	100	100	100	100
2008	100	100	100	100
2009	100	100	100	100
2010	100	100	100	100
2011	100	100	100	100
2012	100	100	100	100
2013	100	100	100	100
2014	100	100	100	100
2015	100	100	100	100
2016	100	100	100	100
2017	100	100	100	100
2018	100	100	100	100
2019	100	100	100	100
2020	100	100	100	100
2021	100	100	100	100
2022	100	100	100	100
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2025	100	100	100	100
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2094	100	100	100	100
2095	100	100	100	100
2096	100	100	100	100
2097	100	100	100	100
2098	100	100	100	100
2099	100	100	100	100
2100	100	100	100	100

 [Hunter remains open during the current storm. Please continue to check the web for any changes and updates.](#)

[HOME](#) → [ACADEMICS](#)

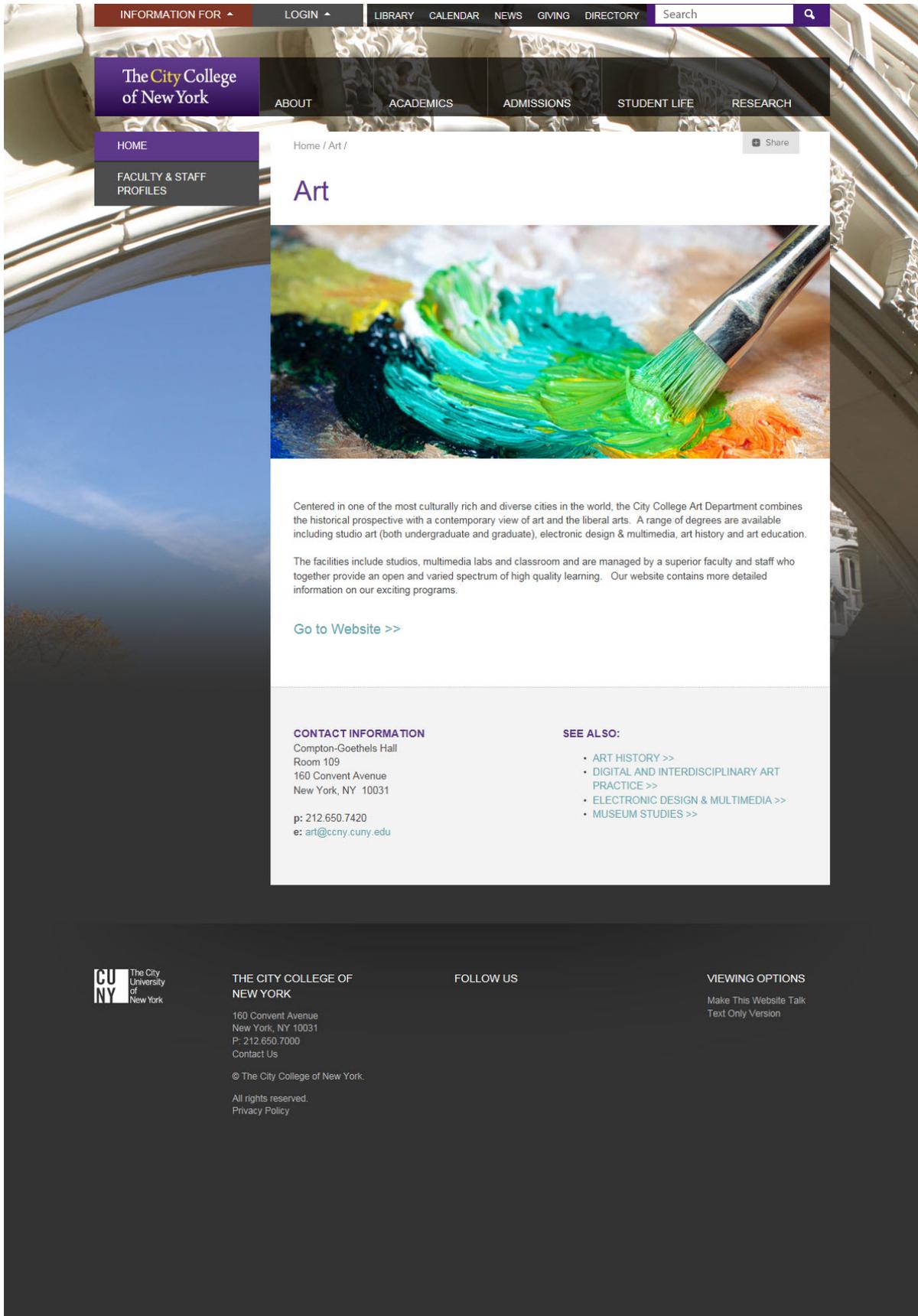
Academics at Hunter College

Hunter College's academic programs cover more than a hundred fields ranging from adolescence education and anthropology to nursing, urban affairs, women's studies, and Arabic. Intellectually exciting and rigorous, grounded in solid academic tradition but fully geared to the 21st century, these programs prepare students for graduate and professional school, for a host of professions, and for the rich, productive life of the educated citizen.

A fully accredited institution of higher education, we offer curricula leading to the bachelor of arts, bachelor of fine arts, bachelor of music, bachelor of science, master of arts, master of fine arts, master of music, master of physical therapy, master of public health, master of science, master of science in education, and master of social work degrees. We also offer a number of accelerated (BA/MA, BS/MA, etc.) degrees as well as advanced certificate programs. Several CUNY doctoral programs are based at Hunter.



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The facilities include studios, multimedia labs and classroom and are managed by a superior faculty and staff who together provide an open and varied spectrum of high quality learning. Our website contains more detailed information on our exciting programs.

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CONTACT INFORMATION

Compton-Goethels Hall
Room 109
160 Convent Avenue
New York, NY 10031

p: 212.650.7420
e: art@ccny.cuny.edu

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160 Convent Avenue
New York, NY 10031
P: 212.650.7000
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