

From: Oehrlein, Stefan

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 86365462 - EOT0496TUS - Request for Reconsideration Denied - Return to TTAB

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Files: 86365462.doc

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

U.S. APPLICATION SERIAL NO. 86365462

MARK:



CORRESPONDENT ADDRESS:

HOPE V SHOVEIN

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SOUTHFIELD, MI 48075-1183

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: L-3 Communications Corporation

CORRESPONDENT'S REFERENCE/DOCKET NO:

EOT0496TUS

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 9/6/2016

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 February 2, 2016 is maintained and continue to be made final: the non-distinctive product design refusal. *See* TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action is withdrawn based on applicant's amended drawing and description: the functionality refusal. *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) in the final Office action. In this case, applicant has submitted a declaration as evidence of acquired distinctiveness in response to the non-distinctive product design refusal. However, this declaration is unsigned and because the declaration was not properly executed, it is deficient and not acceptable as evidence for overcoming the outstanding refusal. 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).

/Stefan M. Oehrlein/

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