

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86389546
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86389546/large
LITERAL ELEMENT	BLOSSOM
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>Registration has been refused under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), based on the cited registration in Registration No. 3,838,394 and the Applicant is considering (potentially) amendment of the specification of goods to except the Registrant's services and to attempt to eliminate this refusal under Section 2(d), 15 U.S.C. § 1052(d).</p> <p>However the time for the filing of necessary registration maintenance documents for Registration No. 3,838,394 began on August 24, 2015. No effective statement of use to support Registration No. 3,838,394 has yet been filed. The fifth anniversary of the date of registration is August 24, 2015 and following therefrom, the sixth anniversary of the date of registration is August 24, 2016 and the grace period for this filing will be concluded thereafter (to be ending on February 24, 2017).</p> <p>As a result, suspension is the reasonable course if the examining attorney still believes that a Section 2(d) refusal based on this cited Registration is appropriate. If registration maintenance documents are not timely filed, the registration will be cancelled under Section 8 or 71, and will no longer present a bar to registration under Section 2(d). See 15 U.S.C. §§ 1058, 1059, 1141k; 37 C.F.R. §§ 2.160(a), 2.182, 7.36(b).</p> <p>As a consequence, the Applicant defers further response to the refusal based under Section 2(d) at this time and will accept the examining attorney's action to suspend or, in the alternative, a withdrawal of the refusal if such a determination is so made by the examining attorney. (An action to have the cited Registration No. 3,838,394 be abandoned will also eliminate the 2(d) refusal as there will no longer be a refusal tenable for any likelihood of confusion with the marks cited by the examining</p>	

attorney.)

Further, filing of any appeal and moreover, subsequent prosecution of any appeal, were the examining attorney not to suspend, would also be reasonably (and probably prudently) suspended for expediency and conservation of judicial resources due to the near term requirement for the renewal and maintenance filings for the marks subject of Registration No. 3,838,394. As such, the present suspension by the examining attorney would appear, again for these reasons as well, to be the most reasonable course if the examining attorney were not to withdraw the refusals stated.

SIGNATURE SECTION

RESPONSE SIGNATURE	/Kevin Oliveira/
SIGNATORY'S NAME	Kevin Oliveira
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
SIGNATORY'S PHONE NUMBER	(703) 218-2138
DATE SIGNED	01/08/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

FILING INFORMATION SECTION

SUBMIT DATE	Fri Jan 08 12:09:18 EST 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XX-20 160108120918208986-863895 46-55013233a53b5b8ca37b7a d84fd36f7eb423bd0e37ea09a 2e27a7c1718f1e74c4-N/A-N/ A-20160108120828454725

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OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86389546** BLOSSOM(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86389546/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Registration has been refused under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), based on the cited registration in Registration No. 3,838,394 and the Applicant is considering (potentially) amendment of the specification of goods to except the Registrant's services and to attempt to eliminate this refusal under Section 2(d), 15 U.S.C. § 1052(d).

However the time for the filing of necessary registration maintenance documents for Registration No. 3,838,394 began on August 24, 2015. No effective statement of use to support Registration No. 3,838,394 has yet been filed. The fifth anniversary of the date of registration is August 24, 2015 and following therefrom, the sixth anniversary of the date of registration is August 24, 2016 and the grace period for this filing will be concluded thereafter (to be ending on February 24, 2017).

As a result, suspension is the reasonable course if the examining attorney still believes that a Section 2(d) refusal based on this cited Registration is appropriate. If registration maintenance documents are not timely filed, the registration will be cancelled under Section 8 or 71, and will no longer present a bar to registration under Section 2(d). See 15 U.S.C. §§ 1058, 1059, 1141k; 37 C.F.R. §§ 2.160(a), 2.182, 7.36(b).

As a consequence, the Applicant defers further response to the refusal based under Section 2(d) at this time and will accept the examining attorney's action to suspend or, in the alternative, a withdrawal of the refusal if such a determination is so made by the examining attorney. (An action to have the cited Registration No. 3,838,394 be abandoned will also eliminate the 2(d) refusal as there will no longer be a refusal tenable for any likelihood of confusion with the marks cited by the examining attorney.)

Further, filing of any appeal and moreover, subsequent prosecution of any appeal, were the examining attorney not to suspend, would also be reasonably (and probably prudently) suspended for expediency and conservation of judicial resources due to the near term requirement for the renewal and maintenance filings for the marks subject of Registration No. 3,838,394. As such, the present suspension by the examining attorney would appear, again for these reasons as well, to be the most reasonable course if the examining attorney were not to withdraw the refusals stated.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kevin Oliveira/ Date: 01/08/2016

Signatory's Name: Kevin Oliveira

Signatory's Position: Attorney of record, Virginia bar member

Signatory's Phone Number: (703) 218-2138

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney

appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86389546

Internet Transmission Date: Fri Jan 08 12:09:18 EST 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XX-20160108120918208

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