

From: Bibbins, Odessa

Sent: 3/5/2016 5:29:38 PM

To: TTAB E Filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86393524 - SUNRISE DETOX - 4703U.000005 - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 1

Files: 86393524.doc

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

U.S. APPLICATION SERIAL NO. 86393524

MARK: SUNRISE DETOX



CORRESPONDENT ADDRESS:

BRIAN M TAILLON

MCHALE & SLAVIN PA

2855 PGA BLVD

PALM BEACH GARDENS, FL 33410-2910

GENERAL TRADEMARK INFORMATION:

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Bald Eagle Health Group, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

4703U.000005

CORRESPONDENT E-MAIL ADDRESS:

ustrademarks@mchaleslavin.com

SECOND REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 3/5/2016

The trademark examining attorney has carefully reviewed applicant's 2nd Request for Reconsideration (*Request for Consistency Review*) dated December 7, 2015 and is denying the 2nd 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 2(d) Likelihood of Confusion Refusal made final in the Office action dated July 11, 2015 and the 1st Denial of the Request for Reconsideration are maintained and continue to be final. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's 2nd Request for Reconsideration (*Request for Consistency Review*) 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 or the 1st Denial of the Request for Reconsideration. Applicant's arguments have been considered and found unpersuasive for the reason set forth below.

In applicant's 2nd Request for Reconsideration, (*Request for Consistency Review*) applicant argues the trademark examining attorney registered its mark, **SUNRISE CARES**, U.S. Registration No. 4875414, but refused the mark in this application, **SUNRISE DETOX**, because of a likelihood of confusion with the mark, **SUNRISE RECOVERY RANCH** in U.S. Registration No. 3346110, and thus treated its marks inconsistently. (*See page 5 – Incoming dated 12/07/2015*). The trademark examining attorney respectfully disagrees, as the mark **SUNRISE CARES** creates a different commercial impression from the mark in this application and the cited mark, which both have a dominant term, **SUNRISE**, and disclaimed terms, **DETOX** and **RECOVERY RANCH**, unlike the mark **SUNRISE CARES**.

In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issue. The filing of a 2nd 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).

Accordingly, the 2nd Request for Reconsideration is denied. Applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, therefore, the Board will be notified to resume the appeal. See TMEP §715.04(a).

/Odessa Bibbins/

Attorney Advisor

Law Office 118

Odessa.Bibbins@USPTO.GOV

571-272-9425 :Telephone

571-273-9425: Fax