

From: Buongiorno, Christopher

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Subject: U.S. TRADEMARK APPLICATION NO. 86432771 - ADVANCED SURGICAL BODYBUILDING - N/A -
Request for Reconsideration Denied - Return to TTAB

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

U.S. APPLICATION SERIAL NO. 86432771

MARK: ADVANCED SURGICAL BODYBUILDING



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

APPLICANT: ADVANCED SURGICAL BODYBUILDING

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

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 Section 2(e)(1) refusal made final in the Office action dated February 12, 2015, is maintained and continues to be final. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following

requirement(s) and/or refusal(s) made final in the Office action are withdrawn/obviated: Section 2(d) refusal and specimen requirement. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the request for reconsideration, applicant claimed ownership of Registration No. 4326116 on the Supplemental Register for the mark ADVANCED SURGICAL BODYBUILDING INSTITUTE used in connection with cosmetic and plastic surgery. Applicant's ownership of a registration on the Supplemental Register for essentially the same designation and same services for which he presently seeks registration on the Principal Register is an admission that the wording "ADVANCED SURGICAL BODYBUILDING" is merely descriptive, and therefore, requires a showing of acquired distinctiveness for registration on the Principal Register when used in conjunction with the identical services for which it is registered. See, e.g., *Perma Cream Enterprises Inc. v. Preco Industries Ltd.*, 23 USPQ2d 1134, 1136 (TTAB 1992).

Accordingly, the request is denied. The Trademark Trial and Appeal Board will be notified to resume the appeal. See TMEP §715.04(a).

/Christopher Buongiorno/

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