

From: Ben, Lindsey

Sent: 9/23/2015 4:22:15 PM

To: TTAB E Filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86542301 - THE ART OF VAPE - N/A - Request for  
Reconsideration Denied - Return to TTAB

\*\*\*\*\*

Attachment Information:

Count: 1

Files: 86542301.doc

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

**U.S. APPLICATION SERIAL NO.** 86542301

**MARK:** THE ART OF VAPE



**CORRESPONDENT ADDRESS:**

GENE BOLMARCICH

Law Offices Of Gene Bolmarcich

215 Sterling Dr

Newington, CT 06111-2261

**GENERAL TRADEMARK INFORMATION:**

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

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Art of Vape, LLC, The

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

gxbesq1@gmail.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 9/23/2015

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 August 18, 2015 are maintained

and continue to be final: **Section 2(d) Likelihood of Confusion Refusal for U.S. Registration No. 4743056**. 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), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. 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).

/Lindsey H. Ben/

Lindsey H. Ben

Trademark Examining Attorney

Law Office 108

(571) 272-4239

Lindsey.Ben@uspto.gov