

From: Richardson, Jennifer

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Subject: U.S. TRADEMARK APPLICATION NO. 86920414 - CEO CONNECT - 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. 86920414

MARK: CEO CONNECT



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Carpenter, Stacy L.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/3/2016

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 Section 2(d) refusal made final in the Office action dated July 29, 2016 is maintained and continues to be final. See TMEP §§715.03(a)(ii)(B), 715.04(a). The Section 2(e)(1) refusal made final in the Office action dated July 29, 2016 has been obviated by applicant's amendment of the application to the Supplemental Register. Additionally, the requirement to amend the identification of services made final in the Office action dated July 29, 2016 has been satisfied as applicant has responded with a sufficiently definite amendment identification of services. 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.

As noted in the final Office action, applicant's and registrant's marks are highly similar and the words "connect" and "connection" mean the same thing in the context of the services. Thus, the very minor difference between the marks does not obviate the similarity and despite this very minor difference the marks have the same commercial impression. Further, all of applicant's services are encompassed by the broad wording used to describe the services in the registration. Finally, the record contains website screenshots from both applicant's and registrant's website which demonstrate that the services offered in connection with the marks are primarily for the purpose of connecting CEOs for networking purposes and thus demonstrates that the applied-for mark and registered mark are used in connection with the same services in the same field and are marketed to the same class of consumers.

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).

NOTE REGARDING OBJECTION TO IMPROPER EVIDENCE

Applicant has included improper evidence of third-party registrations, in the form of a list of the registrations. The Trademark Trial and Appeal Board does not take judicial notice of registrations, and the submission of a list of registrations does not make these registrations part of the record. *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1583 (TTAB 2007); *In re Duofold Inc.*, 184 USPQ 638, 640 (TTAB 1974); TBMP §1208.02. To make registrations of record, copies of the registrations or the complete electronic equivalent (i.e., complete printouts taken from the USPTO's Trademark database) must be submitted. *In re Ruffin Gaming LLC*, 66 USPQ2d 1924, 1925 n.3 (TTAB 2002); *In re Volvo Cars of N. Am. Inc.*, 46 USPQ2d 1455, 1456 n.2 (TTAB 1998); *In re Broadway Chicken Inc.*, 38 USPQ2d 1559, 1561 n.6

(TTAB 1996); *In re Smith & Mehaffey*, 31 USPQ2d 1531, 1532 n.3 (TTAB 1994). Therefore, the examining attorney objects to the improper evidence of third-party registrations. See TMEP §710.03.

/Jennifer D. Richardson/

Trademark Examining Attorney

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