

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/171227

JUN 26 2003

APPLICANT: MASCIONI S.P.A.

CORRESPONDENT ADDRESS:

HERBERT DUBNO
THE FIRM OF KARL F ROSS PC
5676 RIVERDALE AVE # 900
BRONX NY 10471-2138

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom103@uspto.gov

MARK: DREAMCOTTON

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

RE: Serial Number 76/171227 DREAMCOTTON

Applicant is requesting reconsideration of a final refusal dated September 30, 2002.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). Because the appeal has already been filed, this file will be returned to the Trademark Trial and Appeal Board for the continuation of proceedings.

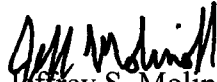
Attached hereto, please find additional evidence in support of the likelihood of confusion refusal. This evidence includes copies of pages from the Thomas Register showing entities that produce both the goods of the applicant and the registrant, as well as photographs taken in a Wal-Mart store

demonstrating that these goods are found in the same department, in fact only twenty feet apart. This evidence is submitted pursuant to TMEP Section 715.03(a)¹ and TBMP Section 1207.04.²

Applicant's affidavit is noted, but the examining attorney has found it unpersuasive.

Response

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.


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/Jeffrey Molinoff/
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To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

¹ In an Office action denying the applicant's request for reconsideration, the examining attorney may introduce additional evidence directed to the issue(s) for which reconsideration is sought. TMEP §715.03(a).

² When a timely request for reconsideration of an appealed action is filed (with or without new evidence), the Examining Attorney may submit, with his or her response to the request, new evidence directed to the issue(s) for which reconsideration is sought. TBMP §1207.04.