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**To:** Miss Elaine, Inc. ([cfutrowsky@pswslaw.com](mailto:cfutrowsky@pswslaw.com))  
**Subject:** TRADEMARK APPLICATION NO. 76236795 - SILK ESSENCE - N/A  
**Sent:** 8/31/04 3:10:35 PM  
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**Attachments:**

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 76/236795

APPLICANT: Miss Elaine, Inc. **CORRESPONDENT ADDRESS:**

Cathy J. Futrowsky  
Polsinelli Shalton Welte Suelthaus PC  
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**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

If no fees are enclosed, the address should  
include the words "Box Responses - No Fee."

MARK: SILK ESSENCE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:  
[cfutrowsky@pswslaw.com](mailto:cfutrowsky@pswslaw.com)

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..

Serial Number 76/236795

Applicant is requesting reconsideration of a final refusal dated February 12, 2004. The applicant has submitted a valid consent agreement between himself and the prior cited registrant. As such, the refusal to register under Trademark Act Section 2(d) as to U.S. Registrations 1883012, 1893636, 1235902, 1204615 and 1485362 is withdrawn. However, the Final refusal to register under Trademark Act Section 2(a) is continued and maintained.

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 pertaining to Section 2(a) since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, as pertaining to the Final refusal to register under Trademark Act Section 2(a), 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).

**NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004**

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

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