
To: INVUE SECURITY PRODUCTS INC. (joes@sandandsebolt.com)
Subject: TRADEMARK APPLICATION NO. 77006342 - PUCK - 1796176US1AT
Sent: 5/9/08 9:19:46 AM
Sent As: ECOM116@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/006342

MARK: PUCK

CORRESPONDENT ADDRESS:

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SAND & SEBOLT
AEGIS TOWER - SUITE 1100
4940 MUNSON STREET, N. W.
CANTON, OH 44718-3615

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: INVUE SECURITY
PRODUCTS INC.

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

1796176US1AT

CORRESPONDENT E-MAIL ADDRESS:
joes@sandandsebolt.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/9/2008

Applicant is requesting reconsideration of a final refusal issued on October 26, 2007.

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.

The examining attorney has refused registration on the basis that the proposed mark merely describes the goods; specifically, that the goods claimed by the applicant are often manufactured in the approximate size and shape of a hockey puck.

Applicant has reiterated its belief that the proposed mark is merely evocative of a highly competitive sport, and that potential purchasers are more likely to associate the term PUCK with control, strength, and scoring, than with the size and shape of the product.

As stated in previous actions, the examining attorney has found that the term PUCK is often used to describe products having a generally small, disc-like shape. In particular, the examining attorney has found that RFID transmitters, such as those claimed by the applicant, are often puck-shaped. Applicant is reminded that

The major reasons for not protecting [merely descriptive] marks are: (1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products.

In re Abcor Development Corp., 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978). In other words, other manufacturers of puck-shaped antitheft devices or RFID transmitters should remain free to accurately describe their goods as “pucks” without fear of infringing on applicant’s mark.

Accordingly, applicant’s request for reconsideration is *denied*. As applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB) for resumption of the appeal proceeding.

/Michael W. Baird/
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STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: INVUE SECURITY PRODUCTS INC. (joes@sandandsebolt.com)
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IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 5/9/2008 FOR
APPLICATION SERIAL NO. 77006342

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77006342&doc_type=REC&mail_date=20080509 (or copy and paste this URL into the address field of your browser), or visit <http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **5/9/2008**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**