
To: Paul Murad, LTD (dana@danarobinson.com)
Subject: TRADEMARK APPLICATION NO. 77362077 - MANHATTANIZING - N/A
Sent: 3/24/2009 11:38:21 AM
Sent As: ECOM107@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 77/362077**MARK:** MANHATTANIZING

CORRESPONDENT ADDRESS:
DANA B. ROBINSON
DANA ROBINSON & ASSOC.
PO BOX 1416
LA JOLLA, CA 92038-1416

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

APPLICANT: Paul Murad, LTD

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
dana@danarobinson.com

REQUEST FOR RECONSIDERATION DENIED**ISSUE/MAILING DATE: 3/24/2009**

Applicant is requesting reconsideration of a final refusal issued/mailed 07/08/08.

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.

It should be noted that applicant's arguments relating to "self-publishing" are off base. The application was refused because the specimen was unacceptable to show use in connection with "book publishing," thus, failed to function as a service mark. Applicant was unsuccessful in providing a specimen of use showing the mark in association with book publishing services. While the substitute specimens consisted of advertising for books, this was not sufficient to show the mark used in connection with publishing of books. The examiner raised the issue of "self publishing" as an ancillary issue and it appears that the applicant is arguing this as the primary issue.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/David A. Hoffman/
Examining Attorney
Law Office 107
(Ph) 571-272-8805
(Fx) 571-273-8805

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.

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IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 3/24/2009 FOR
APPLICATION SERIAL NO. 77362077

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=77362077&doc_type=REC&mail_date=20090324 (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 3/24/2009.

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.**