To:

Gear Box (chicago trademarks@klgates.com)

U.S. TRADEMARK APPLICATION NO. 77527926 - C C - 1001503-Subject:

0000

12/29/2009 9:28:18 AM Sent:

Sent As: ECOM107@USPTO.GOV

Attachments: Attachment - 1

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO:

77/527926

MARK: C C



CORRESPONDENT ADDRESS:

Benita P. Collier K&L Gates LLP P. O. Box 1135 Chicago IL 20006

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

APPLICANT:

Gear Box

CORRESPONDENT'S REFERENCE/DOCKET

NO:

1001503-0000

CORRESPONDENT E-MAIL ADDRESS:

chicago.trademarks@klgates.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/29/2009

Applicant is requesting reconsideration of a final refusal issued/mailed June 4, 2009.

The information request has been satisfied. Applicant's amended drawing description is accepted.

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 final refusal under Section 2(d) of the Trademark Act, as it relates to the mark in U.S. Registration No. 3185573 is maintained because the marks are similar in appearance and commercial impression, and the relevant goods are related. Attached is additional cumulative evidence that supports the finding that the relevant goods of the parties are related. Applicant's amended description of the mark does not affect the finding that the applicant's mark and the registered mark both look like two facing C-shaped designs with one C facing forward and the other C facing backward.

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).

/Y. I. Lee/ Yat-sye I. Lee Trademark Examining Attorney Law Office 107

Phone: 571-272-3897

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.

Print: Dec 29, 2009

78522587

DESIGN MARK

Serial Number

78522587

Status

REGISTERED

Word Mark

8

Standard Character Mark

No

Registration Number

3185573

Date Registered

2006/12/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Surf Technicians, Inc. CORPORATION CALIFORNIA 2685 Mattison Lane Santa Cruz CALIFORNIA 95062

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, AND HATS. First Use: 1999/08/01. First Use In Commerce: 1999/08/01.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SURFBOARDS. First Use: 1999/08/01. First Use In Commerce: 1999/08/01.

Prior Registration(s)

2431714

Filing Date

2004/11/24

Examining Attorney

SMITH, BRIDGETT

Print: Dec 29, 2009 78522587

Attorney of Record Aldo J. Test





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About Gap Inc. Social Responsibility Careers Investors Site Index

Gap Inc. Brands: gap.com oldnavy.com bananarepublic.com piperlime.com & 1998 - 2009 Athleta

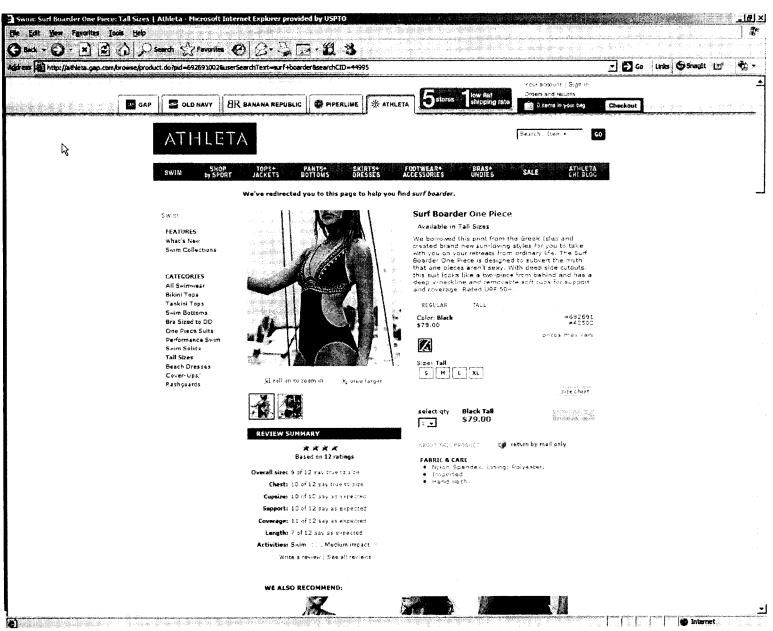


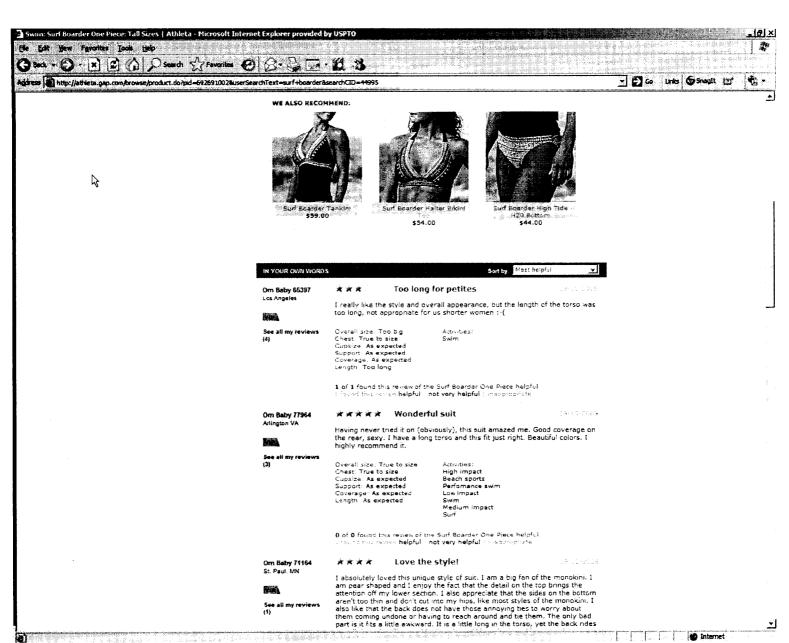
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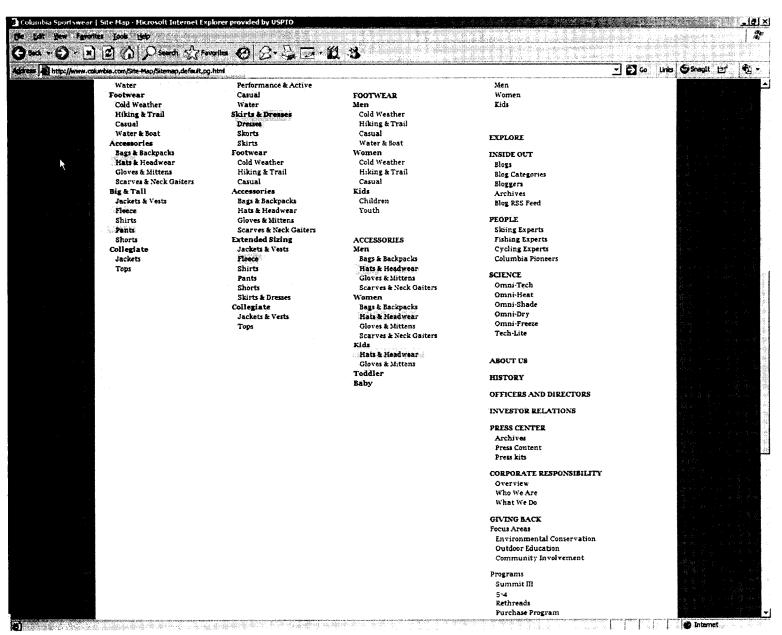
Cap Inc. Brands: gap.com oldnavy.com bananarepublic.com piperhme.com © 1998 - 2009 Airleta

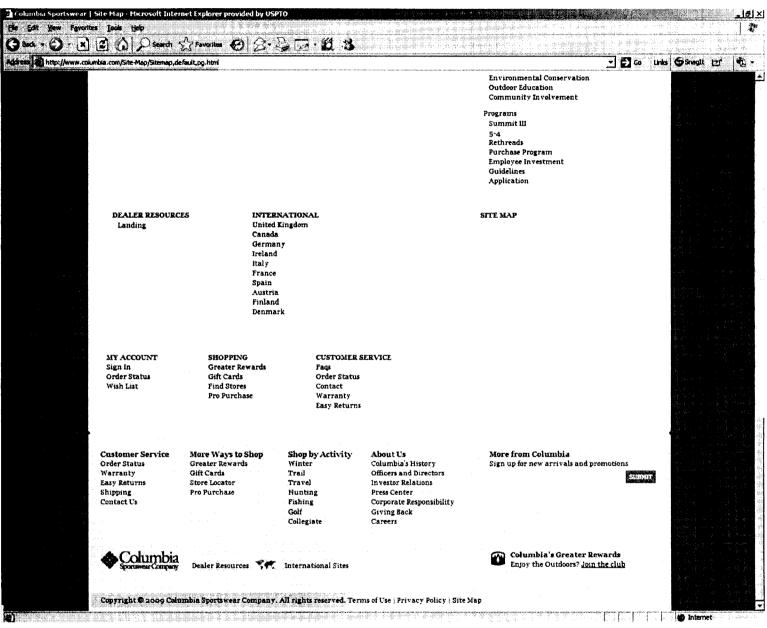


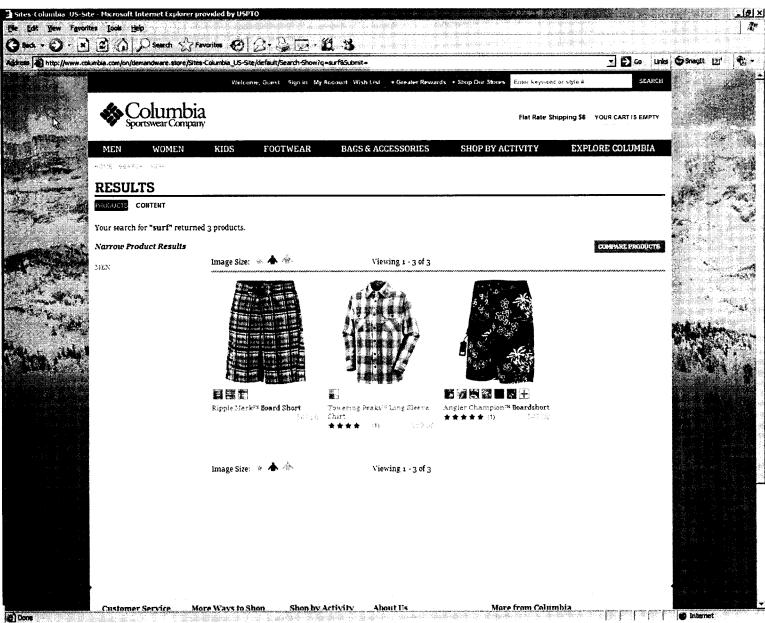


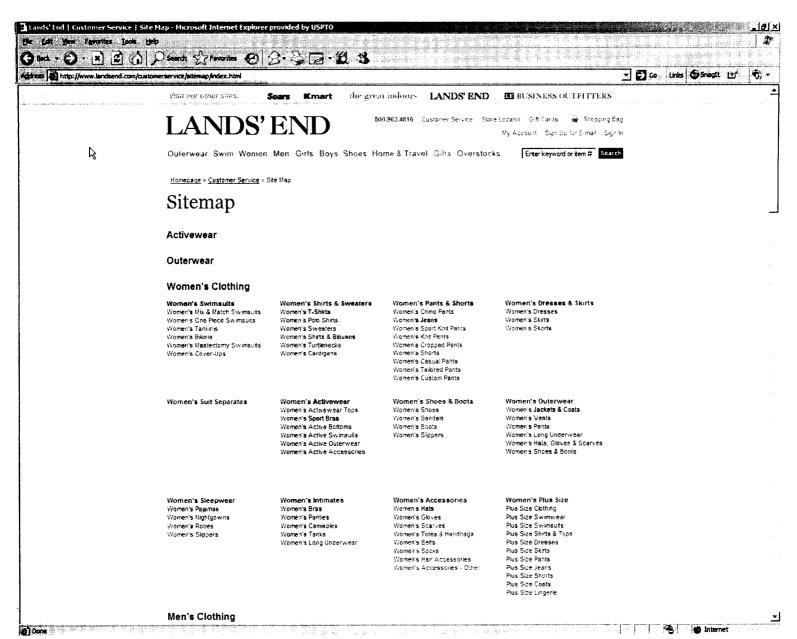




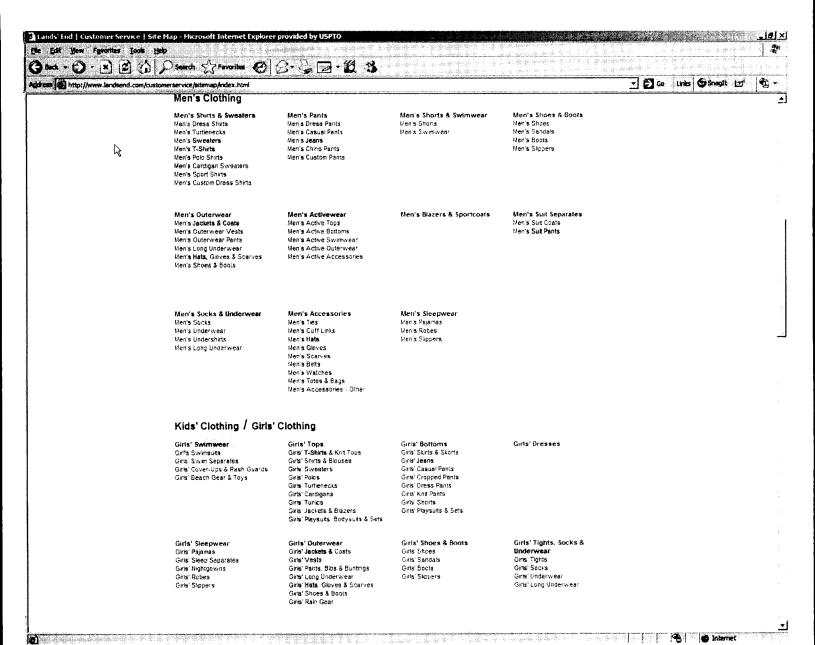


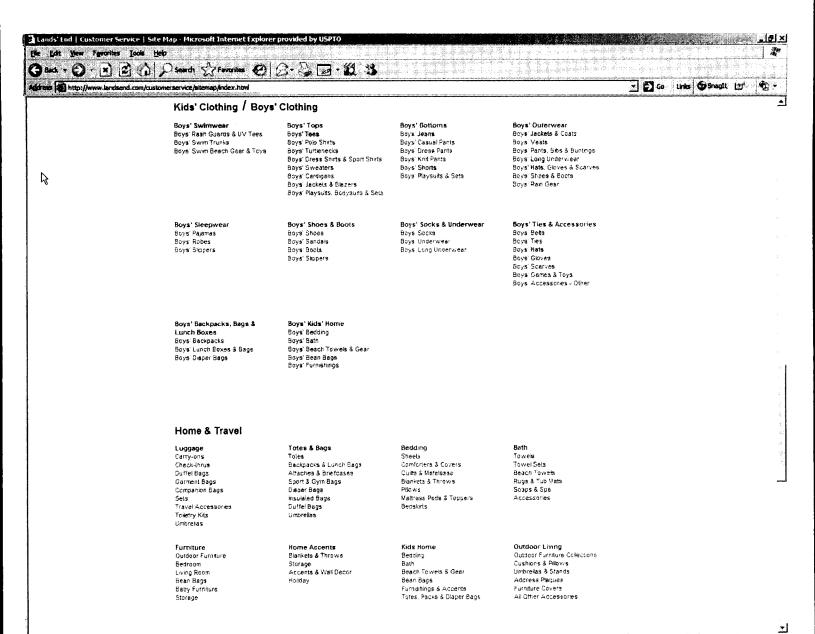




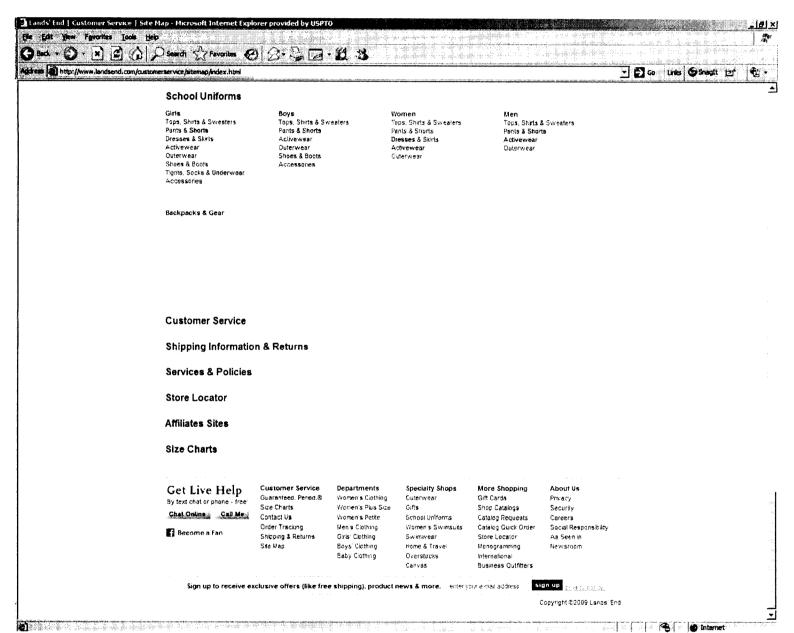


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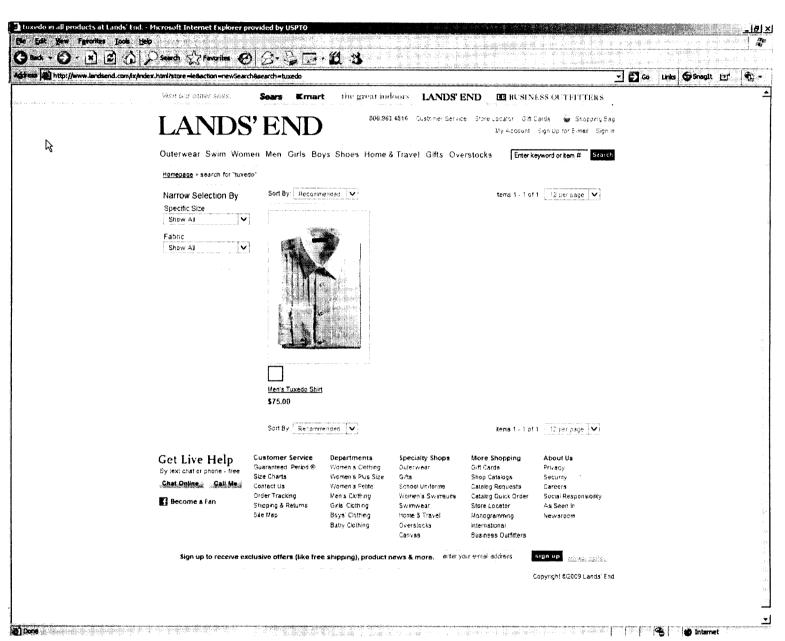


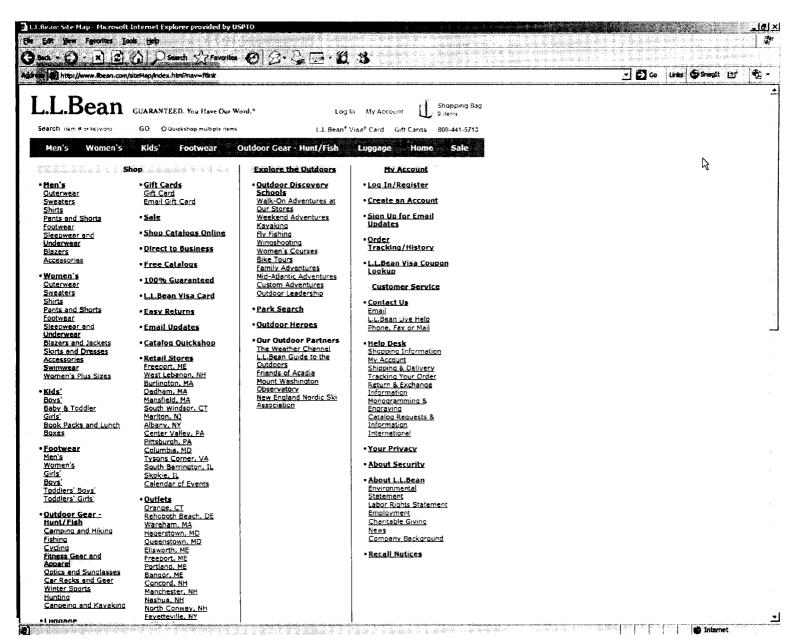
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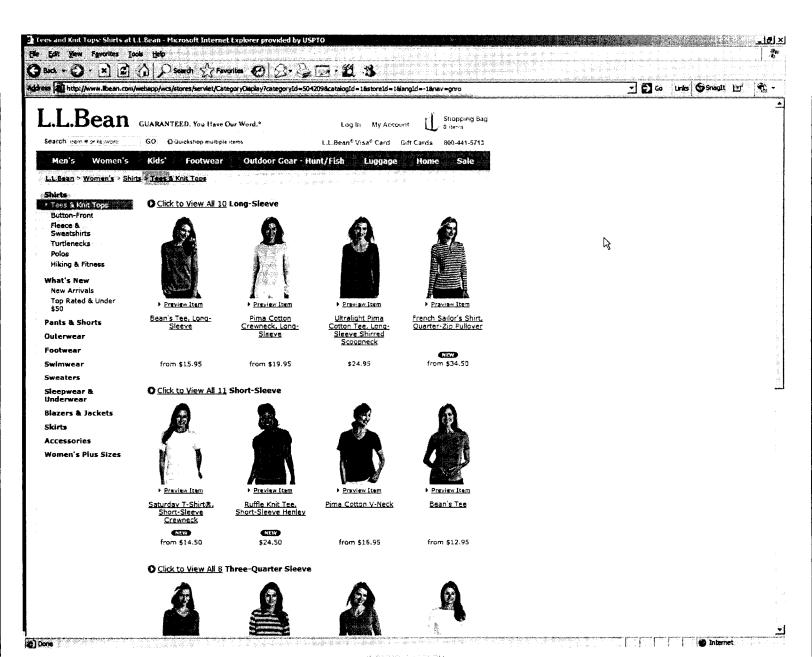


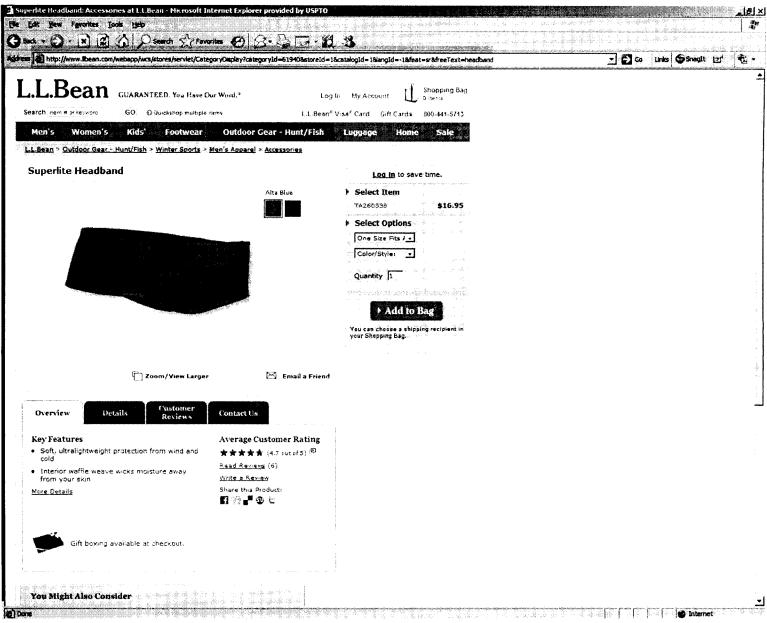




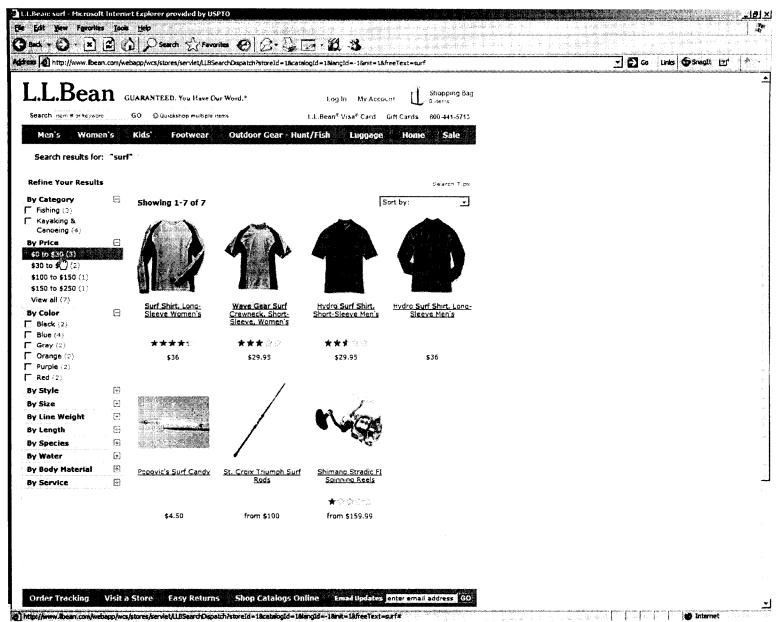


















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Along-sleeved top makes a great to-and-from layering piece that will keep you warm during early morning workouts or on your way back from the studio. We also offer technical tee shirts made from a moisture wicking fabric to keep you dry and comfy. Features include hidden pockets for your mid-hike snacks or gels.

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home # women#wear##tops

sort by best sellers , new arrivals - price



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More Colours

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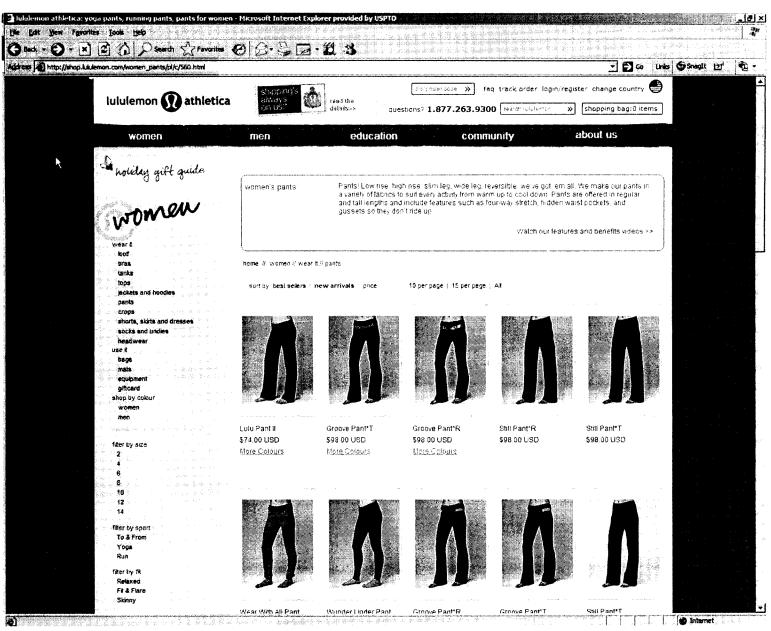
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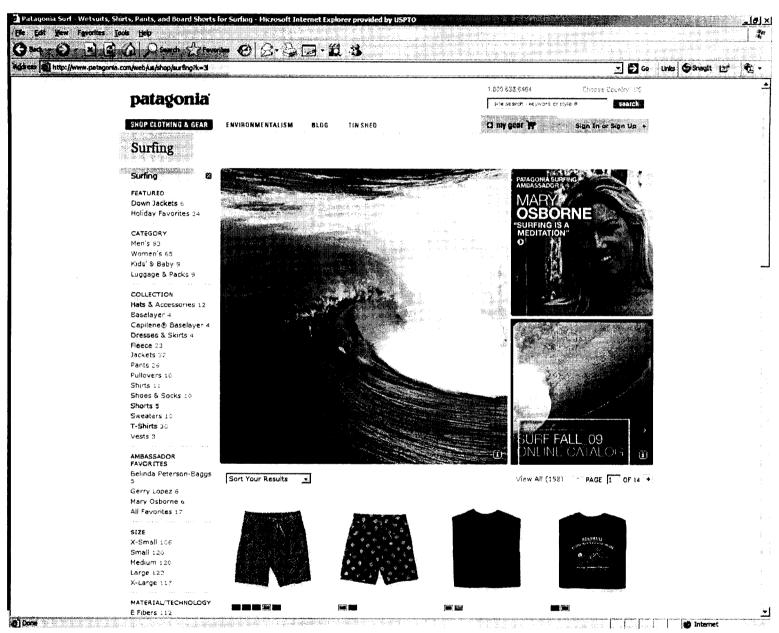
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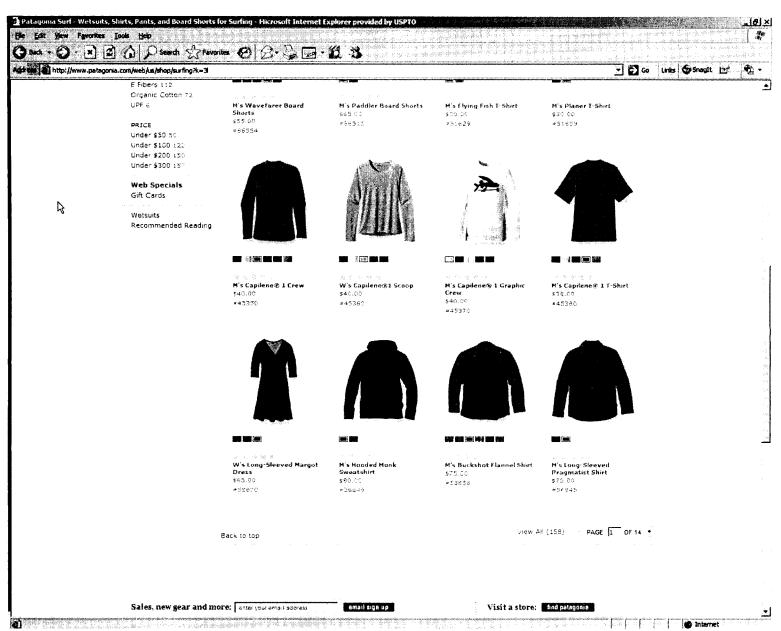
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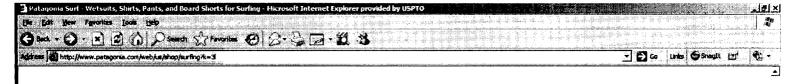
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PATAGONIA'S CLOTHING & GEAR

Men's Apparel: Shirts, Pants, Footwear Women's Apparel: Shirts, Skirts, Youa

Travel Gears Luggage Packs Totes and Backpacks

Kirls': Jackets, Pants, Fleece for Children

Company History: Let My People Go Surfing

Corporate Social Responsibility: Fair Labor Association: Ethical Working Conditions

Company Information, Mission Statement

Tin Shed: Stories in video, audio and the written

Paraguides: Paragonia's Recommendations for Mountaineering Guides: Schools and Education

Order a Catalog: Outdoor Photography, Essays

EMAIL, NEWSLETTER & CATALOG REQUEST

Email Sign Up: What's New Sales, Enviro

Affiliate Program and Sponsorships

Field Reports: Notes from the Field

Patagonia Ambassadors: Field Testers

Job Openings: Careers at Patagonia

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RSS Feeds: Syndicated Content

Accessories, Posters, Blankels, Books

Wan Specials

ABOUT PATAGONIA

Sales, new gear and more: enter your email address

email sign up

PROBUCT INFORMATION

Technologies: Waterproof H2Nc% Breathable Regulators, Organic Cotton Fabrica: Organic Cotton PIDP'S Recycled Fleese Marino Wool, Hemp

Fabor Care, Washing Instructions Stong Charts, Men S. Women's Kod - Postwar Fletcher Chournard Designs Surfboards Patagonia Watsuter inflamma-free wood, recycled polyester. PVC-free Knewpads, Emeritoria neodizene.

SHOP BY SPORT

Alpine Climbing: Shells, Insulation, Baselayers Sking / Snowboarding: Jackets Coats, Shells, Pants

Men's Surfing: Boardshorts, Lifestyle: Wetsuits Warnen's Surfing: Swimwear: Lifestyle, Wetsuits Fly Fishing: Waders: Vests: Wading Shoes: Jackets:

Miking / Trasiking: Shorts, Shorts, Jackete Rock Climbing: Shirts; Shorts, Packs, Jackets Trail Running: Jackets: Shirts, Shorts, Accessories

PATAGONIA AROUND THE INTERNET

Company Blog. The Cleanist Line, daily stories, leave a comment. RS5 feed.

Facebook: Become a fan, share photos, hear about news 5 events.
Twitter: staff insights, recommended links: quick 5 informative.

YouTube: Patagonia videos, embed on your blogget inspired

ENVIRONMENTALISM

Visit a store: had patagonia

The Poolprint Chronides**: Patagonia's Environmental and Social Impact, Leading the Syamined Life***

Freedom to Roam

What we Do Grants, Internances, Idminute Threads Germent Recycling

Environmental Essays, Take Action Environmental Issues: Arctic Refuge. Overos

CUSTOMER SERVICE - HELP

Translad Guarantee Patagonia Product Ratings and Reviews Shipping Information

Order Status
Product Search
Pension and Returns

Security & Privacy Terms

Control Six Bosel Privacy and Fav

Contact Us: Ernail, Phone and Pax Number, Address

International Orders

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Sent: 12/29/2009 9:28:20 AM

Sent As: ECOM107@USPTO.GOV

Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77527926) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 12/29/2009 to which you must respond (unless the Office letter specifically states that no response is required). Please follow these steps:

1. Read the Office letter by clicking on this <u>link</u> http://tmportal.uspto.gov/external/portal/tow? DDA=Y&serial_number=77527926&doc_type=REC&mail_date=20091229 OR go to http://tmportal.uspto.gov/external/portal/tow and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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

- 2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).
- 3. Respond within 6 months, calculated from 12/29/2009 (or sooner if specified in the Office letter), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the $\overline{\text{ABANDONMENT}}$ (loss) of your application.

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.