

From: Vanston, Kathy

Sent: 9/14/2011 4:01:22 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 77842692 - GILBERT CELLARS -  
6815 - Request for Reconsideration Denied - Return to TTAB

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Files: 77842692.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 77842692

**MARK:** GILBERT CELLARS



**CORRESPONDENT ADDRESS:**

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

**APPLICANT:** Gilbert Cellars, LLC

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

6815

**CORRESPONDENT E-MAIL ADDRESS:**

theresa@mjnlaw.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 9/14/2011**

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated February 14, 2011 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §§715.03, 715.03(a), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP

§715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

The verified amendment to the dates of use is acceptable and made of record.

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inquiries]