

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/077135

DEC 31 2002

APPLICANT: DIAL BRANDS, INC.

CORRESPONDENT ADDRESS:
DIAL BRANDS, INC.
15501 NORTH DIAL BOULEVARD
SCOTTSDALE AZ 85260-1619

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
ecom112@uspto.gov

MARK: TROPICAL ESCAPE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
wolters@dialcorp.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.

RE: Serial Number 78/077135

RESPONSE TO REQUEST FOR RECONSIDERATION

This letter responds to the applicant's request for reconsideration filed on 11/07/2002.

Applicant's mark is "**TROPICAL ESCAPE**" for diverse personal care products. Registrant's mark is "**TROPICAL ESCAPE**" for related goods, namely, candles and beverage glasses.

The applicant is a well-known company that provides personal care products as well as candles. The average consumer when coming across applicant's and registrant's goods on the store shelves are likely to be confused as to the source of origin of the goods and are likely to believe that the goods all come from the applicant. Therefore, the examining attorney finds that the 2(d) refusal must be maintained and continued.

In light of the above, the **final refusal** is maintained and continued.

Upon mailing this office action, this file and jurisdiction thereof shall be returned to the Trademark Trial and Appeal Board.

Florentina Blandu
/Florentina Blandu/
Examining Attorney
Law Office 112

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How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.