

7.14.04

## UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/162124

APPLICANT: Four Star Drive-In Restaurants, L.P.

\*78162124\*

## CORRESPONDENT ADDRESS:

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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..

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Applicant is requesting reconsideration of a final refusal dated November 5, 2003.

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.

Briefly, the applicant's services include "restaurant services, specifically fast food drive-in services." The registrant's services include "restaurant and bar services." The registrant's services are sufficiently broad enough to include the services of the applicant, and moreover, even assuming *arguendo*, that the services are different, they are sufficiently related to cause confusion. The generic wording BAR & GRILL in the registrant's mark does not sufficiently differentiate the applicant's mark from the registrant's.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

/Susan Kastriner Lawrence/  
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