

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/004391

MARK: VOYAGEURREWARDS



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

APPLICANT: société Air France

CORRESPONDENT'S REFERENCE/DOCKET  
NO:  
N/A

CORRESPONDENT E-MAIL ADDRESS:

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:**

The Office has reassigned this application to the undersigned trademark examining attorney.

Applicant is requesting reconsideration of a final refusal issued/mailed October 10, 2008.

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.

Since applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

The examining attorney wishes to note the following:

1. The reconsideration request states, *inter alia*, that registration was refused in International Class 38. This does not appear to be correct. Registration has not been refused in International Class 38. As to that class, applicant may file a request to divide out the services that have not been refused registration, so that the mark may be published for opposition in the class to which the refusal does not pertain. *See generally* TMEP §§1110.05, 1403.03 (regarding the requirements for filing a request to divide).

Registration has been refused in International Classes 9, 16, 35 and 39.

2. The examining attorney recognizes the registrations and other information in the reconsideration request imply there may be weakness in marks respecting travel that contain the terms "voyage" and/or "voyager." However, the Court of Appeals for the Federal Circuit and the Trademark Trial and Appeal Board have recognized that marks deemed "weak" or merely descriptive are still entitled to protection

against the registration by a subsequent user of a similar mark for closely related goods and/or services. This protection extends to marks registered on the Supplemental Register. TMEP §1207.01(b)(ix); *see, e.g., In re Clorox Co.*, 578 F.2d 305, 18 USPQ 337 (C.C.P.A. 1978); *In re Hunke & Jochheim*, 185 USPQ 188 (TTAB 1975).

3. Moreover, third-party registrations are entitled to little weight on the question of likelihood of confusion because they are “not evidence of what happens in the market place or that customers are familiar with them.” *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973); *see In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); TMEP §1207.01(d) (iii). The existence on the register of other putatively similar marks does not provide a basis for registrability for the applied-for mark. *AMF*, 474 F.2d at 1406, 177 USPQ at 269; *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1477 (TTAB 1999).

4. The sole cited registration contains the term “VOYAGEUR” as its central source identifying element and that is the exact term on which the mark in the application rests.

If the applicant has any questions, please contact the assigned examining attorney.

Sincerely,  
/Melvin T. Axilbund/

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**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.