

PTO Form 1980 (Rev 9/2007)

OMB No. xxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79036092
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/05/08/20080508124408547046-79036092-001_001/evi_8219717642-123553561_USPTO_Request_for_Reconsideration_-_ROTONDE_-_May_8_2008.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT\IMAGEOUT\790\360\79036092\xml1\RFR0002.JPG
	\\TICRS\EXPORT\IMAGEOUT\790\360\79036092\xml1\RFR0003.JPG
	\\TICRS\EXPORT\IMAGEOUT\790\360\79036092\xml1\RFR0004.JPG
DESCRIPTION OF EVIDENCE FILE	Arguments as to why the Section 2(d) refusal should be withdrawn.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	014
DESCRIPTION	
Horological and chronometric instruments; jewellery; precious stones; and articles in precious metals and their alloys, namely cuff-links, tie clips, key rings, medallions, watch chains; watch cases; boxes for watches and jewellery; and buckles of precious metals for watch straps and leather and imitation leather straps	
GOODS AND/OR SERVICES SECTION (proposed)	

INTERNATIONAL CLASS	014
DESCRIPTION	
Horological and chronometric instruments; jewellery of precious metal and precious stones; precious stones; articles in precious metals and their alloys, namely cuff-links, tie clips, and watch chains, all sold through high-end luxury retail outlets	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jeffrey Martin/
SIGNATORY'S NAME	Jeffrey Martin
SIGNATORY'S POSITION	attorney for applicant
DATE SIGNED	05/08/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu May 08 12:44:08 EDT 2008
TEAS STAMP	USPTO/RFR-82.197.176.42-2 0080508124408547046-79036 092-4207c161da3aa56478fbe 01839f7f17f50-N/A-N/A-200 80508123553561085

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79036092** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Arguments as to why the Section 2(d) refusal should be withdrawn. has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/05/08/20080508124408547046-79036092-001_001/evi_8219717642-

123553561__USPTO_Request_for_Reconsideration_-_ROTONDE_-_May_8__2008.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 014 for Horological and chronometric instruments; jewellery; precious stones; and articles in precious metals and their alloys, namely cuff-links, tie clips, key rings, medallions, watch chains; watch cases; boxes for watches and jewellery; and buckles of precious metals for watch straps and leather and imitation leather straps

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 014 for Horological and chronometric instruments; jewellery of precious metal and precious stones; precious stones; articles in precious metals and their alloys, namely cuff-links, tie clips, and watch chains, all sold through high-end luxury retail outlets

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Jeffrey Martin/ Date: 05/08/2008

Signatory's Name: Jeffrey Martin

Signatory's Position: attorney for applicant

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79036092

Internet Transmission Date: Thu May 08 12:44:08 EDT 2008

TEAS Stamp: USPTO/RFR-82.197.176.42-2008050812440854

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cartier International N.V.	:	
	:	
Serial No.: 79/036092	:	Katy Halmen
	:	Examining Attorney
Mark : ROTONDE	:	Law Office 109
	:	
Filed : September 28, 2006	:	

REQUEST FOR RECONSIDERATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

This is in response to the Office Action mailed on Nov. 8, 2007.

The Examining Attorney has maintained her refusal of the present application under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), and made it FINAL.

In response, Applicant hereby requests that the Examining Attorney reconsider her refusal in light of the following amendment to the identification of goods and accompanying arguments.

Obviation of Likelihood of Confusion

As per the record, the Examining Attorney has refused registration of Applicant's mark based on a likelihood of confusion with the marks, ROTUNDA (Registration No. 2,010,448 – for “key fobs

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and rings not made of metal; stools), and, ROTUNDA (Registration No. 2,044,645 – for “metal key rings, metal key fobs, non-luminous and non-mechanical metal signs, metal decorative boxes), both owned by Ford Motor Company Corp.

It has been Applicant’s position that no confusion as to the source of the goods of the respective parties is likely and that the refusal to register Applicant’s mark under Trademark Act Section 2(d) is inappropriate (please see Office Action Response sent in conjunction with this application by the Applicant’s representative, dated November 2, 2007).

However, for the sake of expediency, Applicant is willing to amend its identification of goods so as to eradicate any hint of doubt that may exist in the Examining Attorney’s mind as to the likelihood of confusion existing in the marketplace involving the marks in question.

Therefore, Applicant hereby amends the identification of goods to read:

“horological and other chronometric instruments; jewelry of precious metal and precious stones; precious stones; articles of precious metals and their alloys, namely, cuff links, tie clips; and watch chains, all sold through high-end luxury retail outlets” in International Class 14.

In support of the above amendment to the identification of goods, Applicant wishes to note the following.

The Examining Attorney in her FINAL refusal, makes note of the fact that there are no limitations in either the registrant’s or applicant’s identifications as to channels of trade or the precise nature of the goods. She therefore concludes that the goods, as described, are thus “similar” and “would be sold through the same channels of trade”, thus leading to a likelihood of confusion.

In response to these comments, Applicant has therefore, as noted in the above amendment to the identification of goods, specified precise trade channels for its goods as well as added additional language to clarify the nature of its goods.

This amendment, combined with the arguments and evidence presented in Applicant’s past Office Action responses, clearly demonstrate that no possible likelihood of confusion would arise in the

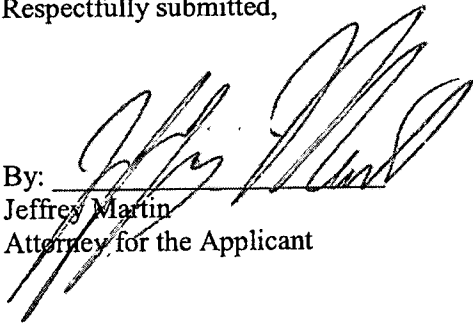
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marketplace in respect of the marks in question in connection with the goods of the registrant and the newly amended goods of Applicant.

In light of the amendment above, Applicant hereby respectfully requests that the Section 2(d) refusal be withdrawn.

Dated: New York, New York
May 8, 2008

Respectfully submitted,

By: 
Jeffrey Martin
Attorney for the Applicant