

From: Chhina, Karan

Sent: 1/10/2012 11:48:33 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 79086557 - MINERVA -  
PHDL1311-005 - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 1

Files: 79086557.doc

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

**APPLICATION SERIAL NO.** 79086557

**MARK:** MINERVA



**CORRESPONDENT ADDRESS:**

ANTHONY D LOGAN  
VENABLE CAMPILLO LOGAN & MEANEY PC  
1938 E OSBORN RD  
PHOENIX, AZ 85016

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

**APPLICANT:** Mercuria Energy Asset Management  
B.V.

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

PHDL1311-005

**CORRESPONDENT E-MAIL ADDRESS:**

pto\_adl@vclmlaw.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE: 1/10/2012**  
**INTERNATIONAL REGISTRATION NO. 1048954**

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and accepts and acknowledges the identification of goods/services. However, the request is being nonetheless denied because the Section 2(d) likelihood of confusion refusal in-part for Class 36 (as amended), made FINAL in the Office action dated May 10, 2011, is maintained and continues to be FINAL for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a).

That is, the applicant's request did not resolve the Section 2(d) issue and nor did it raise a new issue or provide any new or compelling evidence with regard to this 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 issue (specifically, the Office is obligated to enforce all 'live' registered marks regardless of the status of the owner in the corporate sector). Accordingly, the request is DENIED.

As noted previously, this refusal can be overcome if the applicant deletes Class 36 from the application.

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).

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

/Karan Chhina/

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