PTO Form (Rev 4/2000)
OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85084390
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION (no change)	
ARGUMENT(S)	

The Applicant respectfully disagrees that the proposed mark is “merely descriptive” of the Applicant’s goods and requests reconsideration of the Examiner’s refusal.

The Examiner has refused registration of the Applicant's mark based on her conclusion that the terms "gold" and "box" are merely descriptive and simply identify key features of the Applicant's goods. While this is correct with respect to the word "gold" it is not accurate with respect to the word "box." A term is “merely descriptive” of goods or services if it immediately describes an ingredient, quality, characteristic, or feature thereof, or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. (In re Abcor Dev. Corp. 588 F.2d 811 (CCPA 1978). Simply because a mark imparts information about the physical characteristics of the goods does not render it incapable of functioning as a trademark. In re DC Comics, Inc., 689 F.2d 1042 (CCPA 1982).

Every single example provided by the Examiner mentions the words "box chain" - always together - in describing that one particular type of chain jewelry which Examiner believes is descriptive of the Applicant's goods. However, Applicant is not applying to register the words "box chain." Applicant is seeking to register the mark "Gold Box" to reflect a wide array of gold jewelry products, not merely chains, to be sold by vending machine. A photograph of the vending machine is attached to this Response as Exhibit A. Furthermore, box chains are only one of many types of chains. As evidenced by eBay's Guide to Chain Jewelry Styles and Characteristics and the Jewelry Making Library description of Jewelry Chains, both of which are annexed hereto as Exhibit B, there are as many as 18 different types of chains listed. Accordingly, it is not supportable to conclude that inclusion of the word "box" in the mark is a "[s]ignificant function, attribute or property of the Applicant's goods." In fact, box chains constitute less than 15% of all chains sold by Applicant, which is one of the largest manufacturers and distributors of jewelry in the United States. And chains constitute but one type of jewelry product sold by Applicant. Rather a significant feature of the item of jewelry would be either that it is a chain or more specifically that it is a box chain. But this is not the mark for which Applicant has applied nor the correct context in which to regard this mark. As a result some thought or imagination is required to associate the mark with the Applicant’s goods and therefore is not merely descriptive.

Finally, it is well established that doubts concerning the descriptiveness of a mark are to be resolved in favor of the applicant. In re Micro Instrument Corp. 222 USPQ 252, 255 (TTAB 1984); In re LRC Prods. Ltd., 223 USPQ 1250, 1252 (TTAB 1984); In re Gourmet Bakers , Inc., 173 USPQ 5665 (TTAB 1972); In re Grand Metropolitan Foodsvc. Inc. 30 USPQ2d 1974 (TTAB 1994).

Examiner cites examples of third party registered marks where the word "rope" is disclaimed apart from the mark as shown. Applicant is well aware of the existence of such marks given that it is the registrant for multiple such marks (Beverly Hills Rope, Cashmere Wave Rope, Champagne Rope, Glam Rope, Glamour Rope, Silk Rope, Supreme Value Rope and Ultimate Glitter Rope). These marks were, in fact, intended to be used in connection with rope chains and therefore the disclaimer makes sense. Nevertheless, Applicant is willing to issue such a disclaimer in the application in question and disclaim the right to use the word "box" apart from the mark as shown if that disclaimer would allow the mark to register.

Accordingly the Applicant requests that the mark proceed to register. Thank you.

EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_72185105190-173454425_._Gold_Box_Exhibit_A.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\850\843\85084390\xml6\RFR0002.JPG
ORIGINAL PDF FILE	evi_72185105190-173454425_._Gold_Box_Exhibit_B.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT11\IMAGEOUT11\850\843\85084390\xml6\RFR0003.JPG
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	\\TICRS\EXPORT11\IMAGEOUT11\850\843\85084390\xml6\RFR0008.JPG
DESCRIPTION OF EVIDENCE FILE	Exhibit A is a photograph of the goods associated with the mark. Exhibit B are printouts from popular websites describing the multiple types of jewelry chains.
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "box" apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Victoria Elliot/
SIGNATORY'S NAME	Victoria Elliot
SIGNATORY'S POSITION	Attorney of Record, NY and FL Bar Member
DATE SIGNED	09/29/2011
AUTHORIZED SIGNATORY	YES

CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 29 17:49:10 EDT 2011
TEAS STAMP	USPTO/RFR-72.185.105.190-20110929174910475138-85084390-480a2c26e2951e393919ca4c99deecf14-N/A-N/A-20110929173454425175

PTO Form (Rev 4/2000)
OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action
To the Commissioner for Trademarks:

Application serial no. **85084390** has been amended as follows:

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

The Applicant respectfully disagrees that the proposed mark is “merely descriptive” of the Applicant’s goods and requests reconsideration of the Examiner’s refusal.

The Examiner has refused registration of the Applicant's mark based on her conclusion that the terms "gold" and "box" are merely descriptive and simply identify key features of the Applicant's goods. While this is correct with respect to the word "gold" it is not accurate with respect to the word "box." A term is “merely descriptive” of goods or services if it immediately describes an ingredient, quality, characteristic, or feature thereof, or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. (In re Abcor Dev. Corp. 588 F.2d 811 (CCPA 1978). Simply because a mark imparts information about the physical characteristics of the goods does not render it incapable of functioning as a trademark. In re DC Comics, Inc., 689 F.2d 1042 (CCPA 1982).

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that it is a box chain. But this is not the mark for which Applicant has applied nor the correct context in which to regard this mark. As a result some thought or imagination is required to associate the mark with the Applicant's goods and therefore is not merely descriptive.

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Accordingly the Applicant requests that the mark proceed to register. Thank you.

EVIDENCE

Evidence in the nature of Exhibit A is a photograph of the goods associated with the mark. Exhibit B are printouts from popular websites describing the multiple types of jewelry chains. has been attached.

Original PDF file:

evi_72185105190-173454425_._Gold_Box_Exhibit_A.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

evi_72185105190-173454425_._Gold_Box_Exhibit_B.pdf

Converted PDF file(s) (6 pages)

Evidence-1
Evidence-2
Evidence-3
Evidence-4
Evidence-5
Evidence-6

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "box" apart from the mark as shown.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Victoria Elliot/ Date: 09/29/2011
Signatory's Name: Victoria Elliot
Signatory's Position: Attorney of Record, NY and FL Bar Member

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: 85084390
Internet Transmission Date: Thu Sep 29 17:49:10 EDT 2011
TEAS Stamp: USPTO/RFR-72.185.105.190-201109291749104
75138-85084390-480a2c26e2951e393919ca4c9
9deecf14-N/A-N/A-20110929173454425175

Gold Box

EXHIBIT A

Reviews & Guides

CHAIN JEWELRY: STYLES AND CHARACTERISTICS

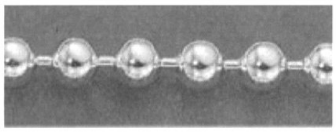
Write a guide

by: ajewelryboxx (4074 ★) Top **1,000** Reviewer

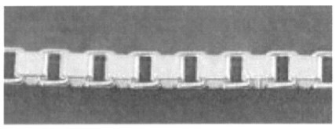
368 out of **407** people found this guide helpful.

Tags: jewelry | chain | necklace | bracelet | pendant Guide viewed: **35578** times

Chains are worn by both men and women and are always in fashion. They are available in hundreds of styles, thicknesses, and types. Chains can be short to be worn as bracelets, longer choker length necklaces and longer still to be worn with your favorite locket or pendant. They are very versatile pieces of jewelry as they can be worn alone, with several other chains or with charms or pendants. Many of these styles are made in modern factories in Italy with traditions deeply rooted in the history of Italy. This brief guide discusses some of the more popular styles of chains.

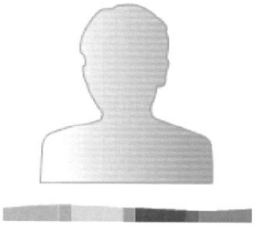


Bead chain is a family of chain characterized by small round silver balls, which form a continuous strand of beaded chain. Elongated spaces are sometimes added, as well as bar-shaped beads to offer a more glamorous appearance. They are available in single and multi-row formats.



Box chain is a continuous linking of interconnected six-sided, three-dimensional, miniature boxes. It is a strong and sturdy chain that holds pendants and heavier charms well.

Member Information



ajewelryboxx (4074 ★) me

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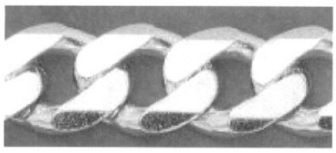
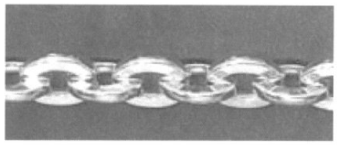
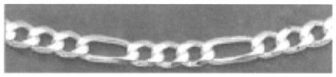


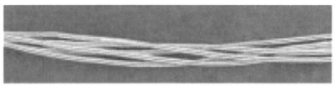
Curb chain is a popular choice for men because it uses a heavier and larger link. It is a simple design of flat, interlocking, similar links. Historically, the links were made rather large due to the fact that they were made with little machinery and were time consuming to make. However, with the advent of modern machinery, smaller and more feminine styles are now available.



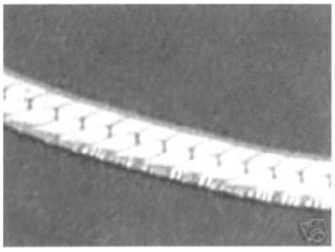
Cable chain owes its name to the heavy and industrial type of cable chain which is typically used to hoist anchors on large freighters. The cable chains are generally more 3-dimensional than the flatter curb links. It is comprised of oval interlocking links with alternating links turned 180°. This chain comes in a range of widths with the smaller ones generally more favored by females.



Figaroa chain is a combination of three curb links followed by an oval cable link and has a repeating pattern. This is definitely a masculine chain in the larger and heavier varieties. The smaller and lighter variations are a nice choice for any chain wearer and not merely the exclusive choice of men.

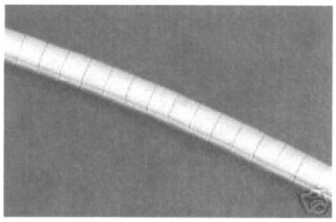


Liquid Silver chain is a style of sterling silver chain or necklace which is formed by the addition of tiny cylindrical silver beads and strung on chain, cord or wire. These beads move minimally along the strand and produce a shimmering effect, similar to water flowing, giving rise to the term liquid silver.



Herringbone chain is one of the more widely popular styles of chains. As the chain is meant to lay flat, no charms or pendants should be hung from this style of chain. Usually available in lengths from 7" women's bracelet through 30" chains.

Marina chain has interlocking oval links whose width is bisected by a bar.



Omega chain is fashioned after the design of a bird's feather with its straight "backbone" and evenly spaced rectangular "links" emanating from the spine area. Flexible, highly polished, and generally worn relatively close to the collarbone, the Omega is the perfect choice to exhibit any showcase piece of jewelry worn on the neck.

The **rope chain** is made of twisted and braided fibers. Known for its strength, integrity, classic pattern, and simplicity, the rope family of chains is very popular.

Snake or serpentine chain is soft, slippery, supple and sleek and is usually Italian made. General distinguishing details include, a homogenous, soft, and flexible chain, which approximates the texture and consistency of the skin of a snake. This chain is known for its strength and can accomodate pendants and lockets.

Guide created: 06/26/06 (updated 09/24/11) Guide ID: 10000000001239122

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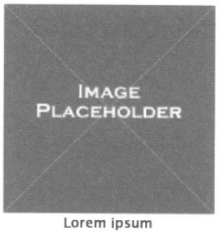
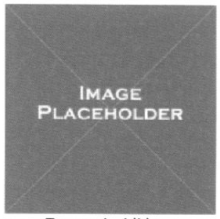
Jewelry Chains

chain your designs to beauty

When it comes to jewelry making, there is more to jewelry chains than just hanging pendants off them. Why not use them as an integral part of the jewelry making itself? Many designers have done just that to great effect. Check out some inspirational jewelry designs where chains have been used as an essential jewelry component.



Lorem ipsum



Tempor incididunt

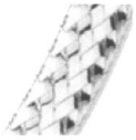
If you plan to use chains, you will also find that there is a whole plethora of chain types. So getting familiar with some will go a long way in helping you find and buy just want you want.

Types of Jewelry Chains

Anchor Chain

This chain originates from the chain used to attach and anchor to a vessel. This is a common and popular jewelry chain and the **Flat Anchor Chain** is a sleek and elegant variation of this chain. Find some interesting jewelry chains variations here.

Basketweave Chain



Bead Chain

This is sometimes also called Ball Chain. The reason for either name is quite obvious. This type of chains has round beads fixed along the chain, either with some distance between each bead or the beads could be strung next to each other. The beads can also be interspaced by short chain lengths.

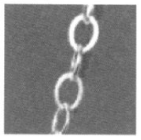
Box Chain

A box chain is made up of square links – links that are wide and square (hence resembling a box) – that are connected to create a smooth chain. The construct is this chain makes it look sturdy yet stylishly sleek and simplistic.

Byzantine Chain (sometimes spelt as *Bizantine chain*)
Byzantine chain is intricate, elaborate, and graceful. It is made up of oval or round links ; pairs are linked onto pairs to form the old-world textural desing. They are soft and flexible, with great drapability.

You can find some superb DIY instructions on making your own byzantine jewelry chain.

Cable Chain - A cable chain, also known as *link chain*, is made up of round or oval links of uniform sizes. This is the chain that most people think of when they think of "chains".



This is not to be confused with the Rolo chain which is also made up of uniform round or oval links. The links in the latter are much rounder and fatter.

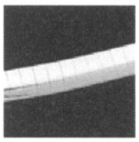
Nor is this to be confused with the Anchor chain even though sometimes this *is* called an anchor chain or anchor style chain. This is because both these naming is based on the fact that it resembles the chains used to link anchors to shipping vessels. However these traditional ship anchor chains came in 2 variations - the single loop link and the bisect loop link.

Curb Chain
Curb chains are made up of flattened loops.

Figaro Chain
The Figaro chain, like the curb chain, has flattened links. Unlike the curb chain, it does nto have one uniform size links alone. Instead, it usually has 2 or 3 shorter links alternating with a longer link.

Infinity Link Chain - This chain is made up of links that have the "8" or "infinity" loop.

Omega Chain
An omega chain is unlike normal chains in that, instead of a series of linked rings, it is make up of smooth rounded metal plates which are set side by side, on a wire or woven mesh. The embedded wire or woven mesh provides the strength and yields a fairly stiff but flexible chains.



Omega chains are normally flat, though you can also find round ones these days.

The construct of the chain provides a flat, reflective surface that gives it a rich feel and incredible shine. This is also true of the snake chain which is an interesting variation on this.

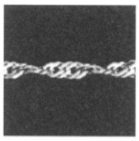
Panther Link Chain -

Popcorn Chain - (see a very intriguing variation of this in the panther link chain)

Rolo Chain - A rolo chain is made up of symmetrical links (usually round or oval) that are connected together. This chain is ideally suited for hanging charms and dangles to great effect and ease. It is also the chain type most often found with belcher braclets and necklaces.

Rope Chain - A rope chain consists of oval links that are linked so that they produce a woven rope arising from the resultant spiral effect. This chain is one of the most versatile and loved of all the many types of jewelry chains. It is sturdy and has in intriguing interwoven lok. The diamond cut version has more luster than those without.

Singapore Chain



Snake Chain (aka Brazilian chain)
Like the omega chain, the snake chain is also not made up of traditional linked rings. It is instead of made up of round wavy smooth metal plates joined so that it forms a flexible tube. It got its name fromt the fact that the end result looks like a smooth, sleek snake skin from the wavy joins.

The distinguishing difference between the snake and the omega is that the latter is made up of non-wavy smooth metal discs or plates.

Twist Rope chain is another very interesting and popular variation of the rope chain.

Venetian Link Chain
The venetian link chain is like a flattedn Box Chain. It too is made up of box links.

Wheat Chain
Wheat Chains are normally created with four stands of oval and twisted oval links. These strands are braided and woven together to make a stunning chain of great visual texture.

Be aware that as with much of the jewelry making industry, the terms and labels of things are not totally consistent across the board. So sometimes you will see the same necklace described and labelled differently on different sites.

There is so many variations of jewelry chains that it has not been possible to display the full and definitive range of them all. We hope that what we have shown here has helped with some of your identification needs and tweaked your creative juices about the many possibilites of using chains in all their splendiferous variety.

Return to JewelryMaking-Beads-Library Home
Back Up to Threads and Stringing
Top of this Jewelry Chains