

From: Kearney, Colleen

Sent: 12/4/2011 9:37:39 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85209952 - SPARTAN RAIL -
A042 T03079- - Request for Reconsideration Denied - Return to TTAB - Message 1 of 5

Attachment Information:

Count: 31

Files: 76702064P001OF003.JPG, 76702064P002OF003.JPG,
76702064P003OF003.JPG, 77742556P001OF003.JPG, 77742556P002OF003.JPG,
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1.jpg, 85209952.doc

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

APPLICATION SERIAL NO. 85209952

MARK: SPARTAN RAIL



CORRESPONDENT ADDRESS:

CHERYL A CLARKIN
BARLOW JOSEPHS & HOLMES LTD
101 DYER ST FL 5
PROVIDENCE, RI 02903-3926

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

APPLICANT: Swan, Richard E.

CORRESPONDENT'S REFERENCE/DOCKET NO:

A042 T03079-

CORRESPONDENT E-MAIL ADDRESS:

cac@barjos.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 12/4/2011

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated August 23, 2011 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the 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 issues. Accordingly, the request is denied.

It is noted that applicant has provided an amended identification specifying that the firearm attachments are "for M-16, M4 and AR15 rifles for use by military and law enforcement professionals." Applicant is reminded, however, that the first and dominant term contained in each mark is the identical term SPARTAN. Moreover, the goods at issue, while not identical, are highly related firearms and attachments and accessories and/or complimentary goods related thereto, which are of a kind that travel in the same channels of trade and emanate from the same sources. To that end, the examining attorney has attached additional third-party registrations showing that goods that are the

same or similar to the goods at issue are of a kind that emanate from the same source. Additionally, please note the attached screen shots from *OMB Express* and *Hinterland Outfitters.com* showing that the goods at issue are available for sale to both military/law enforcement and civilians alike. Thus the refusal to register is maintained and continued to be final.

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).

/Colleen Kearney/
Trademark Examining Attorney
Law Office 113
571-272-8278 (phone)
colleen.kearney@uspto.gov
1-800-786-9199 (TM Assist Ctr.)

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Brand Listing

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Browse Categories

- 5.11 Tactical Gear Category
- Ammunition
- Apparel
- Badges and Insignia
- Bags, Backpacks and more
- Batons
- Blackhawk Tactical Gear and Holsters
- Closeouts
- Duty Gear
- Evidence and ID
- Firearm Parts & Accessories
- Firearms
- Flashlights
- Footwear

Restricted Purchase

Items that are designed with any identification as a police officer or other law enforcement profession are strictly prohibited. These items are typically notated in the product description. However, even if the item can be added to your cart, it may be removed from the other later after our review.

Some items that are clearly not available for sale to the general public are:

- Badges (even with non-police wording)
 - Click PDF logo to download badge order form
- Suppressors
- Full Auto / NFA weapons
- Chemical Munitions

General Restrictions

Firearms and ammunition are restricted to adults over 21 years of age.

Many items have complex or obscure export restrictions. It is our policy to disclaim ALL PRODUCTS as not-for export. Our products are meant for shipment and use within the boundaries of the United State of America. Submission of your order is acknowledgement and