

From: Smith, Bridgett

Sent: 8/17/2017 6:31:13 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 85498107 - BEAST MODE SOCCER - 0100-922797 - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

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

**U.S. APPLICATION SERIAL NO.** 85498107

**MARK:** BEAST MODE SOCCER



**CORRESPONDENT ADDRESS:**

JILL M PIETRINI

SHEPPARD MULLIN RICHTER & HAMPTON LLP

1901 AVENUE OF THE STARS SUITE 1600

LOS ANGELES, CA 90067

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

**APPLICANT:** DAVID COPELAND-SMITH

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

0100-922797

**CORRESPONDENT E-MAIL ADDRESS:**

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:**

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated September 27, 2017 are maintained and continue to be final: likelihood of confusion. See TMEP §§715.03(a)(ii)(B), 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. Several of the exhibits provided by the applicant shows use of similar marks on unrelated goods, e.g. Exhibit K for bags, Exhibit N for training services, Exhibit O for golf services, Exhibit P for supplements, to name a few. Likelihood of confusion is based on the mark in connection with similar goods. The applicant's argument that the cited marks are weak is not substantiated. The only two marks using these terms on the registration are the ones cited in this application. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Bridgett G. Smith/

U.S. Patent & Trademark Office

Law Office 115

571-272-9482 (PH) 571-273-9482 (FAX)

bridgett.smith@uspto.gov