

From: Gilbert, Rebecca

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Subject: U.S. TRADEMARK APPLICATION NO. 85677459 - NOMI MADE FOR A BETTER LIFE - Nomi 7521 - Request for Reconsideration Denied - Return to TTAB

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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. 85677459

MARK: NOMI MADE FOR A BETTER LIFE



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Nomi Network, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

Nomi 7521

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 8/5/2015

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

November 20, 2014 are maintained and continue to be final: refusal under Trademark Act Section 2(d) as to reg. no. 3918897. *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. Accordingly, the request is denied.

Note that although the applicant's amendment to allege use is acceptable, as discussed in the May 27, 2015 denial of applicant's request for reconsideration, no matter how narrow the applicant lists its channels of trade, the issue is that the registrant's identification of goods is not limited. It is broad, and encompasses all footwear, available to all potential users. Thus, registrant's footwear encompasses footwear specifically identified as made by survivors of sex slavery and human trafficking and sold to consumers who wish to support victims of sex slavery and human trafficking. The footwear must be considered to encompass all types of footwear goods available to all types of consumers, including applicant's consumers. The evidence which applicant filed with its July 23, 2015 request for remand merely serves to support that its OWN services are limited to a specific consumer and this merely supports the limitation already in the record but does not change the fact that registrant's goods contain no limitations as to consumer type or purpose.

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).

/Rebecca Gilbert/

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