

From: Powell, Linda

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Subject: U.S. TRADEMARK APPLICATION NO. 86167663 - HAPPY HOUND - N/A - Request for  
Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 4

Files: 86078553P001OF003.JPG, 86078553P002OF003.JPG, 86078553P003OF003.JPG, 86167663.doc

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

**U.S. APPLICATION SERIAL NO.** 86167663

**MARK:** HAPPY HOUND



**CORRESPONDENT ADDRESS:**

JAMES C WRAY

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MC LEAN, VA 22101-5726

**GENERAL TRADEMARK INFORMATION:**

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

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**APPLICANT:** Happy Hound, LLC

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

jameswray@jcwray.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 6/14/2016

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, 2015 are maintained and continue to be final: Refusal under Section 2(d) of the Trademark Act as to U.S. Registration No. 4546980. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement made final in the Office action is obviated by the applicant's amendment: the requirement for a definite recitation that is within the scope of the original application. See TMEP §§715.03(a)(ii)(B), 715.04(a). The amended recitation of services has been entered to the record.

The applicant asserts that the refusal is not based on law. The relevant law regarding likelihood of confusion has been provided with every refusal. Furthermore, the services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

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.

The applicant has 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).

/Linda A. Powell/

Linda A. Powell

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United States Patent and Trademark Office

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