

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86524189
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The Applicant's mark is extremely different than the mark cited against it by the Examiner. The Applicant's mark is solely for downloadable mobile software and does not provide any advertising services or distribution of coupons on behalf of local restaurants; while, the Registrant does not provide any downloadable software at all and merely distributes coupons on behalf of local restaurants. Additionally, the words "deals" and "dining" as related to the services provided by each mark should further differentiate them from each other. The "deals" refers to the coupons that are distributed by the Registrant and should not be confused with the Applicant's mark that does not provide any coupons at all to the public. There are also many words that begin with "D," so the fact that both marks do, should not be cited as a reason for rejection. There is also a difference between marketing and advertising services. Therefore, the marks are very different from each other and would cause no consumer confusion so to whom provides the listed services.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jeffrey E. Jacobson/
SIGNATORY'S NAME	Jeffrey E. Jacobson, Esq.
SIGNATORY'S POSITION	Attorney Of Record, N.Y.S. Bar Member
SIGNATORY'S PHONE NUMBER	212-683-2001
DATE SIGNED	06/11/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jun 11 13:55:58 EDT 2015
TEAS STAMP	USPTO/RFR-96.232.16.103-2 0150611135558012124-86524 189-530db185751dbaf87c514 7cbf9f3d7e46288fc11d410f1

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

Application serial no. **86524189** has been amended as follows:

ARGUMENT(S)

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

The Applicant's mark is extremely different than the mark cited against it by the Examiner. The Applicant's mark is solely for downloadable mobile software and does not provide any advertising services or distribution of coupons on behalf of local restaurants; while, the Registrant does not provide any downloadable software at all and merely distributes coupons on behalf of local restaurants. Additionally, the words "deals" and "dining" as related to the services provided by each mark should further differentiate them from each other. The "deals" refers to the coupons that are distributed by the Registrant and should not be confused with the Applicant's mark that does not provide any coupons at all to the public. There are also many words that begin with "D," so the fact that both marks do, should not be cited as a reason for rejection. There is also a difference between marketing and advertising services. Therefore, the marks are very different from each other and would cause no consumer confusion so to whom provides the listed services.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Jeffrey E. Jacobson/ Date: 06/11/2015

Signatory's Name: Jeffrey E. Jacobson, Esq.

Signatory's Position: Attorney Of Record, N.Y.S. Bar Member

Signatory's Phone Number: 212-683-2001

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86524189

Internet Transmission Date: Thu Jun 11 13:55:58 EDT 2015

TEAS Stamp: USPTO/RFR-96.232.16.103-2015061113555801

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