

From: Vigil, Jacob

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Subject: U.S. TRADEMARK APPLICATION NO. 86754400 - CASALANA - 13349 - 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. 86754400

MARK: CASALANA



CORRESPONDENT ADDRESS:

DANIEL E KATTMAN

REINHART BOERNER VAN DEUREN S C

1000 N WATER ST STE 1900

MILWAUKEE, WI 53202-6648

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Siny Corp.

CORRESPONDENT'S REFERENCE/DOCKET NO:

13349

CORRESPONDENT E-MAIL ADDRESS:

tmadmin@reinhardtllaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 1/3/2017

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 made final in the Office action dated June 16, 2016 are maintained and continue to be final: Substitute Specimen Requirement. See TMEP §§715.03(a)(ii)(B), 715.04(a).

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

Specifically, applicant argues that the previously submitted specimen satisfies the requirements for a catalog to be an acceptable specimen. However, as noted in the Final Office Action, providing contact information to invite the consumer to contact for more information or to get a quote does not provide the information necessary to making a purchasing decision. *In re U.S. Tsubaki, Inc.*, USPQ2d 2002, 2005 (TTAB 2014). Examples of the information necessary, for consumer products or commercial products, include minimum quantities, cost, payment options, or shipping information. *See id.* at 2006. Therefore, because the specimen merely provides contact information inviting a consumer to contact applicant for more information, the specimen is not sufficient to show use in commerce.

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).

/Jacob Vigil/

Examining Attorney

Law Office 113

(571) 270-3586

Jacob.Vigil@uspto.gov