

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86759839
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86759839/large
LITERAL ELEMENT	GLDN JEWELRY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.

ARGUMENT(S)

Applicant: Christine L. Lavdovsky
Serial No.: 86759839
Filed: 09/17/2015
Mark: GLDN JEWELRY
Examining Attorney: Howard B Levine
Law Office: 115
Attorney's Ref.: T218760

RESPONSE

Commissioner for Trademarks
PO Box 1451
Law Office 115
Alexandria, VA 22313-1451

Sir:

This is in response to the Office Action emailed July 11, 2016. It is believed that no fee is presently due to maintain this application in full

force and effect. However, if any such fee is due, please charge this to Account No. 502099.

REMARKS

This is in response to the Office Action dated July 11, 2016. In that Office Action, the Examining Attorney made final his refusal to register under Trademark Act, Section 2(e)(1) (15 USC § 1052(e)(1)) on the basis that the term "gldn" is a novel spelling of the word "golden" and that the term "golden" is descriptive of the Applicant's goods.

In the Applicant's response submitted June 17, 2016, the Applicant respectfully submitted that the example marks cited by the Examining Attorney are not analogous to the term "gldn" because the term "gldn" does not contain all of the elements necessary to form a complete phonetic equivalent of the term "golden". In that June 17 Response, the Applicant further respectfully submitted that the term "gldn" will not typically be pronounced "golden" as suggested by the Examining Attorney thus that the term "gldn" is not simply a novel spelling of the term "golden". The Applicant thus respectfully traversed the Examining Attorney's conclusion that the term "gldn" in the Applicant's mark GLDN JEWELRY is the phonetic equivalent of the term "golden" under the precedent cited by the Examining Attorney for determining phonetic equivalency.

By this Response, the Applicant respectfully submits that, given the reasons set forth in the June 17 Response, the mark GLDN JEWELRY is at least capable of acquiring distinctiveness with respect to the Applicant's goods. For that reason, the Applicant has amended the present application to request registration of the Applicant's mark GLDN JEWELRY on the Supplemental Register. An Amendment to Allege Use has been submitted in advance of this Response.

The Applicant thus respectfully requests withdrawal of the refusal to register under Section 2(e)(1) of the Trademark Act and registration of the Applicant's mark on the Supplemental Register.

Signed at Bellingham, County of Whatcom, State of Washington this 11th day of January 2017.

Respectfully submitted,

Christine L. Lavdovsky

/michael r schacht/

Michael R. Schacht, Reg. No. 33,550

310 E Magnolia St, Ste 201

Bellingham, WA 98225-2400

phone: (360) 647-0400

fax: (360) 647-0412

ADDITIONAL STATEMENTS SECTION

SUPPLEMENTAL REGISTER

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

SIGNATURE SECTION

RESPONSE SIGNATURE

/michael r schacht/

SIGNATORY'S NAME

Michael R. Schacht

SIGNATORY'S POSITION

Attorney of Record, Washington State Bar Member

SIGNATORY'S PHONE NUMBER

360 647 0400

DATE SIGNED

01/11/2017

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED

YES

FILING INFORMATION SECTION

SUBMIT DATE

Wed Jan 11 19:41:19 EST 2017

TEAS STAMP

USPTO/RFR-XX.X.XX.XXX-201
70111194119903219-8675983
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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86759839** GLDN JEWELRY(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86759839/large>) has been amended as follows:

ARGUMENT(S)

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

Applicant: Christine L. Lavdovsky

Serial No.: 86759839

Filed: 09/17/2015

Mark: GLDN JEWELRY

Examining Attorney: Howard B Levine

Law Office: 115

Attorney's Ref.: T218760

RESPONSE

Commissioner for Trademarks

PO Box 1451

Law Office 115

Alexandria, VA 22313-1451

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Respectfully submitted,

Christine L. Lavdovsky

/michael r schacht/

Michael R. Schacht, Reg. No. 33,550

310 E Magnolia St, Ste 201

Bellingham, WA 98225-2400

phone: (360) 647-0400

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ADDITIONAL STATEMENTS

Supplemental Register

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SIGNATURE(S)

Request for Reconsideration Signature

Signature: /michael r schacht/ Date: 01/11/2017

Signatory's Name: Michael R. Schacht

Signatory's Position: Attorney of Record, Washington State Bar Member

Signatory's Phone Number: 360 647 0400

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86759839

Internet Transmission Date: Wed Jan 11 19:41:19 EST 2017

TEAS Stamp: USPTO/RFR-XX.X.XX.XXX-201701111941199032

19-86759839-570a7ea1899754f7774ab156286a

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