

From: Rinaldi, Cynthia

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Subject: U.S. TRADEMARK APPLICATION NO. 86871517 - HEALTH NEW ENGLAND | BE HEALTHY - 5022-0057 - SU - Request for Reconsideration Denied - Return to TTAB

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Files: 86871517.doc

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

U.S. APPLICATION SERIAL NO. 86871517

MARK: HEALTH NEW ENGLAND | BE HEALTHY



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: Health New England, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

5022-0057

CORRESPONDENT E-MAIL ADDRESS:

docket@gtv-ip.com

REQUEST FOR RECONSIDERATION DENIED IN PART

ISSUE/MAILING DATE: 11/19/2018

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 4/26/2018 are maintained and continue to be final: specimen required for Class 36. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action are satisfied: acceptable specimen for Class 44. 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 as relates to failure to show use in International Class 36. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. In particular, the applied-for mark does not appear on the specimen. Accordingly, the request is denied as relates to International Class 36.

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).

/Cynthia Y. Rinaldi/

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