

From: Smiga, Howard

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Subject: U.S. TRADEMARK APPLICATION NO. 87026036 - OPTIMUM BENEFITS PACKAGE - 315-47-075 -
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. 87026036

MARK: OPTIMUM BENEFITS PACKAGE



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: John M Fickewirth Associates Insurance S ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

315-47-075

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/18/2017

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 refusal made final in the Office action dated March 23, 2017 are maintained and continue to be final: The Likelihood of Confusion Refusal under Section 2(d) of the Trademark Act. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement made final in the Office action are satisfied: The disclaimer of "BENEFITS PACKAGE" is accepted and entered as amended. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. The applicant merely provided an identical argument with respect to its similarity of the marks of the parties as in its February 16, 2017 Response. Moreover, the applicant did not provide an argument with respect to the similarity of the services of the parties in its Request for Reconsideration. Accordingly, the request is denied.

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).

/Howard Smiga/

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