

ESTTA Tracking number: **ESTTA867923**

Filing date: **12/28/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	87026036
Applicant	John M Fickewirth Associates Insurance Services, Inc. dba Fickewirth Benefits Advisors
Applied for Mark	OPTIMUM BENEFITS PACKAGE
Correspondence Address	JAYE G HEYBL KOPPEL PATRICK HEYBL & PHILPOTT 2815 TOWNSGATE RD, SUITE 215 WESTLAKE VILLAGE, CA 91361 UNITED STATES Email: generalmail@koppelip.com, jheybl@koppelip.com, kkook-er@koppelip.com, generalmail@koppelpatent.com, larnold@koppelpatent.com, jheybl@koppelpatent.com
Submission	Request For Oral Hearing
Attachments	315-47-075 Request for Oral Hearing.pdf(135062 bytes)
Filer's Name	Jaye G. Heybl
Filer's email	generalmail@koppelip.com, jheybl@koppelip.com, kkooker@koppelip.com
Signature	/jgh/
Date	12/28/2017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: John M Fickewirth
Associates Insurance
Services, Inc.

Law Office 102

Examiner: Howard Smiga

Appl. No.: 87/026,036

Att'y Dkt. No.: 315-47-075

Mark: OPTIMUM BENEFITS
PACKAGE

Filed: May 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S REQUEST FOR ORAL HEARING

Jaye G. Heybl
David Bancroft
KOPPEL PATRICK HEYBL & PHILPOTT
2815 Townsgate Rd, Suite 215
Westlake Village, CA 91361-5827
Tel: (805) 373-0060
Fax: (805) 373-0051
Email: jheybl@koppelip.com
Attorney for Applicant

INTRODUCTION

Applicant respectfully appealed the Examining Attorney's refusal to register Applicant's standard character OPTIMUM BENEFITS PACKAGE mark in Application Serial No. 87/026,036 on December 18, 2017. The Examining Attorney's refused Applicant's mark under Trademark Act § 2(d), 15 U.S.C. § 1052(d), for likelihood of confusion with the mark OPTIMUM in U.S. Registration No. 2010333 and the mark THE OPTIMUM in U.S. Registration No.1473487. In accordance with 37 CFR 2.129, Applicant submits a written Request for Oral Hearing.

REQUEST FOR ORAL HEARING

Applicant hereby requests an Oral Hearing before the Trademark Trial and Appeal Board in the Ex Parte Appeal of OPTIMUM BENEFITS PACKAGE. This request is accompanied by the fee set forth in § 41.20(b)(3). The Board is hereby authorized to charge Deposit Account No. 11-1580 for any fees in connection with the prosecution of this application.

Respectfully submitted,

/Jaye G. Heybl/
Jaye G. Heybl, Cal. Bar. No. 167110
David Bancroft, Cal. Bar. No. 310187
2815 Townsgate Rd, Suite 215
Westlake Village, CA 91361-5827
Tel: (805) 373-0060
Fax: (805) 373-0051
Email: jheybl@koppelip.com
Attorney for Applicant