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Mark: JEWELTONE

JewelTone

US Serial Number: 87043174

Application Filing Date: May 19, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: An appeal of a final refusal to register the mark is pending before the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 14, 2017

Mark Information

Mark Literal Elements: JEWELTONE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Jewelry, Costume/fashion jewelry

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(b)

First Use: Nov. 2014

Use in Commerce: Nov. 2014

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Mystic Apparel LLC

Owner Address: 1333 Broadway, 6th Floor
New York, NEW YORK 10018
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** David Faham**Attorney Primary Email Address:** david@fahamlaw.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** David Faham
LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C.
2049 WEST STREET
BROOKLYN, NEW YORK 11223
UNITED STATES**Phone:** 2129617503**Fax:** 2122446346**Correspondent e-mail:** david@fahamlaw.com tmocket@leasonellis.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Sep. 15, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 16, 2017	AMENDMENT TO USE PROCESSING COMPLETE	88889
Sep. 16, 2017	USE AMENDMENT FILED	88889
Sep. 15, 2017	TEAS AMENDMENT OF USE RECEIVED	
Sep. 14, 2017	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 14, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 14, 2017	EX PARTE APPEAL-INSTITUTED	43174
Sep. 14, 2017	JURISDICTION RESTORED TO EXAMINING ATTORNEY	43174
Sep. 14, 2017	EXPARTE APPEAL RECEIVED AT TTAB	
Mar. 14, 2017	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 14, 2017	FINAL REFUSAL E-MAILED	
Mar. 14, 2017	FINAL REFUSAL WRITTEN	73362
Feb. 28, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 28, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 28, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 27, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 27, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 25, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 25, 2016	NON-FINAL ACTION E-MAILED	6325
Aug. 25, 2016	NON-FINAL ACTION WRITTEN	73362
Aug. 23, 2016	ASSIGNED TO EXAMINER	73362
May 25, 2016	NOTICE OF PSEUDO MARK E-MAILED	
May 24, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 23, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** MCMORROW, JANICE LEE**Law Office Assigned:** LAW OFFICE 115**File Location****Current Location:** TMO LAW OFFICE 115 - EXAMINING ATTORNEY ASSIGNED**Date in Location:** Mar. 14, 2017**Proceedings****Summary****Number of Proceedings:** 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [87043174](#)

Filing Date: Sep 14, 2017

Status: Pending

Status Date: Sep 14, 2017

Interlocutory Attorney:

Plaintiff(s)

Name: Mystic Apparel LLC

Correspondent Address: David Faham
LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C.
2049 WEST STREET
BROOKLYN NY , 11223
UNITED STATES

Correspondent e-mail: david@mysticapparel.com , clarke@leasonellis.com , sloane@leasonellis.com , david@fahamlaw.com , alangsam@pryorcashman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JEWELTONE	Ex Parte Appeal Pending	87043174	

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Sep 14, 2017	
2	Appeal Acknowledged; Case Remanded	Sep 14, 2017	
3	INSTITUTED	Sep 14, 2017	

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87043174
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87043174/large
LITERAL ELEMENT	JEWELTONE
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)	
<p>The Examining Attorney maintains the refusal on the basis that the applied-for mark, JEWELTONE, is merely descriptive. As Applicant believes that the mark is capable of distinguishing it goods, Applicant elects to amend the application for registration on the Supplemental Register. Applicant's mark is in lawful use in commerce and an Amendment to Allege Use has been filed in accordance with TMEP § 815.02.</p> <p>With this submission, Applicant respectfully requests that the refusal be withdrawn and that the application be amended to the Supplemental Register.</p>	
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	David Faham LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C. 2049 WEST STREET BROOKLYN New York US 11223
NEW CORRESPONDENCE SECTION	
NAME	David Faham
FIRM NAME	LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C.
STREET	2049 WEST STREET
CITY	BROOKLYN
STATE	New York
ZIP/POSTAL CODE	11223
COUNTRY	United States
PHONE	2129617503
FAX	2122446346
EMAIL	david@fahamlaw.com;clarke@leasonellis.com

AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/deirdre a clarke/
SIGNATORY'S NAME	Deirdre A. Clarke
SIGNATORY'S POSITION	Attorney - NY bar member
SIGNATORY'S PHONE NUMBER	914-821-3084
DATE SIGNED	09/14/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 14 20:10:34 EDT 2017
TEAS STAMP	USPTO/RFR-XXX.XX.XXX.XX-2 0170914201034882223-87043 174-51079d255ce3d2edae290 48719682fcd75916d35a552f3 b8f1947e0d61daa77198-N/A- N/A-20170914194914045094

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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. **87043174** JEWELTONE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87043174/large>) has been amended as follows:

ARGUMENT(S)

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

The Examining Attorney maintains the refusal on the basis that the applied-for mark, JEWELTONE, is merely descriptive. As Applicant believes that the mark is capable of distinguishing its goods, Applicant elects to amend the application for registration on the Supplemental Register. Applicant's mark is in lawful use in commerce and an Amendment to Allege Use has been filed in accordance with TMEP § 815.02.

With this submission, Applicant respectfully requests that the refusal be withdrawn and that the application be amended to the Supplemental Register.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

David Faham
LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C.
2049 WEST STREET
BROOKLYN
New York
US
11223

Proposed:

David Faham of LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C., having an address of
2049 WEST STREET BROOKLYN, New York 11223

United States

david@fahamlaw.com;clarke@leasonellis.com

2129617503

2122446346

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /deirdre a clarke/ Date: 09/14/2017

Signatory's Name: Deirdre A. Clarke

Signatory's Position: Attorney - NY bar member

Signatory's Phone Number: 914-821-3084

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.

Mailing Address: David Faham

LAW OFFICE OF DAVID C. FAHAM, ESQ. P.C.

2049 WEST STREET

BROOKLYN, New York 11223

Serial Number: 87043174

Internet Transmission Date: Thu Sep 14 20:10:34 EDT 2017

TEAS Stamp: USPTO/RFR-XXX.XX.XXX.XX-2017091420103488

2223-87043174-51079d255ce3d2edae29048719

682fcd75916d35a552f3b8f1947e0d61daa77198

-N/A-N/A-20170914194914045094