

From: Paquin, Samuel

Sent: 3/15/2017 5:02:24 PM

To: TTAB Efilng

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Subject: U.S. TRADEMARK APPLICATION NO. 87055289 - CREPES BONAPARTE - N/A - Request for
Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 39

Files: 85893260P001OF003.JPG, 85893260P002OF003.JPG, 85893260P003OF003.JPG,
86208525P001OF002.JPG, 86208525P002OF002.JPG, 86382620P001OF002.JPG,
86382620P002OF002.JPG, 86652974P001OF003.JPG, 86652974P002OF003.JPG,
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86968416P001OF002.JPG, 86968416P002OF002.JPG, 86968426P001OF003.JPG,
86968426P002OF003.JPG, 86968426P003OF003.JPG, 87055289.doc

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

U.S. APPLICATION SERIAL NO. 87055289

MARK: CREPES BONAPARTE



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Brats Berlin, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

uspto@tm4smallbiz.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 3/15/2017

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 Section 2(d) refusal made final in the Office action dated 11/1/16 is maintained and continues to be final. 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. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar services as those of both applicant and registrant in this case. This evidence shows that the services listed therein, namely, restaurants, food trucks, and catering, are of a kind that may emanate from a single source under a single mark. See *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) (citing *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); TMEP §1207.01(d)(iii).

Accordingly, the request for reconsideration 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).

/Samuel R. Paquin/

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