

From: Vaghani, Mayur

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Subject: U.S. TRADEMARK APPLICATION NO. 87199589 - HINTERMANN SERIES - TMB-7901 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 3

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Files: 71695917P001OF002.JPG, 71695917P002OF002.JPG, 73067687P001OF002.JPG, 73067687P002OF002.JPG, 73491948P001OF001.JPG, 73665020P001OF002.JPG, 73665020P002OF002.JPG, 73785927P001OF002.JPG, 73785927P002OF002.JPG, 74194749P001OF002.JPG, 74194749P002OF002.JPG, 74331468P001OF002.JPG, 74331468P002OF002.JPG, 76043547P001OF007.JPG, 76043547P002OF007.JPG, 76043547P003OF007.JPG, 76043547P004OF007.JPG, 76043547P005OF007.JPG, 76043547P006OF007.JPG, 76043547P007OF007.JPG, 76059343P001OF003.JPG, 76059343P002OF003.JPG, 76059343P003OF003.JPG, 76202277P001OF002.JPG, 76202277P002OF002.JPG, 76345347P001OF003.JPG, 76345347P002OF003.JPG, 76345347P003OF003.JPG, 76442440P001OF003.JPG, 76442440P002OF003.JPG, 76442440P003OF003.JPG, 77645619P001OF003.JPG, 77645619P002OF003.JPG, 77645619P003OF003.JPG, 77676862P001OF002.JPG, 77676862P002OF002.JPG, 77798999P001OF003.JPG, 77798999P002OF003.JPG, 77798999P003OF003.JPG, 77898022P001OF003.JPG, 77898022P002OF003.JPG, 77898022P003OF003.JPG, 78118227P001OF002.JPG, 78118227P002OF002.JPG, 78233646P001OF002.JPG, 78233646P002OF002.JPG, 78455752P001OF004.JPG, 78455752P002OF004.JPG, 78455752P003OF004.JPG, 78455752P004OF004.JPG, 78465882P001OF003.JPG, 78465882P002OF003.JPG, 78465882P003OF003.JPG, 78763331P001OF003.JPG, 78763331P002OF003.JPG, 78763331P003OF003.JPG, 78826008P001OF002.JPG, 78826008P002OF002.JPG, 79017988P001OF003.JPG, 79017988P002OF003.JPG,

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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. 87199589

MARK: HINTERMANN SERIES



CORRESPONDENT ADDRESS:

JOHN S HALE

GIPPLE & HALE

6718 WHITTIER AVENUE SUITE 200

MCLEAN, VA 22101

GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: DT MEDTECH, LLC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

TMB-7901

CORRESPONDENT E-MAIL ADDRESS:

gipple.hale@verizon.net

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/11/2017

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 requirement(s) and/or refusal(s) made final in the Office action dated 3/20/2017 are maintained and continue to be final: Section 2(e)(4) refusal. 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. Accordingly, the request is denied. In addition to the evidence attached to the initial and Final Office actions, attached is evidence showing the surname HINTERMANN having the look and feel of multiple similar surnames. Also attached are 83 third-party registrations for marks containing the suffix –MANN that were found to be primarily merely surnames and therefore registered on the Supplemental Register or containing claims of acquired distinctiveness under Trademark Act Section 2(f).

Further, Applicant has submitted a list of registrations. However, the mere submission of a list of registrations or a copy of a private company search report does not make such registrations part of the record. *In re Promo Ink*, 78 USPQ2d 1301, 1304 (TTAB 2006); TBMP §1208.02; TMEP §710.03.

To make third party registrations part of the record, an applicant must submit copies of the registrations, or the complete electronic equivalent from the USPTO's automated systems, prior to appeal. *In re Star Belly Stitcher, Inc.*, 107 USPQ2d 2059, 2064 (TTAB 2013); *In re Ruffin Gaming, LLC*, 66 USPQ2d 1924, 1925 n.3 (TTAB 2002); TBMP §1208.02; TMEP §710.03.

Third-party applications are "evidence only that the application was filed on a certain date; it is not evidence of use of the mark." *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1089 (TTAB 2016); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1270 n.8 (TTAB 2009) (quoting *In re Phillips-Van Heusen Corp.*, 63 USPQ2d 1047, 1049 n.4 (TTAB 2002)); TBMP §1208.02; TMEP §710.03.

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).

/mvaghani/

Mayur Vaghani

Examining Attorney

Law Office 124

Phone: (571) 272-1615

Fax: (571) 273-9102

mayur.vaghani@uspto.gov