

From: Tully, Matthew

Sent: 1/24/2019 12:22:29 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 87382038 - WE'LL FIX IT RIGHT THE FIRST TIME - N/A - Request for Reconsideration Denied - Return to TTAB

\*\*\*\*\*

Attachment Information:

Count: 31

Files: a plus 1.jpg, a plus 2.jpg, a plus 3.jpg, a plus 4.jpg, a plus 5.jpg, a plus 6.jpg, a plus 7.jpg, a plus 8.jpg, frankies garage 1.jpg, frankies garage 2.jpg, frankies garage 3.jpg, frankies garage 4.jpg, j and r 1.jpg, j and r 2.jpg, j and r 3.jpg, Lexis Evidence\_Page\_01.jpg, Lexis Evidence\_Page\_02.jpg, Lexis Evidence\_Page\_03.jpg, Lexis Evidence\_Page\_04.jpg, Lexis Evidence\_Page\_05.jpg, Lexis Evidence\_Page\_06.jpg, Lexis Evidence\_Page\_07.jpg, Lexis Evidence\_Page\_08.jpg, Lexis Evidence\_Page\_09.jpg, Lexis Evidence\_Page\_10.jpg, Lexis Evidence\_Page\_11.jpg, Lexis Evidence\_Page\_12.jpg, Lexis Evidence\_Page\_13.jpg, Lexis Evidence\_Page\_14.jpg, Lexis Evidence\_Page\_15.jpg, 87382038.doc

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

**U.S. APPLICATION SERIAL NO.** 87382038

**MARK:** WE'LL FIX IT RIGHT THE FIRST TIME



**CORRESPONDENT ADDRESS:**

PAULA J YOST

LAW OFFICE OF PAULA YOST

PO BOX 1385

MOUNT PLEASANT, NC 28124

**GENERAL TRADEMARK INFORMATION:**

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

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Frank Aquino

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

paula@countrylawshack.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 1/24/2019

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 December 7, 2017 are maintained and continue to be final: Refusal – Failure to function as a service mark – Informational wording about applicant's services. *See* TMEP §§715.03(a)(ii)(B), 715.04(a). Further, the examining attorney has attached additional evidence in support of this refusal.

The examining attorney notes that the following requirement(s) and/or refusal(s) made final in the Office action are satisfied or obviated: Identification and classification of services – Amendment required; Multiple-class application requirements. *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.

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).

/Matthew Tully/

Matthew Tully

Trademark Examining Attorney

Law Office 105

(571) 270-5943

[matthew.tully@uspto.gov](mailto:matthew.tully@uspto.gov)

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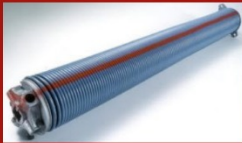


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Doors

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4.8 out of 5 stars



Rod Guymon

★★★★★  
5 out of 5 stars  
posted 6 days ago

I purchased my door and opener from Albert and his team. The installation was professional and the support and service over the years has been exceptional. I recently needed my door serviced and they provided same day service. The technician took the time to explain what would be

## Tips On Repairing Broken Garage Door Springs

Jul 28, 2016 | Garage Door Repair | 0 Comments

Broken garage door springs are one of the most common problems in your garage  
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The door is running smooth once again. I will definitely continue to use Albert and his team in my current home and will seek him out should I ever move for my new home needs.



Hollie Christiansen

★★★★★

5 out of 5 stars

posted 6 days ago

Our garage door broke when my husband was out of town. I called A + Northern Utah Doors and they were at my house in about an hour. Albert was very friendly and professional. He did a great job and now my door works better than it ever has. Very reasonably priced too. I will definitely use them again. Thank you!



Ron Hunt

★★★★★

5 out of 5 stars

posted 1 month ago

Amazing service! Albert is the most honest man I know and took great care of us and was very prompt. Came out even on a Saturday, when it was snowing and I needed to get my cars in and out of the garage. We'll definitely call them again.

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when it was snowing and I needed to get my cars in and out of the garage. We'll definitely call them again!

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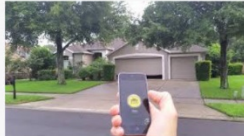
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35 Years of Experience means we'll fix it right the first time
- ✓ **Door Openers**  
Genie & Liftmaster are the most common door openers and we also service remotes and keyless entry pads!
- ✓ **Lifetime Warranty**  
Need a new Garage Door? Well, you'll buy with confidence knowing your new installation comes with a Lifetime Warranty!



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**Including But Not limited To:**  
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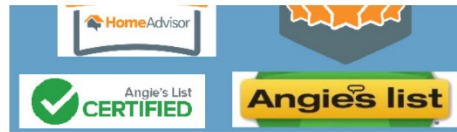
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<http://openersandgaragedoors.com/>

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Clover Sc, Cornelius, Denver, Fort  
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Holly, Matthews, Mint Hill, Monroe,  
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Beyond...



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**\*Locally Owned Company\***

**\*Arrive on Time and be  
Professional\***

**\*Fix it Right the First Time\***

**\*Choices and Options\***

**\*Coupons\***

**Customer Satisfaction is Very  
Important to Us and We Strive to  
Meet All of Our Customers Needs  
and Hope to Exceed Their  
Expectations**

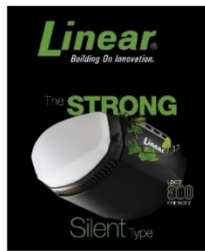
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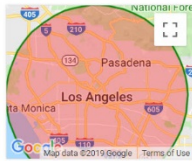
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Phone number:

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Customer satisfaction is guaranteed. Call today and one of our trained technicians will come to your house and give you an honest and fair estimate for repair, service or installation.

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5 ★★★★★ 2 reviews

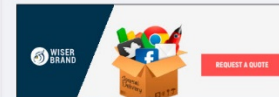
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Garage Doors and Gates Repair Service



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Los Angeles, CA

#### PORTFOLIO



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**User Name:** Matthew Tully

**Date and Time:** Thursday, January 24, 2019 11:43:00 AM EST

**Job Number:** 81408979

## Documents (12)

1. [BRIEF: BEST OF: Computer repair shop in James City pledges to fix it right the first time](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
News

**Narrowed by**  
Sources: U.S. Publications

2. ["We fix it right the first time, and it stays fixed"](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
News

**Narrowed by**  
Sources: U.S. Publications

3. [Get things done right before the snow flies](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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**Content Type**  
News

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Sources: U.S. Publications

4. [Relax, JT's Paint and Body Shop will fix it right:Relax, JT's Paint and Body Shop will fix it right](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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News

**Narrowed by**  
Sources: U.S. Publications

5. [Business briefs for July 7](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
News

**Narrowed by**  
Sources: U.S. Publications

6. [Customer satisfaction award](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
News

**Narrowed by**  
Sources: U.S. Publications

7. [Cooper Heating & Cooling: A Community Partner](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

**Content Type**  
News

**Narrowed by**  
Sources: U.S. Publications

8. [BRIEF: Business News: Service technician gets recognition](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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News

**Narrowed by**  
Sources: U.S. Publications

9. [Business Briefs](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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**Narrowed by**  
Sources: U.S. Publications

10. [Noteworthy](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

**Narrowed by:**

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11. [AAMCO Franchise Reports Double-Digit Growth in Total Car Care Sales; Leader in Auto Repair Franchising Is Well-Positioned to Capitalize on Continued Growth of Automotive Aftermarket](#)



**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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12. [\*Honesty is Community Auto Care's of Wanaque's top priority\*](#)

**Client/Matter:** -None-

**Search Terms:** ("fix it right the first time")

**Search Type:** Natural Language

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**BRIEF: BEST OF: Computer repair shop in James City pledges to fix it right  
the first time**

The Virginia Gazette, Williamsburg  
December 20, 2014 Saturday

Copyright 2014 The Virginia Gazette

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**Section:** STATE AND REGIONAL NEWS

**Length:** 201 words

**Byline:** Steve Vaughan, The Virginia Gazette, Williamsburg

... Body

Dec. 20--JAMES CITYJAMES CITY-- Gazette readers picked Computer Concepts, in New Town, as the area's best computer repair shop.

Manager Ryan Craig said he thought the reasons were simple.

"I think it's the quality of our service and our customer service," he said in a phone interview.

Quality of service means getting it right the first time.

"We only like to see first-time repairs here," Craig said. "We don't like to see return visits for the same problem. We want to fix it right the first time."

Technician Paul Matson agreed.

"It's the accuracy of our repairs," he said.

Computer Concepts has operated in Williamsburg since 2003.

While the business offers data transferal services, as well as classes and clinics on computer topics, Craig said those are secondary to the repair business.

The store also can also build custom computers. It repairs desktop and laptop computers.

Computer Concepts can also do computer upgrades, networking and wireless network security.

It is owned by Alan Healy and William Melton.

Vaughan can be reached at 757-345-2342.

\_\_\_ (c)2014 The Virginia Gazette (Williamsburg, Va.) Visit The Virginia Gazette (Williamsburg, ...

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End of Document

Matthew Tully

**"We fix it right the first time, and it stays fixed"**

York News-Times (Nebraska)

November 14, 2009 Saturday

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**Section:** EDITORIALS

**Length:** 694 words

**Byline:** Dave Simon

... still trickles water ever so slightly.

This is not supposed to happen. It's implied by the fact that you hand over money. "For this sum, I expect to not have to call you back for the next three years." End of story. At least it should be.

If we could consistently turn the page at that point, there would be no need for the Better Business Bureau, consumer complaint departments in companies or this column. We know that is not the case.

Any service person who can state the following, and back it up, will be an instant millionaire: "**We fix it right the first time**, and it stays fixed." The hard part is the last three words of that sentence. It's easy enough for the repair guy to walk out the door with a smile. Keep him from coming back the next day is another story.

Our house has been riddled with these experiences the past few weeks. Our back porch roof, for example, has leaked intermittently after heavy thunderstorms the past five years. Not one year or two, or for the last month or so. But for the PAST FIVE YEARS.

Why haven't we called someone? Oh, we have, over and over. They've ...

---

End of Document

Matthew Tully

## *Get things done right before the snow flies*

The Daily Leader (Pontiac, Illinois)

October 17, 2018 Wednesday

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**Section:** NEWS; Pg. B6

**Length:** 642 words

**Byline:** Luke Smucker, STAFF REPORTER

... Body

According to Tim Fogarty, owner of Fogarty's Garage in Pontiac, and business service manager Mark Harder, the key to keeping a vehicle ready for the winter is preventative maintenance in the fall. From tires to breaks and fluid levels to wind-shield wipers, both men agree it is easier and more cost effective to catch problems early.

Unfortunately, a lot of people wait until things break before they want to bring their car in and get it fixed," Fogarty said. "A lot of times, by that time it's too late. If you don't have time to *fix it right the first time*, you're not going to have time to fix it right the second time when you're sitting out on the side of the road."

"As a general rule, maintenance costs less and takes less time than repairs on something that is completely broken down," Harder added.

When it comes to wiper blades, Fogarty said his business has received a number of phone calls from people saying, "Hey, it's raining. I need some-thing done with my wipers." Fogarty always wonders why it takes people so long to replace their wiper blades.

"Most people have had dew on their windows in the ...

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Matthew Tully

**Relax, JT's Paint and Body Shop will fix it right; Relax, JT's Paint and Body Shop will fix it right**

Post & Courier (Charleston, SC)

July 25, 2018 Wednesday

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**Section:** C; your story; Pg. 4

**Length:** 330 words

**Byline:** Julie R. Smith;

... Body

If you need an auto body shop, you're probably already frustrated and tense. Relax! Take it to JT's Paint and Body Shop and trust their experts to **fix it right the first time**.

JT Richardson started the body shop in 1978, and 40 years later the business has an A-1 reputation. Located on Bacon's Bridge Road about a mile from Dorchester Road, the business is now operated by JT's children, Trish LeMay, Sharon Ziegler and Greg Richardson.

Carrying on the family tradition of excellence is a job they all take seriously. The shop offers a lifetime warranty on all work, which is performed by certified body and paint technicians. Shuttle and delivery service is available, and vehicles are cleaned inside and out and test-driven before being released.

Trish started working in the ...

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### *Business briefs for July 7*

The Advocate-Messenger (Danville, Kentucky)

July 7, 2015 Tuesday

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**Section:** NEWS

**Length:** 108 words

**Byline:** Staff Writer

... Body

Service technicians Steve Wethington, Paul Massey and Phillip Boreing, of Stuart Powell Ford Lincoln Mazda in Danville, were recognized by the Midwest Region of Mazda for having scored 100 percent on the **Fix It Right The First Time** exam.

Ford Senior Master Certified Technician, Alan Jeffries, was the winner of the Professional Technician Society Performance Challenge, and leads the Cincinnati Region in **Fix It Right The First Time** performance and technical training.

Stuart Powell Ford-Lincoln-Mazda is located at 225 South Danville Bypass, and appointments can be made by visiting [www.stuartpowell.com/schedule-service.htm](http://www.stuartpowell.com/schedule-service.htm) or calling (859) 238-1190.

**Load-Date:** 2015-07-08 ...

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### Customer satisfaction award

Old Colony Memorial (Plymouth, Massachusetts)

August 26, 2015

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**Section:** NEWS; Pg. A16

**Length:** 71 words

... Body

PLYMOUTH - Colonial Ford of Plymouth was recently recognized by Ford Motor Company for outstanding service customer satisfaction. In a competition between 30 dealers in Eastern Massachusetts, Cape Cod and Rhode Island, Colonial Ford had the highest percentage of "Did We **Fix It Right the First Time?**" yes responses with a perfect score of 100. This question is the key driver to customer satisfaction in the service department.

### **Graphic**

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Colonial Ford service team with General Manager Sean McCarthy on the far right and Service Manager Rick Jamison holding the "Did We **Fix It Right the First Time?**" trophy. COURTESY PHOTO

**Load-Date:** 2015-08-28 ...

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## *Cooper Heating & Cooling: A Community Partner*

Daily Camera (Boulder, Colorado)

September 21, 2015 Monday

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**Section:** BUSINESS

**Length:** 1275 words

**Byline:** Darren Thornberry

... the homeowner exactly what, if anything, needs further attention. There is a flat fee for this service with discounts given for any electrical or plumbing work that would be necessary. And while Cooper deeply appreciates every call that comes in, Green Club members do enjoy a priority response.

"This is a pretty competitive business to be in," says company president Frank DiMarco. "We define ourselves as premium brand, and people are willing to listen to us because we do homework in the home. People see value in companies that are putting themselves forward with great customer service and who will *fix it right the first time.*"

Cooper Heating & Cooling is not limited to tinkering with your air conditioning. The company has vast experience in all aspects of HVAC installation and repair, as well as residential electrical and plumbing services.

DiMarco, a father of three, recalls his mentor asking him, "What else are you going to do besides run a business?"

The point was that being good at what you do from a business standpoint is important, but giving to one's community is an equally meaningful investment. "The owners of the previous company that I worked for believed you have to give back," says DiMarco. ...

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**BRIEF: Business News: Service technician gets recognition**

Colusa County Sun-Herald (Colusa, California)

February 26, 2013 Tuesday

Copyright 2013 Colusa County Sun-Herald

Distributed by McClatchy-Tribune Business News

**Section:** STATE AND REGIONAL NEWS

**Length:** 157 words

**Byline:** Colusa County Sun-Herald, Calif.

... Body

Feb. 26--Timothy Kist of Hoblit Motors in Colusa recently won the 2012 PTS Performance Challenge, a Ford company recognition contest that grades certain job accomplishments.

Those categories include the **Fix-It-Right-The-First-Time** performance, retail sales, support and technical training.

Kist is a service technician who excelled in: technical training, **Fix-It-Right-The-First-Time**, retail sales support, served as technician mentor and reviewing **Fix-It-Right-The-First-Time** material from Ford.

Kist's prize is a four-day, three-night trip to Dearborn, Mich., in May.

He will visit the Ford headquarters, talk with product engineers, be part of a technical hotline, will provide feedback to the Customer Service Division staff and management and tour the Rogue Factory.

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**Load-Date:** 2013-02-28 ...

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## Business Briefs

Herald-Citizen (Cookeville, Tennessee)

March 15, 2008 Saturday

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### **Section: NEWS**

**Length: 1713 words**

... at the qualifications to be a "Geeks on Call" technician shows they are definitely separated from the rest of the computer repair industry. Every technician must have a minimum COMPT A+ certification.

"We went through dozens of resumes (including techs working for other geek-named companies before finding a technician who was qualified to be a GOC tech," Ownbey said.

Once a technician is qualified they must pass a "Geek Test" which further identifies the skill sets of the technician to the company and business owner.

"About 1 out of 25 technicians pass the test," Ownby said. "Our motto is 'Fix it right the first time ... every time.' That's why we offer a free guarantee. If we don't fix the original problem, follow up visits to fix the original problem are free. How many computer repair companies can offer a guarantee like that? None that I know of."

Ownby described himself as a devoted Christian who wants to serve the Lord in any role He provides.

"Right now, it's something I love," he said. "In our business practices, we take the Golden Rule one step further and treat our customers better than what we would have them do to us. It's amazing how few companies ...

... the minute like most on-site technical servicing businesses, but have a flat rate based upon what needs repaired. This means a technician may stay for two hours but the consumer or business is only charged for the job, not the incompetence of the "There is a base charge to get the technician to run the call and diagnose the problem. Once the problem is identified, the technician will inform the customer up front how much it would cost for the repair. The initial base charge is applied to the total of the repair. This gives the technician the incentive to fix it right the first time."

**Load-Date: 2014-06-04 ...**

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## Noteworthy

The Sylva Herald & Ruralite (North Carolina)

August 16, 2017

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**Section:** NEWS

**Length:** 704 words

**Byline:** Staff Writer

... information, call 586-2155.

THE APPALACHIAN COMMUNITY DANCE ASSOCIATION will sponsor a dance at 7:30 p.m. Saturday, Aug. 26, at the Yellowhill Activity Center in Cherokee, featuring The Will Hayes Band. Admission is \$10. Attendees can come early, at 6:30 p.m., for free line-dance lessons. All ages are welcome, and no dance experience is required. For more information, call 828-788-0502.

ANDY SHAW FORD of Sylva announces the promotion of Johnny Marr from senior lead technician to shop foreman in the Service Department. "Johnny will coach and work with the other technicians and be responsible for the dealership goal of 'fix it right the first time,'" said David Rogers, service manager. Larry Hinton, president/general manager, said he is proud of what Marr has accomplished in his 18 years with Andy Shaw Ford. "It's important for us to recognize his time in service and his many achievements," Hinton said. "Our motto is 'Service you can trust,' and this important step is meant to continually ensure that goal."

**Load-Date:** 2017-08-17 ...

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**AAMCO Franchise Reports Double-Digit Growth in Total Car Care Sales;  
Leader in Auto Repair Franchising Is Well-Positioned to Capitalize on  
Continued Growth of Automotive Aftermarket**

Marketwired

December 2, 2015 Wednesday 5:45 AM GMT

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**Length:** 761 words

**Dateline:** HORSHAM, PA; Dec 02, 2015

... revenue increases.

"AAMCO is one of the most trusted and recognized automotive brands in the country," Martella said. "This is a business with staying power that will only continue to thrive. Since expanding the brand's services to include Total Car Care, my business has greatly benefitted. In one given year, we reached the highest of transmission repair and automotive maintenance sales, and consequently, total average weekly gross sales. This speaks volumes for the company's proven business model."

For more than 50 years, AAMCO's locally owned and operated independent service centers have employed the latest technology. Expert technicians diagnose a repair, **fix it right the first time**, and back it with a nationwide warranty. Known as the world's leading transmission expert, the company has evolved into a Total Car Care brand providing a variety of services, including brake repairs, tune-ups, shocks and struts and routine maintenance.

Recognition for AAMCO includes being named to Entrepreneur's Franchise 500(R). The system size, growth rate and financial strength also earned the brand the top spot in the transmission repair category on Entrepreneur's "Best of the Best" list. In addition, AAMCO was ranked No. 154 on the Franchise Times' 2015 Top 200+.

With nearly 700 centers across North America, AAMCO is ...

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## *Honesty is Community Auto Care's of Wanaque's top priority*

northjersey.com

January 23, 2014 Thursday

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### **Section: NEWS**

**Length:** 493 words

**Byline:** BETHANY CSENGETO, CORRESPONDENT

... the car is getting worked on, customers can relax in the Community Auto Center's waiting room, complete with cable TV and tables for their convenience.

The Community Auto Center is also a Car Care Center, and provides a warranty on all parts, and stands by their products with 12 months or 12,000 miles warranty on parts. They also can honor an after-market warranty from most companies.

"It is very convenient having the customer come to us and not pay top dollar; we have a reputation for being honest and I think the customers appreciate it," said Marra. "We like to *fix it right the first time.*"

Marra said the Community Auto Center takes an active part within the local community - often sponsoring Tricky Tray fundraisers and other various organizations as they come his way.

Throughout the year, Marra said the Community Auto Center has seasonal coupons for customers in local newspapers that if the customer clips out, will be honored. He said the spring coupon will soon hit the presses and urges customers to clip it out and head to the Center to get their AC checked, and tires and alignment examined.

The Community Auto Center is located at 550 Ringwood Ave., Wanaque. ...

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