

From: Crennan, Kevin

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Subject: U.S. TRADEMARK APPLICATION NO. 87440925 - DIRTY LAUNDRY - N/A - Request for Reconsideration Denied - Return to TTAB

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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.** 87440925

**MARK:** DIRTY LAUNDRY



**CORRESPONDENT ADDRESS:**

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**GENERAL TRADEMARK INFORMATION:**

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

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**APPLICANT:** Telecom (CHINA) Ltd.

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

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**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 7/30/2018

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 refusal made final in the Office action dated January 30, 2018 is maintained and continues to be final: Section 2(d) likelihood of confusion refusal. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issue.

Though the applicant argues, again, that its application for clothing should be able to co-exist with the cited mark (U.S. Registration No. 4275485) for luggage because that cited mark co-exists with the other cited mark (U.S. Registration No. 4117028) for footwear, this argument has been addressed in the final Office action. As to why the later cited mark (U.S. Registration No. 4275485) was not refused registration because of the earlier cited mark (U.S. Registration No. 4117028), prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and are not binding upon the USPTO or the Trademark Trial and Appeal Board. TMEP §1207.01(d)(vi); *see In re USA Warriors Ice Hockey Program, Inc.*, 122 USPQ2d 1790, 1793 n.10 (TTAB 2017). Each case is decided on its own facts, and each mark stands on its own merits. *In re USA Warriors Ice Hockey Program, Inc.*, 122 USPQ2d at 1793 n.10 (quoting *In re Boulevard Entm't*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

Accordingly, the request is denied.

The Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/Kevin G. Crennan/

Trademark Examining Attorney

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