

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87770285
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87770285/large
LITERAL ELEMENT	IMPACT REDUCING
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)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_19821116034-20190405194030634858_.IMPACT_REDUCING.1209.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\877\702\87770285\xml9\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\877\702\87770285\xml9\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	Evidence in the nature of Actual argument text in response to Examiner's Objection
SIGNATURE SECTION	
RESPONSE SIGNATURE	/bsehrlich/
SIGNATORY'S NAME	Burton S. Ehrlich
SIGNATORY'S POSITION	Attorney of record, Illinois bar member
SIGNATORY'S PHONE NUMBER	3124271300
DATE SIGNED	04/05/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 05 19:48:51 EDT 2019
TEAS STAMP	USPTO/RFR-XXX.XXX.XXX.XX- 20190405194851494796-8777 0285-62046b96712442da0343 4ae384067565e1d44899c68ea 48d2375089f9fa54a17361-N/ A-N/A-2019040519403063485

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 09/20/2020)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **87770285** IMPACT REDUCING(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87770285/large>) has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Evidence in the nature of Actual argument text in response to Examiner's Objection has been attached.

Original PDF file:

[evi_19821116034-20190405194030634858_-_IMPACT_REDUCING.1209.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /bsehrlich/ Date: 04/05/2019

Signatory's Name: Burton S. Ehrlich

Signatory's Position: Attorney of record, Illinois bar member

Signatory's Phone Number: 3124271300

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.

Serial Number: 87770285

Internet Transmission Date: Fri Apr 05 19:48:51 EDT 2019

TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XX-201904051948514

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4067565e1d44899c68ea48d2375089f9fa54a173

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Examiner:
) Joanna E. H. Fiorelli
BLISTEX INC.)
) Law Office: 105
Serial No. 87/770,285)
)
Filed: January 25, 2018)
)
For: IMPACT REDUCING)

**REQUEST FOR RECONSIDERATION ON REGISTRABILITY BASED, IN PART,
UPON POTENTIAL AMENDMENT TO APPLICATION AND WITH NOTIFICATION OF
THE FILING OF THE NOTICE OF APPEAL WITH REQUEST FOR SUSPENSION OF
APPEAL PENDING THE DISPOSITION OF THIS RECONSIDERATION**

The Applicant herein responds to the Trademark Attorney Examiner on the rejection of registrability:

The Trademark Attorney Examiner has rejected registrability based upon that the mark is asserted as being primarily, merely descriptive. The Applicant previously submitted arguments in support of registrability in its Office Action response filed on August 23, 2018, and those arguments supporting registrability are incorporated herein. The Applicant in its prior arguments also provided citations to the supporting case law in favor of registrability and further noted the supporting case law that in close cases on registrability doubts should be resolved in favor of the Applicant.

If the mark is still considered to be too descriptive, then the Trademark Attorney Examiner is encouraged to contact Applicant's counsel to resolve the potential appeal and suspension which is being filed simultaneously. One possible option could be the elimination of certain goods from the application, or a possible disclaimer of certain wording that could in the Examiner's opinion allow for registrability. **For this reason the Trademark Attorney Examiner is encouraged to contact the Applicant's counsel Burt Ehrlich by telephone at 312-427-1300 to resolve potential issues with regard to this application.**

The Applicant is also concurrently filing with the TTAB a Notice of Appeal with this request to the Office Action should the Trademark Attorney Examiner continue to reject registrability. However, should the Examiner allow registrability then the appeal will be mooted. The Applicant when filing the Notice of Appeal will be requesting suspension of the appeal in order to allow for this reconsideration of registrability.

Burton S. Ehrlich
Ladas & Parry
224 S. Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300 ext. 211

Respectfully submitted,

/Burton S. Ehrlich/
Burton S. Ehrlich
Attorney for Applicant