

To: Down-Lite International, Inc. (IPdocket@thompsonhine.com)
Subject: U.S. Trademark Application Serial No. 87830328 - EVERY POSITION PILLOW - 77553 - Request for Reconsideration Denied - Return to TTAB
Sent: July 07, 2019 11:31:08 AM
Sent As: ecom114@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No.
87830328

Mark: EVERY POSITION
PILLOW

Correspondence Address:
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CINCINNATI, OH
45202

Applicant: Down-Lite
International, Inc.

Reference/Docket No.
77553

**Correspondence Email
Address:**

IPdocket@thompsonhine.com

**REQUEST FOR RECONSIDERATION
AFTER FINAL ACTION
DENIED**

Issue date: July 07, 2019

Applicant's request for reconsideration is denied. *See* 37 C.F.R. §2.63(b)(3). The trademark examining attorney has carefully reviewed applicant's request and determined the request did not: (1) raise a new issue, (2) resolve all the outstanding issues, (3) provide any new or compelling evidence with regard to the outstanding issues, or (4) present analysis and arguments that were persuasive or shed new light on the outstanding issues. TMEP §§715.03(a)(ii)(B), 715.04(a).

Accordingly, the following refusal made final in the Office action dated December 10, 2018 are **MAINTAINED AND CONTINUED**:

- Trademark Act Section 2(d) Refusal – Likelihood of Confusion

See TMEP §§715.03(a)(ii)(B), 715.04(a).

If applicant has already filed an appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See*

TMEP §715.04(a).

If applicant has not filed an appeal and time remains in the six-month response period, applicant has the remainder of that time to (1) [file another request for reconsideration](#) that complies with and/or overcomes 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). Filing 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(c).

/Breanna Freeman/
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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **July 07, 2019** for
U.S. Trademark Application Serial No. 87830328

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be [abandoned](#). Please follow the steps below.

- (1) [Read the official letter](#).
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

/Breanna Freeman/
Examining Attorney
Law Office 114
(571) 272-7099
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Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

- (3) **Respond within 6 months** (or earlier, if required in the Office action) from **July 07, 2019**, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond.

GENERAL GUIDANCE

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application](#). Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All official USPTO correspondence will only be emailed from the domain “@uspto.gov.”