

**To:** Thai, Kim Sim ([marcos@feldman-law.com](mailto:marcos@feldman-law.com))  
**Subject:** U.S. Trademark Application Serial No. 88454641 - STEADYVIEW - N/A - Request for Reconsideration Denied - No Appeal Filed  
**Sent:** January 28, 2021 04:47:33 PM  
**Sent As:** ecom118@uspto.gov  
**Attachments:**

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

**U.S. Application  
Serial No.**  
88454641

**Mark:**  
STEADYVIEW

**Correspondence  
Address:**

Stephen E.  
Feldman  
FELDMAN  
LAW GROUP,  
P.C.  
SUITE 3304  
220 EAST  
42ND STREET  
NEW YORK  
NY 10017

**Applicant:**  
Thai, Kim Sim

**Reference/Docket  
No.** N/A

**Correspondence  
Email Address:**

[marcos@feldman-law.com](mailto:marcos@feldman-law.com)

**REQUEST FOR RECONSIDERATION  
AFTER FINAL ACTION  
DENIED**

**Issue date:** **January 28, 2021**

**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 issue(s), (3) provide any new or compelling evidence with regard to the outstanding issue(s), or (4) present analysis and arguments that were persuasive or shed new light on the outstanding issue(s). TMEP §§715.03(a)(ii)(B), 715.04(a).

Applicant has argued that the addition of the term VIEW to the registrant's mark creates a mark with "a completely different connotation." The examining attorney respectfully disagrees. Since the first term of the applied-for mark is the registrant's mark, the marks share a similar meaning and overall commercial impression.

Applicant has submitted a list of registrations intended to show that the registrant's mark is weak and should therefore be afforded a narrow scope of protection. 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. See *In re Peace Love World Live, LLC*, 127 USPQ2d 1400, 1405 n.17 (TTAB 2018) (citing *In re 1st USA Realty Prof'ls*, 84 USPQ2d 1581, 1583 (TTAB 2007); *In re Duofold Inc.*, 184 USPQ 638, 640 (TTAB 1974)); 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); TBMP §1208.02; TMEP §710.03. Accordingly, these registrations will not be considered.

Even if the third-party registrations had been considered, they would not have obviated the refusal. Third-party registrations are entitled to little weight on the issue of confusing similarity because the registrations are "not evidence that the registered marks are actually in use or that the public is familiar with them." *In re Midwest Gaming & Entm't LLC*, 106 USPQ2d 1163, 1167 n.5 (TTAB 2013) (citing *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010)); see TMEP §1207.01(d)(iii).

Accordingly, the following refusal made final in the Office action dated 9/24/20 is **maintained and continued**:

- Section 2(d) refusal based on a likelihood of confusion with the mark in U.S. Registration No. 5906254

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).

/RonaldMcMorrow/  
Examining Attorney  
Law Office 118  
ronald.mcmorrow@uspto.gov  
(571) 272-9306

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**USPTO OFFICIAL NOTICE**

Office Action (Official Letter) has issued  
on **January 28, 2021** for  
**U.S. Trademark Application Serial No. 88454641**

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.

/RonaldMcMorrow/  
Examining Attorney  
Law Office 118  
[ronald.mcmorrow@uspto.gov](mailto:ronald.mcmorrow@uspto.gov)  
(571) 272-9306

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 **January 28, 2021**, 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.”**