
To: NATHANIEL HEARD (betty@danpolley.com)
Subject: TRADEMARK APPLICATION NO. 78443574 - FOUR-DOOR COUPE - 9692.6709
Sent: 9/18/2006 6:48:39 PM
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Attachments: Attachment - 1

UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 78/443574**APPLICANT:** NATHANIEL HEARD**CORRESPONDENT ADDRESS:**

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MARK: FOUR-DOOR COUPE**CORRESPONDENT'S REFERENCE/DOCKET NO:** 9692.6709**CORRESPONDENT EMAIL ADDRESS:**

betty@danpolley.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/443574

The Office has reassigned this application to the undersigned examining attorney.

This letter responds to the applicant's communication filed on June 2, 2006.

Applicant's petition to revive has been granted.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, applicant's request for reconsideration is *denied*. The application will be forwarded to the TTAB consistent with applicant's appeal. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

The request for reconsideration is denied and the descriptiveness refusal under Trademark Act Section 2 (e)(1) is continued and the finality of the last Office action is maintained. A mark is merely descriptive

under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b).

Applicant has made reference to its U.S. Patent Registration No. 6889374. The patent is attached to this Office action. See below for pertinent language retrieve from the patent's abstract (bold part by the Office):

"An automobile, in particular those considered as a Personal Luxury Car, Performance Car, "Pony Car"/Sports Car, or Grand Touring car, that seems as a two door coupe, by appearing to have only left and right front doors, **but in actuality has four doors**; where the left and right rear doors are "hidden", and appear as solid rear quarter panels, but have selective hinge points or pivot points along the roof line or at the rear bumper/tail/light/trunk area, or at some location to that allows the rear quarter panel, to move away from the car's rear seating area and provide passenger entry/exit."

Thus the record supports the proposition that applicant's coupe automobiles have four doors. An amendment to the identification of goods indicating that applicant's coupe only have two doors would be deemed unacceptable as inaccurate.

As stated, applicant's request for reconsideration is *denied*. The application will be forwarded to the TTAB consistent with applicant's appeal.

/RaulCordova/
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Pat. No. 6899374 (Copy w/ Cite)

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...where the left and right rear doors are hinged, and appear as solid rear quarter panels, but have concealed hinge points or pivot points along the roof line or at the rear bumper/tail/light/trunk area, or at some location to that allows the rear quarter panel, to move away from the car's rear seating area and provide passenger entry/exit. The invention includes a separate aspect of converting existing cars like the aforementioned from their original configuration, being either 2 door coupes or 4 door sedans into this invention, called the "4 door Coupe" (the 5 Door Coupe, when the trunk or rear hatch is considered as a door). The invention includes another separate feature of the rear quarter panels and rear hatch being removable, along with the other aforementioned unique features, in some cases, allowing the car to function as a truck. Other alternate features include the vehicles' front doors being elongated backward to extend into the section approximately equivalent to the thickness of the front seat backs, to give the appearance of a two door coupe. Also included are the names for the invention, being "The Four Door Coupe" or "Five Door Coupe" (where the trunk hatch is considered a fifth door), as a designation for a particular type of car. An example of this aspect would be the name, Convertible, defining a certain type of car, exclusively. The invention also includes a Side Impact safety wall, being a plate-like structure that is approximately the height of the vehicle's seat backs. This wall extends to the vertical door pillars and is structurally secured to the posts. The Wall may be a two-piece unit that is adjustable to allow front to back movement of the front seats in the car, to allow the front seated occupants of the car to regulate their "leg room", for riding/driving comfort. The invention includes the aspect of having a similar wall in back of the "rear passenger" seat backs. The combination of these walls being attached to the sides and floor of the vehicle's frame precipitates a much more rigid passenger compartment than those of existing cars, which is extremely important, in regard to reducing serious injury to both the front and rear passengers in a car subjected to a side impact collision.

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