

From: Castro, Giancarlo

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Subject: U.S. TRADEMARK APPLICATION NO. 85327107 - UNBREAKABLE - 29510 - 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.** 85327107

**MARK:** UNBREAKABLE



**CORRESPONDENT ADDRESS:**

AMY COHEN HELLER

SCHIFF HARDIN LLP

233 SOUTH WACKER DRIVESUITE 6600

CHICAGO, IL 60606-0079

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** Walter Meier (Manufacturing) Inc.

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

29510

**CORRESPONDENT E-MAIL ADDRESS:**

trademarks@schiffhardin.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 7/26/2013

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. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The refusal made final in the Office action dated November 28, 2012 is maintained and continues to be final. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

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

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

**Mark is Merely Descriptive – Supplemental Register Suggested**

The applied-for mark has been refused registration on the Principal Register because it is considered merely descriptive. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

/Giancarlo Castro/

Giancarlo Castro

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