From: Johnson, Don

Sent: 7/25/2017 12:27:48 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86929283 - WIN WARRIOR INSTITUTE OF - 2257.002 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 5

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Attachment Information:

Count: 19

Files: mwrt-1.jpg, mwrt-2.jpg, mwrt-3.jpg, mwrt-4.jpg, mwrt-5.jpg, mwrt-6.jpg, mwrt-7.jpg, cha-1.jpg, cha-2.jpg, cha-3.jpg, cha-4.jpg, cha-5.jpg, cha-6.jpg, path-1.jpg, path-2.jpg, pathaz-1.jpg, pathaz-2.jpg, pathaz-3.jpg, 86929283.doc

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86929283

MARK: WIN WARRIOR INSTITUTE OF

CORRESPONDENT ADDRESS:

PACER K UDALL

BOOTH UDALL FULLER PLC

1255 W RIO SALADO PARKWAY SUITE 215

TEMPE, AZ 85281

GENERAL TRADEMARK INFORMATION:

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

VIEW YOUR APPLICATION FILE

APPLICANT: Warrior Institute of NeuroWellness

CORRESPONDENT'S REFERENCE/DOCKET NO:

2257.002

CORRESPONDENT E-MAIL ADDRESS:

trademark@boothudall.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 7/25/2017

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated January 3, 2017, is maintained and continues to be final: Trademark Act Section 2(d) Refusal – Likelihood of Confusion. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office

action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. The attached evidence from https://www.merriam-webster.com/medical/recreational%20therapy, http://cha-ahse.org/store/pages/276/The_Use_of_Horses_as_a_Treatment_Tool_for_Recreational_Therapy.html, https://www.pathintl.org/, https://www.pathintl.org/path-intl-centers/find-center, http://highhopestr.org/learn/equine-activities-therapies/, http://highhopestr.org/about/faqs/, http://www.koppertop.org/RecreationalTherapy.html, http://www.koppertop.org/BenefitsofRecreationalTherapy.pdf, http://www.coastalriding.org/our-program.html, https://www.atra-online.com/what/FAQ, and https://cph.temple.edu/rs/therapeutic-recreation/what-therapeutic-recreation supports this conclusion. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final refusal, and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of 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, 715.03(a)(ii)(B), (c).

/Donald Johnson/

Examining Attorney

Law Office 104

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Medical Definition of RECREATIONAL THERAPY

: therapy based on engagement in recreational activities (as sports or music) especially to enhance the functioning, independence, and well-being of individuals affected with a disabling condition
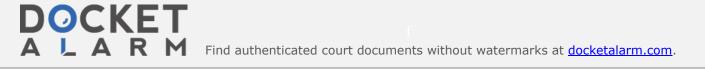
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noun

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