

To: The Smiley Company (SPRL) (sbaron@mandellmenkes.com)
Subject: U.S. TRADEMARK APPLICATION NO. 79073546 - 9243
Sent: 8/3/2010 12:51:53 PM
Sent As: ECOM109@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/073546

MARK:

79073546

CORRESPONDENT ADDRESS:

Steven L. Baron
Mandell Menkes LLC
Suite 300
333 West Wacker Drive
Chicago IL 60606

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: The Smiley Company (SPRL)

CORRESPONDENT'S REFERENCE/DOCKET NO :

9243

CORRESPONDENT E-MAIL ADDRESS:

sbaron@mandellmenkes.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: 8/3/2010

INTERNATIONAL REGISTRATION NO. 1015069

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **77632762, 77631722, 77632778 77628178, 79045616 and 77347604**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

The following refusal(s)/requirement(s) is/are continued and maintained:

1. Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration Nos. 3242722, 3700179 and 3700178. Trademark Act Section 2(d). 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

2. Two of the cited applications have registered and are not listed above and may at a point in the future be included in new 2(d) citations.
3. The clarification of entity and the description of mark are accepted and entered into the record.
4. The identification will be reviewed in further detail once the application is in order for publication.

/wrossman/
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STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: The Smiley Company (SPRL) (sbaron@mandellmenkes.com)
Subject: U.S. TRADEMARK APPLICATION NO. 79073546 - 9243
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IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 79073546) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on **8/3/2010** to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. **Read** the Office letter by clicking on this **link** http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=79073546&doc_type=SUL&mail_date=20100803 **OR** go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from **8/3/2010** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) [Response to Office Action form](#). If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) (loss) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.