

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86472983
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 101
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="http://tsdr.uspto.gov/img/86472983/large">http://tsdr.uspto.gov/img/86472983/large</a>
<b>LITERAL ELEMENT</b>	1800CINCHERS
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_701095314-20150508145804646833_.1800CINCHERS_2e_response.pdf</a>
<b>CONVERTED PDF FILE(S) (5 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\864\729\86472983\xml5\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\864\729\86472983\xml5\ROA0003.JPG</a>
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<b>NEW ATTORNEY SECTION</b>	
<b>NAME</b>	TOM DUNLAP
<b>FIRM NAME</b>	DUNLAP, BENNET & LUDWIG PLLC
<b>STREET</b>	211 Church street SE
<b>CITY</b>	Leesburg
<b>STATE</b>	Virginia
<b>ZIP/POSTAL CODE</b>	20175
<b>COUNTRY</b>	United States
<b>PHONE</b>	703.777.7319
<b>FAX</b>	703.777.3656
<b>EMAIL</b>	ip@dbllawyers.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>NEW CORRESPONDENCE SECTION</b>	
<b>NAME</b>	TOM DUNLAP

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PHONE	703.777.7319
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EMAIL	ip@dbllawyers.com;ip@dbllawyers.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	05/08/2015
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri May 08 15:04:08 EDT 2015
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 150508150408412500-864729 83-530dc2d3675b43bffb7a06 3c75bacd0292810f621541d99 2171144db4f3a3c3121-N/A-N /A-20150508145804646833

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 07/31/2017)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **86472983** 1800CINCHERS(Standard Characters, see <http://tsdr.uspto.gov/img/86472983/large>) has been amended as follows:

### EVIDENCE

#### Original PDF file:

[evi\\_701095314-20150508145804646833\\_.1800CINCHERS\\_2e\\_response.pdf](#)

Converted PDF file(s) ( 5 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

**ATTORNEY ADDRESS**

Applicant proposes to amend the following:

**Proposed:**

TOM DUNLAP of DUNLAP, BENNET & LUDWIG PLLC, having an address of  
211 Church street SE Leesburg, Virginia 20175

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**CORRESPONDENCE ADDRESS CHANGE**

Applicant proposes to amend the following:

**Proposed:**

TOM DUNLAP of DUNLAP, BENNET & LUDWIG PLLC, having an address of  
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**SIGNATURE(S)****Response Signature**

Signature: /khardley/ Date: 05/08/2015

Signatory's Name: KEISHA HARDLEY

Signatory's Position: Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)

Signatory's Phone Number: 703.777.7319

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: TOM DUNLAP  
DUNLAP, BENNET & LUDWIG PLLC  
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Serial Number: 86472983

Internet Transmission Date: Fri May 08 15:04:08 EDT 2015

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20150508150408412

500-86472983-530dc2d3675b43bffb7a063c75b

acd0292810f621541d992171144db4f3a3c3121-

N/A-N/A-20150508145804646833

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Applicant:** 1800cinchers  
**Serial No.:** 86472983  
**Filed:** December 05, 2014  
**Trademark Atty:** Loksye Lee Riso  
**TradeMark:** 1800CINCERS

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**RESPONSE TO MARCH 26, 2015 OFFICE ACTION**

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This Response is filed in reply to the Office Action e-mailed on March 25, 2015. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for 1800CINCERS is in condition for allowance to publication.

**POTENTIAL SECTION 2(e)(1) REFUSAL – MARK IS MERELY DESCRIPTIVE**

Applicant submits a preliminary response to the potential section 2(e)(1) refusal; however, Applicant reserves all rights to provide a detailed and more descriptive response if Examining Attorney Loksye Lee Riso raises a Section 2(e)(1) refusal in a subsequent Office Action.

**APPLICANT’S MARK IS AT MOST SUGGESTIVE**

Applicant respectfully submits that the mark 1800CINCERS for body shapers, namely waist cinchers, butt lifters, sports bras and corsets is at most suggestive and is not merely descriptive of Applicant’s goods. It is therefore deserving of registration on the Principal Register.

A mark is merely descriptive only if it “immediately describes” the Applicant’s goods or services. In re Econoheat Inc., 218 U.S. P. Q. 381, 383 (TTAB 1983)(emphasis in original).

For a term to be classified as “merely descriptive,” the name must “immediately tell a potential customer what to expect in sum total of these concepts.” Holiday Inns, Inc. v. Monolith Enter., 21 U.S. P.Q. 949, 952 (TTAB 1981). If the term used as a mark provides vague or indirect information about the goods or services, then the term is used in a “suggestive” manner. *See* J. McCarthy, *McCarthy on Trademarks and Unfair Competition* §11.19, at 11-26 (4th ed. 2002). To be deemed merely descriptive, a mark must *directly* provide the consumer with reasonably accurate knowledge of the characteristics of the product or service in connection with which it is used. If the information about the product or service is indirect or vague, then the mark is considered suggestive, not descriptive. *Id.* See also Glamorene Products Corp. v. Boyle-Midway, Inc., 188 U.S.P.Q. 145 (S.D.N.Y. 1975) (finding that the mark SPRAY ‘N VAC is not merely descriptive of a no scrub rug cleaner and stating “a mark is not merely descriptive unless descriptiveness is its principle significance. A mark is not descriptive if it merely suggests the nature or class of the product on which it is used”).)

Applicant’s mark does not immediately and directly describe the products provided under the mark, thus, Applicant submits that its mark is “suggestive” and capable of registration on the Principal Register. Applicant’s mark does not immediately or directly tell the consumer what to expect. The mark does not immediately convey the precise nature of the goods or exactly what is being offered by Applicant. In this case, while Applicant’s mark 1800CINCHERS may be suggestive in that it appeals to body shaping, yet, it is not merely descriptive. The term

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