

**To:** Dervaes Institute ([emp@tm4smallbiz.com](mailto:emp@tm4smallbiz.com))  
**Subject:** TRADEMARK APPLICATION NO. 77326565 - URBAN HOMESTEADING - N/A  
**Sent:** 3/14/2009 2:48:09 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/326565

**MARK:** URBAN HOMESTEADING

**\*77326565\***

**CORRESPONDENT ADDRESS:**

ERIK M. PELTON  
ERIK M. PELTON & ASSOCIATES, PLLC  
PO BOX 100637  
ARLINGTON, VA 22210-3637

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

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

**APPLICANT:** Dervaes Institute

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[emp@tm4smallbiz.com](mailto:emp@tm4smallbiz.com)

**OFFICE ACTION**

**ISSUE/MAILING DATE: 3/14/2009**

The trademark examining attorney has reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the outstanding issue(s) in the final Office action. Here, the applicant submitted an Amendment to Allege Use, but did not amend the mark to the Supplemental register or present arguments in favor of registration. Therefore, the request for reconsideration is **denied** and the final refusal is continued. TMEP §715.03(a).

**Amendment to Supplemental Register Suggested**

The applied-for mark has been refused registration on the Principal Register. 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).

### **Applicant's Response**

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

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Jessica A. Powers/  
Trademark Examining Attorney  
Law Office 104  
Phone Number (571) 272-7183  
Fax Number (571) 273-7183

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**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.