


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE EXAMINING ATTORNEY**

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In the Matter of the Application :
of :
Burgers and Chismis LLC :
To Register the Trademark/Service Mark :
TSISMIS NYC ... :



Serial No.: 88807356 :
Filed: February 23, 2020 :
Examining Attorney: Jeffrey Oakes, Esq. :
Law Office: 128 :
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DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Declaration on behalf of the applicant; he/she believes the applicant to be the owner of the trademark sought to be registered; the trademark is now in use in interstate commerce; and all statements made of

his/her own knowledge are true and all statements made on information and belief are believed to be true.

Pursuant to 37 C.F.R. §2.20 and 28 U.S.C. §1746 David M. Dahan declares as follows:

1. I am of counsel to the firm of Paleudis Law Firm, LLC, attorneys of record for Applicant, Burgers and Chismis LLC, in connection with Application Serial No. 88807356 to register TSISMIS NYC ... (and design).

2. This declaration is submitted on behalf of Applicant in response to the Office Action dated May 12, 2020, specifically the refusal to register pursuant to Sections 1 and 45 of the Lanham Act (“Specimen Refusal”).

3. I prepared the subject application on behalf of Applicant and filed it on February 23, 2020. Attached hereto as Exhibits 1 and 2 are the two specimens of use of the subject mark that I prepared and submitted on behalf of applicant.

4. Exhibit 1, the homepage for Applicant’s establishment that bears the applied for mark, was obtained on February 23, 2020 by the undersigned from a website operated by Applicant. The URL that I accessed Exhibit 1 from is: <https://www.tsismisnyc.com/>¹

5. Exhibit 2, the menu, was obtained on February 23, 2020 by the undersigned from a website operated by Applicant and which displays use of the applied for mark. The URL that I accessed Exhibit 2 from is: <https://www.tsismisnyc.com/menu/>

6. Both of the URLs specified above were operational at the time and continue to be operated by Applicant and display use of the applied-for mark as actually used in commerce for each international class of services identified in the application.

¹ We note that this URL address does appear in the original specimen at the top of the page in the “search box.”

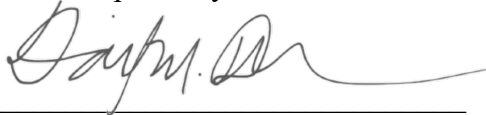
7. In addition to the foregoing and in further response to the Office Action dated May 12, 2020, Applicant submits herewith the required disclaimer of “NYC”.

8. In view of the foregoing submissions, Applicant respectfully requests that the PTO reconsider its refusal to register the subject mark and allow the application to proceed to publication.

9. If a telephone conference may advance the prosecution of this application, the Examining Attorney is invited to telephone the undersigned at the number indicated below.

Dated: July 7, 2020
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Dahan", written over a horizontal line.

David M. Dahan, Esq.
Of Counsel
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EXHIBIT 1

← → ↻ 🏠 tsismisnyc.com ☆ 📄 📧 📅 7d R | D ⋮

TSISMIS

NYC

143 Orchard Street,
New York, NY 10002
(646) 329-6875

RESERVATIONS

OUR MENUS



We're Open!!!

EXHIBIT 2

TSISMIS

NYC

...












PICA PICA

-  **ALMENDRAS** 7
TRUFFLED MARCONA ALMONDS
-  **ACEITUNAS** 7
OUR VERSION OF SPICED OLIVES
-  **BABYLOU'S LUMPIA** 8
FRIED SPRING ROLL WITH VEGETABLES
-  **KABUTI SLIDERS** 8
MUSHROOMS AND SEASONAL SQUASH ON TOASTED BREAD ROLL
-  **PLATO DE QUESO** 16
OUR CHEESE SELECTION
-  **KINILAW** 8
SEASONAL FRESH RAW FISH PICKLED FILIPINO-STYLE CEVICHE
-  **TINAPA CROQUETAS** 10
DEEP FRIED SMOKED FISH BALLS
-  **GAMBAS** 14
SHRIMP WITH SHISHITO PEPPERS IN A GARLIC OLIVE OIL SAUCE
-  **KALE LAING** 12
LOCAL KALE SAUTÉED WITH SHRIMP PASTE AND COCONUT MILK
-  **JAPPY'S WINGS** 8
SIGNATURE CHICKEN WINGS WITH OUR "TSISMIS" HOT MANGO SALSA
- SALUMERIA** 18
OUR SELECTION OF CURED MEATS
- PIMIENTOS** 9
GRILLED BELL PEPPERS WITH CHORIZO
-  **CHISTORRA CON AJOS** 8
SPICY SAUSAGE WITH ONIONS AND GARLIC
- LIEMPO KAWALI** 10
CRISPY PORK STRIPS
- PINSIT FRITO** 8
FRIED PORK DUMPLING

ENSALADAS

- ENSALADANG PAMPAGANA** 12
SAVORY SALAD WITH MANGOES, TOMATOES AND SALTED DUCK EGG IN A CALAMANSI VINAIGRETTE
-  **PINOY CAESAR** 16
ROMAINE LETTUCE WITH GARLIC CROUTONS AND "TUYO" FLAKES IN A SPICY CAESAR DRESSING
- EQ'S PINAKBET SALAD** 16
EGGPLANT, LONG BEANS, YELLOW SQUASH, OKRA SERVED WITH BAGOONG SAUCE AND MANGO SALSA

PLATITOS

-  **CHAYOTE ATCHARA** 6
MEXICAN SQUASH RELISH
-  **MANGO JICAMA SLAW** 6
TOSSED MEXICAN TURNIP
-  **GULAY GUISADO** 8
SEASONAL LEAFY GREENS SAUTÉED IN OLIVE OIL & GARLIC
-  **HOUSE KAMOTE FRIES** 7
SWEET POTATO FRIES
-  **HOUSE GREEN FRIES** 7
ZUCCHINI & MUSHROOM FRIES
-  **RICE** 4
WOK GARLIC FRIED RICE
-  **MANGO SALSA** 3
STEAMED JASMINE RICE
-  **MANGO SALSA** 7
TSISMIS SIGNATURE SALSA
-  **SEAWEED SALAD** 6
PICKLED JAPANESE WAKAME SEAWEED

SOPAS

-  **MONGGONG SABAW** 8
MUNG BEAN SOUP WITH LEMONGRASS AND TOFU
- PANCIT MOLO** 12
PORK DUMPLING SOUP WITH SPRING ONION AND GARLIC

PLATOS

-  **PANCIT BIHON** 16
WOK FRIED MUNG BEAN VERMICELLI WITH SAUTÉED VEGETABLES AND TOFU
- REGGIE'S PASTA ALIGUE** 18
ANGEL HAIR PASTA WITH CRAB FAT SAUCE AND LUMP CRABMEAT
-  **SINIGANG** 22
OUR TAMARIND SOUP WITH SALMON FILLET, EGGPLANT, DAIKON AND BOK CHOY
- PRITONG ISDA** 22
FRIED BANGUS (MILKFISH) BELLY WITH CHAYOTE AND QUINOA
-  **ADOBONG MANOK DILAW** 20
ROASTED CHICKEN IN A TURMERIC SOY SAUCE WITH SMOKED EGGPLANT
- STEVO'S BURGER** 18
OUR SIGNATURE USDA PRIME SHORT RIB PATTY WITH BLUE CHEESE AND CARAMELIZED ONIONS ON A TOASTED BRIOCHE BUN SERVED WITH KAMOTE FRIES
-  **BEEFSTEAK TAGALOG** 28
GRILLED NY STRIP TOPPED WITH CARAMELIZED ONIONS IN A GARLIC CALAMANSI SOY SAUCE WITH BABY POTATOES
- KARE KARE** 25
BRAISED OXTAIL IN A GROUND PEANUT-RICE SAUCE WITH BOK CHOY, EGGPLANT AND GREEN BEANS
- INIHAW NA RIBS** 25
GRILLED BABY BACK RIBS IN A "PINOY BBQ" MARINADE WITH VEGETABLES AND GARLIC RICE

TSISMIS NYC
143 ORCHARD STREET
NEW YORK, NY 10002

tsismisnyc.com @tsismisnyc

We promote the use of local and seasonal ingredients

Please be advised that the food prepared here may contain these ingredients: milk, eggs, wheat, soybean, peanuts, tree nuts, fish and shellfish.

Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

VEGETARIAN 
SPICY 
OUR FAVORITE 

Parties of 6 people or more are subject to a 20% gratuity charge