



04-03-2002

U.S. Patent & TMOfo/TM Mail Ropt. Dt. #40

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Law Office:	107
Application Serial No.:	75737457
Application Filing Date:	June 25, 1999
Mark:	JOHN RICHMOND
Applicant:	Akkurate Limited
Examining Attorney:	Steven Fine
Responds to Action Dated:	October 4, 2001
Attorney's Reference:	TJM/JOHNR21USA

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 US PATENT & TRADEMARK OFFICE

NOTICE OF APPEAL

**Box TTAB
FEE**

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Madam:

1. This notice of appeal applies to Int. Classes 3 and 18.
2. The Office Action comprises a FINAL refusal of registration, which applicant hereby appeals from. All requirements made by the examiner and not the subject of appeal have been complied with, as required by 37 CFR §2.142(c).
3. Appellant requests **SUSPENSION OF THE APPEAL AND REMAND** of the application to the Examining Attorney for consideration of the Amendment filed herewith.
4. A check in the amount of **\$200.00** is submitted herewith to cover the \$100.00 per class U.S. government fee. The Commissioner is hereby authorized to charge to deposit account no. 02-0200, any fees that are authorized by the undersigned, and any fees that are required to prevent abandonment of the application. A duplicate copy of this page is attached.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: April 3, 2002

Respectfully submitted,

Thomas J. Moore
Appellant's Attorney

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AMENDMENT

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Madam:

1. Applicant submits herewith a Consent by Individual, which overcomes the objection.
2. Please amend Applicant in accord with the Assignment that is being separately filed for recordal by the Assignment Branch, to the following:

AKKURATE LIMITED
(United Kingdom corporation)
Unit 1, 9 Park Hill
London SW4 9NS, ENGLAND

3. Please withdraw the citation of U.S. Registration No. 1,887,242 of the mark JOHN RICHMOND, because the cases are commonly owned.

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4. Please suspend the case in accord with the tenth paragraph of TMEP §716.02(e) because cited U.S. Registration No. 1,912,151 of the mark RICHMOND has not yet been canceled under Section 8, and the extended Section 8 deadline was February 15, 2002.
5. Applicant maintains that the identification of goods is in full compliance with the statute and regulations, but in order to expedite the application, please amend the identification of goods in **Classes 3 and 18** to read as follows:

Class 3: NON-MEDICATED TOILET PREPARATIONS, NAMELY SOAPS, SHAMPOOS, TALCUM POWDER; BATH AND SHOWER PREPARATIONS, NAMELY, BUBBLE BATH, BATH FOAM, BATH SALTS, BATH OIL, SHOWER GEL; HAIR CARE PREPARATIONS, NAMELY, HAIR GEL, HAIR WAX; TOOTHPASTE; PERFUMES; EAU DE COLOGNE; AFTER-SHAVE LOTIONS, AFTER-SHAVE BALMS; SHAVING SOAP, ANTIPERSPIRANTS AND DEODORANTS FOR PERSONAL USE; ESSENTIAL OILS FOR PERSONAL USE; SKIN CARE PREPARATIONS, NAMELY SKIN CARE LOTIONS, SKIN CARE CREAMS, SKIN CARE GELS, INTENSIVE SKIN CARE CONCENTRATES, SKIN CARE SERUMS, SKIN CARE BOOSTERS, SKIN CARE MASQUES, CLEANSERS, CLEANSING BARS, EXFOLIATORS, SCRUBS, TONERS, HYDROLATS, FACIAL OILS, MOISTURIZERS, DAY CREAMS, NIGHT CREAMS, EYE CREAMS, EYE GELS, SUN CREAMS, SUN SPRAYS, SUN BLOCK, LIP BALM, HAND CREAMS, PIGMENT RELIEF CREAMS, HERBAL CAPSULES FOR CARE OF THE SKIN; COSMETICS, NAMELY, COTTON BALLS FOR COSMETIC PURPOSES AND MAKEUP REMOVING PREPARATIONS; MOUTHWASH; NAIL CARE PREPARATIONS, NAMELY, NAIL VARNISHES AND POLISHES, NAIL VARNISH REMOVING PREPARATIONS; CLEANSING SKIN CARE WIPES FOR

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PERSONAL USE; DEPILATORIES; EMERY BOARDS; PUMICE STONES FOR PERSONAL USE; BEAUTY MASKS; PERFUMING SACHETS; SHOE CREAMS AND POLISHES; WINDSCREEN CLEANING PREPARATIONS.

Class 18: LUGGAGE, ATTACHE CASES, BRIEFCASES, SUITCASES, LUGGAGE TRUNKS, TRAVELING BAGS AND VALISES, HANDBAGS, SHOULDER BAGS, SATCHELS, GYM BAGS, TOTE BAGS, LEATHER SHOPPING BAGS, GARMENT BAGS FOR TRAVEL, SHOE BAGS FOR TRAVEL, BEACH BAGS, FANNY PACKS, WAIST PACKS, LEATHER BAGS IN THE NATURE OF POUCHES FOR MERCHANDISE PACKAGING, PURSES, WALLETS, BILLFOLDS, BUSINESS CARD CASES, LEATHER KEY FOBS, KEY CASES, LUGGAGE TAGS.

6. Applicant makes the foregoing amendment of the identification of goods without surrendering any of the scope of the previous identification of goods. Thus, if any further amendments are required in order to obtain approval, then Applicant is entitled to the full scope of the previous identification of goods. At the time that the application is approved, Applicant surrenders the scope of the previous identification of goods to the extent that it exceeds the approved identification of goods.

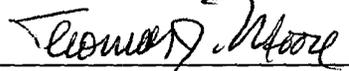
7. Please amend the application to delete the Section 1(b) basis for registration, so as to avoid the issuance of a Notice of Allowance, *provided that* the Examining Attorney is of the opinion that the present application is fully supported by the foreign registration and is entitled to registration under exclusively Section 44 of the Lanham Act, as amended, 15 U.S.C. §1126. Conversely, if the Examining Attorney maintains that the present application is not entitled to registration under exclusively Section 44, then please advise the undersigned of the basis for this position.

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8. Applicant submits that the application should be approved for publication, after cited U.S. Registration No. 1,912,151 of the mark RICHMOND has been canceled under Section 8, in accord with TMEP §716.02(e).

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500
Date: April 3, 2002
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Respectfully submitted,


Thomas J. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	75737457
Application Filing Date:	June 25, 1999
Mark:	JOHN RICHMOND
Applicant:	Forboli NV

CONSENT BY INDIVIDUAL

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the application or any registration resulting therefrom, declares that:

1. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.
2. The mark of the present application identifies me.
3. I consent to the use and registration of the mark by Applicant, and by any and all successors in interest to Applicant.

Date:

02/08/01

Respectfully signed,

John Christopher Richmond