

Miscellaneous
Expects

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

APPLICANT: IReturns.com, Inc.
MARK: IRETURNS.COM LEVEL YOUR IPLAYING
FIELD
SERIAL NO.: 76/004,069
CLASS: 35, 36, 39 and 42
FILED: March 17, 2000
EXAMINER: Cynthia Sloan, Esq.
Law Office 113
LAST ACTION: December 27, 2001

June 27, 2002

Assistant Commissioner for Trademarks
Box Responses—No Fee
Attn: Cynthia Sloan, Esq.
Law Office 113
2900 Crystal Drive
Arlington, VA 22202-3513

REQUEST TO DIVIDE/REQUEST FOR RECONSIDERATION

The Examining Attorney has required a disclaimer of the term "IRETURNS.COM" in connection with the above-referenced trademark application. Applicant respectfully disagrees with the Examining Attorney's requirement. However, in order to facilitate the registration of at least some of the services contained in the application, Applicant requests that the referenced application be divided. Because a disclaimer should not be required with respect to the services noted below, Applicant requests that the division be made so that the registration will issue with respect to the following services without disclaimer:

Class 35 – providing retail outlets for purchasing the merchandise of others and for the receipt, exchange, or return of merchandise purchased from others, marketing services for others, namely, providing merchandise samples to potential customers; providing an on line sales volume tracking service for others; dissemination of advertising and promotional services for others via an on line web site; promoting the goods of others by providing a web site that electronically links on line buyers to on line sellers for the facilitation of electronic commerce transactions; providing telephone customer support services to purchasers and retailers;

Class 36 – financial services in the nature of electronic authorization, processing, and management of credits, cash refunds, and exchanges between retailers and purchasers via a global computer network;

Class 39 – temporary storage of merchandise purchased from others.

The fee of \$100 to divide Application Serial No. 76/004,069, to create one new application, is presented herewith. Should the check have become detached from this response, please charge our deposit account No. 501150.

DISCLAIMER REQUIREMENT AS TO THE REMAINING SERVICES

Applicant hereby states that the term IRETURNS.COM is not descriptive in connection with the remaining services contained in the original application. Thus, the disclaimer requirement should be withdrawn. Nonetheless, in order to facilitate the registration of the mark in connection with the services not listed above, i.e., the services remaining in the original (parent) application, Applicant accepts the disclaimer. Therefore, please enter the following: No claim is made to the exclusive right to use “IRETURNS.COM” apart from the mark as shown.

Finally, please be advised that Applicant has simultaneously filed an Appeal to the Trademark Trial and Appeal Board in connection with this matter.

IRETURNS.COM

By:  _____

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Dated: June 27, 2002

Atty. Docket No. 304083-3

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June 27, 2002

VIA HAND DELIVERY

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Arlington, VA 22202-3513

Re: Request to Divide Application/Request for Reconsideration
Applicant: IReturns.com, Inc.
Mark: IRETURNS.COM LEVEL YOUR IPLAYING FIELD & Design
Serial No. 76/004,069
Classes 35, 36, 39, 42
Our Reference: 304083-3

Sir:

We enclose the following for filing in the Patent and Trademark Office:

XX Request to Divide Application/Request for Reconsideration

Also, enclosed is our check for the required filing fee in the amount of **\$100**. Should this check become detached, or the amount be insufficient, please charge our Deposit Account No. 501150.

Respectfully submitted,

Piper Rudnick LLP

By: 
Mark H. Tidman
Thomas E. Zutic

MHT/TEZ/bdl
Enclosure

KEB