

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Carlisle Management Company
Serial No.: 76/380,730
Mark: GROUND FORCE
Filed: March 8, 2002
Law Office: 114
Attorney: Won T. Oh


08-06-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Honorable Commissioner for Trademarks
BOX TTAB - FEE
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF EX PARTE APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration of the above-referenced application.

Applicant gives authorization in the amount of \$100.00 for the applicable appeal fee to be charged to our deposit account number 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

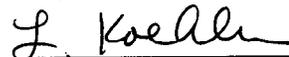


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08/15/2003 EPINR1 00000074 233000 76380730
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid in an envelope addressed to: Commissioner for Trademarks, BOX TTAB - FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on August 4, 2003



****Please place on Upper Right Corner****
****of Response to Office Action ONLY.****

Examining Attorney: OH, WON TEAK

Serial Number: 76/380730

08-06-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid in an envelope addressed to: Commissioner for Trademarks, Box Responses-No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513 on: 8-4-2003

J. Koehler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlisle Management Company
Serial No.: 76/380,730
Mark: GROUND FORCE
Filed: March 8, 2002
Law Office: 114
Attorney: Won T. Oh

RESPONSE TO FINAL OFFICE ACTION MAILED FEBRUARY 4, 2003

Commissioner for Trademarks
BOX RESPONSES-NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

REQUEST FOR RECONSIDERATION

The Examining Attorney has maintained his refusal to register Applicant's mark under Section 2(d), 15 U.S.C. Section 1052(d). Applicant respectfully continues its assertion that its goods are completely unrelated to the goods of Registrant and, therefore, confusion is not likely. However, in an effort to avoid this refusal, Applicant wishes to amend its identification of goods. Therefore, as a new issue, Applicant requests the Examining Attorney to reconsider this Application in light of this amendment and to withdraw his refusal as there is now no grounds for likelihood of confusion under Section 2(d) of the Trademark Act. 15 U.S.C. Section 1052(d).

As mentioned before, Applicant's goods are special tires for special purposes.

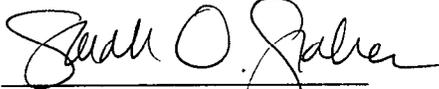
Therefore, Applicant amends its identification of goods to the following (changes are highlighted in bold):

Class 12 **specialty tires for riding mowers, tractors, tillers, snowthrowers, golf carts, farming equipment, ATVs, dune buggies, wheelbarrows and not for passenger automobiles, trucks, or SUVs.**

Applicant reiterates that Registrant's and Applicant's goods are not compatible or related. Because of the different uses and needs of Applicant's goods, Registrant's goods would not be used with Applicant's goods, and vice versa. Furthermore, Applicant's goods travel in very different channels of trade from the Registrant's goods. Accordingly, no confusion will be likely under Section 2(d), 15 U.S.C. § 1052(d) between these two marks used with their respective goods.

Applicant believes that it has responded to all the outstanding issues raised in the Office Action, and that the application is now in position to proceed promptly on to publication. Notification of same is respectfully requested. If the Examining Attorney has any questions regarding the above application, he is encouraged to contact the undersigned attorney. If charges or credits are necessary to complete this communication, please apply them to our Deposit Account No. 23-3000.

Respectfully submitted,


Sarah Otte Graber

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

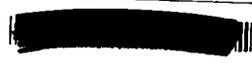
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August 4, 2003

Honorable Commissioner of Trademarks
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08-06-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Re: Mark: GROUND FORCE
Serial No.: 76/380,730
Filed: March 8, 2002
Attorney: Won T. Oh
Law Office: 114

Dear Madam:

Enclosed find the following with respect to the above-referenced matter:

1. Notice of Ex Parte Appeal
2. Our Response to an Office Action Mailed February 4, 2003, the Request for Reconsideration
3. First-Class mailing certification and return mailing postcard.

Please contact me if you have any questions regarding this Response.

Very truly yours,

Sarah Otte Graber

SOG:alf
Enclosures

cc: Donald F. Frei, Esq. (w/o Enclosures)

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