

SW

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/417366

DEC 4 2003

APPLICANT: Shark Abrasion Systems Pty Ltd

CORRESPONDENT ADDRESS:

MARK HARRISON
VENABLE
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RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom114@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: SHARK

CORRESPONDENT'S REFERENCE/DOCKET NO: 31848-181422

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

RE: Serial Number 76/417366

Applicant is requesting reconsideration of a final refusal dated May 8, 2003.

The amended identification of goods in International Class 07 and additional information submitted are accepted and made of record. The final requirements for a definite identification of goods and additional information are hereby withdrawn. The applicant notes that the section 2(d) refusal regarding Registration Nos. 0740900 and 0740901 be withdrawn for failure to file a use affidavit and renewal under sections 8 and 9. The final section 2(d) refusals regarding Registration Nos. 0740900 and 0740901 are hereby withdrawn because the registrations were canceled on August 23, 2003 for failure to file a use affidavit and renewal under sections 8 and 9.

However, after careful consideration of the law and facts of the case regarding the section 2(d) refusal pertaining to Registration No. 2083884, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue. Moreover, the examining attorney presents additional evidence, below, showing the related of the goods. In an Office action denying the applicant's request for reconsideration, the examining attorney may introduce additional evidence directed to the issue(s) for which reconsideration is sought. TBMP §1207.04; TMEP 715.03(a)

Accordingly, applicant's request for reconsideration is *denied*. 37 C.F.R. Section 2.64(b); TMEP Section 715.04. The application file will be returned to the Trademark Trial and Appeal Board for resumption of the appeal.

/William T. Verhosek/
Examining Atty/LO 114
703-308-9114x142
(Fax) 703-746-8114
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SECTION 2(d) EVIDENCE

MAIL-IT REQUESTED: DECEMBER 4, 2003

10083K

CLIENT: SHARK ABRASION SYSTEMS PTY LTD
LIBRARY: NEWS
FILE: US

YOUR SEARCH REQUEST AT THE TIME THIS MAIL-IT WAS REQUESTED:
TRENCH! MACHINE /10 EXCAVATOR OR LOADER OR DIGGER

NUMBER OF STORIES FOUND WITH YOUR REQUEST THROUGH:
LEVEL 1... 7

LEVEL 1 PRINTED

THE SELECTED STORY NUMBERS:
1-5,7

DISPLAY FORMAT: 30 VAR KWIC

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Copyright 1998 Charleston Newspapers
Charleston Gazette (West Virginia)

March 24, 1998, Tuesday

SECTION: News, Pg. P1C

LENGTH: 489 words

HEADLINE: They know the drills Public works projects give equipment dealers a lift

BYLINE: Todd Meyers

BODY:

... computer technology and more.

"We've got everything for design firms and contractors," said Parsons.

"It's not a home show that the general public would be interested in."

Not unless they feel the need to drive home in a \$400,000 trenching

machine or a front-end loader.

Don Burr, a salesman with the St. Albans office of Vermeer, an Iowa-based manufacturer of rock trenchers and directional boring machines that move on tracks rather than wheels, never misses the

Copyright 1997 Sun-Sentinel Company
Sun-Sentinel (Fort Lauderdale, FL)

January 29, 1997, Wednesday, FINAL EDITION

SECTION: LOCAL,

Pg. 1B

LENGTH: 670 words

HEADLINE: BLASTING BANS IGNITE QUEST;
DEVELOPERS SEARCH FOR WAYS TO BUILD WITHOUT EXPLOSIONS

BYLINE: JOHN MAINES; Staff Writer

DATeline: PEMBROKE PINES

BODY:

... feet of earth at Pembroke Pines' Summerchase development.

"Using trenchers this way is a first, as far as we know, in Florida," Winzeler said. "We've dug trenches before in Florida, and lakes in other states, but not here."

His trenching machines are giant ditch diggers. Using 500 and 750-horsepower engines, they rotate steel tracks around a large boom that resembles the blade of a chainsaw. Hydraulic pumps apply 2,500 pounds of pressure on the blade and the teeth cut slowly into the earth - down as far as

Copyright 1996 UMI Inc.;

Copyright Industrial Marketing Inc 1996;

Business Dateline;
Tennessee Manufacturer

September, 1996

SECTION: Vol 2; No 9; pg 1

LENGTH: 1329 words

HEADLINE: Astec Industrial Products creates Chattanooga addition

BYLINE: Kevin Kerfoot

DATELINE: Chattanooga; TN; US; South Central

BODY:

... aggregate into various mixes; and washing and conveying equipment. Telsmith markets its products individually and as complete systems, incorporating microprocessor-based automated controls for the efficient operation of its equipment.

Trencor designs, manufactures and markets chain and wheel trenching equipment, canal excavators, rock saws, roadminers and log handling equipment.

Trencor chain trenching machines use a heavy duty chain wrapped around a long movable boom. These machines, with weights up to 400,000 pounds, are capable of cutting a trench up to eight feet wide and 30 feet deep. Trencor also makes foundation ...

Copyright 1995 The Buffalo News
Buffalo News (New York)

December 10, 1995, Sunday, FINAL EDITION

SECTION: LOCAL, Pg. 17C

LENGTH: 886 words

HEADLINE: NEW PROPOSAL WOULD SAVE BUCKHORN MARSH

BYLINE: MIKE VOGEL; News Staff Reporter

BODY:

... topped by a bicycle path, and non-intrusive wildlife overlooks are planned for each side of the marsh. A second phase of the project will complete a 3 foot water channel across the marsh, using a combination of trenching machines, jet-spray excavators and a small section of blasting.

Copyright 1995 The Charlotte Observer

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Charlotte Observer (North Carolina)

August 23, 1995 Wednesday ONE - FOUR EDITION

SECTION: MAIN NEWS; Pg. 1A

LENGTH: 992 words

HEADLINE: TREES IN TROUBLE

BYLINE: JOHN VAUGHAN, Staff Writer

BODY:

... Humans planted Charlotte's magnificent urban forest, but we also inflict major damage on it.

"A tree's root system is like a plate: flat, thin and wide-spreading," says Thompson. "It's well within the range of any trenching machine. Chain-driven ditch-diggers and backhoes are the tree's worst enemy."

Copyright 1993 St. Louis Post-Dispatch, Inc.
St. Louis Post-Dispatch (Missouri)

January 24, 1993, SUNDAY, FIVE STAR Edition

SECTION: NEWS; Pg. 6D

LENGTH: 303 words

HEADLINE: 2 PLEAD GUILTY IN THEFTS AT BUILDING SITES

BYLINE: William C. Lhotka Of the Post-Dispatch Staff

BODY:

The scion of a family that owns an old St. Louis moving company pleaded guilty Friday of a role in the thefts from construction sites of heavy equipment. The equipment ranged from trenching machines and crawlers to bucket loaders, trucks and backhoes.

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December 1, 2002

SECTION: No. 6, Vol. 95; Pg. 22 ; ISSN: 0032-0293

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