

PTO Form (Rev 4/2000)

OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76697131
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This application was rejected based on prior U.S. Reg. No. 2,863,386 for RAM INSTRUMENT for "hand tools, namely, folding knives, fixed blade knives, and kitchen knives" in International Class 8. Applicant hereby requests reconsideration. A Notice of Appeal has been filed concurrently with this request, and a suspension of that appeal was likewise requested pending the outcome of this request.</p> <p>Reg. No. 2,863,386 is due to be canceled by the USPTO. The registration certificate for Reg. No. 2,863,386 is dated July 13, 2004. (See the attached registration certificate attached hereto.) Therefore, the registrant's Section 8 Affidavit of Continued Use was due on or before July 13, 2010. The registrant has not filed the Section 8 Affidavit. As a result, the registration will be canceled in due course.</p> <p>Therefore, as the Section 2(d) citation against Applicant will no longer be registered, Applicant respectfully requests that its Application proceed to publication.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2010/08/11/20100811124114966673-76697131-001_001/evi_64524534-122918135_20100811125545.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\766971\76697131\xml1\RFR0002.JPG
DESCRIPTION OF EVIDENCE FILE	The prior cited registration certificate.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/brian gaynor/
SIGNATORY'S NAME	Brian M. Gaynor
SIGNATORY'S POSITION	attorney

DATE SIGNED	08/11/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Aug 11 12:41:14 EDT 2010
TEAS STAMP	USPTO/RFR-64.52.45.34-201 00811124114966673-7669713 1-4707d3d9d43ad1fd48735fb 79644f094c5-N/A-N/A-20100 811122918135969

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OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **76697131** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

This application was rejected based on prior U.S. Reg. No. 2,863,386 for RAM INSTRUMENT for "hand tools, namely, folding knives, fixed blade knives, and kitchen knives" in International Class 8. Applicant hereby requests reconsideration. A Notice of Appeal has been filed concurrently with this request, and a suspension of that appeal was likewise requested pending the outcome of this request.

Reg. No. 2,863,386 is due to be canceled by the USPTO. The registration certificate for Reg. No. 2,863,386 is dated July 13, 2004. (See the attached registration certificate attached hereto.) Therefore, the registrant's Section 8 Affidavit of Continued Use was due on or before July 13, 2010. The registrant has not filed the Section 8 Affidavit. As a result, the registration will be canceled in due course.

Therefore, as the Section 2(d) citation against Applicant will no longer be registered, Applicant respectfully requests that its Application proceed to publication.

EVIDENCE

Evidence in the nature of The prior cited registration certificate. has been attached.

Original PDF file:

http://gate/PDF/RFR/2010/08/11/20100811124114966673-76697131-001_001/cvi_64524534-122918135_20100811125545.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /brian gaynor/ Date: 08/11/2010

Signatory's Name: Brian M. Gaynor

Signatory's Position: attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 76697131

Internet Transmission Date: Wed Aug 11 12:41:14 EDT 2010

TEAS Stamp: USPTO/RFR-64.52.45.34-201008111241149666

73-76697131-4707d3d9d43ad1fd48735fb79644

f094e5-N/A-N/A-20100811122918135969

Int. Cl.: 8

Prior U.S. Cls.: 23, 28, and 44

Reg. No. 2,863,386

United States Patent and Trademark Office

Registered July 13, 2004

**TRADEMARK
PRINCIPAL REGISTER**

RAM INSTRUMENT

MOTENG INTERNATIONAL, INC. (CALIFORNIA CORPORATION)
5626 COPLEY DRIVE
SAN DIEGO, CA 921117903

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSTRUMENT", APART FROM THE MARK AS SHOWN.

FOR: HAND TOOLS, NAMELY, FOLDING KNIVES, FIXED BLADE KNIVES, AND KITCHEN KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

SN 76-452,877, FILED 9-19-2002.

FIRST USE 1-15-2003; IN COMMERCE 1-15-2003.

HELEN BRYAN, EXAMINING ATTORNEY