

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

Examining Attorney: KEARNEY, COLLEEN
Serial Number: 76/713198



Trademark Attorney: Colleen Kearney
TRADEMARK
Reference No. V-TM-143

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on October 29, 2014.

Name of Person Signing Certificate: Morris I. Pollack

Signature: _____

Date of Signing: October 29, 2014

SERIAL NO.: 76/713198

FILING DATE: January 14, 2013

MARK: "V" in combination with and proximate the underside of an encoded symbology symbol

APPLICANT: VALMARC CORPORATION

LAW OFFICE: 113

EXAMINING ATTORNEY: COLLEEN KEARNEY

Box RESPONSES NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Amendment and Request for Reconsideration - Response to Office Action

Dear Commissioner:

This is in response to the Office Action mailed on April 29, 2014 in connection with the above-referenced Application. Applicant has carefully reviewed the Examining Attorney's comments and submits the following amendment.



11-03-2014

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symbology symbol) page 2

AMENDMENT

Identification of Goods/Services

Kindly change the Identification of Goods and Services to the following:

"Class 45: Brand monitoring and source authentication services in the nature of monitoring and tracking goods for security purposes and for the prevention of counterfeiting, by way of a unique identifier placed on articles."

Mark Description

Kindly also insert the following Mark Description:

--The Mark consists of a downward pointing "v" in proximity to the bottom of a code design.--

Verified "Substitute" Specimen

Submitted herewith is a "substitute Specimen" which was, in fact, in actual use in commerce at least as early as the dates specified of record, and which shows the mark in actual use in commerce for the goods and/or services identified in the application and in the amendment to allege use.

REMARKS

Applicant respectfully appreciates the advice by the Examining Attorney:

The Examining Attorney has suggested that Applicant amend the recitation of services. Applicant respectfully requests that the recitation of goods and services be changed to the one requested above; which closely follows the identification of goods and services suggested by the Examining Attorney except that Applicant has not included the "tag" recitation.

The recited "Unique Information Indicia" may be first applied to a substrate of any one of numerous possible substances; BUT need not be applied first to a substrate but may also be applied directly to the product or its packaging. In addition while the application shows the sideways "V" to the side of a 2-D Data Matrix it may also be combined with any encoded symbology symbol.

The mark applied for is the combination of the " V " and an encoded symbology symbol adjacent to each other.

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symbol) page 3

Applicant, furthermore, has submitted herewith, a "Substitute" Specimen that is in full compliance with the Examining Attorney's suggestions.

CONCLUSION

In view of the foregoing, Applicant submits that this Application is in condition for allowance, and respectfully requests that Application to Register be promptly passed for publication.

Respectfully Submitted,
VALMARC CORPORATION
By: 
Morris I. Pollack, Attorney
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Date: October 29, 2014

"SUBSTITUTE SPECIMEN"

TM-76/713198

V-TM-143



Specimen is applied for TM on a
box (packaging) of shoes (sneakers type)

[Handwritten signature]