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EDWARD C. WALSH  
(1912-1994)

PATENT, COPYRIGHT, TRADEMARK, UNFAIR COMPETITION AND RELATED CAUSES

November 9, 2015

Director of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: TM: Endurance Tested Field Proven  
Serial 76/715,901  
Our Docket No.: 1575-078

Dear Sir:

Enclosed in connection with the subject trademark registration application registration are the following:

Petition to Vacate Notice of Abandonment dated 09/10/2015 and Revive Trademark Registration Application, Reply to Office Action dated 02/06/2015, Notice of Appeal therefore, Supporting Declaration.

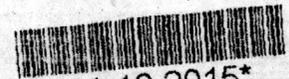
Also enclosed is a stamped, self-addressed postcard for endorsement and return to this office together with check number 15198 for Petition fee and Appeal fee in the total amount of \$200.00.

Respectfully submitted,  
EVANNS & WALSH

Joseph R. Evanns

Encs.: as stated

jrc-03-11-09-2015-1575-078 wby



\*11-16-2015\*

U.S. Patent and Trademark Office #72

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

In re Application of:

WEATHERBY, INC.

Filing Date: 02/14/2014

Serial No.: 76 / 715,901

International Class: 013

TM: ENDURANCE TESTED FIELD  
PROVEN

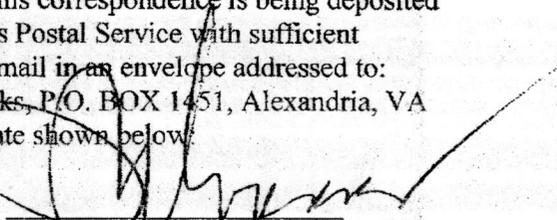
EXAMINING ATTORNEY:

MICHELLE E. DUBOIS

PETITION TO VACATE NOTICE OF  
ABANDONMENT DATED 9/10//2015 AND  
REVIVE TRADEMARK REGISTRATION  
APPLICATION; REPLY TO OFFICE  
ACTION DATED 02/06/2015, NOTICE OF  
APPEAL THEREOF; SUPPORTING  
DECLARATION

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:  
Director of Trademarks, P.O. BOX 1451, Alexandria, VA  
22313-1451 on the date shown below:

Date: 11-09-2015

  
Joseph R. Evans

DIRECTOR OF TRADEMARKS  
P.O. BOX 1451  
Alexandria, VA 22313-1451

Dear Sir:

Kindly file the within Petition to Vacate Notice of Abandonment dated 9/10//2015 and Revive  
Trademark Registration Application; Reply to Office Action dated 02/06/2015, Notice of Appeal  
Thereof; Supporting Declaration.

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I.

**PETITION TO VACATE NOTICE OF ABANDONMENT  
DATED 09//10/2015 AND REVIVE TRADEMARK REGISTRATION APPLICATION**

I Joseph R. Evanns hereby declare as follows;

My name is Joseph R Evanns. I am an attorney duly licensed to practice in all courts in the State of California and in a number of Federal District and Appellate Courts as well as before the United States Patent and Trademark Office. My address is 8200 Wilshire Boulevard, Suite 227, Beverly Hills, CA 90211. I am intellectual property counsel for Applicant, Weatherby, Inc. I am authorized to make the within statement in support of the subject Petition to Vacate the Abandonment and Revive the registration application for the Weatherby, Inc. trademark **ENDURANCE TESTED FIELD PROVEN**.

At all relevant times, and in particular on February 6, 2015, and prior and subsequent thereto, Weatherby, Inc. had the bona fide intent to pursue the subject trademark registration application through the USPTO to obtain a registration thereof on the Principal Register.

On February 6, 2015, the Examining Attorney issued an Office Action finally refusing to register the subject trademark. Unintentionally, the deadline for filing a reply to the Office Action was not observed though at all relevant times Weatherby, Inc. fully intended to pursue the subject registration application.

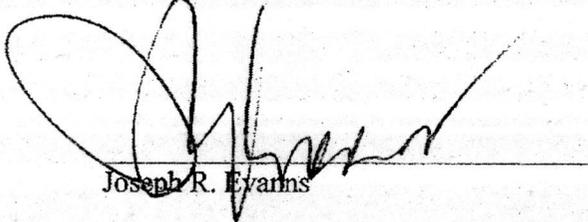
At all relevant times, Weatherby, Inc. has fully intended, and continues fully to intend to prosecute the subject trademark registration application through to a registration of the subject mark **ENDURANCE TESTED FIELD PROVEN**.

I hereby certify that I am authorized to make this declaration, that all statements therein are true, complete, and correct and am aware that a knowingly false statement could invalidate the Petition to Revive or the entire registration application; and in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the registration or application.

I hereby certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of all things stated herein and if called as a witness I could and would competently and truthfully testify in accordance herewith.

Executed under penalty of perjury on this 9<sup>th</sup> day of November, 2015, Beverly Hills, California.

Dated: November 9, 2015



Joseph R. Evans

## II.

### NOTICE OF APPEAL

In reply to the Office Action dated 02/06/2015, Applicant Weatherby, Inc. hereby appeals the entire Office Action including but not limited to final refusal on the ground of mere descriptiveness and insufficiency of specimen. This notice of appeal is pursuant to 37 CFR 2.141. The fee for filing said appeal is enclosed, in the amount of \$100.00.

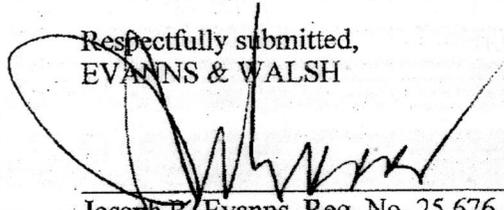
III.

CONCLUSION

Predicated upon the foregoing, it is respectfully submitted that all aspects of the abandonment must be vacated and the application revived pursuant to 37 CFR 2.66. A check in the amount of \$100.00 for the Petition fee is enclosed.

Date: November 9, 2015

Respectfully submitted,  
EVANNS & WALSH



Joseph R. Evanns, Reg. No. 25,676  
Attorney for Applicant

EVANNS & WALSH  
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