

PTO Form 1960 (Rev 9/2007)

OMB No. xx:xx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77056864
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
ARGUMENT(S)	
Substitute specimen is attached	
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Apparatus for recording, transmission, processing or reproduction of data, namely 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for use inside 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for the purpose of recording, transmission, processing or reproduction of data and pictures in connection with 2D-scanners, 3D-scanners, 2D-printers or 3D-printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2005
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Apparatus for recording, transmission, processing or reproduction of data, namely scanners, 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for controlling 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for the purpose of recording, transmission, processing or reproduction of data and pictures in connection with 2D-scanners, 3D-scanners, 2D-printers or 3D-printers, including importing data from and exporting data to 2D-scanners, 3D-scanners, 2D-printers or 3D-printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2005

FIRST USE IN COMMERCE DATE	At least as early as 06/01/2005
STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\IMAGEOUT\7 70\568\77056864\xml3\RFRO 002.JPG
SPECIMEN DESCRIPTION	Photograph of product bearing the mark
GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Consultancy in the field of computer hardware, namely scanners or printers; Consultancy in the field of computer software, namely software for scanners or printers; computer programming for others, namely computer programming for scanners or printers; Design of computer programs for others, namely computer programs for scanners and printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2005
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Consultancy in the field of computer hardware, namely scanners or printers; Consultancy in the field of computer software, namely software for scanners or printers; computer programming for others, namely computer programming for scanners or printers; Design of computer programs for others, namely computer programs for scanners and printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2005
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	"Applicant claims ownership of U.S. Registration Number (s) 2132597, 2194775."
MISCELLANEOUS STATEMENT	The following is an amended description of the colors that appear in the mark: The color red appears in the upper left triangle, and in the word "CONTEX." The color orange appears in the lower left triangle. The color yellow appears in the curved shape to the right of the triangles. The color black appears in the wording "WHEN IMAGING MATTERS." The color white appears in the background.

SIGNATURE SECTION	
DECLARATION SIGNATURE	/judith schvimmer/
SIGNATORY'S NAME	Judith Schvimmer
SIGNATORY'S POSITION	Attorney or record
DATE SIGNED	05/12/2008
RESPONSE SIGNATURE	/judith schvimmer/
SIGNATORY'S NAME	Judith Schvimmer
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	05/12/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 12 18:53:26 EDT 2008
TEAS STAMP	USPTO/RFR-38.104.128.234- 20080512185326486271-7705 6864-42011c4dcbfa581c7aeb 496de8cef8d2d-N/A-N/A-200 80512184736375462

PTO Form 1360 (Rev 9/2007)

OMB No. xxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77056864** has been amended as follows:

ARGUMENT(S)

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

Substitute specimen is attached

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Apparatus for recording, transmission, processing or reproduction of data, namely 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for use inside 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for the purpose of recording, transmission, processing or reproduction of data and pictures in connection with 2D-scanners, 3D-scanners, 2D-printers or 3D-printers

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2005 and first used in commerce at least as early as 06/01/2005, and is now in use in such commerce.

Proposed: Class 009 for Apparatus for recording, transmission, processing or reproduction of data, namely scanners, 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for controlling 2D-scanners, 3D-scanners, 2D-printers or 3D-printers; computer software for the purpose of recording, transmission, processing or reproduction of data and pictures in connection with 2D-scanners, 3D-scanners, 2D-printers or 3D-printers, including importing data from and exporting data to 2D-scanners, 3D-scanners, 2D-printers or 3D-printers

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2005 and first used in commerce at least as early as 06/01/2005, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 009. The specimen(s) submitted consists of Photograph of product bearing the mark.

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Specimen File1

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Consultancy in the field of computer hardware, namely scanners or printers; Consultancy in the field of computer software, namely software for scanners or printers; computer programming for others, namely computer programming for scanners or printers; Design of computer programs for others, namely computer programs for scanners and printers

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2005 and first used in commerce at least as early as 06/01/2005, and is now in use in such commerce.

Proposed: Class 042 for Consultancy in the field of computer hardware, namely scanners or printers; Consultancy in the field of computer software, namely software for scanners or printers; computer programming for others, namely computer programming for scanners or printers; Design of computer programs for others, namely computer programs for scanners and printers

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 06/01/2005 and first used in commerce at least as early as 06/01/2005, and is now in use in such commerce.

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

"Applicant claims ownership of U.S. Registration Number(s) 2132597, 2194775."

Miscellaneous statement

The following is an amended description of the colors that appear in the mark: The color red appears in the upper left triangle, and in the word "CONTEX." The color orange appears in the lower left triangle. The color yellow appears in the curved shape to the right of the triangles. The color black appears in the wording "WHEN IMAGING MATTERS." The color white appears in the background.

SIGNATURE(S)**Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /judith schvimmer/ Date: 05/12/2008

Signatory's Name: Judith Schvimmer

Signatory's Position: Attorney or record

Request for Reconsideration Signature

Signature: /judith schvimmer/ Date: 05/12/2008

Signatory's Name: Judith Schvimmer

Signatory's Position: Attorney of record

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77056864

Internet Transmission Date: Mon May 12 18:53:26 EDT 2008

TEAS Stamp: USPTO/RFR-38.104.128.234-200805121853264

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