

FTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77130062
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The Examiner has maintained his refusal under Section 2(d), citing Reg. No. 2,783,719 as a potential bar to registration. Applicant has amended the goods to delete "fish, poultry and game; eggs; milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats" from the description.</p> <p>In view of the foregoing, withdrawal of the 2(d) citation is respectfully requested.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	029
DESCRIPTION	
fish, poultry and game; preserved, dried, baked, cooked, and preserved fruits and vegetables; jellies; jams; compotes; cranberry sauce; applesauce; eggs; milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	029
DESCRIPTION	
preserved, dried, baked, cooked, and preserved fruits and vegetables; jellies; jams; compotes; cranberry sauce; applesauce	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/James E. Rosini/
SIGNATORY'S NAME	James E. Rosini, Esq.

SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	08/28/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 28 11:36:38 EDT 2008
TEAS STAMP	USPTO/RFR-65.246.216.100- 20080828113638112099-7713 0062-430bcba5d6b975169ad4 441ac52874df1-N/A-N/A-200 80828113532775854

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77130062** has been amended as follows:

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

The Examiner has maintained his refusal under Section 2(d), citing Reg. No. 2,783,719 as a potential bar to registration. Applicant has amended the goods to delete "fish, poultry and game; eggs; milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats" from the description.

In view of the foregoing, withdrawal of the 2(d) citation is respectfully requested.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 029 for fish, poultry and game; preserved, dried, baked, cooked, and preserved fruits and vegetables; jellies; jams; compotes; cranberry sauce; applesauce; eggs; milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has 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. (15 U.S.C. Section 1051(b)).

Proposed: Class 029 for preserved, dried, baked, cooked, and preserved fruits and vegetables; jellies; jams; compotes; cranberry sauce; applesauce

Filing Basis: Section 1(b), Intent to Use: The applicant has 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. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /James E. Rosini/ Date: 08/28/2008

Signatory's Name: James E. Rosini, Esq.

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: 77130062

Internet Transmission Date: Thu Aug 28 11:36:38 EDT 2008

TEAS Stamp: USPTO/RFR-65.246.216.100-200808281136381

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