

PTO 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	77133772
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
<p>1. This responds to an Office Action dated February 21, 2008.</p> <p>2. The Examiner has noted that in an effort to change the filing basis of the application from a Section 1(a) use-base to Section 1(b) intent-to-use, Applicant has continued to maintain both bases. The Examiner has indicated that Applicant cannot assert both use of the mark in commerce and intent to use the mark in commerce for the same goods.</p> <p>3. In response, Applicant requests that Section 1(a) (use in commerce) be deleted and that only Section 1 (b)(intent to use) be maintained as the filing basis for this application. Applicant has had a bona fide intent to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of this application. Applicant's signed declaration is attached.</p> <p>4. In view of the foregoing, Applicant respectfully requests an early notice of publication.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/08/07/20080807170552421404-77133772-001_001/evi_748237202-170053405_._THINKCONNECT_Signed_Supplemental_Declaration.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT3\IMAGEOUT3\771\337\77133772\xml1\RFR0002.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant's Signed Declaration
SIGNATURE SECTION	
RESPONSE SIGNATURE	/MARY A. MOY/
SIGNATORY'S NAME	Mary A. Moy

SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	08/07/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 07 17:05:52 EDT 2008
TEAS STAMP	USPTO/RFR-74.8.237.202-20 080807170552421404-771337 72-420a292f07930e4899eebf 7ce746c9ad093-N/A-N/A-200 80807170053405889

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. 77133772 has been amended as follows:

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

1. This responds to an Office Action dated February 21, 2008.
2. The Examiner has noted that in an effort to change the filing basis of the application from a Section 1(a) use-base to Section 1(b) intent-to-use, Applicant has continued to maintain both bases. The Examiner has indicated that Applicant cannot assert both use of the mark in commerce and intent to use the mark in commerce for the same goods.
3. In response, Applicant requests that Section 1(a) (use in commerce) be deleted and that only Section 1(b) (intent to use) be maintained as the filing basis for this application. Applicant has had a bona fide intent to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of this application. Applicant's signed declaration is attached.
4. In view of the foregoing, Applicant respectfully requests an early notice of publication.

EVIDENCE

Evidence in the nature of Applicant's Signed Declaration has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/08/07/20080807170552421404-77133772-001_001/evi_748237202-

170053405_._THINKCONNECT_Signed_Supplemental_Declaration.pdf

Converted PDF file(s) (1 page)

Evidence-1

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /MARY A. MOY/ Date: 08/07/2008

Signatory's Name: Mary A. Moy

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: 77133772

Internet Transmission Date: Thu Aug 07 17:05:52 EDT 2008

TEAS Stamp: USPTO/RFR-74.8.237.202-20080807170552421

404-77133772-420a292f07930e4899eebf7ce74

6c9ad093-N/A-N/A-20080807170053405889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LEVITON MANUFACTURING CO., INC.

Serial No.: 77/133,772

Mark: THINKCONNECT

Filing Date: March 17, 2007

SUPPLEMENTAL DECLARATION

1) Applicant hereby deletes Trademark Action Section 1(a), 15 U.S.C. §1051(a) (use) as a filing basis and maintains Trademark Act Section 1(b), 15 U.S.C. §1051(b) (intent to use) as the filing basis for the above application.

2) Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.

2) 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 s/he is properly authorized to execute this declaration on behalf of Applicant, that the facts set forth in this application are true; that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

LEVITON MANUFACTURING CO., INC.

By: Chris D. Walker

Name: Chris D. Walker

Title: Vice President /CTO, Controlthink

Date: 29 July, 2008