

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77215072
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	038
DESCRIPTION	telecommunications services, namely, wireless voice and data transmission, two way wireless transmission of email and text between wireless telecommunications terminals and computers, and providing multiple-user access to a global computer network
FIRST USE ANYWHERE DATE	At least as early as 10/19/2009
FIRST USE IN COMMERCE DATE	At least as early as 10/19/2009
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	038
DESCRIPTION	telecommunications services, namely, wireless voice and data transmission, two way wireless transmission of email and text between wireless telecommunications terminals and computers, and providing multiple-user access to a global computer network
FIRST USE ANYWHERE DATE	At least as early as 10/19/2009
FIRST USE IN COMMERCE DATE	At least as early as 10/19/2009
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement

of Use" [for an application based on Section 1(b) Intent-to-Use].

SPECIMEN
FILE NAME(S)

\\TICRS\EXPORT1\IMAGEOUT
11\772\150\77215072\xml1\RFR0002.JPG

SPECIMEN DESCRIPTION

Page from applicant's website showing mark in use for services

SIGNATURE SECTION

DECLARATION SIGNATURE

/jnc/

SIGNATORY'S NAME

Jembaa N. Cole

SIGNATORY'S POSITION

Attorney of record, Washington bar member

DATE SIGNED

09/02/2010

RESPONSE SIGNATURE

/jnc/

SIGNATORY'S NAME

Jembaa N. Cole

SIGNATORY'S POSITION

Attorney of record, Washington bar member

DATE SIGNED

09/02/2010

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED

NO

FILING INFORMATION SECTION

SUBMIT DATE

Thu Sep 02 15:52:56 EDT 2010

TEAS STAMP

USPTO/RFR-72.37.244.60-20
100902155256155423-772150
72-470485deebf1f772d6ef0b
83fd5fcb2d427-N/A-N/A-201
00902152000058387

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. 77215072 has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 038 for telecommunications services, namely, wireless voice and data transmission, two way wireless transmission of email and text between wireless telecommunications terminals and computers, and providing multiple-user access to a global computer network

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)).

In International Class 038, the mark was first used at least as early as 10/19/2009 and first used in commerce at least as early as 10/19/2009.

Proposed: Class 038 for telecommunications services, namely, wireless voice and data transmission, two way wireless transmission of email and text between wireless telecommunications terminals and computers, and providing multiple-user access to a global computer network

Deleted Filing Basis: 1(b)

In International Class 038, the mark was first used at least as early as 10/19/2009. and first used in commerce at least as early as 10/19/2009.

Applicant hereby submits a new specimen for Class 038. The specimen(s) submitted consists of Page from applicant's website showing mark in use for services.

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].

Specimen File1

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has 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); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. 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 and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. 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. Section 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. Section 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: /jnc/ Date: 09/02/2010
Signatory's Name: Jembaa N. Cole
Signatory's Position: Attorney of record, Washington bar member

Request for Reconsideration Signature

Signature: /jnc/ Date: 09/02/2010
Signatory's Name: Jembaa N. Cole
Signatory's Position: Attorney of record, Washington bar member

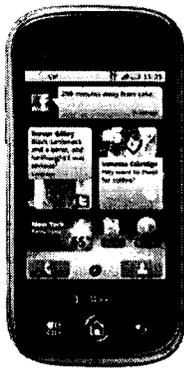
The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate 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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77215072
Internet Transmission Date: Thu Sep 02 15:52:56 EDT 2010
TEAS Stamp: USPTO/RFR-72.37.244.60-20100902155256155
423-77215072-470485deebf1f772d6ef0b83fd5
fcb2d427-N/A-N/A-20100902152000058387



Home | Phones | Motorola Cliq - Titanium



Motorola CLIQ - Titanium

The first phone with MOTOBLUR™, the CLIQ automatically delivers your messages, contacts, e-mail, updates and photos from social sites, and more—right to your home screen.

Get news, tips, and helpful info: [Motorola Blog](#) and [T-Mobile.com](#).

Get the most out of your Android phone. Visit the [T-Mobile Android](#) section for helpful tips, tricks, cool apps, and much more.

Required data service

A data service is required in order to access this phone's Web functionality and features, including Internet access and e-mail.

Additional device

See phone features

Details

Phone Price **with an Even More™ plan** with an Even More Plus™ plan

Even More plans come with a 2 Year Contract and feature great device discounts, so your upfront costs are lower.

Suggested retail \$339.99

Smart Discount -\$200.00

Plan Discount -\$50.00

\$49.99

See how we make the price so low!



Already a T-Mobile customer? Log in to upgrade or add a line.

Pay for your phone over time—as low as \$25† per month.

With the Equipment Installment plan, you can pay for your phone in four interest-free installments. Interested? Please visit your nearest T-Mobile retail store.

Recommended Features Services Offers

Any accessories or service you've selected will be added to your cart when you click Add to cart button above.

Motorola Cliq Lithion Battery



\$59.99

Suggested retail \$49.99

\$49.99

Add to cart

Motorola Cliq Gel Skin w/ Screen Protector-Purple



\$14.99

Suggested retail \$14.99

\$14.99

Add to cart

Motorola Cliq Body Glove Protective Cover



\$19.99

Suggested retail \$19.99

\$19.99

Add to cart

Print page

Your cart is empty
To check out, you'll need to add a phone and a plan.

New Line 1

- Phone
Select a phone
- Plan
Select a plan
- Add services
- Add accessories

Keep the phone number you already have.

FAQ

- Can I use any phone with any plan?
- Does the device I choose affect whom I can communicate with?
- How do I personalize my Sidekick, ahem?