

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
<b>SERIAL NUMBER</b>	77294528
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 106
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
The Office Action objected to the declaration as lacking a statement that the specimen was in use on the date the application was filed. The specimen filed with the application was available via the internet on the date the application was filed. The undersigned declares pursuant to the attached declaration that the specimen as filed with the application was in use in commerce on or in connection with the specified goods and services listed in the application as of the the date the application was filed.	
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/marina/
<b>SIGNATORY'S NAME</b>	Marina T Larson
<b>SIGNATORY'S POSITION</b>	attorney of record
<b>DATE SIGNED</b>	01/02/2009
<b>RESPONSE SIGNATURE</b>	/marina/
<b>SIGNATORY'S NAME</b>	Marina T Larson
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>DATE SIGNED</b>	01/02/2009
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Jan 02 18:39:38 EST 2009
<b>TEAS STAMP</b>	USPTO/RFR-206.168.115.173 -20090102183938227644-772 94528-4301d841ddd3aa20123

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

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **77294528** has been amended as follows:

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

The Office Action objected to the declaration as lacking a statement that the specimen was in use on the date the application was filed. The specimen filed with the application was available via the internet on the date the application was filed. The undersigned declares pursuant to the attached declaration that the specimen as filed with the application was in use in commerce on or in connection with the specified goods and services listed in the application as of the the date the application was filed.

#### **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: /marina/ Date: 01/02/2009

Signatory's Name: Marina T Larson

Signatory's Position: attorney of record

**Request for Reconsideration Signature**

Signature: /marina/ Date: 01/02/2009

Signatory's Name: Marina T Larson

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: 77294528

Internet Transmission Date: Fri Jan 02 18:39:38 EST 2009

TEAS Stamp: USPTO/RFR-206.168.115.173-20090102183938

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