

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	77390602
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
OWNER SECTION (no change)	
LEGAL ENTITY SECTION (no change)	
ARGUMENT(S)	
<p>As a first matter, Applicant wishes to apologize to the Examiner for conflating the May 16 and May 19 office actions and its responses thereto.</p> <p>As a second matter, Applicant wishes to remove reference to e-mail services from Class 38, and to therefore include only reference to providing hyperlinks. With that amendment, Applicant respectfully suggests that the mark is no longer descriptive of the advertising, hyperlink, entertainment news and other information services provided under the mark MAIL.COM MEDIA CORPORATION.</p> <p>In the alternative, should the Examiner refuse registration of the mark in Class 38 or the other classes based on Section 2(e), applicant would request leave to amend to the Supplemental Register as its statement of use was filed electronically today.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	\\TICRS\EXPORT9\IMAGEOUT9\773\906\77390602\xml1\RF R0002.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant's webpage showing use of the mark in commerce
GOODS AND/OR SERVICES SECTION (035)(no change)	
GOODS AND/OR SERVICES SECTION (038)(current)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Providing electronic transmission of mail and messages; providing online communications links that transfer the user to other local and global web pages	
FILING BASIS	Section 1(b)

GOODS AND/OR SERVICES SECTION (038)(proposed)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Providing online communications links that transfer the user to other local and global web pages	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(no change)	
GOODS AND/OR SERVICES SECTION (042)(no change)	
GOODS AND/OR SERVICES SECTION (044)(no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use corporation apart from the mark as shown.
MISCELLANEOUS STATEMENT	Please delete the disclaimer currently of record. Further, if the Examiner does not accept Applicant's arguments against rejection under Section 2(c) for one or more classes, Applicant respectfully requests that the applications with respect to the rejected classes be amended to read as follows: The applicant seeks registration of the mark on the Supplemental Register."
CORRESPONDENCE SECTION	
NAME	Elizabeth Swanson
FIRM NAME	Swanson & Associates
INTERNAL ADDRESS	Suite 500
STREET	9454 Wilshire Blvd.
CITY	Beverly Hills
STATE	California
ZIP/POSTAL CODE	90212
COUNTRY	United States
PHONE	310 860 0880
FAX	310 860 0830
EMAIL	els@elswansonlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Elizabeth Swanson/

SIGNATORY'S NAME	Elizabeth Swanson
SIGNATORY'S POSITION	Attorney of Record, California Bar Member
DATE SIGNED	12/29/2009
RESPONSE SIGNATURE	/Elizabeth Swanson/
SIGNATORY'S NAME	Elizabeth Swanson
SIGNATORY'S POSITION	Attorney of Record, California Bar Member
DATE SIGNED	12/29/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Dec 29 15:19:04 EST 2009
TEAS STAMP	USPTO/RFR-76.246.207.38-2 0091229151904822594-77390 602-4601f9417d9b8163a5245 9151a8391135ef-N/A-N/A-20 091229133016187669

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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. **77390602** has been amended as follows:

ARGUMENT(S)

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

As a first matter, Applicant wishes to apologize to the Examiner for conflating the May 16 and May 19 office actions and its responses thereto.

As a second matter, Applicant wishes to remove reference to e-mail services from Class 38, and to therefore include only reference to providing hyperlinks. With that amendment, Applicant respectfully suggests that the mark is no longer descriptive of the advertising, hyperlink, entertainment news and other information services provided under the mark MAIL.COM MEDIA CORPORATION.

In the alternative, should the Examiner refuse registration of the mark in Class 38 or the other classes based on Section 2(e), applicant would request leave to amend to the Supplemental Register as its

statement of use was filed electronically today.

EVIDENCE

Evidence in the nature of Applicant's webpage showing use of the mark in commerce has been attached.
Evidence-1

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 038 for Providing electronic transmission of mail and messages; providing online communications links that transfer the user to other local and global web pages

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 038 for Providing online communications links that transfer the user to other local and global web pages

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)).

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Elizabeth Swanson
Swanson & Associates
Suite 500
9454 Wilshire Blvd.
Beverly Hills CA 90212

Proposed:

Elizabeth Swanson of Swanson & Associates, having an address of
Suite 500 9454 Wilshire Blvd. Beverly Hills, California 90212
United States
els@elswansonlaw.com
310 860 0880
310 860 0830

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use corporation apart from the mark as shown.

Please delete the disclaimer currently of record. Further, if the Examiner does not accept Applicant's arguments against rejection under Section 2(e) for one or more classes, Applicant respectfully requests that the applications with respect to the rejected classes be amended to read as follows: The applicant seeks registration of the mark on the Supplemental Register."

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. 244. 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: /Elizabeth Swanson/ Date: 12/29/2009
Signatory's Name: Elizabeth Swanson
Signatory's Position: Attorney of Record, California Bar Member

Request for Reconsideration Signature

Signature: /Elizabeth Swanson/ Date: 12/29/2009
Signatory's Name: Elizabeth Swanson
Signatory's Position: Attorney of Record, California 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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Elizabeth Swanson
Swanson & Associates
Suite 500
9454 Wilshire Blvd.
Beverly Hills, California 90212

Serial Number: 77390602

Internet Transmission Date: Tue Dec 29 15:19:04 EST 2009
TEAS Stamp: USPTO/RFR-76.246.207.38-2009122915190482
2594-77390602-4601f9417d9b8163a52459151a
8391135ef-N/A-N/A-20091229133016187669



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Deadline.com's Deadline Hollywood by Nikki Finke now has larger readership than Variety and The Hollywood Reporter combined
December 17, 2009

New York Times Weighs In on the "Kids" Who Are Taking Over the Media World
November 30, 2009

With Acquisitions of Mail.com, Fan.com, Deadline.com & Others, the 30-Year-Old Son of Auto Racing Legend Roger Penske Is Building an Internet Media Empire
November 27, 2009

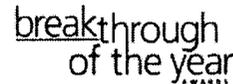
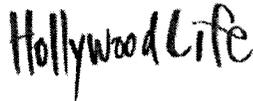
HOLLYWOODLIFE.COM UNVEILS NEW CELEBRITY & STYLE DESTINATION WHERE READERS ARE AN ESSENTIAL PART OF THE DIGITAL CONVERSATION
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Former CNN Reporter Joins HollywoodLife.com
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Former Conde Nast's Editor Joins HollywoodLife.com
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