

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>	77416487
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="http://tgate/PDF/RFR/2009/05/26/20090526173854904859-77416487-001_001/evi_19910743222-172839061_77416487.pdf">http://tgate/PDF/RFR/2009/05/26/20090526173854904859-77416487-001_001/evi_19910743222-172839061_77416487.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	\\TICRS\EXPORT\IMAGEOUT\774\164\77416487.xml1 RFR0002.JPG
	\\TICRS\EXPORT\IMAGEOUT\774\164\77416487.xml1 RFR0003.JPG
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/dag/
<b>SIGNATORY'S NAME</b>	Deborah A. Gubernick
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, CA Bar Member
<b>DATE SIGNED</b>	05/26/2009
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue May 26 17:38:54 EDT 2009
	USPTO/RFR-199.107.43.222-20090526173854904859-7741

TEAS STAMP	6487-430cbbea34ec3ca4fea5 db82a5eacdc3c8-N/A-N/A-20 090526172839061537
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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. 77416487 has been amended as follows:

**ARGUMENT(S)**

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

Please see the actual argument text attached within the Evidence section.

**EVIDENCE****Original PDF file:**

[http://tgate/PDF/RFR/2009/05/26/20090526173854904859-77416487-001\\_001/evi\\_19910743222-172839061\\_.77416487.pdf](http://tgate/PDF/RFR/2009/05/26/20090526173854904859-77416487-001_001/evi_19910743222-172839061_.77416487.pdf)

**Converted PDF file(s) (2 pages)**

Evidence-1

Evidence-2

**SIGNATURE(S)****Request for Reconsideration Signature**

Signature: /dag/ Date: 05/26/2009

Signatory's Name: Deborah A. Gubernick

Signatory's Position: Attorney for Applicant, CA 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: 77416487

Internet Transmission Date: Tue May 26 17:38:54 EDT 2009

TEAS Stamp: USPTO/RFR-199.107.43.222-200905261738549

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5eacdc3c8-N/A-N/A-20090526172839061537

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Intuity Medical, Inc.	)	Trademark Law Office: 113
		)	
Serial No.:	77/416487	)	Examining Attorney: Khanh M Le
		)	
Filed:	March 7, 2008	)	
		)	
Mark:	<b>ONE-STEP</b>	)	
		)	
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**REQUEST FOR RECONSIDERATION - RESPONSE TO OFFICE ACTION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

This is in response to the Office Action mailed on November 25, 2008, for the trademark application referenced above. Applicant concurrently files herewith a Notice of Appeal with the Trademark Trial and Appeal Board.

**RESPONSE TO SECTION 2(D) REFUSAL**

The Examining Attorney cited Registration No. 2719496 for ONE-STEP (Stylized), Registration No. 2922552 for ONE-STEP, and Registration No. 2969890 for ONE-STEP & Design (collectively, "Registrant's Marks") as confusingly similar to Applicant's mark ONE-STEP, Serial Number 77/416487 pursuant to the Trademark Act §2(d), 15 U.S.C. §1052(d). Upon information and belief, Registrant's Marks have been abandoned intentionally by registrant's decision to adopt a substitute mark for the products previously sold under Registrant's Marks, and by Registrant's failure to use the marks in commerce.

Accordingly, Applicant has filed a Consolidated Petition to Cancel the cited registrations with the Trademark Trial and Appeal Board on May 26, 2009. Applicant hereby requests that the captioned application be suspended, pending the outcome of the consolidated cancellation action.

If the Examining Attorney has any further questions regarding this application, he is respectfully requested to call the undersigned.

Respectfully submitted,  
LATHAM & WATKINS LLP

Dated: May 26, 2009

By: Deborah Gubernick  
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