

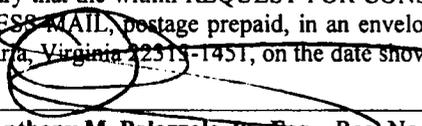
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Zinky Electronics, LLC
APPLICATION NO.: 77/612,850
FILING DATE: November 12, 2008
MARK: THUNDERBOLT
EXAMINER: Raul Cordova
LAW OFFICE: 114
ATTY. DKT. NO.: ZIN/T121/US

CERTIFICATE OF MAILING BY EXPRESS MAIL

The undersigned hereby declares under penalty of perjury that the within REQUEST FOR CONSIDERATION is being deposited with the U.S. Postal Service as EXPRESS MAIL, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on the date shown below

Dated: March 24, 2010

By: 

Anthony M. Palazzolo Jr., Esq. Reg. No.: 39,323

REQUEST FOR RECONSIDERATION

In response to the FINAL OFFICE ACTION emailed on October 2, 2009, Applicant requests reconsideration on the ground that this Application is now ripe for suspension and eventual withdrawal of the refusal when the Examiner confirms that expiration of the cited Registration has occurred.

REFUSAL OF REGISTRATION UNDER §2(d)

The Examining Attorney has advised Applicant of U.S. Registration No. 1,559,764 for the mark THUNDERBOLT for “guitars”, and has advised that there may be a likelihood of confusion between Applicant's and Registrant's marks.

Applicant notes that the cited registration was due for its first 20 year §9 renewal by October 10, 2009 at the latest. Since that deadline has now passed without §9 renewal occurring, the registration has now expired. Furthermore, Applicant believes that the six-month grace period for §9 renewal will (very likely) have also passed by the time the Examiner



reaches this Request for action. Whereas the Examiner may have found premature Applicant's prior appeal for allowance based non-renewal of the cited registration, Applicant respectfully submits that this point is now ripe for consideration. Therefore, Applicant respectfully submits that the Examiner should suspend this Application until July 10, 2010 (three months past expiration of the six-month grace period for §9 renewal) in accordance with **TMEP §716.02(e) Suspension Pending Cancellation or Expiration of Cited Registration**. Applicant also respectfully submits that the Examiner should withdraw the refusal at that time if the TRAM system then shows that the cited Registration expired as expected. See **TMEP §716.02(e)**.

CONCLUSION

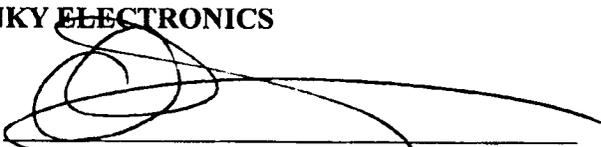
As set forth above, Applicant believes that this application is now ripe for suspension and Applicant so requests. Further, Applicant respectfully requests removal from suspension and withdrawal of the refusal on or after July 10, 2010 if the Examiner then confirms that the TRAM system shows the cited Registration to have expired.

In the event that the Examining Attorney believes that direct contact with Applicant's undersigned representative could shed light on any of the issues discussed herein, he is hereby invited to telephone Applicant's undersigned representative at the number set forth below.

Applicant authorizes the Commissioner to charge or credit any and all related fees to Deposit Account # 502275 (a duplicate copy of this sheet is attached).

Respectfully submitted,
ZINKY ELECTRONICS

Dated: March 24, 2010

By: 
Anthony M. Palazzolo Jr., Esq. Reg. No.: 39,323
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285 Pendleton Hill Road
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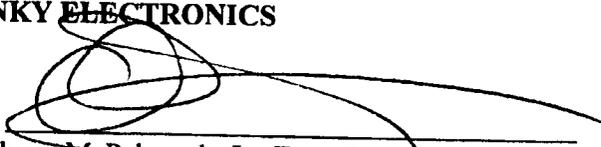
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