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TRADEMARK LAW OFFICE 114
Examining Attorney: LINNEHAN, ANN
Serial Number: 78/257,550
Mark: SDL USU AND DESIGN
Attorney Docket No.: T9785

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: UTAH STATE UNIVERSITY)
RESEARCH FOUNDATION)
MARK: SDL USU AND DESIGN)
SERIAL NO.: 78/257,550)
FILED: June 3, 2003)
TRADEMARK)
ATTORNEY: A. Linnehan)
LAW OFFICE: 114)

NOTICE OF APPEAL

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

Madam:

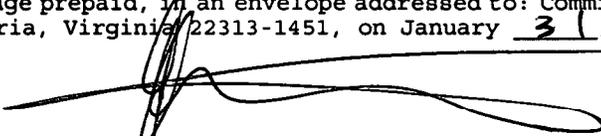
Applicant hereby appeals to the Trademark Trial and Appeal Board from the Final Refusal to register the mark in the above referenced application dated July 29, 2004. A copy of the

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on January 31, 2005

02/22/2005 KGIBBONS 00000013 78257550

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GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant



02-03-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72

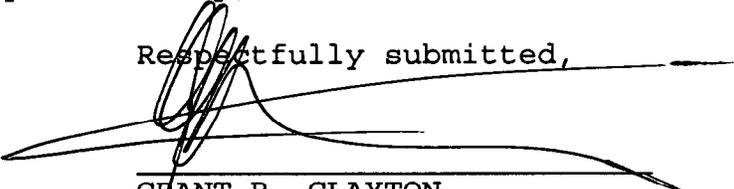
Request for Reconsideration which has been filed in this application is enclosed.

Enclosed is a completed Form PTO-2038 authorizing the Commissioner to charge the amount of \$100.00 for the appeal fee to the credit card indicated. This appeal fee is sufficient pursuant to 37 C.F.R. § 2.85(e).

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0836.

DATED this 31 day of January, 2005.

Respectfully submitted,



GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant

CLAYTON, HOWARTH & CANNON, P.C.
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Telephone: (801) 255-5335
Facsimile: (801) 255-5338

GRC/kdl

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Examining Attorney: LINNEHAN, ANN
Serial Number: 78/257,550
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Attorney Docket No.: T9785

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	UTAH STATE UNIVERSITY)	
	RESEARCH FOUNDATION)	
)	
MARK:	SDL USU AND DESIGN)	
)	
SERIAL NO.:	78/257,550)	REQUEST FOR
)	RECONSIDERATION OF FINAL
FILED:	June 3, 2003)	ACTION
)	
TRADEMARK)	
ATTORNEY:	A. Linnehan)	
)	
LAW OFFICE:	114)	
)	

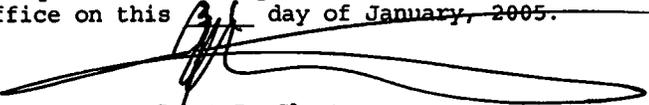
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

In response to the communication mailed July 29, 2004, which was made final, please reconsider the above captioned application in view of the remarks provided below.

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on this 31 day of January, 2005.


Grant R. Clayton
Attorney for Applicant
Registration No. 32,462

REMARKS

In the Office Action dated July 29, 2004, the only remaining issues were the identification of the goods recited in this application and the payment of additional fees for prosecution as a multi-class application, both issues having been completely addressed in Amendment B filed on January 24, 2005 (copy attached as Exhibit A).

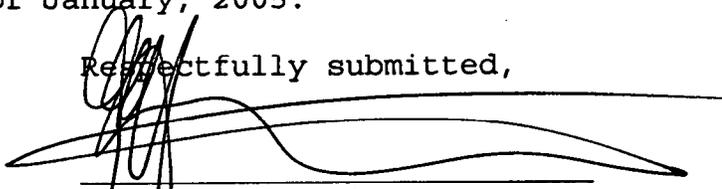
Entry of the Amendment B is appropriate in view of the final action since Applicant believes it has complied with all of the requirements raised in the Action or entry of this Amendment will reduce issues on appeal. A courtesy copy of the Notice of Appeal simultaneously filed with this paper is attached hereto as Exhibit B.

In view of the foregoing, Applicant respectfully submits that the present mark is registrable on the Principal Register and approval of the mark for publication is respectfully requested. If any impediment to passing this mark onto publication remains after the entry of Amendment B and

consideration of these remarks the Trademark Attorney is invited to initiate a telephone interview with the undersigned.

DATED this 31 day of January, 2005.

Respectfully submitted,



GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant

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GRC/kdl

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Exhibit A

TRADEMARK LAW OFFICE 114
Examining Attorney: LINNEHAN, ANN
Serial Number: 78/257550
Attorney Docket No.: T9785

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: UTAH STATE UNIVERSITY)
RESEARCH FOUNDATION)
MARK: SDL USU AND DESIGN)
SERIAL NO.: 78/257,550) AMENDMENT B
FILED: June 3, 2003)
TRADEMARK)
ATTORNEY: Ann K. Linnehan)
LAW OFFICE: 114)

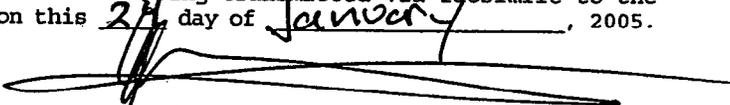
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

In response to the communication mailed July 29, 2004,
please reconsider the above captioned application in view of the
remarks provided below.

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being transmitted via facsimile to the
United States Patent and Trademark Office on this 27 day of January, 2005.


Grant R. Clayton
Attorney for Applicant
Registration No. 32,462

IN THE IDENTIFICATION OF THE SERVICES:

Please delete all previously submitted identification of the services and substitute therefor:

--Management and operation services for others of ground-based observations and space-based observations and atmospheric science observations; Management and operation services for others of contamination control systems for contamination-sensitive space hardware (International Trademark Class 035);

Assembly services for others of instruments and systems for ground-based and in-flight observation of the universe, namely infrared sensors, hyper-spectral sensors, ultra-violet sensors, visible light sensors, hypertemporal sensors and polarimetric sensors; Assembly services for others of sounding rockets, spacecraft, and payloads; Assembly services for others of contamination-sensitive space hardware (International Trademark Class 040); and

Designing, engineering and testing services for others of instruments and systems for ground-based and in-flight observation of the universe and atmospheric science observations, namely infrared sensors, hyper-spectral sensors, ultra-violet sensors, visible light sensors, hypertemporal sensors, polarimetric

sensors, data compression and visualization schemes;
Designing, engineering and testing services for others
of space agriculture modules and cryogenics and thermal
management systems; Designing, engineering and testing
services for others of space-based structures;
Designing, engineering and testing services in the
field of vehicle environment interaction; Calibration
services for others of instruments and systems for
ground-based and in-flight investigation or observation
of the universe and for atmospheric science
observations, namely infrared sensors, hyper-spectral
sensors, ultra-violet sensors, visible light sensors,
hypertemporal sensors, polarimetric sensors, stray
light analysis and on-orbit performance assessment and
validation of space-based sensors; Designing,
engineering and testing services for others of software
for ground-based and in-flight observation of the
universe and atmospheric science observations;
Designing, engineering and testing services for others
of sounding rockets, spacecraft, and payloads;
Collection and analysis of data collected by
spacecraft; Designing, engineering and testing services
for others of contamination-sensitive space hardware
(International Trademark Class 042).--

Applicant has amended the identification of the services in this application to comply with all of the requirements raised in the Action mailed July 29, 2004 and also to reflect terminology used in the marketplace.

REMARKS

Applicant expresses appreciation for the telephone conference on January 24, 2005, between the undersigned and Ms. Linnehan where Applicant's proposed recitation of the services was discussed. Applicant appreciates Ms. Linnehan's willingness to expedite consideration of this Amendment and agreement to provide an indication of any additional remaining issues, hopefully by the January 29, 2005, deadline.

As discussed in the telephone conference, it was noted that the services of "Designing, engineering and testing services for others of instruments and systems for ground-based and in-flight observation of the universe and atmospheric science observations . . ." in class 042 was omitted from the recitation proposed in the Office Action. As discussed on January 24, 2005, such services have been retained in the class 042 recitation.

The only issue raised in the Office Action mailed July 29, 2005 was regarding the identification of the services. The requirement regarding the identification of the services was made final. Entry of this Amendment is appropriate because Applicant

has fully complied with all outstanding requirements raised in the Action. Furthermore, Applicant has made a *bona fide* effort to comply with all of the outstanding requirements and to satisfy all of the issues raised in the Office Action regarding the identification of the services. Thus, if any issue remains after entry of this Amendment regarding the identification of the services, Applicant requests the opportunity to address any such issue and guidance on an acceptable resolution of any such issue.

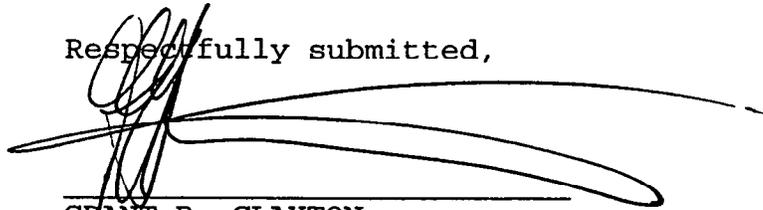
While the requirement was not raised in the Action mailed July 29, 2005, Applicant is providing payment for an additional two classes, *if necessary*. Enclosed is completed Form PTO-2038 in the amount of \$670.00.

In view of the foregoing, Applicant has complied with all of the requirements raised in the Action mailed July 29, 2005. Applicant respectfully submits that the present mark is registrable on the Principal Register and approval of the mark for publication is respectfully requested. If any issues remain after the entry of this Amendment and consideration of these remarks which can be resolved via telephone, the Trademark

Attorney is invited to initiate a telephone interview with the undersigned.

DATED this 24 day of January, 2005.

Respectfully submitted,



GRANT R. CLAYTON
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Exhibit B

TRADEMARK LAW OFFICE 114
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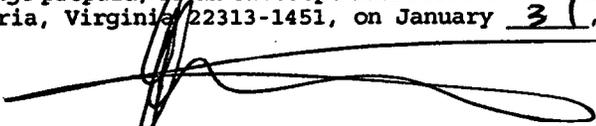
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on January 31, 2005


GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant

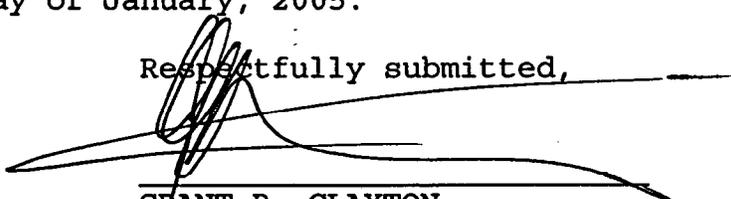
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