

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: The Trustees of the Arby's IP Holder Trust

Serial No: 78/262,250

Trademark Atty: John M. Gartner
Phone: (703)308-9102, Ext. 134

Filed: 06/13/2003

Trademark Law Office 102

Mark: MADE WITH T.O.C. ARBY'S TENDER OVEN CARE

BOX RESPONSE-NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

**CERTIFICATE OF MAILING,
37 C.F.R. §1.8(a)**

I certify that this correspondence and the enclosures mentioned therein are being deposited by First Class U.S. Mail with sufficient postage on the date shown below, addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Lewis F. Gould, Jr.
Lewis F. Gould, Jr.

Reg. No. 25,057

December 13, 2004
Date

TRANSMITTAL LETTER

Sir:

Please find enclosed for filing:

X Response; Exhibit A (One Sheet of Drawing);

X Please charge any additional fees to Deposit Account No. 04-1679.
This Transmittal Letter is submitted in duplicate.

X Other: 1 return postcard.

Respectfully Submitted,

Date: December 13, 2004

Lewis F. Gould, Jr.
Lewis F. Gould, Jr.
Registration No. 25,057
Duane Morris LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1282

Docket No. D4834-00142A



12-15-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

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Lewis F. Gould, Jr.

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Reg. No. 25,057

Rec'd 13, 2003

Date

AMENDMENT

Dear Sir/Madam:

Please amend the above-identified application as follows in response to the FINAL Office Action of June 23, 2004:

Please delete the drawing sheet.

Insert - - - one sheet of formal drawing - - - .

REMARKS

In the Office Action, the Trademark Examining Attorney (the "Examiner") notes that Applicant's substitute drawing of the mark is unacceptable because "it is not rendered in clear blacks and whites, but instead in varying shades of gray, with lines that are fuzzy rather than clear" and requires a new drawing. The problem is that the drawing was filed through the PTO Trademark Electronic Application System, which resulted in the poor quality of the image. To

correct this, Applicant submits a hard copy of the drawing that now must meet the standards set forth under 37 CFR §2.52. See Exhibit A.

Applicant notes that the Examiner has accepted the amendments and response filed on April 29, 2004. Since all the requirements and informalities have now been met, Applicant respectfully requests reconsideration and prompt publication of its mark for purposes of opposition.

Because the Office Action was made final, a Notice of Appeal is filed simultaneously with this response.

The Examiner is invited to telephone the undersigned to address any questions, or should further information be required.

Respectfully submitted,

Date:

December 13, 2004

Lewis F. Gould, Jr.

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Registration No. 25,057
Duane Morris LLP
One Liberty Place
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Docket No. D4834-00142a

A

SERVICE MARK

ATTORNEY DOCKET NO. D4834-00142A

In re the Application of: The Trustees of the Arby's IP Holder Trust
1000 Corporate Drive
Ft. Lauderdale, Florida 33334

U.S. Serial No. 78/262,250
Filed: 06/13/2003

Mark: **MADE WITH T.O.C. ARBY'S TENDER OVEN CARE (and design)**

International Class: 43

Date of First Use: NOT AVAILABLE

Date of First Use in Commerce: NOT AVAILABLE

