

New Apper 1

Attorney Docket No. 85165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Trolex Corporation
Serial No. : 78/278824
Filed : July 25, 2003
Mark : FRESHEX

Law Office : 105
Examiner : Odessa Bibbins

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

RESPONSE TO NOTICE OF ABANDONMENT
UNDER 37 CFR 2.66

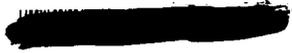
In response to the Notice of Abandonment dated January 3, 2007 (Attachment A), Applicant respectfully requests that the above-identified application be reinstated. Applicant submits that a timely response to the Office Action dated June 6, 2006 was filed on December 6, 2006. For verification, Applicant submits herewith a copy of the Response filed December 6, 2006 (Attachment B) along with a copy of the PTO mailing room stamp, indicating that the Response was filed on (Attachment C).

In light of the above evidence, Applicant respectfully requests that the above-identified application be revived. Applicant requests that the \$100.00 fee under 37 CFR Sec. 2.6(a)(15) be waived as this was due to Trademark Office error and not due to any error on the part of the Applicant.

03/08/2007 KGIBBONS 00000075 78278824

01 FC:6005

100.00 OP



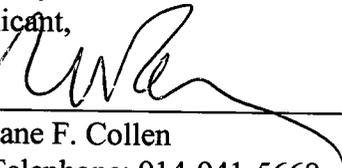
03-05-2007

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

Favorable action is respectfully requested.

Respectfully submitted
for Applicant,

By:


Jane F. Collen

Telephone: 914-941-5668

JFC/MC:kdr

Enclosures: - Attachments A- as stated above

DATED: March 2, 2007

COLLEN *IP*

Intellectual Property Law, P.C.

The Holyoke-Manhattan Building

80 South Highland Avenue

Town of Ossining

Westchester County, New York 10562

(914) 941-5668

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

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 OF TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VA 22313-1451.

COLLEN *IP* Intellectual Property Law, P.C.

By:



Date: March 2, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

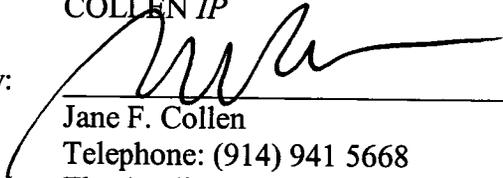
Attorney Docket: 85165

Applicant : Trolex Corporation
Serial No. : 78/278,824
Filed : July 25, 2003
Mark : FRESHEX

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner of Trademarks refusing registration.

Filed together with this notice is the Applicant's Request for Reconsideration.

Respectfully submitted,
COLLEN IPBy: Jane F. Collen
Telephone: (914) 941 5668
The Applicant's attorney

JFC/MC:kdr

Enclosure: - Check in the amount of \$100.00 appeal fee

DATED: December 6, 2006

COLLEN IP

Intellectual Property Law, P.C.
The Holyoke-Manhattan Building
80 South Highland Avenue
Town of Ossining
Westchester County, New York 10562

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: **UNITED STATES PATENT AND TRADEMARK OFFICE**, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451

COLLEN IP Intellectual Property Law, P.C.

By: Rajra Di RoraDate: December 6, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ATTORNEY DOCKET NO: T-85165

Applicant : Trolex Corporation
Serial No. : 78/278,824
Filed : July 25, 2003
Mark : FREXHEX

ATTENTION

Examining Attorney: Odessa B. Bibbins
Law Office: 105

RESPONSE AFTER FINAL REFUSAL:
REQUEST FOR RECONSIDERATION
FILED WITH NOTICE OF APPEAL

The Applicant acknowledges receipt of the FINAL Office Action dated June 6, 2006 issued in association with the trademark application captioned above. The Examining Attorney's comments have been duly noted.

In response the Applicant re-submits the specimen originally submitted and the appropriate Declaration.

REMARKS

In response to the Examiner's request for different specimens, Applicant has resubmitted its originally submitted specimen and respectfully requests the Examiner reconsiders the original refusal.

Applicant submits that the re-submitted specimen contains all the technical information about the product, pictures the goods in conjunction with the mark, shows the mark used in connection with the sale of goods, including pricing information, and at the bottom of the page clearly shows the name of the Applicant. This information is sufficient for people in the field to order the goods.

Applicant submits that the enclosed specimen should be accepted as proof of use of the mark.

The resubmission of the specimen, clearly showing the goods, the mark and the ordering information completely, complies with the Examiner's requirement made FINAL in the office action

Applicant submits that this application is now in proper condition for publication. Accordingly, the Applicant respectfully requests that the above-captioned trademark be passed to publication in the Official Gazette of the United States Patent and Trademark Office.

Respectfully submitted,
COLLEN *IP*

By: _____

Jane F. Collen

Telephone: (914) 941 5668

The Applicant's attorney

JFC/MC:kdr

Dated: December 6, 2006

Enclosures: Specimen
Declaration

COLLEN *IP*

Intellectual Property Law, P.C.
The Holyoke-Manhattan Building
80 South Highland Avenue
Town of Ossining
Westchester County, New York 10562

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

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By: _____

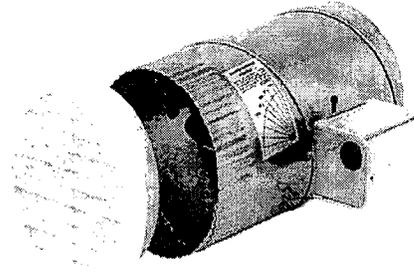
Kajoa DiRosa

Date: December 6, 2006

Freshex™ FRESH AIR VENTILATION

Make-Up Air Controls

FRESHEX™ Make-Up Air Control dampers provide a simple and economical solution for providing make-up air to any residential or light commercial HVAC System. All dampers are constructed of spiral formed galvanized steel with a single blade to control the flow of air that pivot on a high quality self lubricating bushing, designed to provide long life.



The single blade damper closes against a neoprene gasket seal. This provides a positive seal for a tight closure and minimal leakage. This prevents air from entering the system unless the damper is open, providing a controlled environment for utilizing Make-Up Air.

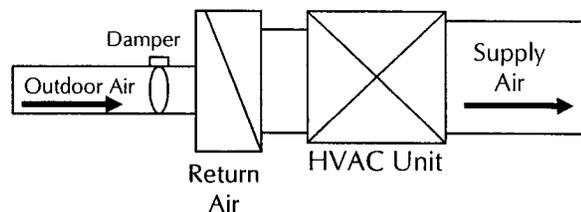
The Make-Up Air dampers are available in 5", 6", 7" and 8" diameters. The 5" and 6" sizes are complete with a plastic louver vent and integrated screen to prevent incursion by animals.

A powerful 24 Volt AC or 110 Volt AC, power open and spring closed, motor controls the damper. This low wattage motor is designed to operate off the HVAC Unit transformer or line voltage, eliminating the need for additional power source. A simple two-wire design allows the damper to be connected directly to the furnace's heating controls or with the line voltage blower motor. This wire simplifies installation and operation.

The damper is then opened every time the furnace is activated on a call for heat. The damper opens and allows outdoor air to be induced into the duct system using the furnace blower. This typically will be a small percentage of air usually less than 10%. Even when it is colder air it is mixed with the warmer return air and then heated as the furnace is on.

The outdoor air that enters through the fresh air duct helps replace some of the air that is often lost through the combustion of the furnace or vented from the house via kitchen and bathroom exhaust fans. This replacement air also helps dilute the stale indoor air, especially over the colder winter months and helps to dilute harmful gases and odors to provide a more healthy indoor air environment.

The amount of outside air brought in is determined by the size of the fresh air duct and damper in relation to the return air duct size and the blower capacity. To determine this one must be familiar with duct sizing charts. Typically smaller HVAC Systems less than 2,000 CFM would use anywhere from a 5" to 8" round diameter.



The only component needed is the Fresh Air Round Damper, Model RDF, which is the 24 Volt Round Damper, Model RDS, and the plastic louvered vent cover in the same diameter.

LIST PRICE

RDF5	\$148.00	RDF6	\$152.00
RDF7	\$154.00	RDF8	\$158.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Trolex Corporation
Serial No. : 78/278,824
Filed : July 25, 2003
Mark : FRESHEX

Examiner : Odessa B. Bibbins
Law Office : 105

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

DECLARATION IN SUPPORT OF SPECIMENS

Sir: RICHARD N. FOSTER, declares as follows:

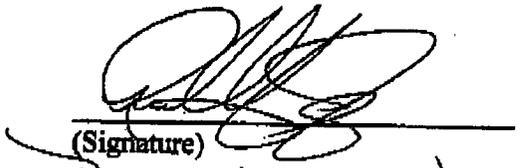
THAT I am at present the PRESIDENT of Applicant herein;

THAT I am authorized to make this declaration on behalf of Applicant and that I am fully familiar with Applicant's use of its above-identified trademark;

THAT the three specimens as used in connection with the goods and/or services submitted herewith for class(es) _____ were in use in commerce in connection with the goods and/or services prior to the expiration of the time allowed to the Applicant for filing a Statement of Use, and that they are now in such use;

THAT all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like so made may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: 11/30/2006


(Signature)

RICHARD N FOSTER JR
PRESIDENT

(Officer's Printed Name and Title)

TM Pat

THE PTO ACKNOWLEDGES RECEIPT OF: Docket No. 85165

Applicant/Registrant Trox Corporation

Due Date: 12/6/06 Payment: Amex Am't 100,- Chk No. _____

Title/Mark FRESHEX Serial No. 78/278,824

Patent Specification _____ Pages Drawings _____ Sheets

Amendment or Reply _____ Pages Renewal Specimens # _____

Declaration _____ Pages Section 8/8&15 Assignment _____ Pages

Priority Doc./True Copy Home Reg. _____ Pages Trans. _____ Pages

Express Mail Label - IDS _____ Pages Ext. of Time _____ Pages

Notice of A _____

Request fo _____

Charge a _____

First Class / Expr _____



100,-

12-11-2006

Date 12/6/2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Jan 03, 2007

NOTICE OF ABANDONMENT

TM105

INTELLECTUAL PROPERTY LAW, P.C.
THE HOLYOKE-MANHATTAN BUILDING
80 SOUTH HIGHLAND AVENUE
TOWN OF OSSINING
WESTCHESTER COUNTY, NY 10562

ATTORNEY
REFERENCE
NUMBER:
T-85165

SERIAL NUMBER:	78/278824
MARK:	FRESHEX
APPLICANT:	Troxel Corporation

THE ABOVE IDENTIFIED TRADEMARK APPLICATION WAS ABANDONED ON 12/08/2006 FOR THE FOLLOWING REASON:

NO RESPONSE TO THE OFFICE ACTION MAILED ON 06/06/2006 WAS RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) WITHIN THE SIX-MONTH RESPONSE PERIOD. (15 U.S.C. 1062(b); TRADEMARK RULE 2.65(a)).

YOU CAN REQUEST REINSTATEMENT OF THE APPLICATION FOR NO FEE IF:

- * YOU HAVE PROOF THAT YOUR RESPONSE WAS RECEIVED IN THE USPTO ON OR BEFORE THE DUE DATE - SUCH AS A POSTCARD WITH A USPTO MAILROOM DATE STAMP; OR,
- * YOU MAILED OR FAXED THE RESPONSE ON OR BEFORE THE DUE DATE WITH A CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION, IN ACCORDANCE WITH USPTO RULE 2.197, 37 CFR SEC. 2.197.

YOU MUST SUBMIT A COPY OF THE PREVIOUSLY SUBMITTED TIMELY RESPONSE WITHIN 2 MONTHS OF THE DATE PRINTED AT THE TOP OF THIS NOTICE ALONG WITH ONE OF THE TYPES OF PROOF SET OUT ABOVE. YOU MAY FAX THIS INFORMATION TO 571-273-8950.

IF YOU DO NOT HAVE THE PROOF NECESSARY FOR REINSTATEMENT, YOU CAN REQUEST REVIVAL OF THE APPLICATION, UNDER USPTO RULE 2.66, 37 CFR SEC. 2.66, BY:

- * FILING A "PETITION TO REVIVE" WITHIN 2 MONTHS OF THE DATE PRINTED AT THE TOP OF THIS NOTICE, INDICATING THAT THE REASON FOR THE DELAY IN RESPONDING BY THE DUE DATE WAS "UNINTENTIONAL";
- * PAYING THE PETITION FEE OF \$100, MADE PAYABLE TO THE COMMISSIONER OF TRADEMARKS; AND
- * INCLUDING A COPY OF THE RESPONSE TO THE OFFICE ACTION (IF YOU DID RECEIVE THE OFFICE ACTION - OTHERWISE, INCLUDE A STATEMENT THAT YOU DID NOT RECEIVE THE OFFICE ACTION.)

FOR FURTHER INFORMATION CALL 1-800-786-9199