

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
SERIAL NUMBER	78366315
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p>While the cited junior-in-time mark is identical to the literal element of applicant's superior-in-time mark, the respective goods and services are totally different. There is no evidence of actual confusion in this case and no reasonable consumer would be confused as the relevant goods and services move in COMPLETELY different streams of commerce.</p> <p>Please reconsider and allow this mark to register.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/mf/
SIGNATORY'S NAME	Mark Falkin
SIGNATORY'S POSITION	Attorney for Applicant, TX Bar
DATE SIGNED	02/05/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 05 16:14:46 EST 2009
TEAS STAMP	USPTO/RFR-24.153.219.48-2 0090205161446433053-78366 315-440a1ea746bc9ef93be48 f793e93a68e1d7-N/A-N/A-20 090205161159855904

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To the Commissioner for Trademarks:

Application serial no. **78366315** has been amended as follows:

ARGUMENT(S)

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

While the cited junior-in-time mark is identical to the literal element of applicant's superior-in-time mark, the respective goods and services are totally different. There is no evidence of actual confusion in this case and no reasonable consumer would be confused as the relevant goods and services move in COMPLETELY different streams of commerce.

Please reconsider and allow this mark to register.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /mf/ Date: 02/05/2009

Signatory's Name: Mark Falkin

Signatory's Position: Attorney for Applicant, TX Bar

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: 78366315

Internet Transmission Date: Thu Feb 05 16:14:46 EST 2009

TEAS Stamp: USPTO/RFR-24.153.219.48-2009020516144643

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