

52996.61836

TRADEMARK

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

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Applicant:	SHELTERLOGIC LLC	:	
Mark:	SHED IN A BOX	:	Trademark Examining Attorney
Serial No.:	78/486,093	:	Alina S. Morris, Esq.
Filing Date:	September 20, 2004	:	Law Office: 105
Int'l. Class:	019	:	

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

**NOTICE OF APPEAL**

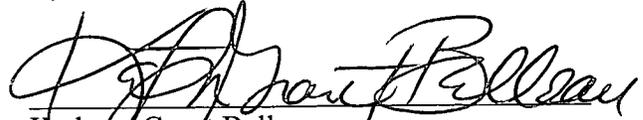
Sir:

Applicant, pursuant to 37 CFR §2.141, hereby appeals to the Trademark Trial and Appeal Board from the Examiner's Final refusal to register dated April 24, 2006. The Trademark Office is authorized to charge the fee of \$100 to Deposit Account No. 04-1105 of the undersigned attorney as well as any deficiency associated with the Notice of Appeal.

10/27/2006 SHILSON1 00000004 041105 78486093  
01 FC:6403 100.00 DA

Respectfully submitted,

SHELTERLOGIC LLC  
By Its Attorneys



Kathryn Grant Belleau  
Edwards Angell Palmer & Dodge LLP  
101 Federal Street  
P.O. Box 9169  
Boston, MA 02209  
Tel: 203.353.6878  
Fax: 203.975.7180  
E-mail: kbelleau@EAPDlaw.com

Date: October 24, 2006



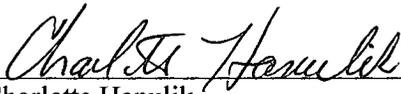
10-26-2006

Ser. No. 78/486,093

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing correspondence entitled **NOTICE OF APPEAL** is being deposited with the U.S. Postal Services as first class prepaid mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on the date entered below.

October 24, 2006

  
\_\_\_\_\_  
Charlotte Hanulik

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52996.61836

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK EXAMINING OPERATION**

-----X  
Applicant: SHELTERLOGIC LLC :  
Mark: SHED IN A BOX : Trademark Examining Attorney  
Serial No.: 78/486,093 : Alina S. Morris, Esq.  
Filing Date: September 20, 2004 : Law Office: 105  
Int'l. Class: 019 :  
-----X

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

**AMENDMENT AND RESPONSE  
TO FINAL OFFICE ACTION**

Sir:

In response to the FINAL Office Action mailed electronically on April 4, 2006, please enter the following Amendment and Remarks:

AMENDMENTS

Please amend the application to the Supplemental Register.

In the application, in each and every instance, where appropriate, change "Principal Register" to -- Supplemental Register --.

COPY

Ser. No. 78/486,093

REMARKS

The Examiner, Ms Morris, has refused registration of the instant application on the Principal Register under §2(e)(1), stating that the mark is merely descriptive of the goods, and has made this refusal FINAL.

In the first Office Action issued herein, where the §2 (e)(1) refusal was first raised, the Examiner indicated that, once use commenced, an option for Applicant would be to transfer the instant application to the Supplemental Register supporting Applicant's contention that this mark is capable of acting as a trademark. At that time use information had not yet been furnished and Applicant's position was, in any event, that the mark was suggestive as opposed to descriptive.

The Examiner has rejected these arguments and, as stated above, made this refusal FINAL.

Applicant is submitting, concurrently herewith, its completed Amendment to Allege Use under 15 U.S.C. §1051(c), with the appropriate specimen and fee, to be charged to the Deposit Account of the undersigned attorney firm. A copy of the Amendment and specimen are attached for the Examiner's information. Applicant first used the mark at least as early as February 2004, and first used the mark in commerce at least as early as February 2004, and is now using the mark in commerce. As a result, the instant application is now eligible for amendment to the Supplemental Register and the same has been requested by this Amendment.

In view of the foregoing, it is respectfully requested that the refusal to register the instant mark under §2 (e)(1) be withdrawn.

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Ser. No. 78/486,093

Applicant is also submitting herewith a Notice of Appeal in the event there still remain some informalities which need to be addressed in order to pass the instant application to registration on the Supplemental Register.

Since all formal matters have now been taken care of and a search of the Patent and Trademark Office records has failed to show that the mark, when applied to Applicant's goods, so resembles another mark as to be likely to cause confusion, deception or mistake, this mark is deemed to be in condition for registration on the Supplemental Register and an early notice to that effect is earnestly solicited.

Respectfully submitted,

SHELTERLOGIC LLC  
By Its Attorneys



Kathryn Grant Belleau  
Edwards Angell Palmer & Dodge LLP  
101 Federal Street  
P.O. Box 9169  
Boston, MA 02209  
Tel: 203.353.6878  
Fax: 203.975.7180  
E-mail: kbelleau@EAPDlaw.com

Date: October 24, 2006

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing correspondence entitled **AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**, with enclosures, is being deposited with the U.S. Postal Services as first class prepaid mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on the date entered below.

October 24, 2006

  
Charlotte Hanulik

COPY

Trademark/Service Mark Amendment to Allege Use  
(15 U.S.C. Section 1051(c))

Handwritten Signature

To the Commissioner for Trademarks:

MARK: SHED IN A BOX  
SERIAL NUMBER: 78486093

The applicant, SHELTERLOGIC LLC, residing at 150 Callender Road, Watertown, Connecticut United States 06795, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class: 019, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as Feb. 2008, and first used in commerce at least as early as November 2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a specimen showing the mark used with the goods.

Specimen 1 - 1 label affixed to packaging.

The applicant hereby appoints Kelley Grant Belleau to submit this Trademark/Service Mark Amendment to Allege Use on behalf of the applicant. The attorney docket/reference number is 40541/61830.

A fee payment in the amount of \$100 will be submitted with this form, representing payment for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the good/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner, and all statements made of his/her own knowledge are true and that all statements made of information and belief are believed to be true.

Signature: James Raymond

Date: 10-23-08

Signatory's Name: James Raymond  
Signatory's Position: Chief Executive Officer

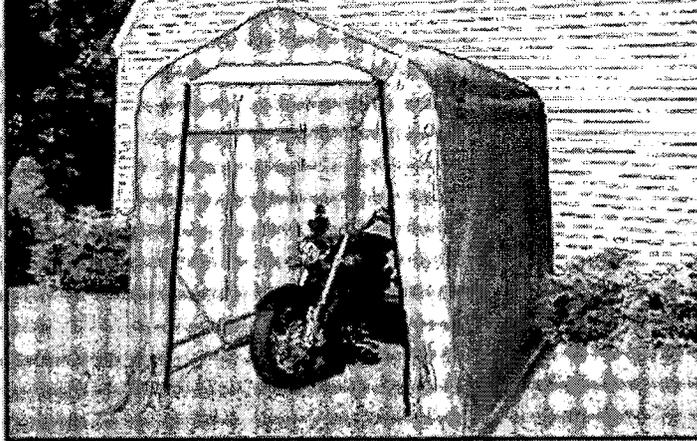
COPY

**ShelterLogic**  
All Weather Shelters

6' x 10' x 6'

# Shed-in-a-Box™

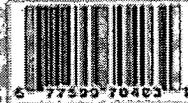
**Garage & Shed Series**



**INCLUDES:**

- (1) 6' x 10' x 6' 1-3/8" powder coated steel frame
- (1) One-piece fitted cover
- Double zipper front and back door
- (4) Ratchet tie-downs
- (4) 15" Auger Anchors
- Hardware Kit

DO NOT REMOVE  
THIS LABEL FROM THE SHED  
OR SHED KIT  
ALL RIGHTS RESERVED  
CONSTRUCTION OF THIS SHED IS  
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A DIVISION OF SHELTERLOGIC CORP.  
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