

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

In re Application of : JMP Industries, Inc.  
 For : DIAMOND INSERT Logo  
 Serial No. : 78/583,235  
 Filed : March 9, 2005  
 Class : 007  
 Last Office Action : January 9, 2005  
 Examiner : Jeffrey S. DeFord  
 Law Office 115  
 Our Docket No. : JMPE 5 00016

**REQUEST FOR RECONSIDERATION**

Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1415



06-30-2006

U.S. Patent &amp; TMOft/TM Mail Rcpt Dt. #30

Dear Sir:

The Examining Attorney maintained the requirement to disclaim the word "diamond". Applicant has previously advised the Examining Attorney that Applicant has a registration for DIAMOND, U.S. Reg. No. 2,738,221. This registration is for the same goods as used in association with the mark in the present application.

Applicant coined the term "Diamond Insert" for a particular type of extruder insert. Applicant is unaware of any third party that uses the term DIAMOND or DIAMOND INSERT for any type of extruder equipment. Applicant has extensively used and marketed the marks DIAMOND

and DIAMOND INSERT for its particularly shaped extruder inserts. Applicant submits that the marks DIAMOND and DIAMOND INSERT are well know in the extruder industry in regards to Applicant's particular shaped extruder inserts.

The mark of record also reveals that the mark DIAMOND is prominently used. The mark DIAMOND is in a larger font and a different font from the word "insert". Applicant submits that this is further evidence that Applicant is using the mark DIAMOND as a source identifier for its particularly shaped extruder inserts.

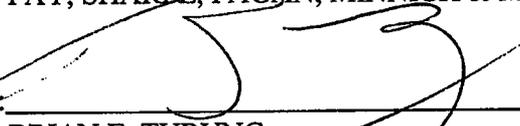
Applicant respectfully requests that the Examining Attorney reconsider and withdraw the requirement to disclaim the mark DIAMOND.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or document, or any registration resulting therefrom, declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true.

The undersigned is a person with legal authority to bind the Applicant, or, is an attorney as defined in 37 C.F.R. \*10.01(c) who has actual or implied written or verbal power of attorney from Applicant.

Applicant submits that the subject mark is registrable on the Principal Register. Accordingly, reconsideration and allowance is respectfully requested.

Respectfully submitted,  
FAY, SHARPE, ~~FAGAN~~, MINNICH & McKEE

By: 

BRIAN E. TURUNG  
Reg. No. 35,394  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
Telephone: (216) 861-5582  
Facsimile: (216) 241-1666

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451

on 6-27-06

Adeline Machado  
(SIGNATURE)