

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : GMX, Inc.
For : GMX
Serial No. : 78/596,099
Filed : March 28, 2005
Class : 19
Date of Last Action : May 23, 2006
Examiner : Tejbir Singh
Law Office 106
Our Docket No. : GARL 5 00112



06-09-2006
U.S. Patent & TMO/TM Mail Rcpt Dt. #40

RESPONSE TO OFFICE ACTION MAILED MAY 23, 2006

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

Dear Sir:

The Office Action mailed May 23, 2006 has been received and reviewed. The Examining Attorney objected to the Office Action response filed on January 3, 2006 as being non-responsive. Specifically, the Examining Attorney objected to the proposed list of goods in the Office Action response. The Examining Attorney did not object to Applicant's explanation of the specimen as set forth in the Office Action response filed on January 3, 2006, thus such explanation will not be repeated herein.

In an effort to better define the goods associated with the mark, Applicant requests that the following list of goods be substituted for the list of goods currently pending in the application:

Waterproofing materials, namely, non-metallic polymer coatings, non-metallic solvent coatings, non-metallic water-based coating, non-metallic masonry sealers, and non-metallic concrete paints for side walls, flooring and roofing; non-metallic polymer membrane for side walls, flooring and roofing; non-metallic reinforcement fabric for side walls, flooring and roofing; foundation drain and pipe systems, namely sheet drains, strip drains, strip drain outlets, corner fittings, corner guards, tee connectors, drain splices, drain pipes; foundation drainage board; foundation protection board in International Class 19.

Applicant submits that the above list of goods does not expand the list of goods beyond the list of goods identified in the Office Action response filed on December 1, 2005. Applicant also submits that the above list of goods clarifies the goods associated with the above mark.

Applicant respectfully submits that the issues raised in the above-identified Office Action have been addressed by Applicant.

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

By: _____

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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, P.O. Box 1451, Alexandria, VA 22313-1451

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(SIGNATURE)