

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78617246
LAW OFFICE ASSIGNED	LAW OFFICE 105

MARK SECTION (no change)

ARGUMENT(S)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
 Domestications, LLC.)
)
 Serial No. 78/617,246)
)
 Filed: April 26, 2005)
)
 Mark: THE FEATHERED NEST KIT)

Marlene D. Bell
 Trademark Examiner
 Law Office 105

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

Dear Madam:

RESPONSE

This response answers the Office Action issued July 10, 2006, in the above-identified application filed by Domestications, LLC. (hereinafter "Applicant").

REMARKS

The Examiner has refused the Applicant's "THE FEATHERED NEST KIT" application based on Section 2 (d) likelihood of confusion with Registration No. 2,445,136 ("FEATHERNEST"). However, Applicant has petitioned to cancel this registration on the grounds that the mark covered by this registration is no longer in use. A copy of the Petition for Cancellation, which was filed by the Applicant, is attached hereto as Exhibit A.

Applicant requests that the Examiner suspend this application pursuant to 37 C.F.R. § 2.67 until the

cancellation proceeding referenced above is completed. Applicant submits that the pending cancellation proceeding constitutes *prima facie* good and sufficient cause for such suspension.

In order to preserve its rights, Applicant is also filing a Notice of Appeal at this time, which includes a request that the Appeal be suspended until the disposition of the cancellation action.

CONCLUSION

In light of the above remarks, Applicant respectfully requests that this application be suspended pending the outcome of the cancellation action Applicant has instituted against the registration cited by the Examiner.

SIGNATURE SECTION

RESPONSE SIGNATURE	/Edward M. Siegel/
SIGNATORY'S NAME	Edward M. Siegel
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	01/10/2007

FILING INFORMATION SECTION

SUBMIT DATE	Wed Jan 10 16:44:46 EST 2007
TEAS STAMP	USPTO/ROA-38.98.140.130-2 0070110164446813012-78617 246-36077f5aff5eaf7903854 2c9c93415a7fe-N/A-N/A-200 70110163712857208

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78617246** has been amended as follows:

Argument(s)

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Domestications, LLC.)	
)	
Serial No. 78/617,246)	Marlene D. Bell
)	Trademark Examiner
)	Law Office 105
Filed: April 26, 2005)	
)	

Mark: THE FEATHERED NEST KIT)

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Response Signature

Signature: /Edward M. Siegel/ Date: 01/10/2007

Signatory's Name: Edward M. Siegel

Signatory's Position: Attorney for Applicant

Serial Number: 78617246

Internet Transmission Date: Wed Jan 10 16:44:46 EST 2007

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