PTO Form 1957 (Rev 9/2005)

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

Response to Office Action

The table below presents the data as entered.

SERIAL NUMBER
LAW OFFICE ASSIGNED
MARK SECTION (no change)
ARGUMENT(S)
ARGUMENT The Examining Attorney has denied Applicant's request for reconsideration skateboarding and wakeboarding", registered on May 19, 1998. The mark has been in u
GOODS AND/OR SERVICES SECTION (004)(no change)
GOODS AND/OR SERVICES SECTION (009)(current)
INTERNATIONAL CLASS
DESCRIPTION
Sunglasses, spectacles, glasses and goggles; eyewear, eyeglasses, sunglasses, spectacles, glasses and go;
FIRST USE ANYWHERE DATE
FIRST USE IN COMMERCE DATE
FILING BASIS
GOODS AND/OR SERVICES SECTION (009)(proposed)
INTERNATIONAL CLASS
DESCRIPTION
Sunglasses, spectacles, glasses and goggles; eyewear, eyeglasses, sunglasses, spectacles, glasses and go;
FIRST USE ANYWHERE DATE
FIRST USE IN COMMERCE DATE
FILING BASIS
GOODS AND/OR SERVICES SECTION (011)(no change)
GOODS AND/OR SERVICES SECTION (014)(no change)
GOODS AND/OR SERVICES SECTION (018)(no change)

GOODS AND/OR SERVICES SECTION (020)(no change)

GOODS AND/OR SERVICES SECTION (021)(no change)

GOODS AND/OR SERVICES SECTION (024)(no change)

GOODS AND/OR SERVICES SECTION (025)(current)

INTERNATIONAL CLASS

DESCRIPTION

Footwear, headgear, wetsuits, swimwear, singlets, t-shirts, shirts and casual tops with long and short sle

FIRST USE ANYWHERE DATE

FIRST USE IN COMMERCE DATE

FILING BASIS

GOODS AND/OR SERVICES SECTION (025)(proposed)

INTERNATIONAL CLASS

DESCRIPTION

Footwear, headgear, wetsuits, swimwear, singlets, t-shirts, shirts and casual tops with long and short sle

FIRST USE ANYWHERE DATE

FIRST USE IN COMMERCE DATE

FILING BASIS

GOODS AND/OR SERVICES SECTION (027)(no change)

GOODS AND/OR SERVICES SECTION (028)(current)

INTERNATIONAL CLASS

DESCRIPTION

Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-sl

FIRST USE ANYWHERE DATE

FIRST USE IN COMMERCE DATE

FILING BASIS

GOODS AND/OR SERVICES SECTION (028)(proposed)

INTERNATIONAL CLASS

DESCRIPTION

Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-sl

FIRST USE ANYWHERE DATE

FIRST USE IN COMMERCE DATE
FILING BASIS
GOODS AND/OR SERVICES SECTION (035)(no change)
GOODS AND/OR SERVICES SECTION (036)(no change)
GOODS AND/OR SERVICES SECTION (041)(no change)
SIGNATURE SECTION
DECLARATION SIGNATURE
SIGNATORY'S NAME
SIGNATORY'S POSITION
DATE SIGNED
RESPONSE SIGNATURE
SIGNATORY'S NAME
SIGNATORY'S POSITION
DATE SIGNED
AUTHORIZED SIGNATORY
FILING INFORMATION SECTION
SUBMIT DATE
TEAS STAMP

PTO Form 1957 (Rev 9/2005)

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

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78618407** has been amended as follows:
Argument(s)
In response to the substantive refusal(s), please note the following:

ARGUMENT The Examining Attorney has denied Applicant's request for reconsideration skateboarding and wakeboarding", registered on May 19, 1998. The mark has been in us

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:
Current: Class 009 for Sunglasses, spectacles, glasses and goggles; eyewear, eyeglasses, sunglasses, spectacles, glasses and goggles for sports; parts, fittings and accessories for sunglasses, spectacles and goggles namely frames, cases, earstems, lanyards and neck chains, replacement lenses, nose pieces and foam strips (for cushioning the glasses or eyewear against the forehead); protective helmets for use in sports; recorded materials featuring surfing, bodyboarding, snowboarding, skiing, kiteboarding and skateboarding, pre-recorded video tapes, digital video discs and CD-ROMs featuring featuring surfing, bodyboarding, snowboarding, skiing, kite boarding and skateboarding; computer bags; bags for compact discs; survival suits, namely insulated overall wet suits and dry suits; life jackets; personal flotation devices; mobile phone accessories namely covers, cases, clips, lanyards and neck chains; gloves for protection against accident or injury; electric signs
Original Filing Basis: 1(b).
Proposed: Class 009 for Sunglasses, spectacles, glasses and goggles; eyewear, eyeglasses, sunglasses, spectacles, glasses and goggles for sports; parts, fittings and accessories for sunglasses, spectacles and goggles namely frames, cases, earstems, lanyards and neck chains, replacement lenses, nose pieces and foam strips (for cushioning the glasses or eyewear against the forehead); protective helmets for use in sports; recorded materials featuring surfing, bodyboarding, snowboarding, skiing, and kiteboarding; pre-recorded video tapes, digital video discs and CD-ROMs featuring featuring surfing, bodyboarding, snowboarding, skiing, and kite boarding; computer bags; bags for compact discs; survival suits, namely insulated overall wet suits and dry suits; life jackets; personal flotation devices; mobile phone accessories namely covers, cases, clips, lanyards and neck chains; gloves for protection against accident or injury; electric signs
Filing Basis: 1(b).
Applicant hereby amends the following class of goods/services in the application as follows:
Current: Class 025 for Footwear, headgear, wetsuits, swimwear, singlets, t-shirts, shirts and casual tops with long and short sleeves, sleeveless shirts, sleeveless tops, bodysuits, sweat tops, sweat hooded parkas, jackets, coats, jumpers, shorts, board shorts, walk shorts, volley shorts, long pants, beach pants, trousers, slacks, jeans, overalls, dresses, skirts, sarongs, leisure wear, sporting and gymnastic wear, ski wear and snowboard wear namely ski suits, ski pants, ski trousers, ski jackets, snowboard pants, snowboard trousers and snowboard jackets, skateboard wear, aprons, pyjamas, night clothes, dressing gowns, bathrobes, underwear, lingerie, stockings, pantyhose, socks, vests, belts, braces, mittens, gloves, scarves, ear muffs, bandannas, beanies, headbands, hats, visors, caps, hoods and head coverings with canopy of sunshield, surf caps, surf hoods, slippers, boots, shoes, beach shoes, thonged and strapped sandals, sporting and gymnastic footwear, athletic shoes, boots for sports, snow boots, snowboard boots, ski boots, après ski boots, kiteboard boots, surfboard boots, wakeboard boots
Original Filing Basis: 1(b).
Proposed: Class 025 for Footwear, headgear, wetsuits, swimwear, singlets, t-shirts, shirts and casual tops with long and short sleeves, sleeveless shirts, sleeveless tops, bodysuits, sweat tops, sweat hooded parkas, jackets, coats, jumpers, shorts, board shorts, walk shorts, volley shorts, long pants, beach pants, trousers, slacks, jeans, overalls, dresses, skirts, sarongs, leisure wear, sporting and gymnastic wear, ski wear and snowboard wear namely ski suits, ski pants, ski trousers, ski jackets, snowboard pants, snowboard trousers and snowboard jackets, aprons, pyjamas, night clothes, dressing gowns, bathrobes, underwear, lingerie, stockings, pantyhose, socks, vests, belts, braces, mittens, gloves, scarves, ear muffs, bandannas, beanies, headbands, hats, visors, caps, hoods and head coverings with canopy of sunshield,

surf caps, surf hoods, slippers, boots, shoes, beach shoes, thonged and strapped sandals, sporting and gymnastic footwear, athletic shoes, boots for sports, snow boots, snowboard boots, ski boots, après ski boots, kiteboard boots, surfboard boots, wakeboard boots
Filing Basis: 1(b).
Applicant hereby amends the following class of goods/services in the application as follows:
Current: Class 028 for Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards, kite boards; sporting accessories namely leg ropes and security leashes for sporting apparatus, sporting apparatus being ropes especially adapted and fitted as tow-in ropes and skiing ropes, ski bindings, surfboard deck grips, web gloves; swim fins including swim fins for bodyboarding, wax for skis and surfboards; covers and protective bags for sporting apparatus namely bags for surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards and kiteboards; wakeboard bindings; snowboard bindings; bindings for skis; wax combs
Original Filing Basis: 1(b).
Proposed: Class 028 for Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, kite boards; sporting accessories namely leg ropes and security leashes for sporting apparatus, sporting apparatus being ropes especially adapted and fitted as tow-in ropes and skiing ropes, ski bindings, surfboard deck grips, web gloves; swim fins including swim fins for bodyboarding, wax for skis and surfboards; covers and protective bags for sporting apparatus namely bags for surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, and kiteboards; wakeboard bindings; snowboard bindings; bindings for skis; wax combs
Filing Basis: 1(b).

Declaration Signature
If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). 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. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /victor sapphire/ Date: 03/09/2007
Signatory's Name: Victor Sapphire
Signatory's Position: Attorney for Applicant

Response Signature
Signature: /victor sapphire/ Date: 03/09/2007
Signatory's Name: Victor Sapphire

Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is either (1) an attorney who is a member in good standing of the bar of the highest court of a U.S. state; or (2) a Canadian attorney/agent who has been granted reciprocal recognition under 37 C.F.R. §10.14(c) by the USPTO's Office of Enrollment and Discipline. He/she further confirms that (1) the applicant has not previously been represented in this matter by an authorized attorney; and (2) he/she is the applicant's attorney or an associate of that attorney.

Serial Number: 78618407
Internet Transmission Date: Sat Mar 10 00:05:45 EST 2007
TEAS Stamp: USPTO/ROA-69.228.3.96-20070310000545419803-78618407-370779f8cf77d3f2c67bab34d5bb8e051-N/A-N/A-20070309235612289308