

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

Mark: DAVIES GATE SUGAR PLUM  
Applicant: Davies Gate LLC  
Serial No.: 78/761,852  
Filed: November 28, 2005  
Class: 03

) Examining Attorney: Mrs. A.D. Saunders

) Law Office: 109

) CERTIFICATION UNDER 37 CFR §1.8

) I hereby certify that the documents referred to as enclosed  
) herein are being transmitted by facsimile to the United States  
) Patent and Trademark Office at (571) 273-9109 on February 28,  
) 2008.

)   
) Marnie Wright Bamhorst

Box RESPONSES  
NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

- and -

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

RESPONSE TO TTAB OPINION

This communication is in response to the opinion of the Trademark Trial and Appeal Board dated January 29, 2008, in which the Administrative Trademark Judge stated that if Applicant submits the required disclaimer of "SUGAR PLUM" within 30 days, the Board's decision affirming the refusal to register the mark DAVIES GATE SUGAR PLUM would be set aside. In accordance with the decision of the Board, Applicant hereby requests that the application be amended as follows:

- -Without waiving any common-law rights thereto, Applicant disclaims the exclusive right to use the words "SUGAR PLUM" apart from the mark as shown. - -

In view of the foregoing amendment which has been timely filed on February 28, 2008, it is believed this Application is in condition for prompt publication. Favorable action is therefore requested.

Dated: 2-28-08

Respectfully submitted,

  
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