PTO Form 2194 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78964580
LAW OFFICE ASSIGNED	LAW OFFICE 101
DATE OF NOTICE OF ABANDONMENT	02/11/2008
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional. The signatory did not receive the Office action prior to the expiration of the six-month response period, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
ARGUMENT(S)	
The Applicant has amended the description of goods to change the word "20-printers" to read "2D-printers" in order to fix an error apparently made by the PTO in entering the amendment made by the Applicant in response to the first Office Action. The Applicant is filing a Notice of Appeal.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Apparatus for recording, transmission, processing or reproduction of data, namely scanners, 20-printers or 3D-printers; operating software for use inside scanners, 2D-printers or 3D-printers; computer software for transmission, processing, reproduction, enhancement and refinement of images, for use in connection with scanners, 20-printers and 3D-printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/03/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/03/2003

GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Apparatus for recording, transmission, processing or reproduction of data, namely scanners, 2D-printers or 3D-printers; operating software for use inside scanners, 2D-printers or 3D-printers; computer software for transmission, processing, reproduction, enhancement and refinement of images, for use in connection with scanners, 2D-printers and 3D-printers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/03/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/03/2003
STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\789\645 \78964580\xml3 \POA0002.JP G
	\\TICRS2\EXPORT15\789\645 \78964580\xml3 \POA0003.JP G
SPECIMEN DESCRIPTION	images of label, scanner
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
SIGNATORY FILE NAME(S)	\\TICRS2\EXPORT15\789\645 \78964580\xml3 \POA0004.JP G
SIGNATORY'S NAME	Niels Appel
SIGNATORY'S POSITION	VP Sales and Marketing
RESPONSE SIGNATURE	/Joseph E. Washington/
SIGNATORY'S NAME	Joseph E. Washington
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	04/10/2008
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Apr 10 11:49:17 EDT 2008
	USPTO/POA-72.73.50.2-2008

TEAS STAMP	0410114917954239-78964580 -420cc79307f524bb9be5802a 29228a91ea-DA-8261-200804 10102707364996

PTO Form 2194 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

Petition To Revive For Office Action

To the Commissioner for Trademarks:

Application serial no. **78964580** has been amended as follows:
PETITION
Petition Statement

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional. The signatory did not receive the Office action prior to the expiration of the six-month response period, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

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

The Applicant has amended the description of goods to change the word "20-printers" to read "2D-printers" in order to fix an error apparently made by the PTO in entering the amendment made by the Applicant in response to the first Office Action.

The Applicant is filing a Notice of Appeal.

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Applicant proposes to amend the following class of goods/services in the application:
Current: Class 009 for Apparatus for recording, transmission, processing or reproduction of data, namely scanners, 20-printers or 3D-printers; operating software for use inside scanners, 2D-printers or 3D-printers; computer software for transmission, processing, reproduction, enhancement and refinement of images, for use in connection with scanners, 20-printers and 3D-printers
Original Filing Basis:
Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/03/2003 and first used in commerce at least as early as 03/03/2003, and is now in use in such commerce.

Proposed: Class 009 for Apparatus for recording, transmission, processing or reproduction of data,

namely scanners, 2D-printers or 3D-printers; operating software for use inside scanners, 2D-printers or 3D-printers; computer software for transmission, processing, reproduction, enhancement and refinement of images, for use in connection with scanners, 2D-printers and 3D-printers
Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/03/2003 and first used in commerce at least as early as 03/03/2003, and is now in use in such commerce.
Applicant hereby submits a new specimen for Class 009. The specimen(s) submitted consists of images of label, scanner.
For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
Specimen File1
Specimen File2

FEE(S)
Fee(s) in the amount of $100 is being submitted.

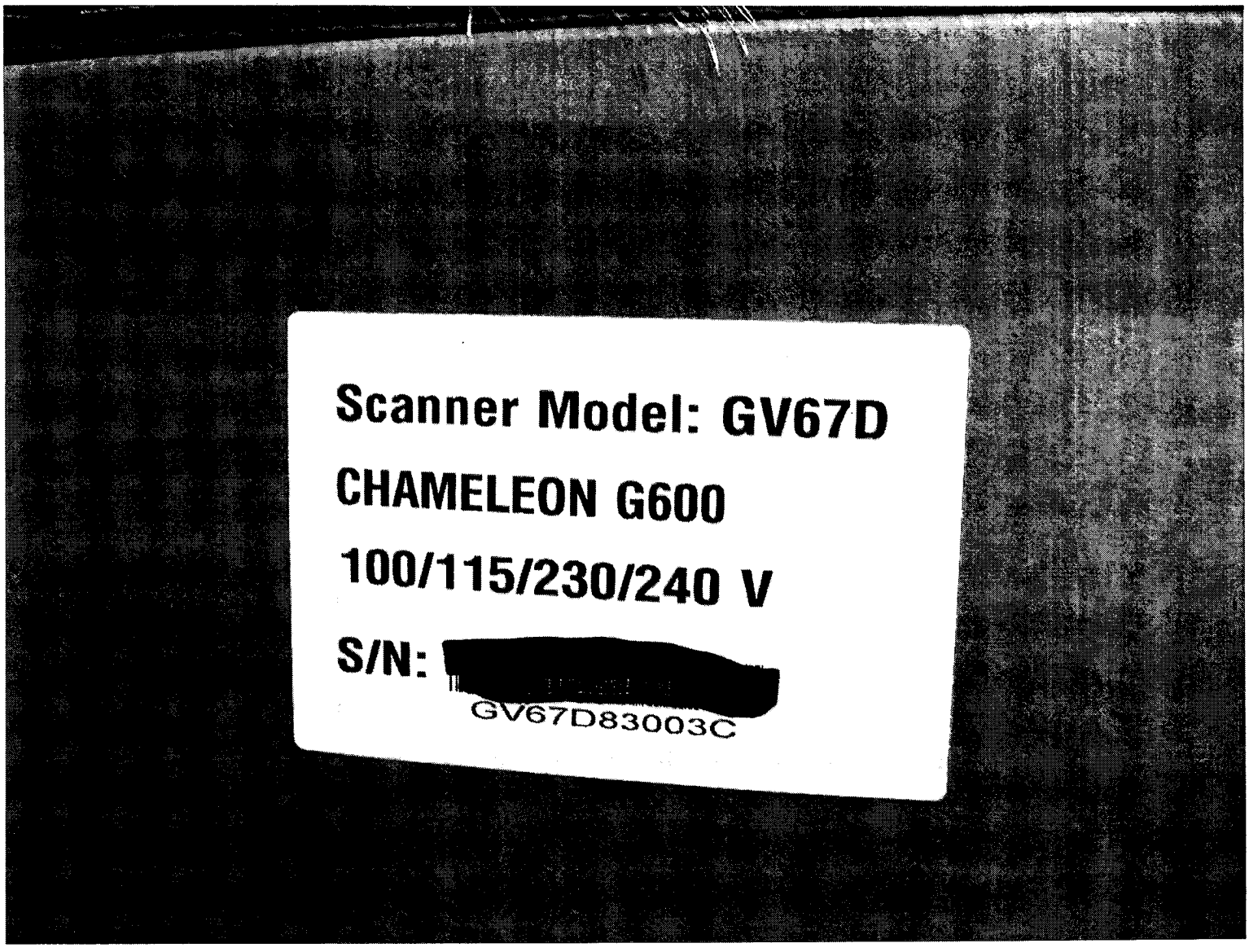
SIGNATURE(S)
Declaration Signature
Signature
Signatory's Name: Niels Appel
Signatory's Position: VP Sales and Marketing

Petition/Response Signature
Signature: /Joseph E. Washington/ Date: 04/10/2008
Signatory's Name: Joseph E. Washington
Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 8261
RAM Accounting Date: 04/10/2008

Serial Number: 78964580
Internet Transmission Date: Thu Apr 10 11:49:17 EDT 2008
TEAS Stamp: USPTO/POA-72.73.50.2-20080410114917954239-78964580-420cc79307f524bb9be5802a29228a91ea-DA-8261-20080410102707364996


Scanner Model: GV67D
CHAMELEON G600
100/115/230/240 V
S/N: [redacted]
GV67D83003C

CHAMELEON G600
WIDE FORMAT SCANNER
COUGAR G600
WIDE FORMAT SCANNER

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 Section:

Signature: [signature]

Signatory's Name: NILES APPEL

Signatory's Position: VP SALES AND MARKETING

Date Signed: 10/4-08

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will **not** be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

RAM SALE NUMBER: 8261

RAM ACCOUNTING DATE: 20080410

INTERNET TRANSMISSION DATE:

2008/04/10

SERIAL NUMBER:

78/964580

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2008/04/10	100