

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79063447
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The examiner rejects the application under Section 2(d) in view of the mark PRESIDENT in the name of Eco & Sons, for retail grocery store services. This registration is dated 2005, with a filing date of 1991.</p> <p>Applicant is also the owner of two longstanding registrations for the mark PRESIDENT, covering cheese and dairy products. U.S. Registration No. 0948631 is dated 1972, and U.S. Registration No. 1710205 is dated 1992, with a filing date of 1989.</p> <p>Applicant is well known for its PRESIDENT branded dairy products, which have a long history in U.S. commerce as evidenced by its longstanding U.S. registrations. Both Applicant's use and its prior registrations pre-date the cited registration.</p> <p>Consumers who are familiar with Applicant's well-known brand of PRESIDENT cheese and dairy products would clearly associate such ownership with a retail shop featuring these products, also branded as PRESIDENT. Such longstanding association with Applicant's famous PRESIDENT cheese and dairy products would serve to avoid confusion between Applicant's retailing of such products under its PRESIDENT brand, and a general grocery retail store.</p> <p>Accordingly, there would be no likelihood of confusion, and the rejection should be withdrawn.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/bsl/

SIGNATORY'S NAME	Bruce S. Londa
SIGNATORY'S POSITION	Attorney of record, NY bar member
DATE SIGNED	02/24/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 24 09:51:40 EST 2010
TEAS STAMP	USPTO/RFR-69.193.206.30-2 0100224095140910618-79063 447-46030da3283a2fb33e327 afca69affe89-N/A-N/A-2010 0224094750241773

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To the Commissioner for Trademarks:

Application serial no. 79063447 has been amended as follows:

ARGUMENT(S)

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

The examiner rejects the application under Section 2(d) in view of the mark PRESIDENT in the name of Eco & Sons, for retail grocery store services. This registration is dated 2005, with a filing date of 1991.

Applicant is also the owner of two longstanding registrations for the mark PRESIDENT, covering cheese and dairy products. U.S. Registration No. 0948631 is dated 1972, and U.S. Registration No. 1710205 is dated 1992, with a filing date of 1989.

Applicant is well known for its PRESIDENT branded dairy products, which have a long history in U.S. commerce as evidenced by its longstanding U.S. registrations. Both Applicant's use and its prior registrations pre-date the cited registration.

Consumers who are familiar with Applicant's well-known brand of PRESIDENT cheese and dairy products would clearly associate such ownership with a retail shop featuring these products, also branded as PRESIDENT. Such longstanding association with Applicant's famous PRESIDENT cheese and dairy products would serve to avoid confusion between Applicant's retailing of such products under its PRESIDENT brand, and a general grocery retail store.

Accordingly, there would be no likelihood of confusion, and the rejection should be withdrawn.

SIGNATURE(S)**Request for Reconsideration Signature**

Signature: /bsl/ Date: 02/24/2010

Signatory's Name: Bruce S. Londa

Signatory's Position: Attorney of record, NY bar member

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.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79063447

Internet Transmission Date: Wed Feb 24 09:51:40 EST 2010

TEAS Stamp: USPTO/RFR-69.193.206.30-2010022409514091

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