

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	79066317
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p style="text-align: center;">The Examining Attorney issued a final Office Action on September 13, 2010, which:</p> <ol style="list-style-type: none"> <li>1. refused registration under Section 2(d);</li> <li>2. refused registration under Section 2(e)(2); and</li> <li>3. required amendment of "office functions" to "<i>providing</i> office functions" in the identification of services.</li> </ol> <p style="text-align: center;">Applicant seeks reconsideration only with respect to item No. 3 regarding the identification of services. The undersigned attaches an email exchange with Jessie Roberts in the Commissioner's Office concerning the identical wording in Applicant's companion application Serial No. 77/911,173. Ms. Roberts indicated that "office functions" is acceptable.</p> <p style="text-align: center;">The Examining Attorney is invited to contact the undersigned with any questions.</p>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	evi_2161418183-095628149_e_between_Jessie_Roberts_and_Michael_Hall_October_8_2010.pdf
<b>CONVERTED PDF FILE(S) (3 pages)</b>	\\TICRS\EXPORT11\IMAGEOUT11\790\663\79066317\xml5\RFR0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\790\663\79066317\xml5\RFR0003.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\790\663\79066317\xml5\RFR0004.JPG
<b>DESCRIPTION</b>	

<b>OF EVIDENCE FILE</b>	Email exchange between Jessie Roberts and Michael Hall on October 8, 2010.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/meh/
<b>SIGNATORY'S NAME</b>	Michael E. Hall
<b>SIGNATORY'S POSITION</b>	Applicant's attorney, Virginia and DC bar member
<b>DATE SIGNED</b>	03/10/2011
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Mar 10 10:06:29 EST 2011
<b>TEAS STAMP</b>	USPTO/RFR-216.141.81.83-2 0110310100629919279-79066 317-480c67dfacea376c6ea171 cde401d29fd72-N/A-N/A-201 10310095628149674

PTO Form (Rev 4/2000)  
OMB No. 0651-... (Exp. 08/31/2004)

**Request for Reconsideration after Final Action  
To the Commissioner for Trademarks:**

Application serial no. **79066317** has been amended as follows:

**ARGUMENT(S)**

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

The Examining Attorney issued a final Office Action on September 13, 2010, which:

1. refused registration under Section 2(d);
2. refused registration under Section 2(e)(2); and

3. required amendment of "office functions" to " *providing* office functions" in the identification of services.

Applicant seeks reconsideration only with respect to item No. 3 regarding the identification of services. The undersigned attaches an email exchange with Jessie Roberts in the Commissioner's Office concerning the identical wording in Applicant's companion application Serial No. 77/911,173. Ms. Roberts indicated that "office functions" is acceptable.

The Examining Attorney is invited to contact the undersigned with any questions.

#### **EVIDENCE**

Evidence in the nature of Email exchange between Jessie Roberts and Michael Hall on October 8, 2010. has been attached.

#### **Original PDF file:**

evi\_2161418183-095628149\_.\_e\_between\_Jessie\_Roberts\_and\_Michael\_Hall\_\_October\_8\_\_2010.pdf

#### **Converted PDF file(s) (3 pages)**

Evidence-1

Evidence-2

Evidence-3

#### **SIGNATURE(S)**

##### **Request for Reconsideration Signature**

Signature: /meh/ Date: 03/10/2011

Signatory's Name: Michael E. Hall

Signatory's Position: Applicant's attorney, Virginia and DC 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: 79066317

Internet Transmission Date: Thu Mar 10 10:06:29 EST 2011

TEAS Stamp: USPTO/RFR-216.141.81.83-2011031010062991

9279-79066317-480c67dfacea376c6ea171cde40

1d29fd72-N/A-N/A-20110310095628149674



**Hall, Michael E.**

---

**From:** Hall, Michael E.  
**Sent:** Friday, October 08, 2010 3:27 PM  
**To:** 'Roberts, Jessie'  
**Subject:** RE: Quick question

Great, thanks Jessie.

Michael

Michael E. Hall | Staff Attorney | Venable LLP  
Admitted in Virginia, not admitted in DC  
t 202.344.4533 | f 202.344.8300  
575 7th Street, NW, Washington, DC 20004

[MEHall@Venable.com](mailto:MEHall@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Roberts, Jessie [mailto:Jessie.Roberts@USPTO.GOV]  
**Sent:** Friday, October 08, 2010 3:26 PM  
**To:** Hall, Michael E.  
**Subject:** RE: Quick question

Thanks. The advertising is OK, the office functions less so, but still acceptable.

---

**From:** Hall, Michael E. [mailto:MEHall@Venable.com]  
**Sent:** Friday, October 08, 2010 2:53 PM  
**To:** Roberts, Jessie  
**Subject:** RE: Quick question

Ah, sorry, the Serial No. is 77911173.

Michael E. Hall | Staff Attorney | Venable LLP  
Admitted in Virginia, not admitted in DC  
t 202.344.4533 | f 202.344.8300  
575 7th Street, NW, Washington, DC 20004

[MEHall@Venable.com](mailto:MEHall@Venable.com) | [www.Venable.com](http://www.Venable.com)

---

**From:** Roberts, Jessie [mailto:Jessie.Roberts@USPTO.GOV]  
**Sent:** Friday, October 08, 2010 2:51 PM

3/10/2011

**To:** Hall, Michael E.  
**Subject:** RE: Quick question

Generally, they are both OK. I hesitate because without a serial number, it's risky to give an OK when the IDs aren't seen in the context of the complete ID.  
Jessie

---

**From:** Hall, Michael E. [mailto:MEHall@Venable.com]  
**Sent:** Friday, October 08, 2010 2:23 PM  
**To:** Roberts, Jessie  
**Subject:** Quick question

Hi Jessie,

May I tell a couple examining attorneys that "advertising" by itself in Class 35 is acceptable, and it need not be "advertising services"?

Also, can I tell them that "office functions" in Class 35 is acceptable, and need not be "providing office functions"?

Thanks,  
Michael

**Michael E. Hall | Staff Attorney | Venable LLP**  
Admitted in Virginia, not admitted in DC  
t 202.344.4533 | f 202.344.8300  
575 7th Street, NW, Washington, DC 20004

[MEHall@Venable.com](mailto:MEHall@Venable.com) | [www.Venable.com](http://www.Venable.com)

\*\*\*\*\*  
U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.  
\*\*\*\*\*

\*\*\*\*\*  
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.  
\*\*\*\*\*

\*\*\*\*\*

U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue

Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

\*\*\*\*\*  
\*\*\*\*\*

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

\*\*\*\*\*