

PTO Form (Rev 4/2000)

OMB No. 0651-.... (Exp. 08/31/2004)

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	79071330
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<u>Remarks</u>	
<p>In response to the issues raised in the Final Office Action, dated February 12, 2010, the Applicant submits an amendment and the following remarks in support of the registrability of the mark. A Notice of Appeal is also submitted concurrently herewith.</p>	
<u>Identification of Goods</u>	
<p>The Examining Attorney continues to object to the identification of goods recited in the present application for International Class 025. With the assistance of the Examining Attorney's suggestions, the identification of goods for International Class 025 has been rewritten herewith to more clearly identify the goods to be offered under the mark. In light of the foregoing, reconsideration and removal of the objection to the identification of goods are respectfully requested.</p>	
<u>Conclusion</u>	
<p>In view of the foregoing, Applicant submits that this application is in condition for approval and respectfully requests passage of the mark to publication.</p>	
Respectfully submitted,	
THE WEBB LAW FIRM	
/pao/ Patricia A. Olosky, Reg. No. 53,411 Attorney of record, PA bar member	
<b>GOODS AND/OR SERVICES SECTION (009)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (018)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (025)(current)</b>	

INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear, outdoor wear, sports wear	
GOODS AND/OR SERVICES SECTION (025)(proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
<del>Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear, outdoor wear, sports wear,</del> Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear in the nature of sweaters, hooded sweat shirts, tank tops, t-shirts, tops, pants, trousers, shorts, cardigans, shirts, underwear, sleepwear, and socks, outdoor wear in the nature of scarves, caps, coats, and gloves, and sports wear in the nature of vests, slacks, skirts, dresses, suits, ties, jackets and stockings	
FINAL DESCRIPTION	
Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear in the nature of sweaters, hooded sweat shirts, tank tops, t-shirts, tops, pants, trousers, shorts, cardigans, shirts, underwear, sleepwear, and socks, outdoor wear in the nature of scarves, caps, coats, and gloves, and sports wear in the nature of vests, slacks, skirts, dresses, suits, ties, jackets and stockings	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/pao/
SIGNATORY'S NAME	Patricia A. Olosky, Reg. No. 53,411
SIGNATORY'S POSITION	Attorney of record, PA bar member
DATE SIGNED	08/03/2010
RESPONSE SIGNATURE	/pao/
SIGNATORY'S NAME	Patricia A. Olosky, Reg. No. 53,411
SIGNATORY'S POSITION	Attorney of record, PA bar member
DATE SIGNED	08/03/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 03 13:41:42 EDT 2010
TEAS STAMP	USPTO/RFR-74.94.192.131-2 0100803134142832380-79071 330-4709a82bd67901335cd44 6b979f5a81a038-N/A-N/A-20 100803134001738814

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OMB No. 0651-.... (Exp. 08/31/2004)

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. 79071330 has been amended as follows:

#### ARGUMENT(S)

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

#### Remarks

In response to the issues raised in the Final Office Action, dated February 12, 2010, the Applicant submits an amendment and the following remarks in support of the registrability of the mark. A Notice of Appeal is also submitted concurrently herewith.

#### Identification of Goods

The Examining Attorney continues to object to the identification of goods recited in the present application for International Class 025. With the assistance of the Examining Attorney's suggestions, the identification of goods for International Class 025 has been rewritten herewith to more clearly identify the goods to be offered under the mark. In light of the foregoing, reconsideration and removal of the objection to the identification of goods are respectfully requested.

#### Conclusion

In view of the foregoing, Applicant submits that this application is in condition for approval and respectfully requests passage of the mark to publication.

Respectfully submitted,

THE WEBB LAW FIRM

/pao/

Patricia A. Olosky, Reg. No. 53,411

Attorney of record, PA bar member

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 025 for Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear, outdoor wear, sports wear

Original Filing Basis:

**Filing Basis Section 66(a)**, Request for Extension of Protection to the United States. Section 66(a) of

the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear, outdoor wear, sports wear;~~ Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear in the nature of sweaters, hooded sweat shirts, tank tops, t-shirts, tops, pants, trousers, shorts, cardigans, shirts, underwear, sleepwear, and socks, outdoor wear in the nature of scarves, caps, coats, and gloves, and sports wear in the nature of vests, slacks, skirts, dresses, suits, ties, jackets and stockings

Class 025 for Clothing, namely, beachwear, skating outfits, belts, skiwear, casual wear in the nature of sweaters, hooded sweat shirts, tank tops, t-shirts, tops, pants, trousers, shorts, cardigans, shirts, underwear, sleepwear, and socks, outdoor wear in the nature of scarves, caps, coats, and gloves, and sports wear in the nature of vests, slacks, skirts, dresses, suits, ties, jackets and stockings

**Filing Basis Section 66(a)**, Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**SIGNATURE(S)**

**Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has 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); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. 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 and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. 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. Section 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. Section 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: /pao/ Date: 08/03/2010

Signatory's Name: Patricia A. Olosky, Reg. No. 53,411

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

**Request for Reconsideration Signature**

Signature: /pao/ Date: 08/03/2010

Signatory's Name: Patricia A. Olosky, Reg. No. 53,411

Signatory's Position: Attorney of record, PA 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: 79071330

Internet Transmission Date: Tue Aug 03 13:41:42 EDT 2010

TEAS Stamp: USPTO/RFR-74.94.192.131-2010080313414283

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