

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79088541
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
ARGUMENT(S)	
<p><u>Status:</u></p> <p>The Examiner has accepted the goods of Classes 1, 9 and 19 and issued no refusals for those classes. Accordingly, this response and the Notice of Appeal being filed concurrently herewith relates to Classes 7, 10, 12, 17, 28, and 42.</p>	
<p><u>Goods and Services:</u></p> <p>The goods and services of Classes 7, 10, 12, 17, 28, and 42 are hereby amended. Reconsideration of the objections to the goods and services is respectfully requested. Please note that "bicycle frames and components; motor bike frames and components" are included in Class 12 as they are within the scope of the original identification of Class 12, and thus does not constitute the reclassification of goods.</p>	
<p><u>Refusal to Register:</u></p> <p>The proposed mark is refused registration based on an asserted likelihood of confusion in relation to U.S. Registration Nos. 2245552 and 2955513.</p> <p>Based on a failure to file the required Declaration under Section 8, Registration No. 2955513 was cancelled. Accordingly, withdrawal of this refusal is appropriate.</p> <p>Additionally, withdrawal of the refusal to register based on Registration No. 2245552 is respectfully requested based on the amendment to the goods of Class 10 as follows, which removes any potential overlap between the goods of the instant application and those of the '552 registration:</p> <p>“Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; parts for medical equipment, namely CT apparatus and MRI diagnostic</p>	

apparatus; orthopedic articles, namely, orthopedic corsets, artificial extremities.”

As clearly evidenced by the eleven registrations cited in the previous Office Action, an extensive number of registrations containing the letters “VAP” exist and the scope of protection afforded each of those individual registrations, is inherently narrowed. *See Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1373, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005) (Holding that if evidence establishes that the consuming public is exposed to third-party use of similar marks with similar goods, this evidence “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.”).

The goods of the cited registration (“medical and veterinary apparatus, namely, apparatus for medical ventilation, artificial respiration, and resuscitation”) are identified narrowly and are contained within a specific medical field. Any possible likelihood of confusion of those goods with those of the instant application is eliminated by the amendment herein and the sophisticated nature of the purchasers of medical items. Additionally, the mark of the ‘552 registration (VAPS) is not identical to the mark of the instant application (VAP and design).

The narrow protection afforded the cited registration, in combination with the differences between the marks themselves and the elimination of any overlap in the goods of the instant application and that of the cited registration, lead to the conclusion that the registration of Applicant’s mark will not generate a likelihood of consumer confusion with the mark of the ‘552 registration. Reconsideration and withdrawal of the refusal is respectfully requested.

Applicant believes that all of the issues raised in the Office Action have been addressed herein.

GOODS AND/OR SERVICES SECTION (001)(no change)

GOODS AND/OR SERVICES SECTION (007)(current)

INTERNATIONAL CLASS

007

DESCRIPTION

Parts for machines of plastic fiber and resin materials, namely, base frames, mounts, housings, and bearing parts in mechanical manufacturing installations; parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor plates, generator housings, and encapsulates for pillars of wind power installations

GOODS AND/OR SERVICES SECTION (007)(proposed)

INTERNATIONAL CLASS

007

TRACKED TEXT DESCRIPTION

~~Parts for machines of plastic fiber and resin materials, namely, base frames, mounts, housings, and bearing parts in mechanical manufacturing installations;~~ Parts for machines of plastic fiber and resin materials, namely, grindstone mounts, bearing housings, and bearings in mechanical manufacturing installations; ~~parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor plates, generator housings, and encapsulates for pillars of wind power installations;~~ parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor blades, generator bearing housings, and encapsulates in the nature of cases specially adapted for wind turbines

FINAL DESCRIPTION

Parts for machines of plastic fiber and resin materials, namely, grindstone mounts, bearing housings, and bearings in mechanical manufacturing installations; parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor blades, generator bearing housings, and encapsulates in the nature of cases specially adapted for wind turbines

GOODS AND/OR SERVICES SECTION (009)(no change)

GOODS AND/OR SERVICES SECTION (010)(current)

INTERNATIONAL CLASS 010

DESCRIPTION

Surgical apparatus and instruments; medical apparatus and instruments for use in surgery; parts for medical equipment, namely CT apparatus and MRI apparatus, conveying and reclining devices, namely, base frames, mounts and housings; orthopedic articles, namely, orthopedic corsets, artificial extremities

GOODS AND/OR SERVICES SECTION (010)(proposed)

INTERNATIONAL CLASS 010

TRACKED TEXT DESCRIPTION

~~Surgical apparatus and instruments; medical apparatus and instruments for use in surgery; parts for medical equipment, namely CT apparatus and MRI apparatus, conveying and reclining devices, namely, base frames, mounts and housings; orthopedic articles, namely, orthopedic corsets, artificial extremities~~; [Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; parts for medical equipment, namely CT apparatus and MRI apparatus, conveying and reclining devices, namely, base frames, mounts and housings; parts for medical equipment, namely CT apparatus and MRI diagnostic apparatus;](#) orthopedic articles, namely, orthopedic corsets, artificial extremities

FINAL DESCRIPTION

Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; parts for medical equipment, namely CT apparatus and MRI diagnostic apparatus; orthopedic articles, namely, orthopedic corsets, artificial extremities

GOODS AND/OR SERVICES SECTION (012)(current)

INTERNATIONAL CLASS 012

DESCRIPTION

Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts, support structures; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roofs, engine hoods

GOODS AND/OR SERVICES SECTION (012)(proposed)

INTERNATIONAL CLASS 012

TRACKED TEXT DESCRIPTION

~~Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts,~~

~~support structures; Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roofs, engine hoods; support structures for automobiles, airplanes and helicopters, namely, structural parts for automobiles, airplanes and helicopters; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roof racks, engine hoods; bicycle frames and components; motor bike frames and components~~

FINAL DESCRIPTION

Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts; support structures for automobiles, airplanes and helicopters, namely, structural parts for automobiles, airplanes and helicopters; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roof racks, engine hoods; bicycle frames and components; motor bike frames and components

GOODS AND/OR SERVICES SECTION (017)(current)

INTERNATIONAL CLASS	017
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DESCRIPTION

Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers, inflexible tubes, containers for solid and liquid materials

GOODS AND/OR SERVICES SECTION (017)(proposed)

INTERNATIONAL CLASS	017
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TRACKED TEXT DESCRIPTION

~~Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers, inflexible tubes, containers for solid and liquid materials;~~ Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers of plastic fiber and resin materials, containers for solid and liquid materials of plastic fiber and resin materials; goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, inflexible tubes

FINAL DESCRIPTION

Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers of plastic fiber and resin materials, containers for solid and liquid materials of plastic fiber and resin materials; goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, inflexible tubes

GOODS AND/OR SERVICES SECTION (019)(no change)

GOODS AND/OR SERVICES SECTION (028)(current)

INTERNATIONAL CLASS	028
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DESCRIPTION

Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs, bicycle frames and components, motor bike frames and components, helmets

GOODS AND/OR SERVICES SECTION (028)(proposed)

INTERNATIONAL CLASS 028

TRACKED TEXT DESCRIPTION

~~Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs, bicycle frames and components, motor bike frames and components, helmets;~~ [Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs](#)

FINAL DESCRIPTION

Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs

GOODS AND/OR SERVICES SECTION (042)(current)

INTERNATIONAL CLASS 042

DESCRIPTION

Technical research consultancy and development in the field of the manufacture of goods, for others, namely, consultancy projects for the application of production processes, vacuum assisted process specific product layouts and designs including economic analysis of process applications

GOODS AND/OR SERVICES SECTION (042)(proposed)

INTERNATIONAL CLASS 042

TRACKED TEXT DESCRIPTION

~~Technical research consultancy and development in the field of the manufacture of goods, for others, namely, consultancy projects for the application of production processes, vacuum assisted process specific product layouts and designs including economic analysis of process applications;~~ [Technical research consultancy and development in the field of the manufacture of goods, for others, namely, research, design, development and testing for new product development](#)

FINAL DESCRIPTION

Technical research consultancy and development in the field of the manufacture of goods, for others, namely, research, design, development and testing for new product development

SIGNATURE SECTION

RESPONSE SIGNATURE /William J. Sauers/

SIGNATORY'S NAME William J. Sauers

SIGNATORY'S POSITION Attorney for Applicant

SIGNATORY'S PHONE NUMBER 202.624.2500

DATE SIGNED 01/12/2012

AUTHORIZED SIGNATORY YES

CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jan 12 14:34:45 EST 2012
TEAS STAMP	USPTO/RFR-66.54.166.42-20 120112143445437888-790885 41-490c179d4eab636a3c7b74 378c06735a678-N/A-N/A-201 20112142046069257

PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

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

Application serial no. **79088541** has been amended as follows:

ARGUMENT(S)

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

Status:

The Examiner has accepted the goods of Classes 1, 9 and 19 and issued no refusals for those classes. Accordingly, this response and the Notice of Appeal being filed concurrently herewith relates to Classes 7, 10, 12, 17, 28, and 42.

Goods and Services:

The goods and services of Classes 7, 10, 12, 17, 28, and 42 are hereby amended. Reconsideration of the objections to the goods and services is respectfully requested. Please note that "bicycle frames and components; motor bike frames and components" are included in Class 12 as they are within the scope of the original identification of Class 12, and thus does not constitute the reclassification of goods.

Refusal to Register:

The proposed mark is refused registration based on an asserted likelihood of confusion in relation to U.S. Registration Nos. 2245552 and 2955513.

Based on a failure to file the required Declaration under Section 8, Registration No. 2955513 was cancelled. Accordingly, withdrawal of this refusal is appropriate.

Additionally, withdrawal of the refusal to register based on Registration No. 2245552 is respectfully requested based on the amendment to the goods of Class 10 as follows, which removes any potential overlap between the goods of the instant application and those of the '552 registration:

“Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; parts for medical equipment, namely CT apparatus and MRI diagnostic apparatus; orthopedic articles, namely, orthopedic corsets, artificial extremities.”

As clearly evidenced by the eleven registrations cited in the previous Office Action, an extensive number of registrations containing the letters “VAP” exist and the scope of protection afforded each of those individual registrations, is inherently narrowed. *See Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1373, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005) (Holding that if evidence establishes that the consuming public is exposed to third-party use of similar marks with similar goods, this evidence “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.”).

The goods of the cited registration (“medical and veterinary apparatus, namely, apparatus for medical ventilation, artificial respiration, and resuscitation”) are identified narrowly and are contained within a specific medical field. Any possible likelihood of confusion of those goods with those of the instant application is eliminated by the amendment herein and the sophisticated nature of the purchasers of medical items. Additionally, the mark of the '552 registration (VAPS) is not identical to the mark of the instant application (VAP and design).

The narrow protection afforded the cited registration, in combination with the differences between the marks themselves and the elimination of any overlap in the goods of the instant application and that of the cited registration, lead to the conclusion that the registration of Applicant’s mark will not generate a likelihood of consumer confusion with the mark of the '552 registration. Reconsideration and withdrawal of the refusal is respectfully requested.

Applicant believes that all of the issues raised in the Office Action have been addressed herein.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 007 for Parts for machines of plastic fiber and resin materials, namely, base frames, mounts, housings, and bearing parts in mechanical manufacturing installations; parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor plates, generator housings, and encapsulates for pillars of wind power installations

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: ~~Parts for machines of plastic fiber and resin materials, namely, base frames, mounts, housings, and bearing parts in mechanical manufacturing installations;~~ Parts for machines of plastic fiber and resin materials, namely, grindstone mounts, bearing housings, and bearings in mechanical manufacturing installations; ~~parts of plastic fiber and resins materials for wind power machines and wind~~

~~power installations, namely, rotor plates, generator housings, and encapsulates for pillars of wind power installations;~~ parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor blades, generator bearing housings, and encapsulates in the nature of cases specially adapted for wind turbines

Class 007 for Parts for machines of plastic fiber and resin materials, namely, grindstone mounts, bearing housings, and bearings in mechanical manufacturing installations; parts of plastic fiber and resins materials for wind power machines and wind power installations, namely, rotor blades, generator bearing housings, and encapsulates in the nature of cases specially adapted for wind turbines

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.

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

Current: Class 010 for Surgical apparatus and instruments; medical apparatus and instruments for use in surgery; parts for medical equipment, namely CT apparatus and MRI apparatus, conveying and reclining devices, namely, base frames, mounts and housings; orthopedic articles, namely, orthopedic corsets, artificial extremities

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: ~~Surgical apparatus and instruments;~~ Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; ~~medical apparatus and instruments for use in surgery;~~ medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; ~~parts for medical equipment, namely CT apparatus and MRI apparatus, conveying and reclining devices, namely, base frames, mounts and housings;~~ parts for medical equipment, namely CT apparatus and MRI diagnostic apparatus; orthopedic articles, namely, orthopedic corsets, artificial extremities

Class 010 for Surgical apparatus and instruments, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; medical apparatus and instruments for use in surgery, excluding apparatus for medical ventilation, artificial respiration, and resuscitation; parts for medical equipment, namely CT apparatus and MRI diagnostic apparatus; orthopedic articles, namely, orthopedic corsets, artificial extremities

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.

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

Current: Class 012 for Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts, support structures; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roofs, engine hoods

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: ~~Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts, support structures;~~ Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts; ~~accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roofs, engine hoods;~~ support structures for automobiles, airplanes and helicopters, namely, structural parts for automobiles, airplanes and helicopters; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roof racks, engine hoods; bicycle frames and components; motor bike frames and components

Class 012 for Parts of plastic fiber and resin materials for vehicles, in particular parts of plastic fiber and resin materials for aeronautical vehicles, lorries, passenger vehicles and racing cars, namely, structural parts; support structures for automobiles, airplanes and helicopters, namely, structural parts for automobiles, airplanes and helicopters; accessories of plastic fiber and resin materials for vehicles, namely, spoilers, roof racks, engine hoods; bicycle frames and components; motor bike frames and components

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.

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

Current: Class 017 for Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers, inflexible tubes, containers for solid and liquid materials

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: ~~Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers, inflexible tubes, containers for solid and liquid materials;~~ Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers of plastic fiber and resin materials, containers for solid and liquid materials of plastic fiber and resin materials; goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, inflexible tubes

Class 017 for Goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, industrial packaging containers of plastic fiber and resin materials, containers for solid and liquid materials of plastic fiber and resin materials; goods and semi-finished goods of plastic fiber and resin materials, in particular containers or housing parts of plastic fiber and resin materials included in this class, namely, inflexible tubes

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.

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

Current: Class 028 for Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs, bicycle frames and components, motor bike frames and components, helmets

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: ~~Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs, bicycle frames and components, motor bike frames and components, helmets;~~ [Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs](#)

Class 028 for Gymnastic and sporting articles with parts of fiber-composite materials, namely, bob sleighs

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.

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

Current: Class 042 for Technical research consultancy and development in the field of the manufacture of goods, for others, namely, consultancy projects for the application of production processes, vacuum assisted process specific product layouts and designs including economic analysis of process applications

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: ~~Technical research consultancy and development in the field of the manufacture of goods, for others, namely, consultancy projects for the application of production processes, vacuum assisted process specific product layouts and designs including economic analysis of process applications;~~ [Technical research consultancy and development in the field of the manufacture of goods, for others, namely, research, design, development and testing for new product development](#)

Class 042 for Technical research consultancy and development in the field of the manufacture of goods, for others, namely, research, design, development and testing for new product development

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)

Request for Reconsideration Signature

Signature: /William J. Sauers/ Date: 01/12/2012

Signatory's Name: William J. Sauers

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 202.624.2500

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79088541

Internet Transmission Date: Thu Jan 12 14:34:45 EST 2012

TEAS Stamp: USPTO/RFR-66.54.166.42-20120112143445437

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