

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	79113772
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 115
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>Reconsideration of the application is requested.</p> <p>The applicant is now the owner of the cited registration, Trademark Registration No. 3355901, as set forth in the records of the Assignment Branch, by virtue of an assignment recorded at reel/frame 5042/0707, effective June 6, 2013. A claim of ownership of the prior registration is being submitted herewith. Consequently, the refusal under section 2(d) is moot and withdrawal of the refusal is respectfully solicited.</p> <p>Applicant has further clarified the specification of services in class 35 to read:</p> <p>“Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others.”</p> <p>It is believed that the foregoing satisfies all of the meaning issues and the application is now in condition for publication. Such action is respectfully solicited.</p> <p>The examining attorney is invited to communicate with applicant’s counsel at the telephone number below should there be any further question.</p> <p>Respectfully submitted,</p> <p>/Angelo Notaro/ Attorney for Applicant (845) 359-7700</p>	
<b>GOODS AND/OR SERVICES SECTION (035)(current)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
Presentation of goods on communication media for retail purposes, namely, providing a web site for use by members of an online community where users can post items for sale and buy items posted by others	

<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Presentation of goods on communication media for retail purposes, namely, providing a web site for use by members of an online community where users can post items for sale and buy items posted by others;</del> <u>Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others</u>	
<b>FINAL DESCRIPTION</b>	
Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others	
<b>GOODS AND/OR SERVICES SECTION (038)(no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>PRIOR REGISTRATION(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 3355901.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/J1134-016-AN/
<b>SIGNATORY'S NAME</b>	Angelo Notaro
<b>SIGNATORY'S POSITION</b>	Attorney of Record, New York bar member
<b>SIGNATORY'S PHONE NUMBER</b>	(845) 359-7700
<b>DATE SIGNED</b>	07/23/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Jul 23 19:50:04 EDT 2013
<b>TEAS STAMP</b>	USPTO/RFR-108.58.153.178- 20130723195004361999-7911 3772-500daa83ea8458ea7e14 cc448cffbffa8ff6c619f5cbd 95df3e5a1786cdb6b51dad-N/ A-N/A-2013072319462000562 6

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

Application serial no. **79113772** has been amended as follows:

### **ARGUMENT(S)**

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

Reconsideration of the application is requested.

The applicant is now the owner of the cited registration, Trademark Registration No. 3355901, as set forth in the records of the Assignment Branch, by virtue of an assignment recorded at reel/frame 5042/0707, effective June 6, 2013. A claim of ownership of the prior registration is being submitted herewith. Consequently, the refusal under section 2(d) is moot and withdrawal of the refusal is respectfully solicited.

Applicant has further clarified the specification of services in class 35 to read:

“Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others.”

It is believed that the foregoing satisfies all of the meaning issues and the application is now in condition for publication. Such action is respectfully solicited.

The examining attorney is invited to communicate with applicant’s counsel at the telephone number below should there be any further question.

Respectfully submitted,

/Angelo Notaro/  
Attorney for Applicant  
(845) 359-7700

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

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

**Current:** Class 035 for Presentation of goods on communication media for retail purposes, namely, providing a web site for use by members of an online community where users can post items for sale and buy items posted by others

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:** ~~Presentation of goods on communication media for retail purposes, namely, providing a web site for use by members of an online community where users can post items for sale and~~

~~buy items posted by others~~; [Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others](#)

Class 035 for Presentation of goods on communication media for retail purposes, namely, online retail store services featuring clothing and accessories, providing a website at which users can offer clothing and accessories for sale and buy clothing and accessories offered by others

**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.

#### **ADDITIONAL STATEMENTS**

##### **Claim of Prior Registration(s)**

The applicant claims ownership of U.S. Registration Number(s) 3355901.

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

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

Signature: /J1134-016-AN/ Date: 07/23/2013

Signatory's Name: Angelo Notaro

Signatory's Position: Attorney of Record, New York bar member

Signatory's Phone Number: (845) 359-7700

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: 79113772

Internet Transmission Date: Tue Jul 23 19:50:04 EDT 2013

TEAS Stamp: USPTO/RFR-108.58.153.178-201307231950043

61999-79113772-500daa83ea8458ea7e14cc448

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ad-N/A-N/A-20130723194620005626