

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79148157
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant has reviewed the Examiner's Office Action dated January 8, 2015, and respectfully requests that the Examiner reconsider the requirements for amending the recitation of services.</p> <p>The instant application and co-pending application Serial No. 79148536 are being reviewed by two different examiners in two different law offices. The applications were filed within the same timeframe, by the same legal entity, and were intentionally filed with an identical list of services; however, the Examiners' requirements regarding the recitation of services in the two applications are conflicting.</p> <p>While the applications were filed under the Madrid Protocol, for which the formalities of the Consistency Initiative do not apply, the policy reasons behind the Consistency Initiative are directly relevant in this case, where concurrent applications are being treated inconsistently. It poses a notable inconsistency that services found to be acceptable in one application require amendment in a co-pending, sister application; the conflicting instructions regarding the recitation of services in the applications are confusing.</p> <p>Accordingly, Applicant respectfully requests, for the sake of consistency, that the examiners confer with one another to provide consistent instructions regarding the recitation of services for both applications, so that the final list of services in the instant application conforms to the final list of services in co-pending application serial no. 79148536. In addition, in this context, Applicant respectfully requests that the Examiner reconsider her final objections to the amended recitation of services, and whether the recitation, as currently provided in the application, is sufficient.</p> <p>Further and favorable action is respectfully requested.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/audra kemp/
SIGNATORY'S NAME	Audra Kemp
SIGNATORY'S POSITION	Attorney of record, Collen IP, NY State Bar member

DATE SIGNED	07/02/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 02 16:30:41 EDT 2015
TEAS STAMP	USPTO/RFR-71.125.46.34-20 150702163041996447-791481 57-5301cbd47e91475faf28e5 86e3167f37db42a9a834e660b 6b0553d2b257a7a6e-N/A-N/A -20150702155503588224

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

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

Application serial no. **79148157** has been amended as follows:

ARGUMENT(S)

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

Applicant has reviewed the Examiner's Office Action dated January 8, 2015, and respectfully requests that the Examiner reconsider the requirements for amending the recitation of services.

The instant application and co-pending application Serial No. 79148536 are being reviewed by two different examiners in two different law offices. The applications were filed within the same timeframe, by the same legal entity, and were intentionally filed with an identical list of services; however, the Examiners' requirements regarding the recitation of services in the two applications are conflicting.

While the applications were filed under the Madrid Protocol, for which the formalities of the Consistency Initiative do not apply, the policy reasons behind the Consistency Initiative are directly relevant in this case, where concurrent applications are being treated inconsistently. It poses a notable inconsistency that services found to be acceptable in one application require amendment in a co-pending, sister application; the conflicting instructions regarding the recitation of services in the applications are confusing.

Accordingly, Applicant respectfully requests, for the sake of consistency, that the examiners confer with one another to provide consistent instructions regarding the recitation of services for both applications, so that the final list of services in the instant application conforms to the final list of services in co-pending application serial no. 79148536. In addition, in this context, Applicant respectfully requests that the

Examiner reconsider her final objections to the amended recitation of services, and whether the recitation, as currently provided in the application, is sufficient.

Further and favorable action is respectfully requested.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /audra kemp/ Date: 07/02/2015

Signatory's Name: Audra Kemp

Signatory's Position: Attorney of record, Collen IP, NY State 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: 79148157

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TEAS Stamp: USPTO/RFR-71.125.46.34-20150702163041996

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