

TTAB

TRADEMARK LAW OFFICE 105
Trademark Attorney: Brown, Tina
Serial Number: 85/063,639
Mark: APX
Attorney Docket No.: T12103.G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	VIVINT, INC.)	
)	
MARK:	APX)	
)	
SERIAL NO.:	85/063,639)	
)	
FILED:	June 15, 2010)	NOTICE OF APPEAL
)	
TRADEMARK)	
ATTORNEY:	Tina Brown)	
)	
LAW OFFICE:	105)	
)	
)	
)	

Commissioner For Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

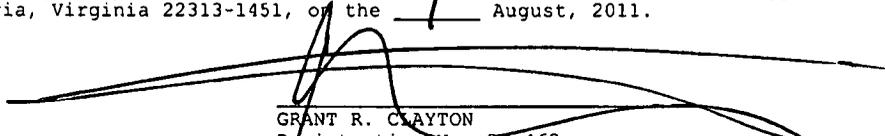
08/09/2011 SMILSON1 00000017 85063639
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Madam:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the Final Refusal to register the mark in the above referenced application dated January 31, 2011. A copy of the Request for Reconsideration which has been filed in this application is enclosed.

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 2.197

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on the 1 August, 2011.



GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant



08-05-2011

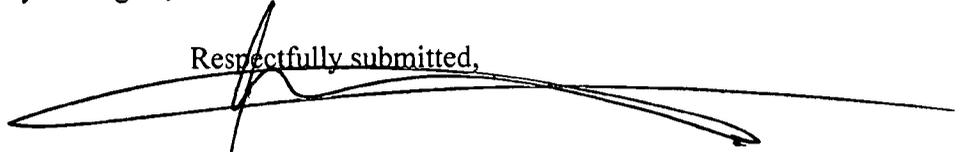
Enclosed is a completed Form PTO-2038 authorizing the Commissioner to charge the amount of \$100.00 for the appeal fee for one (1) trademark class to the credit card indicated.

This appeal fee is sufficient pursuant to 37 C.F.R. § 2.85(e).

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0836.

DATED this 1 day of August, 2011.

Respectfully submitted,



GRANT R. CLAYTON
Registration No. 32,462
Attorney for Applicant

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P.O. Box 1909
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GRC/jpa

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Trademark Electronic Application System (TEAS) filing receipt

We have received your Request for Reconsideration after Final Action form below.

To the Commissioner for Trademarks:

Application serial no. **85063639** (APX) has been amended as follows:

ARGUMENT(S)

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

I. Amendment to Goods. Applicant has submitted herewith an amendment to the goods. Pursuant to T.M.E.P. § 715.02, Applicant

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, uniforms, coats, trousers, shirts, sweaters, tee shirts, caps, jackets, sweat shirts, short sleeve shirts, long sleeve shirts, all of the foregoing distributed primarily to consumers of intrusion, fire and trouble alert systems in connection with the promotion of intrusion, fire and trouble alert systems and building automation systems

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has 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. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Clothing, namely, uniforms, coats, trousers, shirts, sweaters, tee shirts, caps, jackets, sweat shirts, short sleeve shirts, long sleeve shirts, all of the foregoing distributed primarily to consumers of intrusion, fire and trouble alert systems in connection with the promotion of intrusion, fire and trouble alert systems and building automation systems;~~ Clothing, namely, uniforms, coats, trousers, shirts, sweaters, tee shirts, caps, jackets, sweat shirts, short sleeve shirts, long sleeve shirts, all of the foregoing distributed to sales agents and customers of intrusion, fire and trouble alert systems in connection with the promotion of APX intrusion, fire and trouble alert systems and building automation systems

Class 025 for Clothing, namely, uniforms, coats, trousers, shirts, sweaters, tee shirts, caps, jackets, sweat shirts, short sleeve shirts, long sleeve shirts, all of the foregoing distributed to sales agents and customers of intrusion, fire and trouble alert systems in connection with the promotion of APX intrusion, fire and trouble alert systems and building automation systems

Filing Basis: Section 1(b), Intent to Use: The applicant has 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. (15 U.S.C. Section 1051(b)).

Request for Reconsideration Signature

Signature: /Grant R. Clayton/ Date: 08/01/2011

Signatory's Name: Grant R. Clayton
Signatory's Position: Attorney of Record, Utah 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.

Thank you,

The TEAS support team
Mon Aug 01 20:04:11 EDT 2011
STAMP: USPTO/RFR-69.27.10.50-20110801200411709931-85063639-
48029525743bed41879765db8773e08cb4-N/A-N/A-20110801200333931004