

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85309779
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 108
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<b><u>REMARKS</u></b>	
<p>In response to the Final Office Action dated February 1, 2012, Applicant submits the following amendment and remarks. A Notice of Appeal is also submitted concurrently herewith.</p> <p>In the Office Action, the Examining Attorney finally refuses to register the mark under Section 2(e)(1), 15 U.S.C. § 1052(e)(1), on the basis that the mark is merely descriptive. In response to the refusal of the Examining Attorney, Applicant submits an amendment and the remarks that follow.</p> <p>An Amendment to Allege use, with a suitable specimen that shows bona fide use of the mark in commerce in connection with the services of the present application, is filed concurrently herewith. In response to the refusal to register the mark under Section 2(e)(1), the application is hereby amended for registration on the Supplemental Register. When refusal to register a mark under Section 2(e)(1) is made, amendment of an application for registration on the Supplemental Register is procedurally an acceptable response. See TMEP § 816.04 and 37 C.F.R. § 2.75.</p> <p>In view of the foregoing, Applicant submits that this application is in condition for allowance and requests registration of the mark on the Supplemental Register.</p> <p>Respectfully submitted,</p> <p>THE WEBB LAW FIRM</p> <p>/pao/</p> <p>Patricia A. Olosky, Reg. No. 53,411          Attorney of record, PA bar member</p>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>SUPPLEMENTAL REGISTER</b>	<p>The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.</p>

<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/pao/
<b>SIGNATORY'S NAME</b>	Patricia A. Olosky, Reg. No. 53,411
<b>SIGNATORY'S POSITION</b>	Attorney of record, PA bar member
<b>SIGNATORY'S PHONE NUMBER</b>	412-471-8815
<b>DATE SIGNED</b>	08/01/2012
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Aug 01 11:06:53 EDT 2012
<b>TEAS STAMP</b>	USPTO/RFR-38.107.150.106- 20120801110653977145-8530 9779-490e6b364998dc4aab8e ad1b27a554399d-N/A-N/A-20 120801110625098258

PTO Form 1936 (Rev. 9/22/07)  
USPTO Form 1936-1 (Rev. 4/15/2009)

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

Application serial no. **85309779** has been amended as follows:

**ARGUMENT(S)**

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

**REMARKS**

In response to the Final Office Action dated February 1, 2012, Applicant submits the following amendment and remarks. A Notice of Appeal is also submitted concurrently herewith.

In the Office Action, the Examining Attorney finally refuses to register the mark under Section 2(e)(1), 15 U.S.C. § 1052(e)(1), on the basis that the mark is merely descriptive. In response to the refusal of the Examining Attorney, Applicant submits an amendment and the remarks that follow.

An Amendment to Allege use, with a suitable specimen that shows bona fide use of the mark in commerce in connection with the services of the present application, is filed concurrently herewith. In response to the refusal to register the mark under Section 2(e)(1), the application is hereby amended for registration on the Supplemental Register. When refusal to register a mark under Section 2(e)(1) is made, amendment of an application for registration on the Supplemental Register is procedurally an acceptable response. *See*

TMEP § 816.04 and 37 C.F.R. § 2.75.

In view of the foregoing, Applicant submits that this application is in condition for allowance and requests registration of the mark on the Supplemental Register.

Respectfully submitted,

THE WEBB LAW FIRM

/pao/

Patricia A. Olosky, Reg. No. 53,411  
Attorney of record, PA bar member

#### **ADDITIONAL STATEMENTS**

##### **Supplemental Register**

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

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

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

Signature: /pao/ Date: 08/01/2012

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

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

Signatory's Phone Number: 412-471-8815

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: 85309779

Internet Transmission Date: Wed Aug 01 11:06:53 EDT 2012

TEAS Stamp: USPTO/RFR-38.107.150.106-201208011106539

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