

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85374486
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In the event that the finding that the mark is primarily geographically descriptive is ultimately upheld (e.g. by the Board), Applicant asserts, in the alternative, that the mark has become distinctive of the goods under section 2(f) by virtue of over five years of continuous and substantially exclusive use in commerce. Applicant wishes to appeal and is merely making the evidence of record at this time so that if the Trademark Trial and Appeal Board upholds the Examining Attorney's refusal under Section 2(e)(2) said evidence of secondary meaning may be offered to the Board in the alternative. See: TMEP 1201.02.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Cliff Hyra/
SIGNATORY'S NAME	Clifford D. Hyra
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
SIGNATORY'S PHONE NUMBER	866-913-3499
DATE SIGNED	09/26/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Sep 26 23:36:04 EDT 2012
TEAS STAMP	USPTO/RFR-96.255.62.15-20 120926233604968381-853744 86-490f565a9e15c6b83fa423 8f7592f162d-N/A-N/A-20120 926233447615530

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

Application serial no. **85374486** has been amended as follows:

ARGUMENT(S)

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

In the event that the finding that the mark is primarily geographically descriptive is ultimately upheld (e.g. by the Board), Applicant asserts, in the alternative, that the mark has become distinctive of the goods under section 2(f) by virtue of over five years of continuous and substantially exclusive use in commerce. Applicant wishes to appeal and is merely making the evidence of record at this time so that if the Trademark Trial and Appeal Board upholds the Examining Attorney's refusal under Section 2(e)(2) said evidence of secondary meaning may be offered to the Board in the alternative. See: TMEP 1201.02.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Cliff Hyra/ Date: 09/26/2012

Signatory's Name: Clifford D. Hyra

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

Signatory's Phone Number: 866-913-3499

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.

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TEAS Stamp: USPTO/RFR-96.255.62.15-20120926233604968

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