

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85390654
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_7121122074-170655333_.Request_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\853\906\85390654\xml12\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\853\906\85390654\xml12\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	Request for Reconsideration
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Craig Bennett Small/
SIGNATORY'S NAME	Craig Bennett Small
SIGNATORY'S POSITION	Attorney of Record, Colorado bar member
SIGNATORY'S PHONE NUMBER	3034428900
DATE SIGNED	12/06/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Dec 06 17:14:33 EST 2013

TEAS STAMP

USPTO/RFR-71.211.220.74-2
0131206171433720048-85390
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5196877176c6d32e30f9-N/A-
N/A-20131206170655333230

PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

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

Application serial no. **85390654** has been amended as follows:

EVIDENCE

Evidence in the nature of Request for Reconsideration has been attached.

Original PDF file:

[evi_7121122074-170655333_.Request_for_Reconsideration.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Craig Bennett Small/ Date: 12/06/2013

Signatory's Name: Craig Bennett Small

Signatory's Position: Attorney of Record, Colorado bar member

Signatory's Phone Number: 3034428900

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: 85390654

Internet Transmission Date: Fri Dec 06 17:14:33 EST 2013
TEAS Stamp: USPTO/RFR-71.211.220.74-2013120617143372
0048-85390654-500f06bb535d418e27c7a14ed5
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-N/A-N/A-20131206170655333230



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May 15, 2013

APPLICATION SERIAL NO. 85390654

MARK: CANNATOL

CORRESPONDENT ADDRESS:

United States Patent and Trademark Office
Attn: Robert J. Struck
Acting Supervisory Senior Attorney
Law Office 117
Phone - (571) 272-1513
Email - robert.struck@uspto.gov

Request for Reconsideration after Final Action

Dear Mr. Struck,

As this long process comes to a conclusion, I want thank you for your time and attention to this trademark application and offer this Request for Reconsideration After Final Action. Mr. Cranford and I offer this Request for Reconsideration After Final Action in an effort to fully satisfy all outstanding requirements as they can be articulated by the USPTO.

SECTIONS 1 AND 45 REFUSAL- APPLICANT WILL MODIFY CANNATOL PRODUCT LINES TO ONLY USE THE MARK ON GOODS IN LAWFUL USE IN COMMERCE.

Mr. Cranford and I understand your arguments that the proposed mark does not comply with the Trademark Act Sections 1 and 45, 15 U.S.C. §§1051 and 1127 but in Mr. Cranford's Office Action Response dated May 15, 2013 Mr. Cranford proposed the limited use of the proposed mark on a limited product line if that would satisfy the USPTO's concerns over the overarching use of the proposed mark.

However, your Office Action dated June 6, 2013 did not address this request and misinterpreted Mr. Cranford submitted specimens as current demonstrations that he is using the mark in commerce on goods that do not comply with the Controlled Substances Act when the submitted specimens were offered as evidence that the applicant was differentiating the different types of goods available with the type of goods applicant is attempting to trademark.

Specifically, Mr. Cranford states the following in his Office Action Response dated May 15, 2013:

“Mr. Cranford is prepared to remove the mark ‘CANNATOL’ from these other product lines he produces as to address this concern. However, this business decision will cost Mr. Cranford a substantial amount of money and resources. Therefore, Mr. Cranford respectfully requests articulated assurances from the USPTO that execution of this business decision will successfully address the USPTO’s articulated concerns.” [Emphasis added.]

As stated, Mr. Cranford was requesting the USPTO give him assurances that a very expensive decision to remove the proposed mark from any offending goods would satisfy the USPTO’s concerns. Instead, it appears the USPTO either misunderstood or did not respond to Mr. Cranford’s requests for assurances.

This Request for Reconsideration After Final Action is an attempt to clarify this misunderstanding and obtain assurances from the USPTO that should Mr. Cranford limit the proposed mark to only goods in lawful use in commerce that this would satisfy the USPTO’s concerns and permit this trademark application to move forward.

CONCLUSION

In conclusion, Applicant respectfully request the USPTO review the information above and permit Applicant to modify the Application accordingly to bring the Application into conformity with USPTO rules, guidelines and other applicable federal law.

Additionally, Applicant and the undersigned attorney are open to any other modifications to the Application the USPTO recommends to help this Application move forward.

Sincerely,



Craig Bennett Small, Esquire