

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85482719
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 118
<b>MARK SECTION (no change)</b>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>JPG FILE(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT 16\854\827\85482719\xml13\RFR0005.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_1214420254-172843365_.ninediamondsrespF.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\854\827\85482719\xml13\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\854\827\85482719\xml13\RFR0003.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_1214420254-172843365_.NINEdiamonds220.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\854\827\85482719\xml13\RFR0004.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	RESPONSE TO FINAL ACTION; SIGNED DECLARATION; SPECIMEN
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	Inverters; power line conditioners
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/06/2011
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/06/2011
<b>FILING BASIS</b>	Section 1(b)

**GOODS AND/OR SERVICES SECTION (proposed)**

INTERNATIONAL CLASS	009
DESCRIPTION	Inverters; power line conditioners
FIRST USE ANYWHERE DATE	At least as early as 04/06/2011
FIRST USE IN COMMERCE DATE	At least as early as 04/06/2011
STATEMENT TYPE	<b>"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"</b> <i>[for an application based on Section 1(a), Use in Commerce]</i> OR <b>"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"</b> <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	<a href="\\TICRS\EXPORT16\IMAGEOUT 16\854\827\85482719\xml13\RFR0006.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\854\827\85482719\xml13\RFR0006.JPG</a>
SPECIMEN DESCRIPTION	GOODS WITH MARK PRINTED THEREON
FILING BASIS	Section 1(b)
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/MAV/
SIGNATORY'S NAME	Maxim A. Voltchenko
SIGNATORY'S POSITION	Attorney for Applicant, member of PA bar
SIGNATORY'S PHONE NUMBER	215-979-1823
DATE SIGNED	04/09/2014
RESPONSE SIGNATURE	/mav/
SIGNATORY'S NAME	MAXIM A. VOLTCHENKO
SIGNATORY'S POSITION	Attorney for Applicant, Member of PA Bar
SIGNATORY'S PHONE NUMBER	215-979-1823
DATE SIGNED	04/09/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT	

<b>APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Apr 09 17:43:41 EDT 2014
<b>TEAS STAMP</b>	USPTO/RFR-12.144.20.254-2 0140409174341977816-85482 719-500b7318f281db8f35507 dc0bea724d3309380f2ef1e42 e2a688a9cd87e667f-N/A-N/A -20140409172843365240

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. **85482719** has been amended as follows:

### EVIDENCE

Evidence in the nature of RESPONSE TO FINAL ACTION; SIGNED DECLARATION; SPECIMEN has been attached.

#### JPG file(s):

[Evidence-1](#)

#### Original PDF file:

[evi\\_1214420254-172843365\\_.ninediamondsrespF.pdf](#)

#### Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

#### Original PDF file:

[evi\\_1214420254-172843365\\_.NINEDiamonds220.pdf](#)

#### Converted PDF file(s) (1 page)

[Evidence-1](#)

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 009 for Inverters; power line conditioners

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had 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)).

In International Class 009, the mark was first used at least as early as 04/06/2011 and first used in commerce at least as early as 04/06/2011.

**Proposed:** Class 009 for Inverters; power line conditioners

**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)).

In International Class 009, the mark was first used at least as early as 04/06/2011. and first used in commerce at least as early as 04/06/2011.

Applicant hereby submits one(or more) specimen(s) for Class 009. The specimen(s) submitted consists of GOODS WITH MARK PRINTED THEREON.

**"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"** *[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use].*

[Specimen File 1](#)

## **SIGNATURE(S)**

### **Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be

likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /MAV/ Date: 04/09/2014  
Signatory's Name: Maxim A. Voltchenko  
Signatory's Position: Attorney for Applicant, member of PA bar  
Signatory's Phone Number: 215-979-1823

**Request for Reconsideration Signature**

Signature: /mav/ Date: 04/09/2014  
Signatory's Name: MAXIM A. VOLTCHENKO  
Signatory's Position: Attorney for Applicant, Member of PA Bar

Signatory's Phone Number: 215-979-1823

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: 85482719  
Internet Transmission Date: Wed Apr 09 17:43:41 EDT 2014  
TEAS Stamp: USPTO/RFR-12.144.20.254-2014040917434197  
7816-85482719-500b7318f281db8f35507dc0be  
a724d3309380f2ef1e42e2a688a9cd87e667f-N/  
A-N/A-20140409172843365240

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Sansha Electric Manufacturing Company, Limited

Examining Atty: David Yontef

Serial No. 85/482,719

Law Office 105

Mark:



Tel.No. 571-272-8274

Filed: 11/29/2011

**RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Trademarks

P. O. Box 1451

Alexandria, VA 22313-1451.

Dear Sir or Madam:

In response to the Final Office Action issued on October 11, 2013,  
Applicant responds as follows:

**REMARKS**

In the October 11, 2013 Final Action, the Examining Attorney (the  
"Examiner") states that the mark on the specimen disagrees with the mark in the  
drawing.

Applicant has submitted to the Office photograph of its equipment with the  
mark printed thereon. The Examiner accepted the first specimens labeled  
"500K\_LCDunit".

Accordingly, Applicant submits herewith the required signed Declaration in support of the substitute specimen.

Applicant notes that the Examining Attorney has searched the Office records, and found no confusingly similar registered or pending mark that would bar registration of Applicant's mark under Trademark Act Section 2(d).

**CONCLUSION**

Applicant respectfully requests prompt publication of its mark since all of the objections raised by the Trademark Attorney have been removed from the application.

For the foregoing reasons, favorable action is requested.

Respectfully submitted,

Date: April 9, 2013



Maxim A. Voltchenko

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(215) 979-1823  
[Mavoltchenko@duanemorris.com](mailto:Mavoltchenko@duanemorris.com)

D3301-00203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SANSHA ELECTRIC MANUFACTURING COMPANY, LIMITED

Examining Atty:  
David YONTEF

Mark:



Law Office 105

Serial No.: 85/482,719

Tel.No. (571) 272-8274

Filed: 11/29/2011

**DECLARATION PURSUANT TO 37 C.F.R. §2.20**

I, Kunio Shikata, declare:

1. That I am the Representative Director of SANSHA ELECTRIC MANUFACTURING COMPANY, LIMITED, and that I am authorized to execute this Declaration on its behalf;

2. That the mark  was first used in commerce on April 6, 2011, in connection with the goods in International Class 9; was first used in interstate commerce on April 6, 2011, in connection with the goods in International Class 9; and is now in use in such commerce;

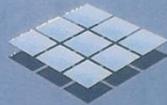
3. That the substitute specimens of use submitted for the goods in Class 9 were in use in commerce at least as early as the filing date of the application; and

4. That the facts set forth in this Declaration are true; that all statements made herein of our own knowledge are true; and that all statements made herein on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

SANSHA ELECTRIC MANUFACTURING  
COMPANY, LIMITED

Date: 04/08/2014

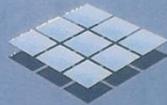
  
By: **Kunio Shikata**  
**Representative Director**



SOLAR POWER CONDITIONER

Control panel area featuring a large LCD display screen and a row of buttons. The buttons are labeled with Japanese characters: 直流 (DC), 交流 (AC), 各種設定 (Various Settings), 保護リセット (Reset Protection), 履歴 (History), リア (Reverse), and 実行 (Execute). To the right of the buttons are two yellow arrow buttons pointing up and down.





SOLAR POWER CONDITIONER

Control panel area featuring a large dark LCD display screen. Below the screen is a row of seven buttons with the following labels from left to right: 直流 (DC), 交流 (AC), 各種設定 (Various Settings), 保護リセット (Protection Reset), 履歴 (History), リア (Reverse), and 実行 (Execute). To the right of these buttons are two yellow arrow buttons pointing up and down.

