

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85489392
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The Applicant has amended the application to delete the following language "Food preparation services; providing a database in the field of recipes and cooking information;" so that the services offered by applicant now read: "Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information" Accordingly, the mark cannot immediately be understood as describing the preparation of high-quality foods containing minerals, vitamins, or other nutriments" as discussed by the examining attorney.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	043
DESCRIPTION	
<p>Food preparation services; Providing a database in the field of recipes and cooking information; Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	043
TRACKED TEXT DESCRIPTION	
<p>Food preparation services; Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information; Providing a database in the field of recipes and cooking information</p>	
FINAL DESCRIPTION	
<p>Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information</p>	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	

RESPONSE SIGNATURE	/yr/
SIGNATORY'S NAME	Yano Rubinstein
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	415.967.1970
DATE SIGNED	04/10/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Apr 10 18:02:01 EDT 2013
TEAS STAMP	USPTO/RFR-24.130.32.208-2 0130410180201711218-85489 392-50079879228fe478b87fe 7d82393ec12b323b72922ff97 0ff17543e946924c0c16b-N/A -N/A-20130410171449786072

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

Application serial no. **85489392** has been amended as follows:

ARGUMENT(S)

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

The Applicant has amended the application to delete the following language "Food preparation services; providing a database in the field of recipes and cooking information;" so that the services offered by applicant now read: "Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information" Accordingly, the mark cannot immediately be understood as describing the preparation of high-quality foods containing minerals, vitamins, or other nutriments" as discussed by the examining attorney.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 043 for Food preparation services; Providing a database in the field of recipes and cooking information; Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information

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)).

Proposed:

Tracked Text Description: ~~Food preparation services~~; Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information; ~~Providing a database in the field of recipes and cooking information~~

Class 043 for Providing an online computer database to consumers featuring information about recipes, ingredients and cooking information

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)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /yr/ Date: 04/10/2013

Signatory's Name: Yano Rubinstein

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 415.967.1970

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: 85489392

Internet Transmission Date: Wed Apr 10 18:02:01 EDT 2013

TEAS Stamp: USPTO/RFR-24.130.32.208-2013041018020171

1218-85489392-50079879228fe478b87fe7d823

93ec12b323b72922ff970ff17543e946924c0c16

b-N/A-N/A-20130410171449786072