

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85635226
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Advertising; business management; business administration services for processing sales made on the Internet; Office functions through the website, namely, performing administrative requirements for the sharing of users uploaded files on the Internet as well as user taste and preference relative to advertising, for the creation and distribution online of administrative and advertising documents and for providing geo-localized related services in the nature of a web-based system and online portals enabling geolocation, advertising, the sharing of localized events, pictures, photo albums, places, tips, news, statuses and any user-defined content, and the location of nearby contacts and services	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	010612811
FOREIGN APPLICATION COUNTRY	European Community
FOREIGN FILING DATE	02/03/2012
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	
Advertising; business management; business administration services for processing sales made on the Internet; Office functions through the website, namely, performing administrative requirements for the sharing of users uploaded files on the Internet as well as user taste and preference relative to advertising, for the creation and distribution online of administrative and advertising documents and for providing geo-localized related services in the nature of a web-based system and online portals enabling geolocation, advertising, the sharing of localized events, pictures, photo albums, places, tips, news, statuses and any user-defined content, and the location of nearby contacts and services; <u>providing office functions through a website, namely, maintaining electronic data records and document files; providing an Internet website portal in the field of creating and managing communications among members of an</u>	

online community by organizing and sharing information, namely, geographic location, messages, files, travel information, local events, advertisements, topic lists, checklists, calendars, pictures, photo albums, news, personal profiles, user status, and notification preferences; Advertising, promotion, and marketing services in the nature of Internet and mobile-device applications using geolocation; promoting the sale of goods and services of others by operating an online and mobile-device network with geolocation

FINAL DESCRIPTION

Advertising; business management; business administration services for processing sales made on the Internet; providing office functions through a website, namely, maintaining electronic data records and document files; providing an Internet website portal in the field of creating and managing communications among members of an online community by organizing and sharing information, namely, geographic location, messages, files, travel information, local events, advertisements, topic lists, checklists, calendars, pictures, photo albums, news, personal profiles, user status, and notification preferences; Advertising, promotion, and marketing services in the nature of Internet and mobile-device applications using geolocation; promoting the sale of goods and services of others by operating an online and mobile-device network with geolocation

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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FOREIGN APPLICATION NUMBER	010612811
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FOREIGN APPLICATION COUNTRY	European Community
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FOREIGN FILING DATE	02/03/2012
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GOODS AND/OR SERVICES SECTION (036)(no change)

GOODS AND/OR SERVICES SECTION (038)(no change)

GOODS AND/OR SERVICES SECTION (041)(current)

INTERNATIONAL CLASS	041
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DESCRIPTION

Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences or any other user uploaded non-downloadable content for education or training purposes; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (041)(proposed)

INTERNATIONAL CLASS	041
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TRACKED TEXT DESCRIPTION

Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; ~~educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences or any other user-uploaded non-downloadable content for education or training purposes;~~ educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

FINAL DESCRIPTION

Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

FILING BASIS

Section 1(b)

FILING BASIS

Section 44(d)

GOODS AND/OR SERVICES SECTION (042)(current)**INTERNATIONAL CLASS**

042

DESCRIPTION

Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining

blogs for others; Web hosting platform enabling the design, development and programming of non-downloadable interactive multiplayer and single player games software applications for third party running through or with our service

FILING BASIS

Section 1(b)

FILING BASIS

Section 44(d)

GOODS AND/OR SERVICES SECTION (042)(proposed)

INTERNATIONAL CLASS

042

TRACKED TEXT DESCRIPTION

Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; ~~Web hosting platform enabling the design, development and programming of non-downloadable interactive multiplayer and single player games software applications for third party running through or with our service;~~ [Providing a web hosting platform for use of non-downloadable software for enabling, facilitating or enhancing the design, development and programming of interactive, multi-player and single player games for third parties;](#) [File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic fil"](#)

FINAL DESCRIPTION

Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring

technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; Providing a web hosting platform for use of non-downloadable software for enabling, facilitating or enhancing the design, development and programming of interactive, multi-player and single player games for third parties; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic fi"

FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (045)(no change)	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/David B. Sunshine/
SIGNATORY'S NAME	David B. Sunshine
SIGNATORY'S POSITION	Attorney for Applicant, NY bar member
SIGNATORY'S PHONE NUMBER	(212) 883-4900
DATE SIGNED	10/04/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 04 08:48:19 EDT 2013
TEAS STAMP	USPTO/RFR-38.98.229.171-2 0131004084819653623-85635 226-5009ed889f1141e7292db b1fd62c6a86ebeca4553606eb a256884eb7bd5166e94-N/A-N /A-20131004083702340823

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

Application serial no. **85635226** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 035 for Advertising; business management; business administration services for processing sales made on the Internet; Office functions through the website, namely, performing administrative requirements for the sharing of users uploaded files on the Internet as well as user taste and preference relative to advertising, for the creation and distribution online of administrative and advertising documents and for providing geo-localized related services in the nature of a web-based system and online portals enabling geolocation, advertising, the sharing of localized events, pictures, photo albums, places, tips, news, statuses and any user-defined content, and the location of nearby contacts and services

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)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has had a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [European Community application number 010612811 filed 02/03/2012]. 15 U.S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Advertising; business management; business administration services for processing sales made on the Internet; ~~Office functions through the website, namely, performing administrative requirements for the sharing of users uploaded files on the Internet as well as user taste and preference relative to advertising, for the creation and distribution online of administrative and advertising documents and for providing geo-localized related services in the nature of a web-based system and online portals enabling geolocation, advertising, the sharing of localized events, pictures, photo albums, places, tips, news, statuses and any user-defined content, and the location of nearby contacts and services;~~ providing office functions through a website, namely, maintaining electronic data records and document files; providing an Internet website portal in the field of creating and managing communications among members of an online community by organizing and sharing information, namely, geographic location, messages, files, travel information, local events, advertisements, topic lists, checklists, calendars, pictures, photo albums, news, personal profiles, user status, and notification preferences; Advertising, promotion, and marketing services in the nature of Internet and mobile-device applications using geolocation; promoting the sale of goods and services of others by operating an online and mobile-device network with geolocation

Class 035 for Advertising; business management; business administration services for processing sales made on the Internet; providing office functions through a website, namely, maintaining electronic data records and document files; providing an Internet website portal in the field of creating and managing communications among members of an online community by organizing and sharing information, namely, geographic location, messages, files, travel information, local events, advertisements, topic lists, checklists, calendars, pictures, photo albums, news, personal profiles, user status, and notification preferences; Advertising, promotion, and marketing services in the nature of Internet and mobile-device applications using geolocation; promoting the sale of goods and services of others by operating an online

and mobile-device network with geolocation

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)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [European Community application number 010612811 filed 02/03/2012]. 15 U.S.C. Section 1126(d), as amended.

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

Current: Class 041 for Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences or any other user uploaded non-downloadable content for education or training purposes; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

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)).

Based on Foreign Application: Applicant has had a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; ~~educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences or any other user uploaded non-downloadable content for education or training purposes;~~ educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

Class 041 for Providing on-line non-downloadable publications, namely, blogs featuring user-defined content in the fields of articles of personal interests, hobbies, sport, art and education; educational services, namely, classes and seminars through the internet in the fields of Linguistics, Literature, Arts, Humanities, Social Sciences, Natural Sciences, Formal Sciences and Professional, Applied Sciences; entertainment, namely, providing on-line interactive website in the fields of art, music, jokes, pictures, videos, movies, podcasts, news, newsletters, journals, books, events, video games, live performances and user-defined content related to entertainment

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)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

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

Current: Class 042 for Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; Web hosting platform enabling the design, development and programming of non-downloadable interactive multiplayer and single player games software applications for third party running through or with our service

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)).

Based on Foreign Application: Applicant has had a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and

share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; ~~Web hosting platform enabling the design, development and programming of non-downloadable interactive multiplayer and single player games software applications for third party running through or with our service;~~ [Providing a web hosting platform for use of non-downloadable software for enabling, facilitating or enhancing the design, development and programming of interactive, multi-player and single player games for third parties;](#) [File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic fil"](#)

Class 042 for Computer services, namely, creating on-line virtual communities in the field of mutual interests, namely, location and user preferences for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking in connection therewith; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and resources; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; providing a web site featuring technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; Providing a web hosting platform for use of non-downloadable software for enabling, facilitating or enhancing the design, development and programming of interactive, multi-player and single player games for third parties; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic fi"

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)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /David B. Sunshine/ Date: 10/04/2013

Signatory's Name: David B. Sunshine

Signatory's Position: Attorney for Applicant, NY bar member

Signatory's Phone Number: (212) 883-4900

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.

Serial Number: 85635226

Internet Transmission Date: Fri Oct 04 08:48:19 EDT 2013

TEAS Stamp: USPTO/RFR-38.98.229.171-2013100408481965

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