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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 85667188 |
| Applicant | Thor Tech, Inc. |
| Applied for Mark | TERRAIN |
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| Submission | Request for Reconsideration |
| Attachments | AIR TERRAIN.PDF(21962 bytes) |
| Filer's Name | B. Joseph Schaeff |
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| Signature | /bjschaeff/ |
| Date | 03/05/2014 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of
Thor Tech, Inc.

Serial No. 85/667188
Filed: July 2, 2012
For: TERRAIN

Law Office 115

Trademark Attorney: Bridgett G. Smith

Request for Reconsideration

This is in response to the Board's order dated February 23.

Applicant declines the Board's offer of an oral hearing.

Applicant respectfully requests that the Board reconsider its order denying Applicant's motion to introduce evidence of General Motor's recently issued registration of HIGH COUNTRY into the record.

The Board notes that Applicant filed the evidence late in the appeal process. Applicant could not have submitted it much earlier. GM's Reg. No. 4444192 for HIGH COUNTRY issued on December 3, 2013. Applicant filed its motion seeking to introduce evidence of the registration on December 16, 2013.

The Board characterized the evidence of co-existing registrations of HIGH COUNTRY for recreational vehicles and trucks respectively as "cumulative." It is much more than that; GM's HIGH COUNTRY registration and the statements GM made during the prosecution of that application are compelling evidence that the Board should consider.

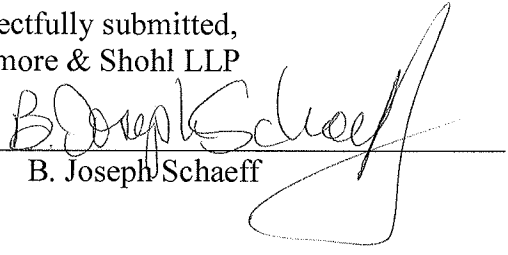
To recap, Applicant's application for TERRAIN for recreational vehicles was rejected over GM's registration of TERRAIN for trucks. GM's application to register HIGH COUNTRY for trucks was initially rejected over Applicant's registration of HIGH COUNTRY for

recreational vehicles. GM overcame the rejection by acknowledging that Applicant's recreational vehicles are expensive, specialty non-motorized type vehicles that differ in form and function from GM's trucks, have different physical attributes and purposes, are not substitutes for one another, and are sold through different channels of trade. Like Applicant herein, GM introduced evidence of co-existing registrations of identical marks for cars and trucks owned by GM, and RVs owned by Applicant.

TBMP sec. 1208.02 recites that third party applications have no probative value. The same section provides that the Board will not take judicial notice of status changes in third-party applications in terms of whether such applications eventually issue to registration. Unless GM's HIGH COUNTRY registration is admitted into evidence, the Board will not consider it, and, presumably, the statements GM made during prosecution.

Respectfully submitted,
Dinsmore & Shohl LLP

By


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