

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85720181
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant has herewith amended its application to claim acquired distinctiveness under section 2(f) of the Act and respectfully requests that the instant application be allowed on that basis.</p> <p>In support of Applicant's 2(f) claim, Applicant is submitting evidence of Applicant's ownership of several prior registrations for portions of the applied-for mark (i.e, SYMMONS). In addition, Applicant also shows that there is sufficient relatedness between the services in the instant application and the goods of Applicant's prior registrations for which the dominant portion of Applicant's mark has acquired distinctiveness so as to transfer the distinctiveness associated with the marks of the prior registrations to the current application.</p> <p>More particularly, Applicant is submitting herewith evidence of numerous other marks owned by Applicant which comprise the term SYMMONS. This evidence, compiled in EXHIBIT A attached hereto and made a part hereof, consists of the following registrations for marks which have been used by Applicant in connection with goods related to the services applied for in the instant application and which have been used in commerce for over five (5) years:</p> <p>(1) U.S. Registration No. 872,445 (SYMMONS) for "plumbing accessories-namely, hot and cold water mixing valves for bath and shower rooms, shower heads, duplex hot and cold water supply valves for washing machines", in International Class 011 and "wall thermometers for bath systems", in International Class 009, was granted to Applicant on July 8, 1969, and which claimed use in commerce at least as early as 1950;</p> <p>(2) U.S. Registration No. 1,128,949 (SYMMONS) for "water</p>	

faucets", in International Class 011, was granted to Applicant on January 8, 1980, and which claimed use in commerce at least as early as 1973; and

(3) U.S. Registration No. 3,787,851 (SYMMONS THE SMART CHOICE (and design)) for "metal robe hooks", in International Class 006; "shower heads; surface mounted shower systems comprising hot and cold water mixing valve and shower head with supporting means; shower and shower/tub systems comprising selected components and accessories sold as a unit, namely, hot and cold water mixing valves, diverter valves, shower heads, hand-held showers, body sprayers, tub spouts, robe hooks, towel bars, towel rings, and toilet paper holders; lavatory and kitchen faucets; sensor-activated lavatory faucets; metering lavatory faucets; combination water supply valve and drain fixtures for use with laundry washing machines; plumbing fixtures, namely, shower and tub/shower hot and cold water mixing valves; plumbing fixtures, namely, tub/shower diverter valves; plumbing fixtures, namely, hot and cold water mixing valves with integral thermometer; shower systems comprising hot and cold water mixing valves and shower heads, sold as a unit; heating installation components, namely, thermostatic water temperature limiting valves and thermostatic mixing valves", in International Class 011; and "towel bars, towel rings and toilet paper holders", in International Class 021 was granted to Applicant on May 11, 2010, and claimed use in commerce at least as early as March 31, 2008.

Applicant respectfully submits that the above-identified registrations are each *prima facie* evidence of the acquired distinctiveness of the mark in the instant application, as the marks in each of the above-identified registrations have been in use in connection with Applicant's goods for more than five (5) years, and because each of the above-identified registrations comprise the term SYMMONS, which is the dominant feature of the mark in the instant application.

Further, Applicant respectfully submits that the services listed in the instant application are very closely related to the goods listed in the above-identified registrations, in that the instant application is for the custom design of many of the very same goods recited in the above-identified registrations.

More particularly, and by way of example but not limitation, the above-identified registrations list "shower heads", "faucets" and many other bath and lavatory fittings as goods sold under the respective marks, and the instant application is for "custom design of fittings for baths, showers, and lavatories in the form of *faucets*, shower valves, *shower heads*, diverters, tub spouts, hand sprays, robe hooks, towel bars, and components for same" (emphasis added).

Accordingly, Applicant believes that the previously created

distinctiveness attributable to the above-identified registrations will transfer to the services identified in the instant intent-to-use application upon use.

Finally, the Examining Attorney has asked whether any current or past officer, owner or principal of applicant has the surname Symmons. While Applicant believes that the inquiry is moot in view of Applicant's claim under Section 2(f) of the Act, and Applicant has already stated and provided evidence to show that there is no current officer of the Applicant having the surname Symmons, Applicant notes that it was founded by a Paul C. Symmons in 1938.

In view of the foregoing, Applicant respectfully submits that it has met the requirements for showing that an intent-to-use application has acquired distinctiveness in accordance with Section 2(f) of the Act, and respectfully requests that the Examining Attorney reconsider her refusal to register the mark in the instant application in view thereof.

Thank you.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_982171463-165609344_.SYM66.RES2.EXHA.pdf
CONVERTED PDF FILE(S) (10 pages)	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0008.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0009.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0010.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857\201\85720181\xml8\RFR0011.JPG
DESCRIPTION OF EVIDENCE FILE	Exhibit A in support of Applicant's argument in favor of allowance and its Section 2(f) claim.

ADDITIONAL STATEMENTS SECTION

SECTION 2(f) Claim of	The mark has become distinctive of the goods/services through the applicant's
------------------------------	---

Acquired Distinctiveness, based on Use	substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
SECTION 2(f) Claim of Acquired Distinctiveness, based on Prior Registration(s)	The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). 872,445; 1,128,949; 3,787,851.
MISCELLANEOUS STATEMENT	Please see Applicant's attached argument and EXHIBIT A in support of allowance and its Section 2(f) claim.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Robert M. Carley/
SIGNATORY'S NAME	Robert M. Carley
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	781-290-0060
DATE SIGNED	01/21/2014
RESPONSE SIGNATURE	/Robert M. Carley/
SIGNATORY'S NAME	Robert M. Carley
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	781-290-0060
DATE SIGNED	01/21/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jan 21 17:12:07 EST 2014
TEAS STAMP	USPTO/RFR-98.217.146.3-20 140121171207223801-857201 81-500b38eaf98951ee8c3183 c3794084895c7cb222c8da4f9 7c55d86cbf2d64337d-N/A-N/ A-20140121165609344677

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

Application serial no. **85720181** has been amended as follows:

ARGUMENT(S)

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

Applicant has herewith amended its application to claim acquired distinctiveness under section 2(f) of the Act and respectfully requests that the instant application be allowed on that basis.

In support of Applicant's 2(f) claim, Applicant is submitting evidence of Applicant's ownership of several prior registrations for portions of the applied-for mark (i.e, SYMMONS). In addition, Applicant also shows that there is sufficient relatedness between the services in the instant application and the goods of Applicant's prior registrations for which the dominant portion of Applicant's mark has acquired distinctiveness so as to transfer the distinctiveness associated with the marks of the prior registrations to the current application.

More particularly, Applicant is submitting herewith evidence of numerous other marks owned by Applicant which comprise the term SYMMONS. This evidence, compiled in **EXHIBIT A** attached hereto and made a part hereof, consists of the following registrations for marks which have been used by Applicant in connection with goods related to the services applied for in the instant application and which have been used in commerce for over five (5) years:

(1) U.S. Registration No. 872,445 (SYMMONS) for "plumbing accessories-namely, hot and cold water mixing valves for bath and shower rooms, shower heads, duplex hot and cold water supply valves for washing machines", in International Class 011 and "wall thermometers for bath systems", in International Class 009, was granted to Applicant on July 8, 1969, and which claimed use in commerce at least as early as 1950;

(2) U.S. Registration No. 1,128,949 (SYMMONS) for "water faucets", in International Class 011, was granted to Applicant on January 8, 1980, and which claimed use in commerce at least as early as 1973; and

(3) U.S. Registration No. 3,787,851 (SYMMONS THE SMART CHOICE (and design)) for "metal robe hooks", in International Class 006; "shower heads; surface mounted shower systems comprising hot and cold water mixing valve and shower head with supporting means; shower and

shower/tub systems comprising selected components and accessories sold as a unit, namely, hot and cold water mixing valves, diverter valves, shower heads, hand-held showers, body sprayers, tub spouts, robe hooks, towel bars, towel rings, and toilet paper holders; lavatory and kitchen faucets; sensor-activated lavatory faucets; metering lavatory faucets; combination water supply valve and drain fixtures for use with laundry washing machines; plumbing fixtures, namely, shower and tub/shower hot and cold water mixing valves; plumbing fixtures, namely, tub/shower diverter valves; plumbing fixtures, namely, hot and cold water mixing valves with integral thermometer; shower systems comprising hot and cold water mixing valves and shower heads, sold as a unit; heating installation components, namely, thermostatic water temperature limiting valves and thermostatic mixing valves", in International Class 011; and "towel bars, towel rings and toilet paper holders", in International Class 021 was granted to Applicant on May 11, 2010, and claimed use in commerce at least as early as March 31, 2008.

Applicant respectfully submits that the above-identified registrations are each *prima facie* evidence of the acquired distinctiveness of the mark in the instant application, as the marks in each of the above-identified registrations have been in use in connection with Applicant's goods for more than five (5) years, and because each of the above-identified registrations comprise the term SYMMONS, which is the dominant feature of the mark in the instant application.

Further, Applicant respectfully submits that the services listed in the instant application are very closely related to the goods listed in the above-identified registrations, in that the instant application is for the custom design of many of the very same goods recited in the above-identified registrations.

More particularly, and by way of example but not limitation, the above-identified registrations list "shower heads", "faucets" and many other bath and lavatory fittings as goods sold under the respective marks, and the instant application is for "custom design of fittings for baths, showers, and lavatories in the form of *faucets*, shower valves, *shower heads*, diverters, tub spouts, hand sprays, robe hooks, towel bars, and components for same" (emphasis added).

Accordingly, Applicant believes that the previously created distinctiveness attributable to the above-identified registrations will transfer to the services identified in the instant intent-to-use application upon use.

Finally, the Examining Attorney has asked whether any current or past officer, owner or principal of applicant has the surname Symmons. While Applicant believes that the inquiry is moot in view of Applicant's claim under Section 2(f) of the Act, and Applicant has already stated and provided evidence to show that there is no current

officer of the Applicant having the surname Symmons, Applicant notes that it was founded by a Paul C. Symmons in 1938.

In view of the foregoing, Applicant respectfully submits that it has met the requirements for showing that an intent-to-use application has acquired distinctiveness in accordance with Section 2(f) of the Act, and respectfully requests that the Examining Attorney reconsider her refusal to register the mark in the instant application in view thereof.

Thank you.

EVIDENCE

Evidence in the nature of Exhibit A in support of Applicant's argument in favor of allowance and its Section 2(f) claim. has been attached.

Original PDF file:

[evi_982171463-165609344_ .SYMTM66.RES2.EXHA.pdf](#)

Converted PDF file(s) (10 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

ADDITIONAL STATEMENTS

Section 2(f) Claim of Acquired Distinctiveness, based on Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

Section 2(f) Claim of Acquired Distinctiveness, based on Prior Registration(s)

The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). 872,445; 1,128,949; 3,787,851.

Miscellaneous Statement

Please see Applicant's attached argument and EXHIBIT A in support of allowance and its Section 2(f) claim.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, 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. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Robert M. Carley/ Date: 01/21/2014

Signatory's Name: Robert M. Carley

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 781-290-0060

Request for Reconsideration Signature

Signature: /Robert M. Carley/ Date: 01/21/2014

Signatory's Name: Robert M. Carley

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 781-290-0060

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: 85720181

Internet Transmission Date: Tue Jan 21 17:12:07 EST 2014

TEAS Stamp: USPTO/FRF-98.217.146.3-20140121171207223

801-85720181-500b38eaf98951ee8c3183c3794
084895c7cb222c8da4f97c55d86cbf2d64337d-N
/A-N/A-20140121165609344677

EXHIBIT A

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark J. Pandiscio
Docket Number: SYM/TM-4
Attorney Primary Email Address: mail@pandisciowlaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MASSACHUSETTS 02451
UNITED STATES
Phone: 781-290-0060
Fax: 781-290-4840
Correspondent e-mail: mail@pandisciowlaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 12, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Sep. 12, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 14, 2009	ASSIGNED TO PARALEGAL	73376
Jul. 08, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 13, 2008	CASE FILE IN TICRS	
Jul. 08, 1989	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Jul. 06, 1989	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Jul. 08, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION
Date in Location: Sep. 12, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 2
Registrant: SYMMONS ENGINEERING COMPANY

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
Reel/Frame: [0198/0552](#)
Date Recorded: Oct. 23, 1970
Pages: 2
Supporting Documents: No Supporting Documents Available

Assignor

Name: [SYMMONS ENGINEERING COMPANY](#)
Execution Date: Oct. 13, 1970
Legal Entity Type: CORPORATION
State or Country Where Organized: MASSACHUSETTS

Assignee

Name: [SYMMONS INDUSTRIES, INCORPORATED](#)
Legal Entity Type: CORPORATION
State or Country Where Organized: MASSACHUSETTS
Address: BRAINTREE, MASSACHUSETTS

Correspondent

Correspondent Name: NICHOLAS A. PANDISCIO
Correspondent Address: 60 HICKORY DRIVE
WALTHAM, MA 02154

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: SECURITY AGREEMENT
Reel/Frame: [1662/0090](#) **Pages:** 10
Date Recorded: Dec. 10, 1997
Supporting Documents: No Supporting Documents Available

Assignor

Name: [SYMMONS INDUSTRIES, INC.](#) **Execution Date:** Dec. 01, 1997
Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Assignee

Name: [BANKBOSTON, N.A.](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** No Place Where Organized Found
Address: 100 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

Correspondent

Correspondent Name: C/O GOULSTON & STORRS
Correspondent Address: LISA PERUSSE, PARALEGAL
400 ATLANTIC AVENUE
BOSTON, MA 02110

Domestic Representative - Not Found

Correspondent Name/Address: Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MASSACHUSETTS 02451
UNITED STATES

Phone: 781-290-0060

Fax: 781-290-4840

Correspondent e-mail: mail@pandisciolaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 11, 2010	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76533
Jan. 11, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 11, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Jan. 07, 2010	TEAS SECTION 8 & 9 RECEIVED	
Feb. 05, 2008	CASE FILE IN TICRS	
Jan. 20, 2000	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 20, 2000	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	
Oct. 07, 1999	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 18, 1986	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 30, 1985	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 08, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Jan. 11, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: SYMMONS INDUSTRIES, INC.

Assignment 1 of 1

Conveyance: SECURITY AGREEMENT

Reel/Frame: [1662/0090](#)

Pages: 10

Date Recorded: Dec. 10, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: [SYMMONS INDUSTRIES, INC.](#)

Execution Date: Dec. 01, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: MASSACHUSETTS

Assignee

Name: [BANKBOSTON, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 100 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

Correspondent

Correspondent Name: C/O GOULSTON & STORRS

Correspondent Address: LISA PERUSSE, PARALEGAL
400 ATLANTIC AVENUE

BOSTON, MA 02110

Domestic Representative - Not Found

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: SYMMONS INDUSTRIES, INC.
Owner Address: 31 BROOKS DRIVE
BRAINTREE, MASSACHUSETTS 02184
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: /NICHOLAS A. PANDISCIO
Docket Number: SYM/TM-42

Correspondent

Correspondent Name/Address: NICHOLAS A. PANDISCIO
PANDISCIO & PANDISCIO, P.C.
470 TOTTEN POND RD STE 4
WALTHAM, MASSACHUSETTS 02451-1933
UNITED STATES
Phone: 781 290 0060
Fax: 781 290 4840

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 11, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 06, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 05, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Apr. 04, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 02, 2010	STATEMENT OF USE PROCESSING COMPLETE	71034
Mar. 08, 2010	USE AMENDMENT FILED	71034
Apr. 02, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Mar. 08, 2010	TEAS STATEMENT OF USE RECEIVED	
Sep. 08, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 16, 2009	PUBLISHED FOR OPPOSITION	
May 27, 2009	NOTICE OF PUBLICATION	
May 14, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 13, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 13, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
May 13, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
May 11, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
May 11, 2009	EX PARTE APPEAL-INSTITUTED	360739
May 11, 2009	JURISDICTION RESTORED TO EXAMINING ATTORNEY	360739
May 11, 2009	EXPARTE APPEAL RECEIVED AT TTAB	
Nov. 10, 2008	FINAL REFUSAL MAILED	
Nov. 09, 2008	FINAL REFUSAL WRITTEN	78324
Nov. 07, 2008	NOTICE OF REINSTATEMENT MAILED	
Nov. 03, 2008	ASSIGNED TO EXAMINER	78324
Oct. 31, 2008	REINSTATEMENT GRANTED - RESPONSE RECEIVED	77978
Oct. 29, 2008	PAPER RECEIVED	
Oct. 14, 2008	DATA MODIFICATION COMPLETED	68171
Oct. 10, 2008	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Oct. 09, 2008	AMENDMENT FROM APPLICANT ENTERED	68171

Oct. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Oct. 09, 2008	ASSIGNED TO LIE	68171
Sep. 25, 2008	PAPER RECEIVED	
Jul. 10, 2008	ASSIGNED TO EXAMINER	83696
Mar. 25, 2008	NON-FINAL ACTION MAILED	
Mar. 24, 2008	NON-FINAL ACTION WRITTEN	78192
Mar. 18, 2008	ASSIGNED TO EXAMINER	78192
Jan. 04, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 03, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Apr. 05, 2010

Proceedings

Summary
Number of Proceedings: 1

Type of Proceeding: Exparte Appeal	
Proceeding Number: 77360739	Filing Date: May 11, 2009
Status: Terminated	Status Date: Aug 12, 2009
Interlocutory Attorney:	

Plaintiff(s)	
Name: SYMMONS INDUSTRIES, INC.	
Correspondent Address: Mark J. Pandiscio PANDISCIO & PANDISCIO, P.C. 470 TOTTEN POND RD STE 4 WALTHAM MA , 02451-1933 UNITED STATES	
Correspondent e-mail: mail@pandisciolaw.com	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SYMMONS THE SMART CHOICE	Registered	77360739	3787851

Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	May 11, 2009	
2	Appeal Acknowledged; Case Remanded	May 11, 2009	
3	INSTITUTED	May 11, 2009	
4	TERMINATED	Aug 12, 2009	