

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85781691
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	039
DESCRIPTION	Fuel delivery services featuring propane
FIRST USE ANYWHERE DATE	At least as early as 11/16/2012
FIRST USE IN COMMERCE DATE	At least as early as 10/10/2013
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	039
DESCRIPTION	Fuel delivery services featuring propane
FIRST USE ANYWHERE DATE	At least as early as 11/16/2012
FIRST USE IN COMMERCE DATE	At least as early as 12/13/2013
STATEMENT TYPE	"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" <i>[for an application based on Section 1(a), Use in Commerce]</i> 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" <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-2492138107-173053684_..propane.pdf

CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\857\816\85781691\xml14\RFR0002.JPG
SPECIMEN DESCRIPTION	print out of ad advertising servives
SIGNATURE SECTION	
DECLARATION SIGNATURE	/mrmj/
SIGNATORY'S NAME	Melanie Martin-Jones
SIGNATORY'S POSITION	Attorney of record; Ohio bar member
SIGNATORY'S PHONE NUMBER	6142272116
DATE SIGNED	12/13/2013
RESPONSE SIGNATURE	/mrmj/
SIGNATORY'S NAME	Melanie Martin-Jones
SIGNATORY'S POSITION	Attorney of record; Ohio bar member
SIGNATORY'S PHONE NUMBER	6142272116
DATE SIGNED	12/13/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Dec 13 17:35:33 EST 2013
TEAS STAMP	USPTO/RFR-24.92.138.107-2 0131213173533964343-85781 691-5009862e61a62d999814a 6193b96116de31fafbc237a7c 45b0e7fe3a92ffc076fd-N/A- N/A-20131213173053684579

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To the Commissioner for Trademarks:

Application serial no. **85781691** 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 039 for Fuel delivery services featuring propane

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 039, the mark was first used at least as early as 11/16/2012 and first used in commerce at least as early as 10/10/2013.

Proposed: Class 039 for Fuel delivery services featuring propane

Deleted Filing Basis: 1(b)

In International Class 039, the mark was first used at least as early as 11/16/2012. and first used in commerce at least as early as 12/13/2013.

Applicant hereby submits one(or more) specimen(s) for Class 039. The specimen(s) submitted consists of print out of ad advertising servives.

"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].*

Original PDF file:

[SPU0-2492138107-173053684 . propane.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

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: /mrmj/ Date: 12/13/2013
Signatory's Name: Melanie Martin-Jones
Signatory's Position: Attorney of record; Ohio bar member
Signatory's Phone Number: 6142272116

Request for Reconsideration Signature

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Signatory's Name: Melanie Martin-Jones
Signatory's Position: Attorney of record; Ohio bar member

Signatory's Phone Number: 6142272116

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: 85781691
Internet Transmission Date: Fri Dec 13 17:35:33 EST 2013
TEAS Stamp: USPTO/RFR-24.92.138.107-2013121317353396
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96116de31fafbc237a7c45b0e7fe3a92ffc076fd
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