

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86176293
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86176293/large
LITERAL ELEMENT	SINCE 1847 THAYERS NATURAL REMEDIES
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
GOODS AND/OR SERVICES SECTION (003)(current)	
INTERNATIONAL CLASS	003
DESCRIPTION	
Natural non-medicated dry mouth spray; natural non-medicated skin care preparations, namely, creams, lot gels, toners, cleaners and peels; natural skin toners; natural skin clarifiers; natural skin cleansers	
FIRST USE ANYWHERE DATE	At least as early as 01/01/1950
FIRST USE IN COMMERCE DATE	At least as early as 09/18/2014
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (003)(proposed)	
INTERNATIONAL CLASS	003
DESCRIPTION	

Natural non-medicated dry mouth spray; natural non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; natural skin toners; natural skin clarifiers; natural skin cleansers

FIRST USE ANYWHERE DATE	At least as early as 01/01/1950
FIRST USE IN COMMERCE DATE	At least as early as 09/18/2014
STATEMENT TYPE	"The substitute (or new, or originally submitted, 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, or originally submitted, 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]. OR "The specimen is a true copy of the specimen that was originally submitted with the amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-2411848108-20150728054319509525 . SINCE 1847 THAYERS NATURAL REMEDIES Specimen
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\861\762\86176293\xml23\RFR0002.JPG
SPECIMEN DESCRIPTION	The specimen consists of a picture of the goods showing the mark on the goods.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Natural throat lozenges; natural nutritional supplements in the form of syrups; natural nutritional supplements in the form of syrups made in significant part of honey, anise, and vitamin B; natural syrups for pharmaceutical purposes for the treatment of sore throats, coughs and cold symptoms, made in significant part of honey, anise, and vitamin B; natural oral care products sold together in a pack, consisting of throat lozenges and sprays to prevent dry mouth, for use in industries such as the vocal music industry	
FIRST USE ANYWHERE DATE	At least as early as 01/01/1950
FIRST USE IN COMMERCE DATE	At least as early as 09/18/2014
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (005)(proposed)	

INTERNATIONAL CLASS	005
DESCRIPTION	
Natural throat lozenges; natural nutritional supplements in the form of syrups; natural nutritional supplements in the form of syrups made in significant part of honey, anise, and vitamin B; natural syrups for pharmaceutical purposes for the treatment of sore throats, coughs and cold symptoms, made in significant part of honey, anise, and vitamin B; natural oral care products sold together in a pack, consisting of throat lozenges and sprays to prevent dryness of the mouth, for use in industries such as the vocal music industry	
FIRST USE ANYWHERE DATE	At least as early as 01/01/1950
FIRST USE IN COMMERCE DATE	At least as early as 09/18/2014
STATEMENT TYPE	"The substitute (or new, or originally submitted, 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, or originally submitted, 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]. OR "The substitute specimen is a true copy of the specimen that was originally submitted with the application amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-2411848108-20150728054319509525_.SINCE_1847_THAYERS_NATURAL_REMEDIES_Specimen.JPG
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\861\762\86176293\xml23\RFR0003.JPG
SPECIMEN DESCRIPTION	The specimen consists of a picture of the goods showing the mark on the goods.
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no signed declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/ber/
SIGNATORY'S NAME	Brent E. Routman
SIGNATORY'S POSITION	Attorney for Applicant
SIGNATORY'S PHONE NUMBER	612.336.4619

DATE SIGNED	07/28/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 28 05:48:40 EDT 2015
TEAS STAMP	USPTO/RFR-24.118.48.108-2 0150728054840895292-86176 293-540d8c751e2da93329af5 5ee6ddc63e52898ae79e8a6b5 1e13bf5f247434c542d-N/A-N /A-20150728054319509525

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

Application serial no. **86176293** SINCE 1847 THAYERS NATURAL REMEDIES (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86176293/large>) 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 003 for Natural non-medicated dry mouth spray; natural non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; natural skin toners; natural skin clarifiers; natural skin cleansers

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 003, the mark was first used at least as early as 01/01/1950 and first used in commerce at least as early as 09/18/2014 .

Proposed: Class 003 for Natural non-medicated dry mouth spray; natural non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; natural skin toners; natural skin clarifiers; natural skin cleansers

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 003, the mark was first used at least as early as 01/01/1950 . and first used in commerce at least as early as 09/18/2014 .

Applicant hereby submits one(or more) specimen(s) for Class 003 . The specimen(s) submitted consists of The specimen consists of a picture of the goods showing the mark on the goods. .

"The substitute (or new, or originally submitted, 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, or originally submitted, 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]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen].

Original PDF file:

[SPU0-2411848108-20150728054319509525 . SINCE 1847 THAYERS NATURAL REMEDIES Specimens.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

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

Current: Class 005 for Natural throat lozenges; natural nutritional supplements in the form of syrups; natural nutritional supplements in the form of syrups made in significant part of honey, anise, and vitamin B; natural syrups for pharmaceutical purposes for the treatment of sore throats, coughs and cold symptoms, made in significant part of honey, anise, and vitamin B; natural oral care products sold together in a pack, consisting of throat lozenges and sprays to prevent dryness of the mouth, for use in industries such as the vocal music industry

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective***

trademark, collective service mark, or collective membership mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 005, the mark was first used at least as early as 01/01/1950 and first used in commerce at least as early as 09/18/2014 .

Proposed: Class 005 for Natural throat lozenges; natural nutritional supplements in the form of syrups; natural nutritional supplements in the form of syrups made in significant part of honey, anise, and vitamin B; natural syrups for pharmaceutical purposes for the treatment of sore throats, coughs and cold symptoms, made in significant part of honey, anise, and vitamin B; natural oral care products sold together in a pack, consisting of throat lozenges and sprays to prevent dryness of the mouth, for use in industries such as the vocal music industry

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 005, the mark was first used at least as early as 01/01/1950 . and first used in commerce at least as early as 09/18/2014 .

Applicant hereby submits one(or more) specimen(s) for Class 005 . The specimen(s) submitted consists of The specimen consists of a picture of the goods showing the mark on the goods. .

"The substitute (or new, or originally submitted, 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, or originally submitted, 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]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen].

Original PDF file:

[SPU1-2411848108-20150728054319509525 . SINCE 1847 THAYERS NATURAL REMEDIES Specimens.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File 1](#)

SIGNATURE(S)**Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /ber/ Date: 07/28/2015

Signatory's Name: Brent E. Routman

Signatory's Position: Attorney for Applicant

Signatory's Phone Number: 612.336.4619

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 86176293

Internet Transmission Date: Tue Jul 28 05:48:40 EDT 2015

TEAS Stamp: USPTO/RFR-24.118.48.108-2015072805484089

5292-86176293-540d8c751e2da93329af55ee6d

dc63e52898ae79e8a6b51e13bf5f247434c542d-

N/A-N/A-20150728054319509525

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