

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86314423
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86314423/large
LITERAL ELEMENT	BURGESS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size
GOODS AND/OR SERVICES SECTION (007)(current)	
INTERNATIONAL CLASS	007
DESCRIPTION	
Machines used in oil field operations, namely, oil drilling mud degassers, mechanical scavengers which remove oxygen from drilling mud in drilling operations, and vacuum pumps and blowers used in the degassing of drilling mud; live fish bait aeration system comprised primarily of power-operated aerators being machines and also including bait tanks	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1973
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1973
GOODS AND/OR SERVICES SECTION (007)(proposed)	
INTERNATIONAL	

CLASS	007
DESCRIPTION	
Machines used in oil field operations, namely, oil drilling mud degassers, mechanical scavengers which remove oxygen from drilling mud in drilling operations, and vacuum pumps and blowers used in the degassing of drilling mud; live fish bait aeration system comprised primarily of power-operated aerators being machines and also including bait tanks	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1973
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1973
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 application amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-21658157228-20151130161813619093 . Burgess3000Companywebpageaboutt
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml10\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\144\86314423\xml10\RFR0003.JPG
SPECIMEN DESCRIPTION	A company webpage about service and care of the degasser.
GOODS AND/OR SERVICES SECTION (037)(no change)	
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Applicant hereby submits a substitute specimen for Class 37, which is a company webpage offering maintenance and repair services to customers and prospective customers. Applicant believes that all requirements for registrability have been met, and asks that its application be approved for registration. If the Trademark Examining Attorney identifies any remaining issues, Applicant respectfully requests an office action or telephone call before the final deadline for response, in order that Applicant have an opportunity to resolve all issues.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jennifer S. Sickler/

SIGNATORY'S NAME	Jennifer S. Sickler
SIGNATORY'S POSITION	Attorney of Record, Texas Bar Member
SIGNATORY'S PHONE NUMBER	713-653-8611
DATE SIGNED	11/30/2015
RESPONSE SIGNATURE	/Jennifer S. Sickler/
SIGNATORY'S NAME	Jennifer S. Sickler
SIGNATORY'S POSITION	Attorney of record, Texas Bar Member
SIGNATORY'S PHONE NUMBER	713-653-8611
DATE SIGNED	11/30/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Nov 30 16:30:00 EST 2015
TEAS STAMP	USPTO/RFR-XXX.XX.XXX.XXX- 20151130163000219127-8631 4423-540ca94d416f71bf811d 2873c8a28aa636ce8a346ce3d 140e282e2469f681dcfed-N/A -N/A-20151130161813619093

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

Application serial no. **86314423** BURGESS(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86314423/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 007 for Machines used in oil field operations, namely, oil drilling mud degassers, mechanical scavengers which remove oxygen from drilling mud in drilling operations, and vacuum pumps and blowers used in the degassing of drilling mud; live fish bait aeration system comprised primarily of power-operated aerators being machines and also including bait tanks

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1973 and first used in commerce at least as early as 00/00/1973 , and is now in use in such commerce.

Proposed: Class 007 for Machines used in oil field operations, namely, oil drilling mud degassers, mechanical scavengers which remove oxygen from drilling mud in drilling operations, and vacuum pumps and blowers used in the degassing of drilling mud; live fish bait aeration system comprised primarily of power-operated aerators being machines and also including bait tanks

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1973 and first used in commerce at least as early as 00/00/1973 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 007 . The specimen(s) submitted consists of A company webpage about service and care of the degasser. .

"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:

[SPU0-21658157228-20151130161813619093_._Burgess3000Companywebpageabouttraining.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

ADDITIONAL STATEMENTS

Miscellaneous Statement

Applicant hereby submits a substitute specimen for Class 37, which is a company webpage offering maintenance and repair services to customers and prospective customers. Applicant believes that all requirements for registrability have been met, and asks that its application be approved for registration. If the Trademark Examining Attorney identifies any remaining issues, Applicant respectfully requests an office action or telephone call before the final deadline for the response, in order that Applicant have an opportunity to resolve all issues.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Jennifer S. Sickler/ Date: 11/30/2015
Signatory's Name: Jennifer S. Sickler
Signatory's Position: Attorney of Record, Texas Bar Member
Signatory's Phone Number: 713-653-8611

Request for Reconsideration Signature

Signature: /Jennifer S. Sickler/ Date: 11/30/2015
Signatory's Name: Jennifer S. Sickler
Signatory's Position: Attorney of record, Texas Bar Member

Signatory's Phone Number: 713-653-8611

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86314423
Internet Transmission Date: Mon Nov 30 16:30:00 EST 2015
TEAS Stamp: USPTO/RFR-XXX.XX.XXX.XXX-201511301630002
19127-86314423-540ca94d416f71bf811d2873c
8a28aa636ce8a346ce3d140e282e2469f681dcfe
d-N/A-N/A-20151130161813619093

BURGESS MANUFACTURING, LTD.

BURGESS MARINE PRODUCTS



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SCHOOL/TRAINING

We offer a complimentary school for service and care of the BURGESS MAGNA-VAC™ DEGASSER. We provide a comprehensive “hands on” tutorial on operating, assembling and servicing the BURGESS MAGNA-VAC™ DEGASSER.

The attendees should come prepared for “hands on” training and to spend most of their time in a work shop environment.

Please give us two (2) weeks notice to schedule the class. We can accommodate 4 attendees maximum at one time.

Duration of the training may last 2 to 3 days.

Training will be held at our facility at the following address:

- BURGESS MANUFACTURING, LTD
- 11431 Charles Road
- Houston, Texas 77041

- Telephone 713-466-5444

Attendees shall be responsible for travel, lodging, and meals.

Please contact sales@burgess-mfg.com to schedule an appointment.



Contact Us:

P.O. Box 41327
Houston, TX 77241

Telephone: 713.466.5444

11431 Charles St.
Houston, TX 77041

Fax: 713.466.1914
Email: sales@burgess-mfg.com
Website: burgess-mfg.com

Burgess Magna-Vac Degasser ®

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