

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86519586
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/86519586/large
<b>LITERAL ELEMENT</b>	COMFORT SELECT
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
<p>In reply to the Office Action of November 29, 2015 Applicant is submitting substitute specimens. The first page consists of an online ordering form which shows the mark associated with the goods and there is a means to order the goods specifically in the subject box where it states "Truckload sales." Also submitted are invoice pages showing the mark and how the goods were ordered. Based on the foregoing, Applicant believes that the substitute specimens should be accepted. Applicant is filing a Notice of Appeal to keep the application alive.</p>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	019
<b>DESCRIPTION</b>	RESIDENTIAL SOFT-COATED LOW EMISSIVITY BUILDING GLASS
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 02/01/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 02/01/2013
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	019
<b>DESCRIPTION</b>	RESIDENTIAL SOFT-COATED LOW EMISSIVITY BUILDING GLASS
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 02/01/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 02/01/2013
<b>STATEMENT TYPE</b>	<p><b>"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"</b> [for an application based on Section 1(a), Use in Commerce] <b>OR</b> <b>"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"</b> [for an application based on Section 1(b) Intent-to-Use]. <b>OR</b> <b>"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"</b> [for an illegible specimen].</p>
<b>SPECIMEN FILE NAME(S)</b>	

<b>ORIGINAL PDF FILE</b>	<a href="#">SPU0-6412422226-20160531113245457365_0124-395spec.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\865\195\86519586\xml7\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\865\195\86519586\xml7\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\865\195\86519586\xml7\RFR0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\865\195\86519586\xml7\RFR0005.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Online order form and invoices
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Leo M. Loughlin/
<b>SIGNATORY'S NAME</b>	Leo M. Loughlin
<b>SIGNATORY'S POSITION</b>	Attorney of record, DC bar member
<b>SIGNATORY'S PHONE NUMBER</b>	202-783-6040
<b>DATE SIGNED</b>	05/31/2016
<b>RESPONSE SIGNATURE</b>	/Leo M. Loughlin/
<b>SIGNATORY'S NAME</b>	Leo Loughlin
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>SIGNATORY'S PHONE NUMBER</b>	202-783-6040
<b>DATE SIGNED</b>	05/31/2016
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue May 31 14:07:30 EDT 2016
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XXX-2 0160531140730693161-86519 586-55012e9f7aec5d5c418c4 eaa946f62a03ec919c56c1822 2c35346851de7f1d1-N/A-N/A -20160531113245457365

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

### Request for Reconsideration after Final Action

#### To the Commissioner for Trademarks:

Application serial no. **86519586** COMFORT SELECT(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86519586/large>) has been amended as follows:

#### ARGUMENT(S)

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

In reply to the Office Action of November 29, 2015 Applicant is submitting substitute specimens. The first page consists of an online ordering form which shows the mark associated with the goods and there is a means to order the goods specifically in the subject box where it states

"Truckload sales." Also submitted are invoice pages showing the mark and how the goods were ordered. Based on the foregoing, Applicant believes that the substitute specimens should be accepted. Applicant is filing a Notice of Appeal to keep the application alive.

#### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

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

**Current:** Class 019 for RESIDENTIAL SOFT-COATED LOW EMISSIVITY BUILDING GLASS

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 02/01/2013 and first used in commerce at least as early as 02/01/2013, and is now in use in such commerce.

**Proposed:** Class 019 for RESIDENTIAL SOFT-COATED LOW EMISSIVITY BUILDING GLASS

**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 02/01/2013 and first used in commerce at least as early as 02/01/2013, and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 019. The specimen(s) submitted consists of Online order form and invoices.

**"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:**

[SPU0-6412422226-20160531113245457365\\_.0124-395spec.pdf](#)

**Converted PDF file(s) ( 4 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

#### **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: /Leo M. Loughlin/ Date: 05/31/2016  
Signatory's Name: Leo M. Loughlin  
Signatory's Position: Attorney of record, DC bar member  
Signatory's Phone Number: 202-783-6040

#### **Request for Reconsideration Signature**

Signature: /Leo M. Loughlin/ Date: 05/31/2016  
Signatory's Name: Leo Loughlin  
Signatory's Position: Attorney of Record

Signatory's Phone Number: 202-783-6040

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: 86519586  
Internet Transmission Date: Tue May 31 14:07:30 EDT 2016  
TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016053114073069  
3161-86519586-55012e9f7aec5d5c418c4eaa94  
6f62a03ec919c56c18222c35346851de7f1d1-N/  
A-N/A-20160531113245457365



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**Subject:**  
Truckload Sales

**Personal Information**  
First Name:   
Last Name:   
Email Address: \*

**Business Information**  
Your Business:   
Company Name:   
Address:   
City: \*   
State/Province/Territory: \*   
Zip Code/Postal Code:   
Phone: \* 000-000-0000

**Comments:**

Please Provide More Information on These Products:

- Comfort Select 73
- Comfort Select 63
- Comfort Select 40
- Comfort Select 36
- Comfort Select 28
- U4
- Fabricated Solutions



Order No 1426757

ENTERED BY: RCOLE

REVIEWED BY: \_\_\_\_\_

Revision 2 Status A

07 GREENLAND

Order Date 3/16/16

Coord Robyn Cole

Ter 10 Cust PO 5710-2598

Ship Date 4/13/16

Ship Equip

Unload

I/M I

SWR

Sold

Pr Ship

To:

To:

05873 Northern Architectural Systems 1  
111 CENTRAL AVE

000 NORTHERN ARCHITECTURAL SYSTEMS  
111 CENTRAL AVENUE

TETERBORO

NJ

TETERBORO

NJ

07608

07608

United States of America

United States of America

\* \* \* \* \*

Acknowledge ALL TI-36 TO BE EDGE DELETED

Comments :

Schedule : NO TIERING GLASS CASES/RACKS USE WIDER RACKS IF NEEDED

Comments : ALL TI-36 TO BE EDGE DELETED

EXCESSIVE CUTTING OIL NOT ALLOWED, PLEASE KEEP TO A MINIMUM

Shipping : VT-NO DBL STACKING WHEN LOADNG. CARR. MST CUT BANDS & CALL

Comments : GRACE 24 HRS B-4 W/ETA EXT 330.

Invoicing

Comments :

ITEM	QTY	PRODUCT/SIZE	LITES	AREA	WGT
6	1	21 13/16 X 19 7/8 CS73 A 1/8 S9 CS P A	751	2298.06	3924.76
Y		1/8" COMFORT SELECT 73 ORDER FROM 19 ON 4/9 RUN PART#	GL GL ANNEALED		
7	1	29 13/16 X 19 7/8 CS73 A 1/8 S9 CS P A	554	2310.18	3945.46
Y		1/8" COMFORT SELECT 73 ORDER FROM 19 ON 4/9 RUN PART#	GL GL ANNEALED		
8	1	35 7/8 X 21 5/8 CS73 A 1/8 S4 CS P A	426	2343.00	3934.52
		1/8" COMFORT SELECT 73 ORDER FROM 19 ON 4/9 RUN PART#	GL GL ANNEALED		

Order No 1426757                      ENTERED BY: RCOLE                      REVIEWED BY: \_\_\_\_\_

ITEM	QTY	PRODUCT/SIZE	LITES	AREA	WGT
9	2	21 13/16 X 21 5/8 CS73 A 1/8 S8 CS P A 1/8" COMFORT SELECT 73 ORDER FROM 19 ON 4/9 RUN PART#	678 GL GL ANNEALED	4556.16	7824.08
10	2	29 13/16 X 21 5/8 CS73 A 1/8 S4 CS P A 1/8" COMFORT SELECT 73 ORDER FROM 19 ON 4/9 RUN PART#	500 GL GL ANNEALED	4580.00	7690.00
13 Y	2	21 13/16 X 19 7/8 FL36A C 1/8 S9 CS P CD0000 1/8" COMFORT SELECT 36 ORDER FROM 33 ON 4/9 PART#	751 GL GL Edge Delete/Annealed 10MM	4596.12	7849.52
14 Y	2	29 13/16 X 19 7/8 FL36A C 1/8 S9 CS P CD0000 1/8" COMFORT SELECT 36 ORDER FROM 33 ON 4/9 PART#	554 GL GL Edge Delete/Annealed 10MM	4620.36	7890.92
15 Y	1	35 7/8 X 21 5/8 FL36A C 1/8 S4 CS P CD0000 1/8" COMFORT SELECT 36 ORDER FROM 33 ON 4/9 PART#	426 GL GL Edge Delete/Annealed 10MM	2343.00	3934.52
16 Y	2	21 13/16 X 21 5/8 FL36A C 1/8 S8 CS P CD0000 1/8" COMFORT SELECT 36 ORDER FROM 33 ON 4/9 PART#	678 GL GL Edge Delete/Annealed 10MM	4556.16	7824.08

Order No 1426757

ENTERED BY: RCOLE

REVIEWED BY: \_\_\_\_\_

ITEM	QTY	PRODUCT/SIZE	LITES	AREA	WGT
17	2	29 13/16 X 21 5/8	500	4580.00	7690.00
		FL36A C 1/8 S4 CS P CD0000 GL GL			
Y		1/8" COMFORT SELECT 36		Edge Delete/Annealed 10MM	
		ORDER FROM 33 ON 4/9			
		PART#			

TOTAL ORDER 36782 62504