

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86782730
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86782730/large
LITERAL ELEMENT	LUNA-TIKES
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	Downloadable e-books in the field of children's life lessons
FIRST USE ANYWHERE DATE	At least as early as 11/06/2015
FIRST USE IN COMMERCE DATE	At least as early as 11/06/2015
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	Downloadable e-books in the field of children's life lessons
FIRST USE ANYWHERE DATE	At least as early as 11/06/2015
FIRST USE IN COMMERCE DATE	At least as early as 11/06/2015
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 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].
SPECIMEN FILE NAME(S)	
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SPECIMEN DESCRIPTION	Screen printouts from web pages showing order and purchasing information and showing the applied-for mark in use in commerce. Specifically, availability of ebooks for purchase and download from Amazon.com [https://www.amazon.com/s/ref=nb_sb_noss/155-4270924-7690920 url=search-alias%3Daps&field-keywords=luna-tikes] and also Bookshout.com [https://www.bookshout.com/publishers/luna-tikes-llc].
GOODS AND/OR SERVICES SECTION (016)(current)	
INTERNATIONAL CLASS	016
DESCRIPTION	Children's books
FIRST USE ANYWHERE DATE	At least as early as 11/06/2015
FIRST USE IN COMMERCE DATE	At least as early as 11/06/2015
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (016)(proposed)	
INTERNATIONAL CLASS	016
DESCRIPTION	Children's books
FIRST USE ANYWHERE DATE	At least as early as 11/06/2015
FIRST USE IN COMMERCE DATE	At least as early as 11/06/2015
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 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].
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	\\TICRS\EXPORT16\IMAGEOUT16\867\827\86782730\xml16\RFR0023.JPG
SPECIMEN DESCRIPTION	The specimen shows photographs of the actual books as well as printouts from web pages showing the mark on the children's books which have been made available for purchase and actually purchased through the Luna-Tikes website [Lunatikes.com] and also Facebook [https://www.facebook.com/LUNA-TIKES]. The Facebook web page printouts show the mark in actual use in commerce.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Christina C. Tillman/
SIGNATORY'S NAME	Christina C. Tillman
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	559-824-4225
DATE SIGNED	09/11/2016
RESPONSE SIGNATURE	/Christina C. Tillman/
SIGNATORY'S NAME	Christina C. Tillman
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	559-824-4225
DATE SIGNED	09/11/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Sun Sep 11 15:14:05 EDT 2016
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Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86782730** LUNA-TIKES(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86782730/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 009 for Downloadable e-books in the field of children's life lessons

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 009, the mark was first used at least as early as 11/06/2015 and first used in commerce at least as early as 11/06/2015 .

Proposed: Class 009 for Downloadable e-books in the field of children's life lessons

Deleted Filing Basis: 1(b)

In International Class 009, the mark was first used at least as early as 11/06/2015 . and first used in commerce at least as early as 11/06/2015 .

Applicant hereby submits one(or more) specimen(s) for Class 009 . The specimen(s) submitted consists of Screen printouts from web pages showing order and purchasing information and showing the applied-for mark in use in commerce. Specifically, availability of ebooks for purchase and download from Amazon.com [https://www.amazon.com/s/ref=nb_sb_noss/155-4270924-7690920?url=search-alias%3Daps&field-keywords=luna-tikes] and also Bookshout.com [<https://www.bookshout.com/publishers/luna-tikes-llc>]. .

"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].

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

Current: Class 016 for Children's books

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 016, the mark was first used at least as early as 11/06/2015 and first used in commerce at least as early as 11/06/2015 .

Proposed: Class 016 for Children's books

Deleted Filing Basis: 1(b)

In International Class 016, the mark was first used at least as early as 11/06/2015 . and first used in commerce at least as early as 11/06/2015 .

Applicant hereby submits one(or more) specimen(s) for Class 016 . The specimen(s) submitted consists of The specimen shows photographs of the actual books as well as printouts from web pages showing the mark on the children's books which have been made available for purchase and actually purchased through the Luna-Tikes website [Lunatik.es.com] and also Facebook [https://www.facebook.com/LUNA-TIKES]. The Facebook web page printouts show the mark in actual use in commerce. .

"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].

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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: /Christina C. Tillman/ Date: 09/11/2016
Signatory's Name: Christina C. Tillman
Signatory's Position: Attorney of record, California bar member
Signatory's Phone Number: 559-824-4225

Request for Reconsideration Signature

Signature: /Christina C. Tillman/ Date: 09/11/2016
Signatory's Name: Christina C. Tillman
Signatory's Position: Attorney of record, California bar member

Signatory's Phone Number: 559-824-4225

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: 86782730
Internet Transmission Date: Sun Sep 11 15:14:05 EDT 2016
TEAS Stamp: USPTO/RFR-XXX.XXX.XX.XX-2016091115140512
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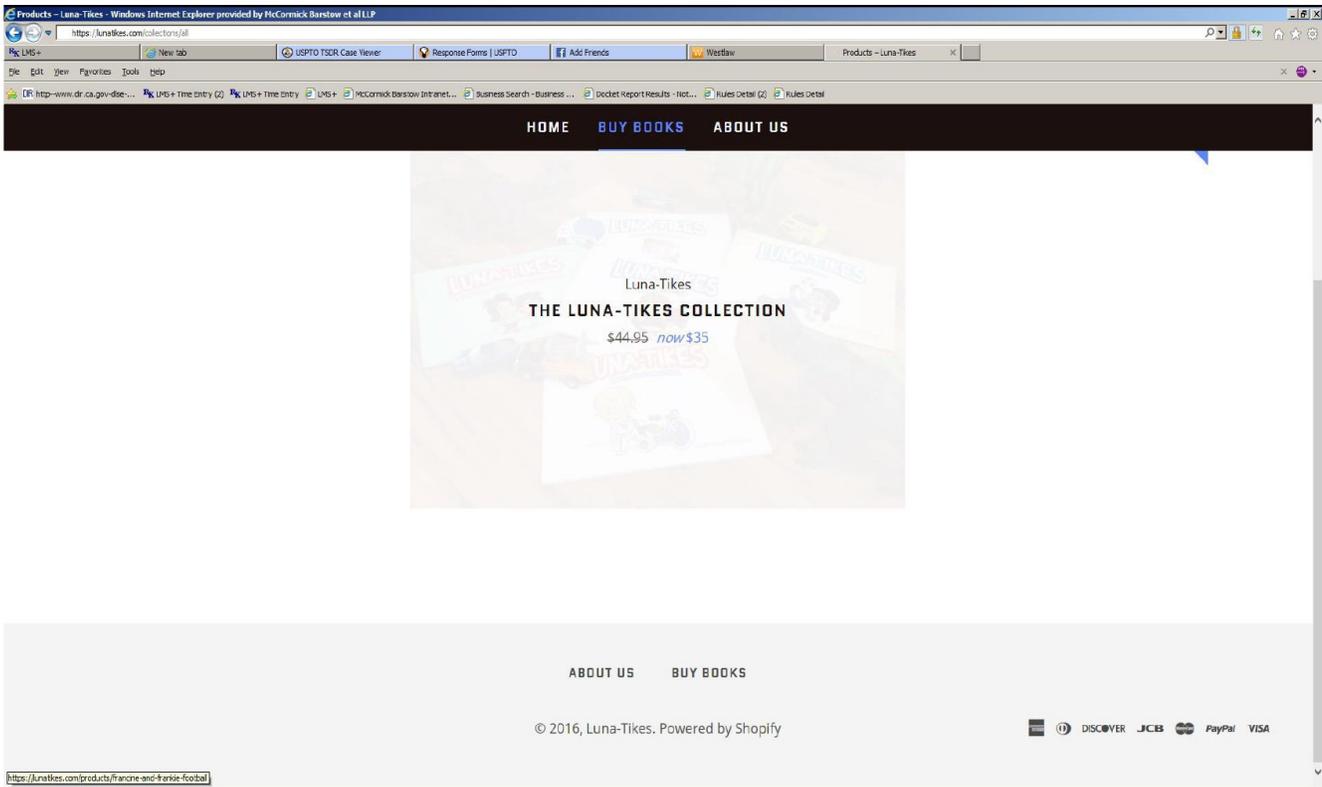
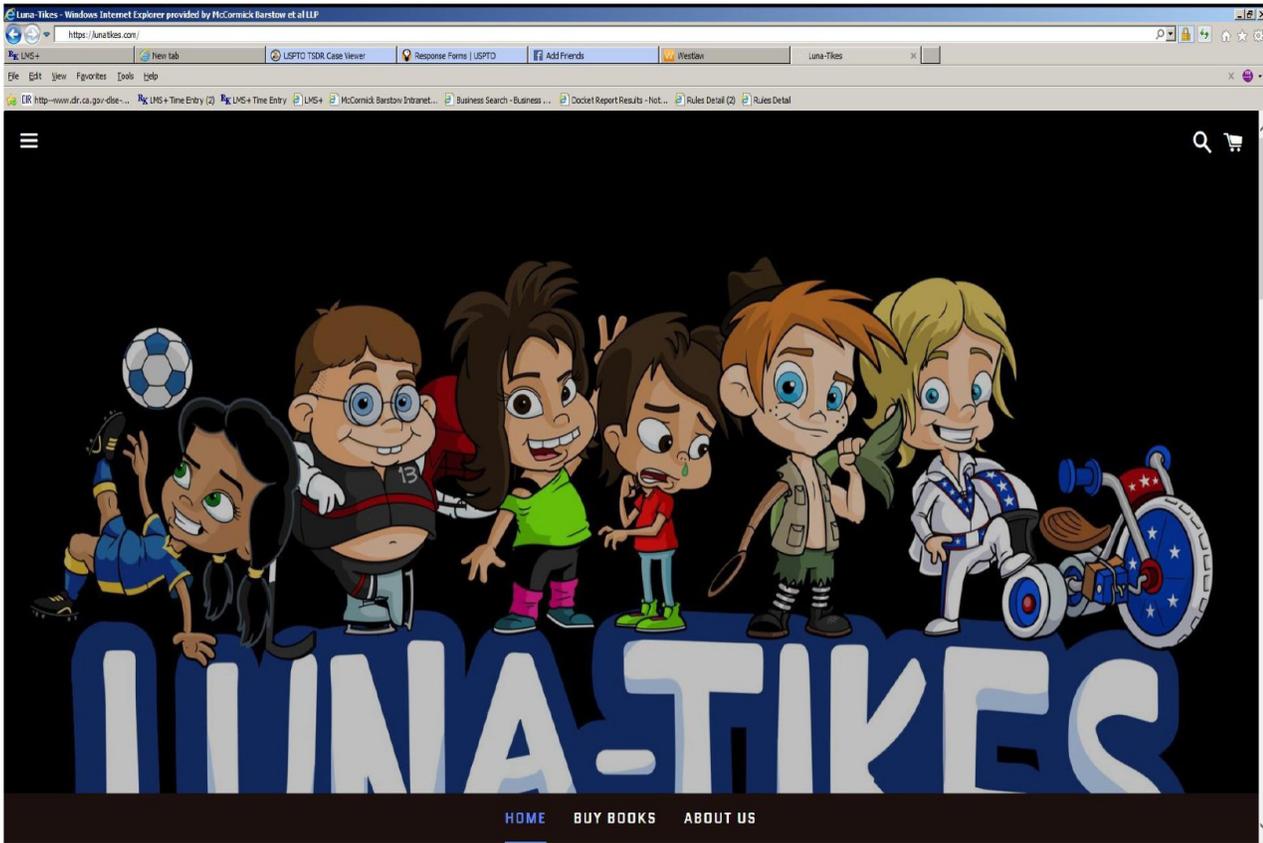
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Larry the Luna-Tike

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world full of lovable
Luna-Tikes!

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his vision with you and will
be introducing many more
characters from the Luna-Tikes
crew. Take a look at any one
of our books and your humor
goose is sure to be cooked!

They are filled with life
lessons that are told with
humor and style. You have
our guarantee that they
will make you smile!



Written by
Richard Tillman

Illustrated
by Jamie Sale

ISBN 978-1-944147-19-8



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LUNA-TIKES

Harry Hockey



by Richard Tillman



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world full of lovable
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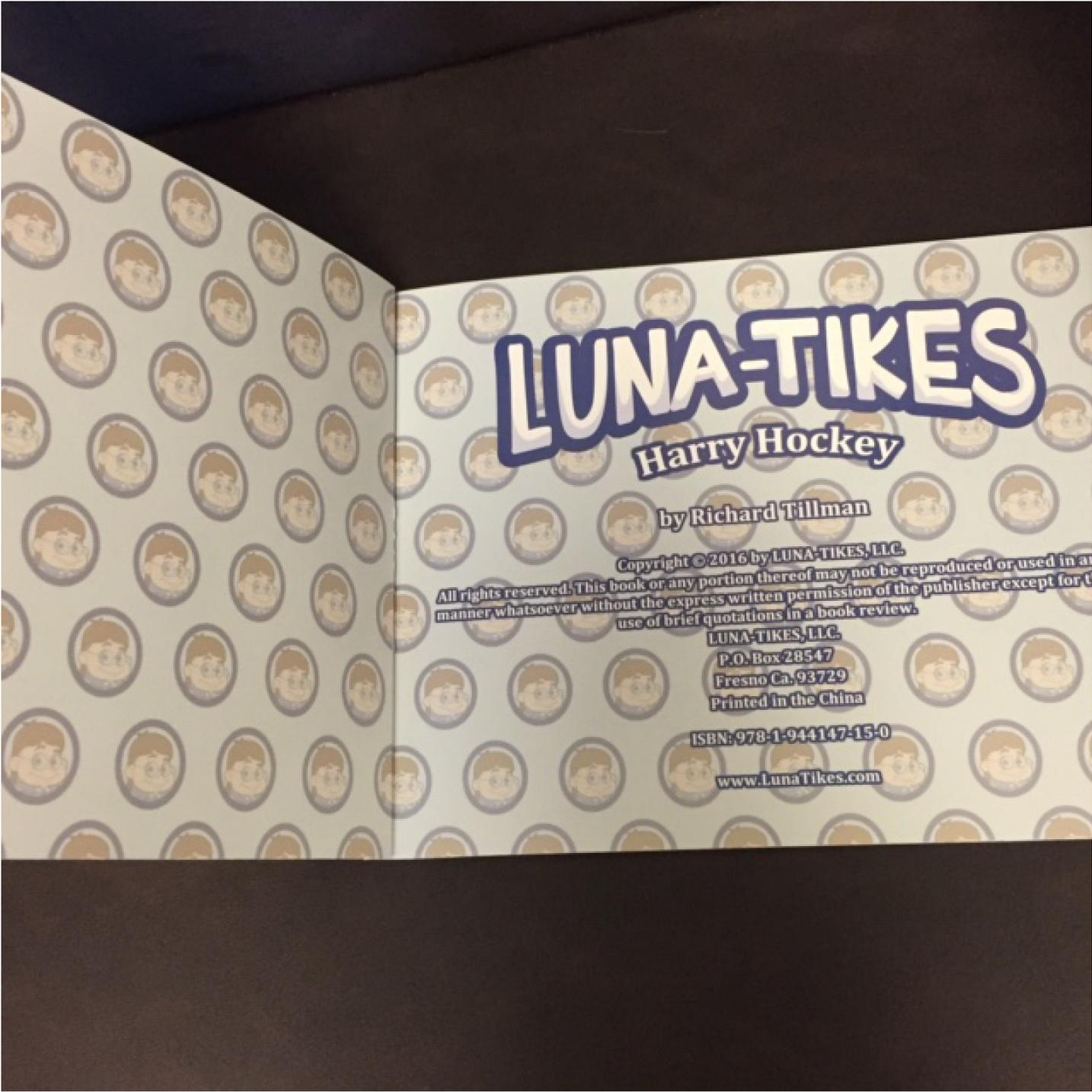
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Written by Richard Tillman
Illustrated by Jamie Sale





LUNA-TIKES

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www.LunaTikes.com



"Look, the
Red said
The

Goal, goal, miss, miss. Back and forth they went,

but it all came down to this...

LUNA-TIKES

Larry the Luna-Tike



by Richard Tillman

LUNA-TIKES

Larry the Luna-Tike

by Richard Tillman

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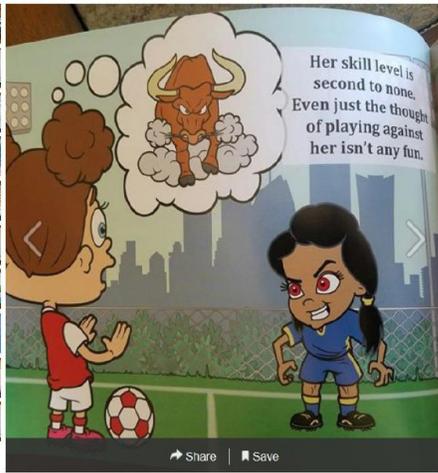
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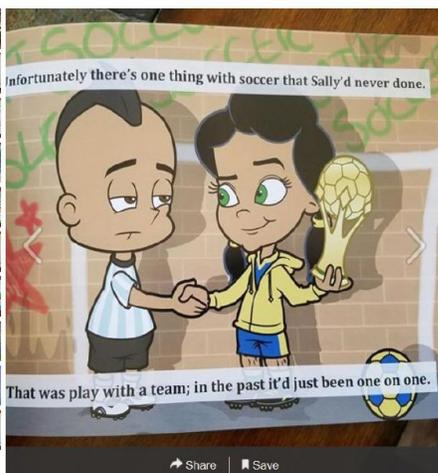
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Unfortunately there's one thing with soccer that Sally'd never done.

That was play with a team; in the past it'd just been one on one.

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