

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : S.T. Dupont

Serial No.: 76/140405

Trademark : X-TEND S.T. DUPONT and Design

Examiner : Chrisie Brightmire King, Esq.

Law Office: 103

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

REQUEST FOR CORRECTION AND REINSTATEMENT

1. This responds to the Office Action dated December 9, 2004.
2. In response to Applicant's Request for Reconsideration, the Examiner has maintained her refusal on the ground that Applicant's amended drawing page represents an unacceptable "material alteration" of the subject mark as original filed. Moreover, the Examiner states that the Request for Reconsideration is considered an "incomplete response" and that the application will be abandoned in due course because Application failed to file a Notice of Appeal.
3. Applicant advises that it, in fact, filed a timely Notice of Appeal on November 17, 2004. A copy of the Notice is attached including the return postcard indicating receipt by the Trademark Office on November 29, 2004.
4. Accordingly, Applicant respectfully requests that entry of the Request for Reconsideration as an "incomplete response" be withdrawn and the application reinstated for further processing

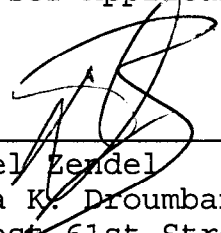
by the Trademark Trial and Appeal Board. If there are any questions regarding this application, please contact Steven M. Perez at (212) 708-3463.

Respectfully submitted,

LADAS & PARRY
Attorneys for Applicant

Date: January 14, 2005

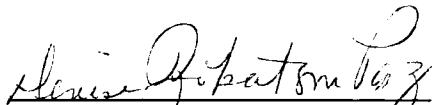
By: _____


Daniel Zendel
Nadia K. Droumbanis
26 West 61st Street
New York, New York 10023
(Our File: NY 10001559-7)

DZ:NKD/drp

CERTIFICATE OF MAILING

I, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O.Box 1451, Alexandria, VA 22313-1451, on the date appearing below.


Denise Robertson-Paz

January 14, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Mark : X-TEND S.T. DUPONT and Design
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NOTICE OF APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration.

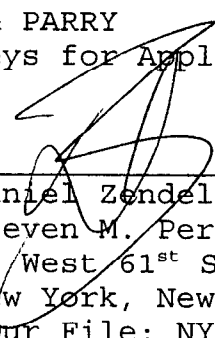
Attached is our check for \$100.00 to cover the appeal fee. Please charge Deposit Account No. 12-0425 if any additional charges are incurred. If there are any questions regarding this application, please contact Steven M. Perez at (212) 708-3463.

Respectfully submitted,

LADAS & PARRY
Attorneys for Applicant

Date: November 17, 2004

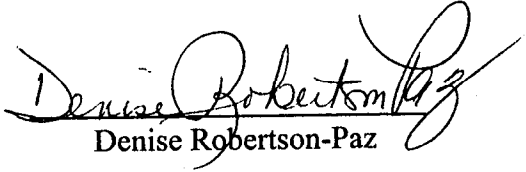
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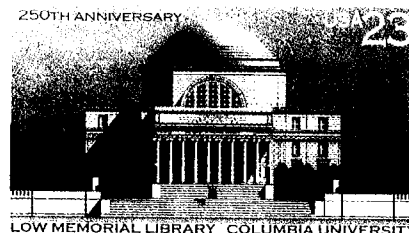
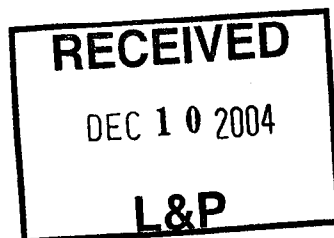
DZ:SMP/drp

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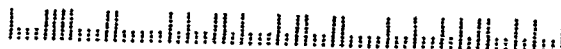
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Denise Robertson-Paz

November 18, 2004
Date



Ladas & Parry LLP
26 West 61st Street
New York, NY 10023



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11-29-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #11