TTAB

R-4540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Trademark Application of	:	
	:	**BEFORE THE TRADEMARK TRIAL**
Steelbuilding.com, Inc.	:	**AND APPEAL BOARD**
	:	
Serial No. 76/280,389	:	
	:	
Filed: July 3, 2001	:	
	:	
Mark: STEELBUILDING.COM & Design	:	

REQUEST TO REMOVE SUSPENSION AND REMAND APPLICATION TO THE EXAMINING ATTORNEY

The appeal in connection with the above-identified application was suspended on July 19, 2004.

A decision has now been received from the U.S. Court of Appeals for the Federal Circuit. See In re Steelbuilding.com, 75 USPQ2d 1420 (Fed. Cir. 2005). It is requested this application be remanded to the examining attorney for reconsideration of the disclaimer requirement.

Attached is an Amendment entering a claim of acquired distinctiveness under Section 2(f).

Respectfully submitted,

STEELBUILDING.COM

Date: NOV. 15, 2005

By: _____

Michael M. Zadrozny
Attorney for Applicant
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(703) 684-5600

11-15-2005
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #64

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Filed: July 3, 2001	:
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AMENDMENT

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Please amend the above-identified application as follows.

IN THE STATEMENT:

Insert the following:

--The term STEELBUILDING.COM has become distinctive of the services by virtue of applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.--

REMARKS

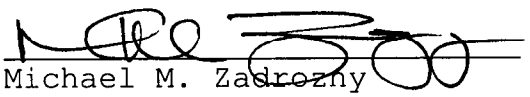
In view of the decision of the U.S. Court of Appeals for the Federal Circuit in the matter of In re Steelbuilding.com, 75 USPQ2d 1420 (Fed. Cir. 2005), applicant seeks registration under Section 2(f) of the Trademark Act. A Declaration under 37 C.F.R. 2.20 is attached.

Based on the foregoing, it is requested the Examining Attorney's disclaimer requirement be withdrawn and this application be allowed to register on the Principal Register.

Respectfully submitted,

STEELBUILDING.COM

Date: NOV. 15, 2005

By: 

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DECLARATION

I, Todd R. Moore, declare that I am Vice President, General Counsel and Corporate Secretary of applicant corporation and am authorized to make this Declaration on behalf of said corporation; and hereby state that the term STEELBUILDING.COM has become distinctive of applicant's services as a result of applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement; and further state that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and that these statements were made with the knowledge 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 may jeopardize the validity of this application and any registration resulting therefrom.

Date: November 11, 2005

By: _____
TODD R. MOORE