

**TO THE OFFICE OF THE COMMISSIONER FOR TRADEMARKS**

Applicant: The Murray Company

Mark: MURRAY COMPANY & DESIGN

Filing Date: November 8, 2002

Class: 037

Serial No.: 76/465,812

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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**PETITION TO REVIVE**

This Petition to Revive is submitted pursuant to 37 C.F.R. §2.66. A response to the final Office Action dated October 9, 2003 was due on or before April 9, 2004, but the filing of such response was unintentionally missed as set forth herein and declared by the Declarant Chad W. Brigham.

**STATEMENT OF FACTS**

1. The Declarant's name is Chad W. Brigham.
2. The Declarant is an attorney licensed to practice in the states of Missouri and Illinois.
3. The Declarant is associated with the St. Louis, Missouri law firm of Lewis, Rice & Fingersh, L.C. (the "Firm").
4. The applicant in this matter, The Murray Company (the "Applicant"), is represented by the Firm.



06-28-2004

U.S. Patent & TM Office/TM Mail Report Dt. #77

5. The United States Patent and Trademark Office (the "PTO") electronically mailed a final Office Action concerning the application for MURRAY COMPANY & DESIGN, Ser. No. 76/465,812 (the "Application") on October 9, 2003 to the Firm.

6. On April 13, 2003, Applicant filed a Notice of Appeal concerning the Application with the PTO.

7. The Firm received a letter from the Trademark Trial and Appeal Board dated April 27, 2004 providing that the Notice of Appeal was untimely filed (the "TTAB Letter"). The formal Notice of Abandonment postcard was issued on May 14, 2004 (the "Abandonment Postcard").

7. The failure to timely file a proper response to the final Office Action was unintentional. The Applicant has continuously desired to pursue registration of MURRAY COMPANY & DESIGN, Ser. No. 76/465,812, on the Principal Register from the date of filing the Application until its unintentional abandonment.

#### **DECLARATION**

The Declaration of Chad W. Brigham, attesting to the facts alleged in this Petition to Revive, is attached hereto as Exhibit A.

#### **NOTICE OF APPEAL**

Attached hereto is a proper response under 37 C.F.R. §2.66(b) and TMEP §1714.01(a) to the final Office Action, namely, Applicant's Notice of Appeal to the Trademark Trial and Appeal Board. Applicant's Appeal Brief is also attached hereto.

**FEEES**

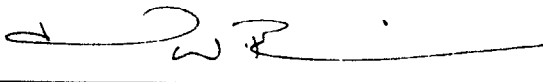
Submitted herewith is a check in the amount of \$200.00, which represents payment of the required \$100.00 Petition to Revive fee and the \$100.00 Notice of Appeal fee. **Please note that a \$100.00 Notice of Appeal fee was also submitted to the PTO on April 13, 2004, with Applicant's untimely Notice of Appeal. Applicant hereby requests a refund of the excess \$100.00 to be sent to the undersigned on Applicant's behalf.**

**CONCLUSION**

Applicant respectfully requests that its Petition to Revive be granted and the attached Notice of Appeal and Brief for Applicant be filed accordingly.

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

By 

Thad N. Leach  
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Attorneys for Applicant  
The Murray Company

**CERTIFICATE OF MAILING BY "EXPRESS MAILING"**

"Express Mail" mailing label number: ER288693525US

I hereby certify that this correspondence is addressed to: Commissioner for Trademarks,  
2900 Crystal Drive, Arlington, VA 22202-3513, and is being deposited with the United States  
Postal Service "Express Mail Post Office to addressee" service on the 25th day of June, 2004.

Chris Perniciaro

Chris Perniciaro

6/25/04

(Date of signature)

**EXHIBIT A**

**TO THE OFFICE OF THE COMMISSIONER FOR TRADEMARKS:**

Applicant: The Murray Company

Mark: MURRAY COMPANY & Design

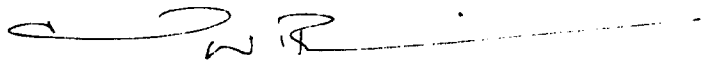
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**DECLARATION OF CHAD W. BRIGHAM**

The undersigned being hereby warned that willful false statements and the like so made 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 the application or any resulting registration, declares that the facts set forth in the Statement of Facts and Petition to Revive are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.



\_\_\_\_\_  
Chad W. Brigham, Attorney for Applicant

Dated: \_\_\_\_\_

6/25/2004