

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77076003
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	028
DESCRIPTION	
Children's educational, construction and building activity toy	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	028
DESCRIPTION	
Children's educational construction and building activity toy	
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	This amendment is made in response to the final refusal Official Action dated January 18, 2008. Applicant has amended the identification of goods to remove the comma after the term "educational" to clarify that the product is an educational construction/building toy. It is submitted that the clarification of the nature of the goods is sufficient to obviate the continued Section 2(d) refusal based on the overall differences in the goods of the parties. Further, it is noted that a Notice of Appeal is being filed concurrently herewith.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/kristine boylan/
SIGNATORY'S NAME	Kristine M. Boylan

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	07/11/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jul 11 14:20:01 EDT 2008
TEAS STAMP	USPTO/RFR-64.247.209.173- 20080711142001083599-7707 6003-420eb845031fe284796c 27eae99811a4db-N/A-N/A-20 080711140227961927

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. 77076003 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 028 for Children's educational, construction and building activity toy

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 028 for Children's educational construction and building activity toy

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

This amendment is made in response to the final refusal Official Action dated January 18, 2008. Applicant has amended the identification of goods to remove the comma after the term "educational" to clarify that the product is an educational construction/building toy. It is submitted that the clarification of the nature of the goods is sufficient to obviate the continued Section 2(d) refusal based on the overall differences in the goods of the parties. Further, it is noted that a Notice of Appeal is being filed concurrently herewith.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /kristine boylan/ Date: 07/11/2008

Signatory's Name: Kristine M. Boylan

Signatory's Position: Attorney of record

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 applicant'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 applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant'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: 77076003

Internet Transmission Date: Fri Jul 11 14:20:01 EDT 2008

TEAS Stamp: USPTO/RFR-64.247.209.173-200807111420010

83599-77076003-420eb845031fe284796c27eae

99811a4db-N/A-N/A-20080711140227961927