

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	77212319
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (016)(no change)	
GOODS AND/OR SERVICES SECTION (018)(no change)	
GOODS AND/OR SERVICES SECTION (021)(no change)	
GOODS AND/OR SERVICES SECTION (025)(no change)	
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Online auction services and arranging and conducting auction sales on a physical trading floor; compiling and disseminating trade, quote, order execution, index value and other related stock market information; providing arbitration facilities to others; providing services to others featuring dual capabilities of an auction market on a physical trading floor and automatic transaction execution via electronic means	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (035)(proposed)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Online auction services and arranging and conducting auction sales on a physical trading floor; providing business information; compiling trade, quote, order execution, index value and other related stock market information; providing arbitration facilities to others; providing services to others featuring dual capabilities of an auction market on a physical trading floor and automatic transaction execution via electronic means	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (036)(current)	
INTERNATIONAL CLASS	036
DESCRIPTION	
Conducting a securities exchange providing financial and securities information services to others via a global computer network; providing an online database featuring a 3-dimensional representation of a securities exchange in the field of finance and securities	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (036)(proposed)	
INTERNATIONAL CLASS	036
DESCRIPTION	
Conducting a securities exchange providing financial and securities information services to others via a global computer network; providing an online database featuring a 3-dimensional representation of a securities exchange in the field of finance and securities; providing securities market information; providing finance information; providing financial investment information; providing trade, quote, order execution, index value and other related stock market information via a global computer network	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (038)(current)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Electronic transmission of securities, financial, business and corporate information, namely, information regarding NYSE Group publicly traded companies, to users via a global computer network; securities exchange and related stock market services, namely, providing wireless communication in the nature of electronic transmission of financial and securities information via wireless means and transmission of financial and securities information via mobile telephones; communication services in the financial and securities field, namely a 3-dimensional representation of a securities exchange with financial and securities data and systems communicated electronically via computer; electronic transmission of securities information, namely, communicating and routing securities order and trading information via electronic systems	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (038)(proposed)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Electronic transmission of securities, financial, business and corporate information, namely, information regarding NYSE Group publicly traded companies, to users via a global computer network; securities exchange and related stock market services, namely, providing wireless communication in the nature of electronic transmission of financial and securities information via wireless means and transmission of financial and securities information via mobile telephones; provision of access to global computer network; electronic transmission of securities information, namely, communicating and routing securities order and trading information via electronic systems	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Educational services, namely, conducting lectures and discussions and providing information in the securities, finance, business and investment fields and distributing course materials therewith; electronic publishing services, namely, online publication of text and graphic works of others, namely, magazines newsletters and brochures featuring information in the field of stock market services and securities trading activity, information regarding publicly traded companies and other financial and business information	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Educational services, namely, conducting lectures and discussions in the fields of securities, finance, business and investment fields and distributing course materials therewith; electronic publishing services, namely, online publication of text and graphic works of others, namely, magazines newsletters and brochures featuring information in the field of stock market services and securities trading activity, information regarding publicly traded companies and other financial and business information	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/14/2006
FIRST USE IN COMMERCE DATE	At least as early as 09/14/2006
GOODS AND/OR SERVICES SECTION (045)(no change)	
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/drm/
SIGNATORY'S NAME	Danielle R. Mendelsohn
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	07/22/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 22 16:46:36 EDT 2008
TEAS STAMP	USPTO/RFR-204.194.98.66-2 0080722164636574911-77212 319-420a340dc472d36aad4e5 7357402c4c58a-N/A-N/A-200 80722163828018524

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

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77212319** 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 035 for Online auction services and arranging and conducting auction sales on a physical trading floor; compiling and disseminating trade, quote, order execution, index value and other related stock market information; providing arbitration facilities to others; providing services to others featuring dual capabilities of an auction market on a physical trading floor and automatic transaction

execution via electronic means

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

Proposed: Class 035 for Online auction services and arranging and conducting auction sales on a physical trading floor; providing business information; compiling trade, quote, order execution, index value and other related stock market information; providing arbitration facilities to others; providing services to others featuring dual capabilities of an auction market on a physical trading floor and automatic transaction execution via electronic means

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

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

Current: Class 036 for Conducting a securities exchange providing financial and securities information services to others via a global computer network; providing an online database featuring a 3-dimensional representation of a securities exchange in the field of finance and securities

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

Proposed: Class 036 for Conducting a securities exchange providing financial and securities information services to others via a global computer network; providing an online database featuring a 3-dimensional representation of a securities exchange in the field of finance and securities; providing securities market information; providing finance information; providing financial investment information; providing trade, quote, order execution, index value and other related stock market information via a global computer network

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

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

Current: Class 038 for Electronic transmission of securities, financial, business and corporate information, namely, information regarding NYSE Group publicly traded companies, to users via a global computer network; securities exchange and related stock market services, namely, providing wireless communication in the nature of electronic transmission of financial and securities information via wireless means and transmission of financial and securities information via mobile telephones; communication services in the financial and securities field, namely a 3-dimensional representation of a securities exchange with financial and securities data and systems communicated electronically via computer; electronic transmission of securities information, namely, communicating and routing securities order and trading information via electronic systems

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

Proposed: Class 038 for Electronic transmission of securities, financial, business and corporate information, namely, information regarding NYSE Group publicly traded companies, to users via a global computer network; securities exchange and related stock market services, namely, providing wireless communication in the nature of electronic transmission of financial and securities information via wireless means and transmission of financial and securities information via mobile telephones; provision of access to global computer network; electronic transmission of securities information, namely, communicating and routing securities order and trading information via electronic systems

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

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

Current: Class 041 for Educational services, namely, conducting lectures and discussions and providing information in the securities, finance, business and investment fields and distributing course materials therewith; electronic publishing services, namely, online publication of text and graphic works of others, namely, magazines newsletters and brochures featuring information in the field of stock market services and securities trading activity, information regarding publicly traded companies and other financial and business information

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

Proposed: Class 041 for Educational services, namely, conducting lectures and discussions in the fields of securities, finance, business and investment fields and distributing course materials therewith; electronic publishing services, namely, online publication of text and graphic works of others, namely, magazines newsletters and brochures featuring information in the field of stock market services and securities trading activity, information regarding publicly traded companies and other financial and business information

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/14/2006 and first used in commerce at least as early as 09/14/2006, and is now in use in such commerce.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /drm/ Date: 07/22/2008

Signatory's Name: Danielle R. Mendelsohn

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77212319

Internet Transmission Date: Tue Jul 22 16:46:36 EDT 2008

TEAS Stamp: USPTO/RFR-204.194.98.66-2008072216463657

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