

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	77342945
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
Reconsideration is requested. Applicant thanks the Examining Attorney for suggested wording to the goods/services description. Applicant will continue with the single class application and amends the description accordingly. While the applicant believes the application should be in acceptable form, a notice of appeal is being submitted to ensure the application remains in pending status. Please contact applicant's attorney, James Walters, 503-224-0115, if you have any questions or need more information. Thank you.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	043
DESCRIPTION	
Bakery cafes, coffee shop services, restaurants, snack-bars, cafe, cafeterias, non-stop restaurant services provided at highway rest areas, resting areas for passengers of railway, bus and airport; canteen services, serving of food, self-service restaurants, food and drink catering	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/04/2004
FIRST USE IN COMMERCE DATE	At least as early as 10/14/2005
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	118334
FOREIGN REGISTRATION COUNTRY	Korea, South
FOREIGN REGISTRATION DATE	07/05/2005
FOREIGN EXPIRATION DATE	07/05/2015

STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	043
DESCRIPTION	
coffee shop services, restaurants, snack-bars, cafe, cafeterias, canteen services, self-service restaurants, food and drink catering	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/04/2004
FIRST USE IN COMMERCE DATE	At least as early as 10/14/2005
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	118334
FOREIGN REGISTRATION COUNTRY	Korea, South
FOREIGN REGISTRATION DATE	07/05/2005
FOREIGN EXPIRATION DATE	07/05/2015
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	Applicant claims ownership of U.S. Registration Number(s) 3571356.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/james h walters/
SIGNATORY'S NAME	James H. Walters
SIGNATORY'S POSITION	Attorney of record, Oregon bar member
DATE SIGNED	04/07/2009
RESPONSE SIGNATURE	/james h walters/
SIGNATORY'S NAME	James H. Walters
SIGNATORY'S POSITION	Attorney of record, Oregon bar member
DATE SIGNED	04/07/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	

SUBMIT DATE	Tue Apr 07 14:55:08 EDT 2009
TEAS STAMP	USPTO/RFR-67.170.163.111- 20090407145508513118-7734 2945-430b649a54af06043131 bbf630d0ab923-N/A-N/A-200 90407142141260942

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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. 77342945 has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Reconsideration is requested. Applicant thanks the Examining Attorney for suggested wording to the goods/services description. Applicant will continue with the single class application and amends the description accordingly. While the applicant believes the application should be in acceptable form, a notice of appeal is being submitted to ensure the application remains in pending status. Please contact applicant's attorney, James Walters, 503-224-0115, if you have any questions or need more information. Thank you.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 043 for Bakery cafes, coffee shop services, restaurants, snack-bars, cafe, cafeterias, non-stop restaurant services provided at highway rest areas, resting areas for passengers of railway, bus and airport; canteen services, serving of food, self-service restaurants, food and drink catering

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 06/04/2004 and first used in commerce at least as early as 10/14/2005, and is now in use in such commerce.

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [Korea, South registration number 118334 registered 07/05/2005 with a renewal date of _____ and an expiration date of 07/05/2015], and translation thereof, if appropriate. 15 U.S.C. Section 1126 (e), as amended.

Proposed: Class 043 for coffee shop services, restaurants, snack-bars, cafe, cafeterias, canteen services, self-service restaurants, food and drink catering

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 06/04/2004 and first used in commerce at least as early as 10/14/2005, and is now in use in such commerce.

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [Korea, South registration number 118334 registered 07/05/2005 with a renewal date of _____ and an expiration date of 07/05/2015], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

Applicant claims ownership of U.S. Registration Number(s) 3571356.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had 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. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. 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 he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /james h walters/ Date: 04/07/2009

Signatory's Name: James H. Walters

Signatory's Position: Attorney of record, Oregon bar member

Request for Reconsideration Signature

Signature: /james h walters/ Date: 04/07/2009

Signatory's Name: James H. Walters

Signatory's Position: Attorney of record, Oregon bar member

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: 77342945
Internet Transmission Date: Tue Apr 07 14:55:08 EDT 2009
TEAS Stamp: USPTO/RFR-67.170.163.111-200904071455085
13118-77342945-430b649a54af06043131bbf63
0d0ab923-N/A-N/A-20090407142141260942