

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 | 77348272 |
| LAW OFFICE ASSIGNED | LAW OFFICE 110 |
| MARK SECTION (no change) | |
| GOODS AND/OR SERVICES SECTION (current) | |
| INTERNATIONAL CLASS | 041 |
| DESCRIPTION | |
| entertainment services, namely, providing via broadband wireless technology a wide variety of live and pre-recorded television, film and radio programming, and an incalculable assortment of other entertainment-related content via the Internet and third-party service provider networks | |
| FILING BASIS | Section 1(b) |
| GOODS AND/OR SERVICES SECTION (proposed) | |
| INTERNATIONAL CLASS | 041 |
| DESCRIPTION | |
| entertainment services, namely, providing a wide variety of live television and radio programs, film and cable network programs and pre-recorded programs via broadband wireless networks, the Internet and information service provider networks | |
| FILING BASIS | Section 1(b) |
| 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 | /JFN/ |
| SIGNATORY'S NAME | Joseph F. Nicholson |
| SIGNATORY'S POSITION | Attorney of Record |
| DATE SIGNED | 02/10/2009 |
| | |

| | |
|-----------------------------------|--|
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Tue Feb 10 16:12:36 EST 2009 |
| TEAS STAMP | USPTO/RFR-65.246.216.100- 20090210161236158675-7734 8272-440805c74c857c695ca2 376a144b8231db-N/A-N/A-20 090210160335817089 |

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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. 77348272 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 041 for entertainment services, namely, providing via broadband wireless technology a wide variety of live and pre-recorded television, film and radio programming, and an incalculable assortment of other entertainment-related content via the Internet and third-party service provider networks

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 041 for entertainment services, namely, providing a wide variety of live television and radio programs, film and cable network programs and pre-recorded programs via broadband wireless networks, the Internet and information service provider networks

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)).

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: /JFN/ Date: 02/10/2009
Signatory's Name: Joseph F. Nicholson
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: 77348272
Internet Transmission Date: Tue Feb 10 16:12:36 EST 2009
TEAS Stamp: USPTO/RFR-65.246.216.100-200902101612361
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44b8231db-N/A-N/A-20090210160335817089