

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77432371
LAW OFFICE ASSIGNED	LAW OFFICE 103

**MARK SECTION (no change)**

**ARGUMENT(S)**

Dear Examiner:

RRB Holdings, Inc. ("Applicant") hereby responds to the final Office Action mailed on August 18, 2011, for App. No. 77432371 for RED RIBBON CAKES BY DESIGN. Therein, the Examiner made final the refusal as to Applicant's original specimen of use and in the alternative requested verification of Applicant's proposed substitute specimen of use. The Examiner indicated that Applicant's proposed substitute specimen (Ex. A in Applicant's July 27, 2010 office action response) is sufficient to show use for the services in Class 43, once verified. In this Request for Reconsideration Applicant submits herein the required substitute declaration and requests that the proposed substitute specimen be entered in the record as Applicant's proof of use of the mark for the identified Class 43 services. Applicant respectfully maintains its position that providing decorated cakes is a common restaurant service, that numerous restaurants provide whole, decorated cakes as part of their restaurant and/or catering services and advertise these services on a webpage of a website, as demonstrated by Applicant's exhibits in the prior response, or via brochures such as Applicant has submitted. Therefore, Applicant's advertisement of its services via these methods shows sufficient use of Applicant's mark in U.S. commerce for the identified Class 43 services. In light of the finality of the office action, Applicant also has filed a Notice of Appeal.

Applicant encourages the Examiner to contact counsel for Applicant, should any minor outstanding issues remain. Otherwise, in light of the foregoing, Applicant respectfully requests that the application be approved for registration.

Respectfully submitted,

/MTGeorge/

Attorneys for Applicant,  
RRB Holdings, Inc.  
Leslie Bertagnolli  
M. Tally George

BAKER & MCKENZIE LLP  
 One Prudential Plaza, Suite 3500  
 130 E. Randolph Drive  
 Chicago, Illinois 60601  
 312/861-8000

**SIGNATURE SECTION**

<b>ORIGINAL PDF FILE</b>	HS_638572242-125521530_._RRB- _Sub_specimen_decl_for_Cakes_by_Design_RFROA.PDF
<b>CONVERTED PDF FILE(S) (1 page)</b>	\\TICRS\EXPORT11\IMAGEOUT11\774\323\77432371\xml4\RFR0002.JPG
<b>SIGNATORY'S NAME</b>	Gonzalo D.V. Go III
<b>SIGNATORY'S POSITION</b>	Corporate Legal Counsel
<b>RESPONSE SIGNATURE</b>	/MTGeorge/
<b>SIGNATORY'S NAME</b>	M. Tally George
<b>SIGNATORY'S POSITION</b>	Attorney of Record, IL Bar Member
<b>DATE SIGNED</b>	02/16/2011
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Wed Feb 16 13:05:23 EST 2011
<b>TEAS STAMP</b>	USPTO/RFR-63.85.72.242-20 110216130523700082-774323 71-480b4a9c86941441ae9f4b f1938352af3d-N/A-N/A-2011 0216125521530899

**Request for Reconsideration after Final Action  
 To the Commissioner for Trademarks:**

Application serial no. 77432371 has been amended as follows:

**ARGUMENT(S)**

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

Dear Examiner:

RRB Holdings, Inc. ("Applicant") hereby responds to the final Office Action mailed on August 18, 2011, for App. No. 77432371 for RED RIBBON CAKES BY DESIGN. Therein, the Examiner made final the refusal as to Applicant's original specimen of use and in the alternative requested verification of Applicant's proposed substitute specimen of use. The Examiner indicated that Applicant's proposed substitute specimen (Ex. A in Applicant's July 27, 2010 office action response) is sufficient to show use for the services in Class 43, once verified. In this Request for Reconsideration Applicant submits herein the required substitute declaration and requests that the proposed substitute specimen be entered in the record as Applicant's proof of use of the mark for the identified Class 43 services. Applicant respectfully maintains its position that providing decorated cakes is a common restaurant service, that numerous restaurants provide whole, decorated cakes as part of their restaurant and/or catering services and advertise these services on a webpage of a website, as demonstrated by Applicant's exhibits in the prior response, or via brochures such as Applicant has submitted. Therefore, Applicant's advertisement of its services via these methods shows sufficient use of Applicant's mark in U.S. commerce for the identified Class 43 services. In light of the finality of the office action, Applicant also has filed a Notice of Appeal.

Applicant encourages the Examiner to contact counsel for Applicant, should any minor outstanding issues remain. Otherwise, in light of the foregoing, Applicant respectfully requests that the application be approved for registration.

Respectfully submitted,

/MTGeorge/

Attorneys for Applicant,  
RRB Holdings, Inc.  
Leslie Bertagnolli  
M. Tally George  
BAKER & McKENZIE LLP  
One Prudential Plaza, Suite 3500  
130 E. Randolph Drive  
Chicago, Illinois 60601  
312/861-8000

**SIGNATURE(S)**

**Declaration Signature**

**Original PDF file:**

HS\_638572242-125521530\_.\_RRB-Sub\_specimen\_decl\_for\_Cakes\_by\_Design\_RFROA.PDF

**Converted PDF file(s)** (1 page)

Signature File1

Signatory's Name: Gonzalo D.V. Go III

Signatory's Position: Corporate Legal Counsel

**Request for Reconsideration Signature**

Signature: /MTGeorge/ Date: 02/16/2011

Signatory's Name: M. Tally George

Signatory's Position: Attorney of Record, IL 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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77432371

Internet Transmission Date: Wed Feb 16 13:05:23 EST 2011

TEAS Stamp: USPTO/RFR-63.85.72.242-20110216130523700

082-77432371-480b4a9c86941441ae9f4bf1938

352af3d-N/A-N/A-20110216125521530899

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

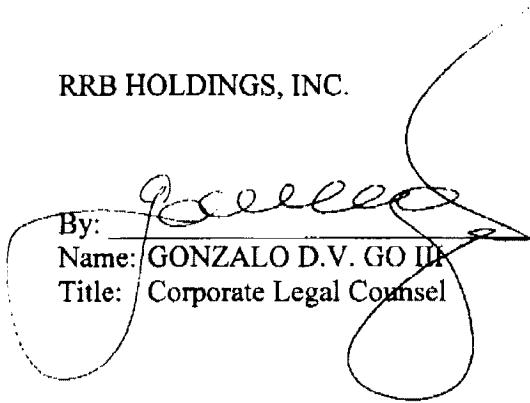
TRADEMARK : RED RIBBON CAKES BY DESIGN (and Design)  
APPLICANT : RRB HOLDINGS, INC.  
APPLN. SERIAL NO. : 77432371  
CLASS : 43

DECLARATION OF SUBSTITUTE SPECIMEN

The undersigned hereby declares that ~~he/she~~ is Corporate Legal Counsel of Applicant RRB HOLDINGS, INC., that the Class 43 specimen of use of the mark attached hereto was in use in commerce on the services in the above application at least as early as the filing date of the Statement of Use, namely December 9, 2009, the mark remains in use in commerce, and that no changes have been made in said mark, which, therefore, represents the mark as actually used by Applicant up until the present date. The undersigned further declares that the date the mark was first used in connection with the Class 43 services is at least as early as November 30, 2007; that the mark was first used in commerce in connection with the Class 43 services at least as early as November 30, 2007; and that the mark is currently in use with the Class 43 services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of this Declaration or of any registration granted on the above application, hereby states that all facts in the application are true and correct, all statements made herein of his/her own knowledge are true and correct and that all statements made on information and belief are believed to be true.

RRB HOLDINGS, INC.

By:   
Name: GONZALO D.V. GO III  
Title: Corporate Legal Counsel

Dated: FEB 14 2011