

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77554792
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
Applicant requests suspension of the present application in order to give Applicant additional time to secure a consent agreement from the owner of Reg. No. 2750514.	
GOODS AND/OR SERVICES SECTION (010)(current)	
INTERNATIONAL CLASS	010
DESCRIPTION	
Medical instruments being apparatus for use in testing and treating hearing disorders, namely, hearing aids and audiometers	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	1226398
FOREIGN REGISTRATION COUNTRY	Australia
FOREIGN REGISTRATION DATE	02/26/2008
FOREIGN EXPIRATION DATE	02/26/2018
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (010)(proposed)	

INTERNATIONAL CLASS 010

DESCRIPTION

Medical instruments being apparatus for use in testing and treating hearing disorders, namely, hearing aids and audiometers

FILING BASIS Section 1(b)

FILING BASIS Section 44(e)

FOREIGN REGISTRATION NUMBER 1226398

FOREIGN REGISTRATION COUNTRY Australia

FOREIGN REGISTRATION DATE 02/26/2008

FOREIGN EXPIRATION DATE 02/26/2018

FOREIGN REGISTRATION FILE NAME(S)

ORIGINAL PDF FILE FRU0-679963186-140250604 . Australian No. 1226398 Scanned Document.PDF

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(1 page)

GOODS AND/OR SERVICES SECTION (035)(no change)

GOODS AND/OR SERVICES SECTION (041)(no change)

GOODS AND/OR SERVICES SECTION (044)(no change)

ADDITIONAL STATEMENTS SECTION

MISCELLANEOUS STATEMENT With respect to Applicant's foreign registration, Applicant notes that it maintains a bona fide and effective commercial establishment in Australia. Furthermore, Applicant has submitted the drawing page from the original Austrlian application demonstrating use of the mark in color. Applicant respectfully submits that its recitation of services is acceptable as written and no amendment is necessary.

SIGNATURE SECTION

RESPONSE SIGNATURE /alr/

SIGNATORY'S NAME April L. Rademacher

SIGNATORY'S POSITION	Attorney of Record, New York State bar member
DATE SIGNED	06/04/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

FILING INFORMATION SECTION

SUBMIT DATE	Fri Jun 04 14:09:29 EDT 2010
TEAS STAMP	USPTO/RFR-67.99.63.186-20 100604140929593095-775547 92-4603bba5c648716581fe63 cca83d5bf6c9-N/A-N/A-2010 0604140250604856

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

Application serial no. **77554792** has been amended as follows:

ARGUMENT(S)

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

Applicant requests suspension of the present application in order to give Applicant additional time to secure a consent agreement from the owner of Reg. No. 2750514.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 010 for Medical instruments being apparatus for use in testing and treating hearing disorders, namely, hearing aids and audiometers

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)).

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 [Australia registration number 1226398 registered 02/26/2008 with a renewal date of _____ and an expiration date of 02/26/2018], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed: Class 010 for Medical instruments being apparatus for use in testing and treating hearing disorders, namely, hearing aids and audiometers

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)).

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 [Australia registration number 1226398 registered 02/26/2008 with a renewal date of _____ and an expiration date of 02/26/2018], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Original PDF file:

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Converted PDF file(s) (1 page)

Foreign Registration-1

ADDITIONAL STATEMENTS

With respect to Applicant's foreign registration, Applicant notes that it maintains a bona fide and effective commercial establishment in Australia. Furthermore, Applicant has submitted the drawing page from the original Australian application demonstrating use of the mark in color. Applicant respectfully submits that its recitation of services is acceptable as written and no amendment is necessary.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /alr/ Date: 06/04/2010

Signatory's Name: April L. Rademacher

Signatory's Position: Attorney of Record, New York State 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: 77554792

Internet Transmission Date: Fri Jun 04 14:09:29 EDT 2010

TEAS Stamp: USPTO/RFR-67.99.63.186-20100604140929593

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