

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	77619181
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2010/03/15/20100315174427424217-77619181-001_001/evi_671374126-174125319 . RYOC005-20100315-Resp20090914 OA.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT9\IMAGEOUT9\776\191\77619181\xml1\RFR0002.JPG
	\\TICRS\EXPORT9\IMAGEOUT9\776\191\77619181\xml1\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	Argument and Request for Reconsideration
ADDITIONAL STATEMENTS SECTION	
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
SIGNATURE SECTION	
RESPONSE SIGNATURE	/kurt m. rylander/
SIGNATORY'S NAME	Kurt M. Rylander
SIGNATORY'S POSITION	Attorney of Record, WSBA 27819
DATE SIGNED	03/15/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	

SUBMIT DATE	Mon Mar 15 17:44:27 EDT 2010
TEAS STAMP	USPTO/RFR-67.137.41.26-20 100315174427424217-776191 81-4606641bb8f38439d86c86 9ef88bc0b7de-N/A-N/A-2010 0315174125319299

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

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To the Commissioner for Trademarks:

Application serial no. **77619181** has been amended as follows:

EVIDENCE

Evidence in the nature of Argument and Request for Reconsideration has been attached.

Original PDF file:

http://tgate/PDI/RFR/2010/03/15/20100315174427424217-77619181-001_001/cvi_671374126-174125319_._RYOC005-20100315-Resp20090914_OA.pdf

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

ADDITIONAL STATEMENTS

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /kurt m. rylander/ Date: 03/15/2010

Signatory's Name: Kurt M. Rylander

Signatory's Position: Attorney of Record, WSBA 27819

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: 77619181

Internet Transmission Date: Mon Mar 15 17:44:27 EDT 2010

TEAS Stamp: USPTO/RFR-67.137.41.26-20100315174427424

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. : RYOC.005

In re Application Of: RYONET CORPORATION

Law Office No.: 115

Serial No.: 77/619181

Examining Attorney: Howard B. Levine

Filed: 11/20/2008

For: JET BLACK

Office Action Date: September 14, 2009

REQUEST FOR RECONSIDERATION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Please consider this Applicant's Request for Reconsideration of the Final Office Action dated September 14, 2009.

DESCRIPTIVENESS

The mark JET BLACK for "Ink for printing *film positives* used in silk screen printing" is not merely descriptive. A mark is suggestive, rather than distinctive, if the information about the mark given by the term is indirect or vague. MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION §11:19. The term, standing alone, does not tell anyone what the product is.

The Examiner appears to confuse the term "ink for film positives" with ink to be put on the object of screen printing. Film positives are the mask type works for the object of screen printing. The darker areas of the positive are where the ink, of any color, is printed on the object of the screen printing. Thus, the darker the positive area, the brighter the chosen color of the object of screen printing. A black area on a film

positive can thus yield a bright red, bright green, etc. image on the object to be screen printed. The mark JET BLACK does not immediately convey any of this information.

The mark JET BLACK does not immediately tell customers what the goods are (e.g., ink for printing *film positives* used in silk screen printing). The customer would require imagination or reflection to deduce a quality or characteristic of the good. The JET BLACK mark does not convey an immediate idea of the ingredients, qualities, or characteristics of the good. Finally, the JET BLACK mark is used as a trademark and not as an adjective to describe the merit, quality, or an attribute of the good. For example, the applied-for mark is JET BLACK and not JET BLACK INK. Accordingly, Applicant asserts that JET BLACK as applied to ink for printing *film positives* used in silk screen printing is not merely descriptive.

Notably here, the Examiner's "evidence" attachments to the Final Office Action were not for ink to "film positives" but instead ink for direct stamping. This is a different category of goods and services.

In view of the foregoing, Applicant traverses the rejection and requests reconsideration thereof

Respectfully submitted,

RYLANDER & ASSOCIATES PC

/kurt m. rylander/

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