

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77831490
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The Examiner advises that the application was not signed and verified and, that Applicant must fulfill the requirement by submitting a signed affidavit or declaration under 37 C.F.R. §2.20.</p> <p>As suggested by the Examiner, Applicant is satisfying this requirement by submitting a "signed declaration," via this TEAS response form.</p>	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Peter Bucci/
SIGNATORY'S NAME	Peter Bucci
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	01/04/2011
RESPONSE SIGNATURE	/Peter Bucci/
SIGNATORY'S NAME	Peter Bucci
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	01/04/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jan 04 15:04:36 EST 2011
	USPTO/RFR-38.105.157.199-20110104150436538960-7783

TEAS STAMP

1490-470aae53a824277919ad
2fa95e0fdc56f0-N/A-N/A-20
110104131932165312

PTO Form (Rev. 4/2000)
OMB No. 0851-0001 (Exp. 08/31/2004)

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

Application serial no. **77831490** has been amended as follows:

ARGUMENT(S)

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

The Examiner advises that the application was not signed and verified and, that Applicant must fulfill the requirement by submitting a signed affidavit or declaration under 37 C.F.R. §2.20.

As suggested by the Examiner, Applicant is satisfying this requirement by submitting a "signed declaration," via this TEAS response form.

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 and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 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. 2.44. 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. Section 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. Section 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: /Peter Bucci/ Date: 01/04/2011
Signatory's Name: Peter Bucci
Signatory's Position: Attorney of record, New York bar member

Request for Reconsideration Signature

Signature: /Peter Bucci/ Date: 01/04/2011
Signatory's Name: Peter Bucci
Signatory's Position: Attorney of record, New York 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: 77831490
Internet Transmission Date: Tue Jan 04 15:04:36 EST 2011
TEAS Stamp: USPTO/RFR-38.105.157.199-201101041504365
38960-77831490-470aae53a824277919ad2fa95
e0fdc56f0-N/A-N/A-20110104131932165312