


Serial No.: 78/226,703
Law Office: 102
Examiner: Robin S. Chosid-Brown
Attorney Docket No.: A0017/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Annie's Homegrown, Inc.
SERIAL NO.: 78/226,703
FILED: March 18, 2003
MARK: BERNIE RABBIT OF APPROVAL
EXAMINER: Robin S. Chosid-Brown
LAW OFFICE: 102

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Responses, No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on September 10, 2004.



Julie A. Bowen

COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514

NOTICE OF APPEAL

Applicant hereby appeals the final rejection of the Examining Attorney dated March 10, 2004, denying registration of the referenced application for the mark BERNIE RABBIT OF APPROVAL for improper listing of goods. Enclosed is a check in the amount of \$100 for the processing fee of the notice of appeal.

09/21/2004 KGIBRONS 00000195 78226703

01 FC:6403

100.00 DP

Respectfully submitted,



Mark E. Baron
Reg. No.: 46,150
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109-1808
Tel.: (617) 261-3100

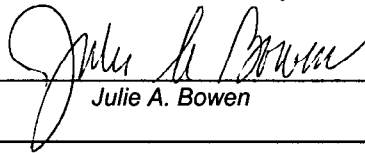
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RESPONSE TO OFFICE ACTION PURSUANT TO 37 C.F.R. §2.71(a)

Sir:

The present communication is being filed in response to the office action dated March 10, 2004, a reply to which is due September 10, 2004. Withdrawal of the rejection and reconsideration are respectfully requested. Please amend the above-identified application as follows:

IN THE DESCRIPTION OF GOODS:

Please delete the present description and substitute therefor:

International Class 31: Packaged natural agricultural products, namely, grains and raw cereals.

Remarks

In the outstanding office action, the Trademark Examining Attorney indicated that the identification of goods was unacceptable because it was indefinite. Applicant has, in accordance with the Examining Attorney's suggestion, amended the list of goods to be definite. Entry of this amendment and reconsideration are respectfully requested.

Applicant has amended the list of goods and additionally changed the class to a more appropriate class in order to avoid duplicate application with commonly-owned U.S. Serial No. 78/226,702 for the same mark in International Class 30.

The trademark examining attorney has also indicated that a search of the office records has uncovered no similar registered or pending mark which would bar registration under Trademark Act §2(d), 15 U.S.C. §1052(d). Applicant acknowledges this statement and based on the amendment and remarks above, withdrawal of the rejection and reconsideration are respectfully requested.

Having responded in full to the outstanding office action, it is respectfully submitted that the present application is in condition for publication. Applicants are also filing a Notice of Appeal herewith to preserve the right to appeal if the rejections are maintained. Favorable action thereon is respectfully requested. Should the trademark examining attorney have any questions regarding this application, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



Mark E. Baron
Reg. No.: 46,150
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109-1808
Tel.: (617) 261-3100
Attorneys for Applicant

ATTORNEY DOCKET NO.: A0017/2012
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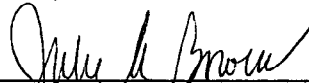
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TTAB

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Julie A. Bowen

COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514



Sir:

09-13-2004

Transmitted herewith for filing is the following:

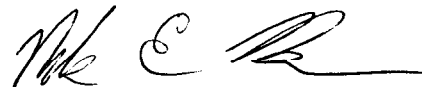
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #74

- Response to Office Action Pursuant to 37 C.F.R. §2.71(a)
- Notice of Appeal; \$100 check
- Postcard Receipt

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617) 261-3100, Boston, Massachusetts.

There is no fee believed due with this filing. Please charge any fees or credits to the account of the undersigned, Deposit Account No. 50-1721. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,



Mark E. Baron
Reg. No.: 46,150
KIRKPATRICK & LOCKHART, LLP
75 State Street
Boston, Massachusetts 02109-1808
Tel.: (617) 261-3100

DATE: September 10, 2004
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