

CERTIFICATE OF MAILING

I hereby certify that this **Petition to Revive Abandoned Application (Office Action Not Received)** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on

2-22-05

Christie L. Cermak
Christie L. Cermak

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Sonafi S.A.
For the Mark : EUROPEAN CHOCOLATE MASTERS
Serial No. : 78/249,498
Filed : May 14, 2003
Trademark Examiner : John Dwyer
Law Office : 116
Last Office Action : May 27, 2004
Attorney Docket No. : BSSO 5 00007

PETITION TO REVIVE ABANDONED APPLICATION
(OFFICE ACTION NOT RECEIVED)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Applicant petitions the Commissioner's office to revive the above-referenced application. Applicant received a Notice of Abandonment dated December 23, 2004 which stated that Applicant failed to respond to a May 27, 2004 Office Action.

Applicant asserts that the delay in filing a response to the May 27, 2004 Office Action was unintentional because the Office Action was not received by Applicant or its attorney of record.

S.N. 78/249,498
Examining Attorney
John Dwyer
Law Office 116

According to TARR, a Final refusal was e-mailed on May 27, 2004. Applicant's attorney reviewed its electronic mail system and notes that the May 27, 2004 Office Action was not received at Applicant's attorney's offices. Since Applicant's attorney was not in receipt of the Office Action, the date for responding was missed.

It is also noted from TARR that the May 27, 2004 Office Action comprised a Final refusal. An appropriate response to a final refusal is submitting a response that fully satisfies all outstanding requirements or filing a Notice of Appeal. The only issue remaining in this application is the rejection under Section 2(e)(2) as primarily geographically descriptive. All other issues have been resolved. Applicant submits herewith an Amendment to Allege use and an Amendment to the Supplemental Register. Applicant respectfully submits that its Amendments fully satisfy the only remaining issued an requests reconsideration and allowance. However, and in the alternative only, applicant encloses a Notice of Appeal of the May 27, 2004 Office Action.

It is respectfully requested that this Petition be granted as it meets all requirements set forth in 37 C.F.R. § 2.66:

1. The petition is filed within in two months of the mailing date of the Notice of Abandonment;
2. A statement signed by someone with firsthand knowledge of the facts that the delay in filing the response on or before the due date was unintentional is enclosed; and
3. The proposed response is enclosed.

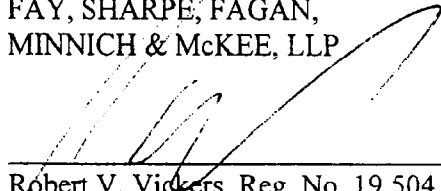
S.N. 78/249,498
Examining Attorney
John Dwyer
Law Office 116

Early notification that this Petition has been granted and that the abandoned application has been revived is earnestly solicited. Applicant respectfully submits that no fee is required since the abandonment was not the fault of Applicant. However, if it is determined that a fee is required, the commissioner is hereby authorized to charge or credit deposit account 060308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

2/22/05
Date


Robert V. Vickers, Reg. No. 19,504
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
Tel.: (216) 861-5582
Fax: (216) 241-1666

CERTIFICATE OF MAILING

I hereby certify that this 37 C.F.R. § 2.66(b)(2) STATEMENT is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on 8-22-2005

Christie L. Cermak
Christie L. Cermak

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of . : Sonafi S.A.
For the Mark : EUROPEAN CHOCOLATE MASTERS
Serial No. : 78/249,498
Filed : May 14, 2003
Trademark Examiner : John Dwyer
Law Office : 116
Last Office Action : May 27, 2004
Attorney Docket No. : BSSO 5 00007

37 C.F.R. § 2.66(b)(2) STATEMENT

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

1. I am the attorney of record in the above-referenced application.
2. I did not receive an electronically mailed Office Action on May 27, 2004.
3. I reviewed the electronic mail documents from May 27, 2004 and note that there is no record of a receipt of an Office Action concerning this matter on that date.
4. I requested that my firm's IT Department review the e-mail archives to see if the May 27, 2004 Office Action reached the firm. I was advised that no such action was received by the firm's electronic mail system that day.

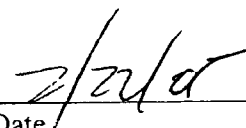
S.N. 78/249,498
Examining Attorney
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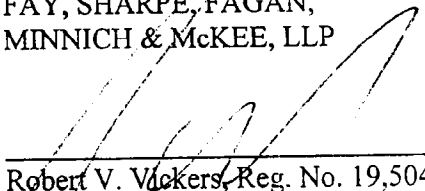
5. Because no Office Action was received, the delay in filing the response on or before the November 27, 2004 due date was unintentional.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Date

A handwritten signature in cursive script, appearing to read "R. V. Vickers", is written over a horizontal line.

A large, stylized handwritten signature in cursive script is written over a horizontal line.
Robert V. Vickers, Reg. No. 19,504
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
Tel.: (216) 861-5582
Fax: (216) 241-1666

CERTIFICATE OF MAILING

I hereby certify that this **Petition to Revive Abandoned Application (Office Action Not Received)** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on

2-22-05

Christie L. Cermak
Christie L. Cermak

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Sonafi S.A.
For the Mark : **EUROPEAN CHOCOLATE MASTERS**
Serial No. : 78/249,498
Filed : May 14, 2003
Trademark Examiner : John Dwyer
Law Office : 116
Last Office Action : May 27, 2004
Attorney Docket No. : BSSO 5 00007

AMENDMENT TO SUPPLEMENTAL REGISTER

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

In response to the May 27, 2004 Office Action, applicant notes the only remaining issue relates to a Final refusal of this application under Section 2(e)(2) for primarily geographically descriptiveness. All other issues have been resolved. Applicant submits herewith an Amendment to Allege Use and requests that this application be amended to the Supplemental Register. Applicant respectfully submits that its Amendments fully satisfy the only remaining issue and requests reconsideration and allowance.

Please amend the above-identified application by deleting "Principal Register" and substituting therefor -- Supplemental Register--.

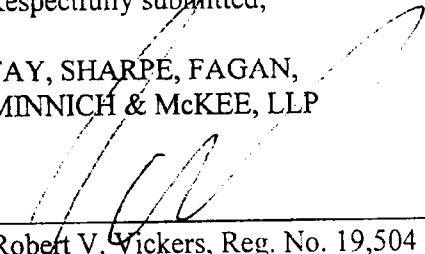
S.N. 78/249,498
Examining Attorney
John Dwyer
Law Office 116

Also attached is the fee for an Amendment to Allege Use. However, if it is determined that an additional fee is required, the commissioner is hereby authorized to charge or credit deposit account 060308. Applicant respectfully submits that its Amendments fully satisfy the only remaining issued an requests reconsideration and allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

2/22/05
Date


Robert V. Vickers, Reg. No. 19,504
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
Tel.: (216) 861-5582
Fax: (216) 241-1666

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on 2-22-05 and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
By Christie L. Cermak
Christie L. Cermak

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

Mark : EUROPEAN CHOCOLATE MASTERS
Serial No. : 78/249,498
Filed : May 14, 2003
Class : 35
Applicant : Sonafi S.A.
Date of Last Office Action : May 27, 2004
Examining Attorney : John Dwyer
Law Office 116
Attorney Docket No. : BSSO 5 00007

AMENDMENT TO ALLEGE USE UNDER 37 C.F.R. 2.76

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Dear Sir:

Applicant is believed to be the owner of the mark subject to the above-captioned application, the mark is in use in commerce on the services recited in the above-captioned trademark application, the date of Applicant's first use of subject mark was at least as early as February 21, 2005, and the date of Applicant's first use of the mark in commerce in the United States was at least as early as February 21, 2005. Subject mark is used in interstate commerce. Subject mark is used in connection with the services of this application, advertising for the services, or uses in other manners customary in the trade specified in the recitation of services.

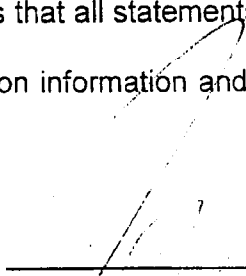
One specimen per class showing how subject mark is used in commerce is submitted herewith.

The fee under Section 2.6(a)(2) of \$100.00 for filing the Amendment to Allege Use is submitted herewith.

The undersigned is a person with legal authority to bind the Applicant; or, is an attorney as defined in 37 C.F.R. §10.1(c) who has an actual or implied written or verbal Power of Attorney from Applicant.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Date: 2/22/05

By: 
Robert V. Vickers
Attorney for Applicant

Homepage



... Ecole du Grand Chocolat ...

21/02/20
Client.

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... INTERVIEWS

EUROPEAN CHOCOLATE MASTERS

EUROPEAN MASTER CLASSES
2004

"An evening with Frederic Bau" - March 2004

... - (...)

Valrhona and the European Chocolate Masters have presented

"An evening with Frederic Bau"

Executive pastry chef and director of l'Ecole du Grand Chocolat Valrhona - France

Recipes presented :

- Mosaïque Pur Caraïbe and Jivara with pineapple and spiced caramel
- Kouikeras meringues with Amarena cherries and Guanaja cream
- Onctueux de Tanariva aux lasagnes de pommes et coings, glace à la camomille au mile
- White chocolate croquants with mosaic of candied grapefruit
- Guanaja chocolate soufflé

"Audaces et tendances Espagnoles" - June 2004

... - (...)

Valrhona Japan and the European Chocolate Masters have presented

"Audaces et tendances Espagnoles"

Held in Tokyo by Yann Duytsche

Pastry chef for Southern Europe at l'Ecole du Grand Chocolat

Recipes presented:

ENTREMETS :

- Sacher blanc olive
- Entremets Reus
- Sirocco
- Bautiso
- Carpacio pina

PETITS FOURS :

- Duo de macarons
- Macarons ivoire framboise
- Grissini limone
- Delicia en rouge et blanc
- Sushi de crêpes Guanaja
- Trufas heladas

CHOCOLATES :

- Praline quicos, caramel mou et Caraïbe
- Coco passion
- Cruixent
- Pyris

Valrhona Class - October 20

... - (...)

Valrhona and the European Chocolate Masters

Held by Philippe Givre

Assistant Executive Pastry Chef at l'Ecole du Grand Chocolat Valrhona - France

With the support of Bill Yosses

Chef at Josephs Citarella Restaurant - New York

Recipes presented :

- New world
- Muscovado jelly crunch
- Variant on black forest gateau
- Transparence praline fruité
- Chocolate attitude

AUX SOURCES du GRAND CHOCOLAT