

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79094977
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ARGUMENT(S)	
The attached declaration and exhibit prove ownership through assignment of U.S. Reg. Nos. 2797965 and 3647929. This response answers the objections in the Office action. Please pass the application to publication.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_6547140130-113647266_.aration in Support of Request for Reconsideration_F1002435_.PDF
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\790\949\79094977\xml10\RFR0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\790\949\79094977\xml10\RFR0003.JPG
ORIGINAL PDF FILE	evi_6547140130-113647266_.Exhibit A_F1002460_.PDF
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT11\IMAGEOUT11\790\949\79094977\xml10\RFR0004.JPG
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ADDITIONAL STATEMENTS SECTION	

PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2797965 and 3647929.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/dwe/
SIGNATORY'S NAME	David Ehrlich
SIGNATORY'S POSITION	Applicant's U.S. attorney, New York bar member
DATE SIGNED	05/01/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue May 01 12:22:16 EDT 2012
TEAS STAMP	USPTO/RFR-65.47.140.130-2 0120501122216769623-79094 977-490b182c4b582892fe9fd d9c88b2848aca2-N/A-N/A-20 120501113647266318

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

Application serial no. **79094977** has been amended as follows:

ARGUMENT(S)

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

The attached declaration and exhibit prove ownership through assignment of U.S. Reg. Nos. 2797965 and 3647929. This response answers the objections in the Office action. Please pass the application to publication.

EVIDENCE

Original PDF file:

[evi_6547140130-113647266 . aration in Support of Request for Reconsideration F1002435 .PDF](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_6547140130-113647266 . Exhibit A F1002460 .PDF](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 2797965 and 3647929.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /dwe/ Date: 05/01/2012

Signatory's Name: David Ehrlich

Signatory's Position: Applicant's U.S. attorney, 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: 79094977

Internet Transmission Date: Tue May 01 12:22:16 EDT 2012

TEAS Stamp: USPTO/RFR-65.47.140.130-2012050112221676

9623-79094977-490b182c4b582892fe9fdd9c88

b2848aca2-N/A-N/A-20120501113647266318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tulip Food Company GmbH,
by assignment from Tulip Food Company P/S

Serial No.: 79/094,977

Class: 29

Mark: TULIP

Our Ref: TLP 1108901

DECLARATION

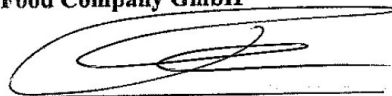
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

The above named applicant, by its undersigned officer, hereby declares:

1. The Applicant is the owner by assignment of the above named U.S. application (IR extension) and of the underlying international registration, Reg. No. 1070749, by assignment from the original applicant, Tulip Food Company P/S. This assignment has been submitted for recordation in the International Bureau. Attached, as Exhibit A, is a copy of the request for recordation of the assignment that the Applicant's Danish attorney filed in the International Bureau, together with the International Bureau's fax acknowledgement, dated March 30, 2012.
2. The Applicant owns U.S. trademark Reg. Nos. 2797965 and 3647929. USPTO record title of those registrations is now in the name of the applicant.
3. The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Tulip Food Company GmbH

By: 
[signature]

Name: RENE M. OLSEN

Title: SALES DIRECTOR

Date of signature: 30-4 2012

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
34, chemin des Colombettes - 1211 Geneva 20 - Switzerland
Tel. (41-22) 338-9111 - Telex 412 912 omi ch - Facsimile (41-22) 733-5426
Internet: <http://www.wipo.int> e-mail: wipo.mail@wipo.int

Facsimile

Date: 30/03/2012

To: CHas.hude Copenhagen DK

From: WIPO - Examination and Registration Section

Your ref: AT005400ZZZ01

Our ref: Request No. 661187701 - TR
Change of ownership

IRN: 1070749

Dear Sir or Madam,

**We acknowledge receipt of your fax communication dated
28/03/2012.**

EXHIBIT A

**MADRID AGREEMENT AND PROTOCOL CONCERNING THE
INTERNATIONAL REGISTRATION OF MARKS**

REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP
(Rule 25 of the Common Regulations)

IMPORTANT

1. If the present request relates to a total change in ownership, as provided for in item 6(a), this form may be used for several international registrations in the name of the same holder.
2. If the present request relates to a partial change in ownership, as provided for in item 6(b), this form may only be used to request the recording of a change in ownership for a single international registration.
3. This request may be presented to the International Bureau directly by the recorded holder, or by the Office of the Contracting Party of the recorded holder or by the Office of the Contracting Party of the new owner (the transferee).



World Intellectual Property Organization
34, chemin des Colombettes, P.O. Box 18,
1211 Geneva 20, Switzerland
Tel.: (41-22) 338 9111
Fax (International Trademark Registry): (41-22) 740 1429
e-mail: intreg.mail@wipo.int – Internet: <http://www.wipo.int>

REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP

<p style="text-align: center;"><u>For use by the holder</u></p> <p>This request contains the following number of continuation sheets: <u>0</u></p>	<p style="text-align: center;"><u>For use by the holder/Office</u></p> <p>Holder's reference: AT005400ZZ01.....</p> <p>Office's reference:</p>
<p>1 INTERNATIONAL REGISTRATION NUMBER(S) (several international registration numbers may be indicated below, provided that all registrations concerned are the subject of a total change in ownership, as provided for in item 6(a)) <u>1070749</u></p>	
<p>2 NAME OF THE HOLDER (transferor) (as recorded in the International Register) <u>Tulip Food Company P/S</u></p>	
<p>3 NEW OWNER (transferee)</p> <p>(a) Name: <u>TULIP Food Company GmbH</u></p> <p>(b) Address: <u>Kokkolastrasse 2, 40882 Ratingen, Germany</u></p> <p>(c) Address for correspondence:</p> <p>(d) Telephone: <u>+49 2102/16889-0</u> Fax: <u>+49 2102/16889-10</u></p> <p>E-mail address: <u>info@tulip.de</u></p>	
<p>4 ENTITLEMENT OF THE TRANSFEEE TO BE THE HOLDER OF THE INTERNATIONAL REGISTRATION</p> <p>(a) Indicate in the appropriate space(s):</p> <p>(i) the name of the Contracting State of which the transferee is a national; and/or, <u>Germany</u></p> <p>(ii) the name of the State member of a Contracting Organization of which the transferee is a national; and/or, </p> <p>(iii) the name of the Contracting Party in the territory of which the transferee is domiciled; and/or, </p> <p>(iv) the name of the Contracting Party in the territory of which the transferee has a real and effective industrial or commercial establishment; </p> <p>(b) Where the transferee is not a national of a Contracting State or of a State member of a Contracting Organization and the address given in item 3(b) is not in the territory of any of the Contracting Parties mentioned in paragraph (a)(iii) or (iv) of the present item, indicate in the space provided below:</p> <p>(i) the address of the transferee in the territory of the Contracting Party mentioned in paragraph (a)(iii) of the present item; or, </p> <p>(ii) the address of the transferee's industrial or commercial establishment in the territory of the Contracting Party mentioned in paragraph (a)(iv) of the present item. </p>	

5 APPOINTMENT OF A REPRESENTATIVE BY THE NEW OWNER¹

Name: Chas. Hude A/S.....

Address: H.C. Andersens Boulevard 33, 1780 Copenhagen V, Denmark.....

Telephone: +45 33 19 34 00.....

Fax: +45 33 19 35 00..... E-mail address: chashude@chashude.com.....

Signature of the new owner appointing the above representative (compulsory).....

HENRIK WEIHRAUCH

RENE M. OLSEN

¹ This item should be used where the new owner (*transferee*) wishes to appoint a representative. Note that, if the person recorded as the representative of the *transferor* is to be recorded as the representative of the *transferee*, such appointment should be made by completing this item. Alternatively, the new owner may appoint a representative by means of a power of attorney annexed to the present request.

6 SCOPE OF THE CHANGE IN OWNERSHIP (check either (a) or (b))

(a) ☒ **TOTAL CHANGE IN OWNERSHIP** (the change in ownership is to be recorded for all the Contracting Parties designated in the international registration(s) indicated in item 1, and for all the goods and services covered by such international registration(s));

(b) ☐ **PARTIAL CHANGE IN OWNERSHIP** (read note No. 2 on the cover page before checking this box)

(i) the change in ownership is to be recorded for the designated Contracting Parties indicated below (if no Contracting Party is indicated, it will be understood that the change in ownership is to be recorded in respect of all the designated Contracting Parties); and/or,

(ii) the change in ownership is to be recorded for the goods and services indicated below (grouped in the appropriate classes); if no goods and services are indicated, it will be understood that the change in ownership is to be recorded in respect of all goods and services.

☐ If the space provided is not sufficient, check this box and use a continuation sheet

7 MISCELLANEOUS INDICATIONS

(a) Indications concerning the transferee (as may be required by certain designated Contracting Parties):

(i) if the transferee is a natural person, nationality of the transferee:

(ii) if the transferee is a legal entity:

– legal nature of the legal entity: limited liability company

– State and, where applicable, territorial unit within that State, under the law of which the legal entity is organized:

Germany.....

(b) The transferee may choose a preferred language for correspondence: ☒ English ☐ French ☐ Spanish

8 SIGNATURE BY THE HOLDER OR HIS REPRESENTATIVE

Holder
(as recorded in the International Register)

Name:

Signature:

Representative of the holder
(as recorded in the International Register)

Name:

Signature:

9 OFFICE PRESENTING THE REQUEST (if applicable)

Name of the Office:

Signature and/or stamp of the Office:

FEE CALCULATION SHEET

(a) INSTRUCTIONS TO DEBIT FROM A CURRENT ACCOUNT

X The International Bureau is hereby instructed to debit the required amount of fees from a current account opened with the International Bureau (if this box is checked, it is not necessary to complete (b)).

Holder of the account: Chas. Hude A/S Account number: 20234

Identity of the party giving the instructions: Representative

(b) AMOUNT OF FEES; METHOD OF PAYMENT

Amount (177 Swiss francs) x 1 (per international registration mentioned in item 1) **Grand total (Swiss francs)** 177

Identity of the party effecting the payment:

Payment received and acknowledged by WIPO	<input type="checkbox"/>	WIPO receipt number
Payment made to WIPO bank account			
IBAN No. CH51 0483 5048 7080 8100 0		Payment identification	dd/mm/yyyy
Credit Suisse, CH-1211 Geneva 70	<input type="checkbox"/>
Swift/BIC: CRESCHZZ30A			
Payment made to WIPO postal account			
IBAN No. CH03 0900 0000 1200 5000 8	<input type="checkbox"/>	Payment identification	dd/mm/yyyy
Swift/BIC: POFICBHE	

CONTINUATION SHEET

No: of

A large empty rectangular box with a thin black border, occupying the central portion of the page. It is intended for a drawing or other graphical content.