

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79097074
LAW OFFICE ASSIGNED	LAW OFFICE 109
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>Supplemental Argument in Support of the Identification of Goods in International Class 11 as Properly Classified in International Class 11</p> <p>Applicant is submitting this Supplemental Communication as a follow up to the Applicant's Request for Reconsideration of the Final Refusal to Register, filed earlier today, this August 7, 2012.</p> <p>The Examiner has questioned whether the "basins" that Applicant has identified in the identification of goods for International Class 11 are instead properly classified in International Class 21.</p> <p>Applicant already has made it clear in previous communications that the basins identified in the identification of goods in International Class 11 are all basins sold as part of sanitary installations and firmly believes that such basins are properly classified in IC 11 and not IC 21.</p> <p>Applicant believes that the basins that are classified in IC 21 are basins that are not parts of sanitary installations. Please see Applicant's US Trademark Registrations 3,531,122 THE SPIRIT OF WATER; 3,654,814 iBATH; 4,113,492 TRANSFORMING WATER; and 4,133,602 IMO each of which covers basins, sold as part of sanitary installations, identified in IC 11 and not in IC 21.</p> <p>In addition, with respect to the basins identified in International Class 11, Applicant has now amended the identification of goods to make it clear that the basins are in the nature of sinks sold as part of sanitary installations. Applicant therefore has provided further support for the argument that the particular basins identified in this application belong within International Class 11 and not within International Class 21. Please see Applicant's US Trademark Registration 4,033,376 ATT AMBIANCE TUNING TECHNIQUE that covers wash-hands basins in the nature of sinks, also identified in IC 11 and not in IC 21.</p> <p>Applicant earnestly solicits early notice of publication of this application.</p>	
<b>SIGNATURE SECTION</b>	

<b>RESPONSE SIGNATURE</b>	/Jonathan Myers/
<b>SIGNATORY'S NAME</b>	Jonathan Myers
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, NY Bar
<b>SIGNATORY'S PHONE NUMBER</b>	718.884.6600
<b>DATE SIGNED</b>	08/07/2012
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Aug 07 15:38:55 EDT 2012
<b>TEAS STAMP</b>	USPTO/RFR-24.184.189.159- 20120807153855993711-7909 7074-490a9d6daf43f80c8c91 82b5c4fba68445-N/A-N/A-20 120807150111798860

USPTO Form TSDR-0001 (Rev. 11/2009)  
 CASE NUMBER: 0885740011798860

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

Application serial no. **79097074** has been amended as follows:

**ARGUMENT(S)**

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

Supplemental Argument in Support of the Identification of Goods  
 in International Class 11 as Properly Classified in International Class 11

Applicant is submitting this Supplemental Communication as a follow up to the Applicant's Request for Reconsideration of the Final Refusal to Register, filed earlier today, this August 7, 2012.

The Examiner has questioned whether the "basins" that Applicant has identified in the identification of goods for International Class 11 are instead properly classified in International Class 21.

Applicant already has made it clear in previous communications that the basins identified in the

identification of goods in International Class 11 are all basins sold as part of sanitary installations and firmly believes that such basins are properly classified in IC 11 and not IC 21.

Applicant believes that the basins that are classified in IC 21 are basins that are not parts of sanitary installations. Please see Applicant's US Trademark Registrations 3,531,122 THE SPIRIT OF WATER; 3,654,814 iBATH; 4,113,492 TRANSFORMING WATER; and 4,133,602 IMO each of which covers basins, sold as part of sanitary installations, identified in IC 11 and not in IC 21.

In addition, with respect to the basins identified in International Class 11, Applicant has now amended the identification of goods to make it clear that the basins are in the nature of sinks sold as part of sanitary installations. Applicant therefore has provided further support for the argument that the particular basins identified in this application belong within International Class 11 and not within International Class 21. Please see Applicant's US Trademark Registration 4,033,376 ATT AMBIANCE TUNING TECHNIQUE that covers wash-hands basins in the nature of sinks, also identified in IC 11 and not in IC 21.

Applicant earnestly solicits early notice of publication of this application.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /Jonathan Myers/ Date: 08/07/2012

Signatory's Name: Jonathan Myers

Signatory's Position: Attorney for Applicant, NY Bar

Signatory's Phone Number: 718.884.6600

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: 79097074

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