

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85495917
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant has received the Final Office Action dated September 11, 2012, and hereby files its Request for Reconsideration as follows:</p> <p>Applicant hereby claims that the mark has become distinctive of the services covered by the application through Applicant's substantially exclusive and continuous use of the mark in commerce for at least the five years immediately before the date of the filing of this request. Applicant began offering its educational and entertainment services under the NORTH CAROLINA mark at least as early as 1928. A Declaration confirming the exclusive and continuous use of the mark in connection with those services covered by Class 41 are attached to this Request for Reconsideration. An Amendment to Allege Use showing use of the mark in connection with those services covered by Class 41 and stating a first use date of at least as early as 1928 has been filed via electronic means on March 8, 2013. A copy of the confirmation of the filing of the Amendment to Allege Use also is attached to this Request for Reconsideration.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_12141226-154822881_.TM - NORTH CAROLINA - Declaration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\854\959\85495917\xml5\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\959\85495917\xml5\RFR0003.JPG
ORIGINAL PDF FILE	evi_12141226-154822881_.Signature Authority - Seitz.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\854\959\85495917\xml5\RFR0004.JPG
ORIGINAL PDF FILE	evi_12141226-154822881_. - NORTH CAROLINA - Amendment to Allege Use - Filing Receipt.pdf
CONVERTED PDF	

FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\854\959\85495917\xml5\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\959\85495917\xml5\RFR0006.JPG
DESCRIPTION OF EVIDENCE FILE	Declaration of Karol Kain Gray, executed by Kevin Seitz, Associate Vice Chancellor for Finance and a copy of a Memorandum from Ms. Gray authorizing Mr. Seitz to executed documents in her absence, and confirmation of the filing of the Amendment to Allege Use in support of this application.
ADDITIONAL STATEMENTS SECTION	
SECTION 2(f) Claim of Acquired Distinctiveness, based on Use	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/Harris W. Henderson/
SIGNATORY'S NAME	Harris W. Henderson
SIGNATORY'S POSITION	Attorney of Record, Georgia and North Carolina Bar Member
SIGNATORY'S PHONE NUMBER	404-815-6500
DATE SIGNED	03/08/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Mar 08 16:17:38 EST 2013
TEAS STAMP	USPTO/RFR-12.1.41.226-201 30308161738900259-8549591 7-500c94f5e2831515cd8eb1f f7306666b667772d3c3736a54 2aced1e713a3134c0-N/A-N/A -20130308154822881188

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

Application serial no. **85495917** has been amended as follows:

ARGUMENT(S)

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

Applicant has received the Final Office Action dated September 11, 2012, and hereby files its Request for Reconsideration as follows:

Applicant hereby claims that the mark has become distinctive of the services covered by the application through Applicant's substantially exclusive and continuous use of the mark in commerce for at least the five years immediately before the date of the filing of this request. Applicant began offering its educational and entertainment services under the NORTH CAROLINA mark at least as early as 1928. A Declaration confirming the exclusive and continuous use of the mark in connection with those services covered by Class 41 are attached to this Request for Reconsideration. An Amendment to Allege Use showing use of the mark in connection with those services covered by Class 41 and stating a first use date of at least as early as 1928 has been filed via electronic means on March 8, 2013. A copy of the confirmation of the filing of the Amendment to Allege Use also is attached to this Request for Reconsideration.

EVIDENCE

Evidence in the nature of Declaration of Karol Kain Gray, executed by Kevin Seitz, Associate Vice Chancellor for Finance and a copy of a Memorandum from Ms. Gray authorizing Mr. Seitz to executed documents in her absence, and confirmation of the filing of the Amendment to Allege Use in support of this application. has been attached.

Original PDF file:

[evi_12141226-154822881 . TM - NORTH CAROLINA - Declaration.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_12141226-154822881 . Signature Authority - Seitz.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_12141226-154822881 . - NORTH CAROLINA - Amendment to Allege Use - Filing Receipt.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

ADDITIONAL STATEMENTS

Section 2(f) Claim of Acquired Distinctiveness, based on Use

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years

immediately before the date of this statement.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /Harris W. Henderson/ Date: 03/08/2013

Signatory's Name: Harris W. Henderson

Signatory's Position: Attorney of Record, Georgia and North Carolina Bar Member

Signatory's Phone Number: 404-815-6500

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85495917

Internet Transmission Date: Fri Mar 08 16:17:38 EST 2013

TEAS Stamp: USPTO/RFR-12.1.41.226-201303081617389002

59-85495917-500c94f5e2831515cd8eb1ff7306

666b667772d3c3736a542aced1e713a3134c0-N/

A-N/A-20130308154822881188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK EXAMINING DIVISION

APPLICANT : The University of North)
 Carolina at Chapel Hill)
)
TRADEMARK : NORTH CAROLINA) Susan E. Billheimer
) Trademark Attorney
) Law Office 101
SERIAL NO. : 85/495917)
)
CLASS : 41)

DECLARATION OF KAROL KAIN GRAY

I, Karol Kain Gray, make the following declaration:

1. I am over the age of 18 and am competent to give this declaration, which is based upon my personal knowledge and on documents and records maintained by the University of North Carolina at Chapel Hill.
2. I am the Vice Chancellor for Finance and Administration at the University of North Carolina at Chapel Hill.
3. Applicant began offering its educational and entertainment services under the NORTH CAROLINA mark at least as early as 1928.
4. As a result of this use, Applicant's NORTH CAROLINA mark has become distinctive of the Applicant's goods in Class 41 through Applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

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. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting

registration, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and that all statements made on information and belief are believed to be true.

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

By: Kevin Reitz for
Karol Kain Gray

Vice Chancellor of Finance and
Administration

Date: 3/7/13



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

VICE CHANCELLOR FOR FINANCE AND ADMINISTRATION

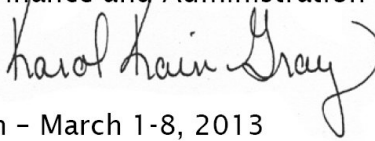
300 SOUTH BUILDING
CAMPUS BOX 1000
CHAPEL HILL, NC 27599-1000

TEL: 919-962-3795
FAX: 919-962-0647
www.unc.edu/financeadmin

MEMORANDUM

TO: Kevin Seitz
Associate Vice Chancellor for Finance

FROM: Karol Kain Gray
Vice Chancellor for Finance and Administration

DATE: February 25, 2013 

SUBJECT: Signature Delegation - March 1-8, 2013

This memorandum will serve to authorize you to sign documents requiring the signature of the Vice Chancellor for Finance and Administration at any time when I am absent from campus. You may not delegate this authority.

cc: Patricia Crawford
Laurie Burroughs
Carolyn Elfland
Gordon Merklein
Bruce Runberg
Meredith Weiss

Trademark Electronic Application System (TEAS) filing receipt

We have received your Trademark/Service Mark Amendment to Allege Use form below.

To the Commissioner for Trademarks:

MARK: NORTH CAROLINA
SERIAL NUMBER: 85495917

The applicant, The University of North Carolina at Chapel Hill, having an address of
Campus Box 1500
Chapel Hill, North Carolina 27599
United States

is submitting the following allegation of use information:

For International Class 041:

Current identification: Entertainment and educational services, namely, providing courses of instruction at the university level; arranging and conducting athletic competitions, athletic events, athletic tournaments, and athletic exhibitions

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 00/00/1928, and first used in commerce at least as early as 00/00/1928, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) a color copy of the publication The Daily Tar Heel and a color copy of a poster showing the mark as used.
SPN0-12141226-124941302_._TM_-_NORTH_CAROLINA_-_specimen_1.pdf
SPN0-12141226-124941302_._TM_-_NORTH_CAROLINA_-_specimen_2.pdf

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 has been submitted with the form, representing payment for the allegation of use for 1 class.

Declaration Signature

The attached signature image file:

hw_12141226-153205738_._TM_-_NORTH_CAROLINA_-_executed_SOU.pdf

Signatory's Name: Kevin Seitz, on behalf of Karol Kain Gray

Signatory's Position: Vice Chancellor for Finance and Administration

Thank you,

The TEAS support team

Fri Mar 08 15:35:19 EST 2013

STAMP: USPTO/AAU-12.1.41.226-20130308153519268318-85495917-
500f5dc622c50d666d6886c8b7dbfc3df7ede6f1b645f24d56fadcff071114374-CC-2755-
20130308153205738223