

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85732969
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 101
<b>MARK SECTION (no change)</b>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_16220512699-153844905_ILABB - 13-1219 - Request for Reconsideration.pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\329\85732969\xml12\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\329\85732969\xml12\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\857\329\85732969\xml12\RFR0004.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	In response to the final Office Action dated June 28, 2013, Applicant attaches herewith a Request for Reconsideration.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Elliott C. Bankendorf/
<b>SIGNATORY'S NAME</b>	Elliott C. Bankendorf
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>SIGNATORY'S PHONE NUMBER</b>	312 634-9508
<b>DATE SIGNED</b>	12/19/2013
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	

<b>SUBMIT DATE</b>	Thu Dec 19 16:22:46 EST 2013
<b>TEAS STAMP</b>	USPTO/RFR-162.205.126.99- 20131219162246471541-8573 2969-500fe76767a7e8e1f641 bd62ad356ed74ed7f956c6d35 422186b5ea2ceaa06e6b-N/A- N/A-20131219153844905029

PTO Form 1930 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 05/31/2014)

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

Application serial no. **85732969** has been amended as follows:

### **EVIDENCE**

Evidence in the nature of In response to the final Office Action dated June 28, 2013, Applicant attaches herewith a Request for Reconsideration. has been attached.

#### **Original PDF file:**

[evi\\_16220512699-153844905\\_ILABB - 13-1219 - Request for Reconsideration.pdf](#)

#### **Converted PDF file(s)** (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

### **SIGNATURE(S)**

#### **Request for Reconsideration Signature**

Signature: /Elliott C. Bankendorf/ Date: 12/19/2013

Signatory's Name: Elliott C. Bankendorf

Signatory's Position: Attorney of Record

Signatory's Phone Number: 312 634-9508

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: 85732969

Internet Transmission Date: Thu Dec 19 16:22:46 EST 2013

TEAS Stamp: USPTO/RFR-162.205.126.99-201312191622464

71541-85732969-500fe76767a7e8e1f641bd62a

d356ed74ed7f956c6d35422186b5ea2ceaa06e6b

-N/A-N/A-20131219153844905029

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

APPLICANT: ILABB LIMITED  
MARK: ILABB  
SERIAL NO.: 85/732,969  
FILING DATE: September 9, 2012  
EXAMINING ATTORNEY: Robert Clark  
LAW OFFICE: 101

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

**REQUEST FOR RECONSIDERATION**

On June 28, 2013, the Examining Attorney issued a Final Office Action in connection Applicant ILLAB Limited's ("Applicant") application to register its ILABB mark ("the Mark") for use in connection with goods in international class 25. The Examining Attorney refused registration because (1) the Mark was confusingly similar to another registrant's mark; (2) Applicant's identification of goods was indefinite; and, (3) Applicant's identification of goods covered more than one international classification of goods and services.

In response, Applicant (1) refines its identification of goods to exclude goods outside of international class 25; and (2) narrows and further defines the identification of goods. Further, Applicant requests suspension of this Request for Reconsideration pending the outcome of current negotiations between Applicant and registrant of the blocking mark. Finally, Applicant notes that this Request for Reconsideration is filed concurrently with a Notice of Appeal of the refusal of registration.

## **I. MULTIPLE-CLASS APPLICATION REQUIREMENTS**

Applicant has amended its description of goods to exclude “arm bands.” This deletion sufficiently narrows the classification of goods so that Applicant’s Mark is only used in connection with goods in international class 25. Applicant’s identification of goods no longer covers multiple classes, so Applicant is not required to pay additional fees.

## **II. IDENTIFICATION OF SERVICES**

As requested by the Examining Attorney, Applicant has amended its identification of goods in international class 25 to:

Athletic clothing namely, wetsuits, gloves; hoods, shorts, jackets; pants, swimsuits; shirts, underwear, bras, dresses, sweaters, socks, and hats; Casual clothing namely gloves, shorts, jackets; pants, shirts; underwear, bras, dresses, sweaters, socks, and hats.

This amended description of Applicant’s goods should make the identification of goods sufficiently definite and particular, as required by T.M.E.P. § 1402.01.

## **III. REQUEST TO SUSPEND PENDING CURRENT NEGOTIATIONS BETWEEN APPLICANT AND REGISTRANT OF BLOCKING MARK**

Applicant and the registrant of the blocking mark are currently engaged in negotiations for a possible accommodation of Applicant’s Mark. Applicant requests a suspension of this matter pending the results of those negotiations.

## **IV. NOTICE OF APPEAL FILED**

Concurrent with the filing of this Request for Reconsideration, Applicant has filed a Notice of Appeal with the Trademark Trial and Appeal Board. Applicant has also requested that its appeal be suspended pending the results of this Request for Reconsideration and the current negotiations.

**V. CONCLUSION**

Applicant submits that the amended description of goods (1) no longer covers multiple classes of goods, and (2) is sufficiently definite and particular, allowing the Mark to proceed to registration. Further, Applicant requests a suspension of this Request for Reconsideration pending the results of its negotiations with the registrant of the blocking.

Dated: December 19, 2013

Respectfully submitted,

ILABB LIMITED

By:   /Elliott C. Bankendorf/    
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*Attorney for Applicant*