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Filing date: **07/24/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86054033
Applicant	5K CAR STORE, INC.
Applied for Mark	LIFEXTEND
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Submission	Reply Brief
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Date	07/24/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: 5K Car Store, Inc.

Mark: LIFEXTEND

Serial No.: 86/054,033

Filing Date: September 3, 2013

Trademark Attorney: Tamara Frazier

Law Office: 116

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

EX PARTE APPEAL

REPLY BRIEF

TABLE OF AUTHORITIES

STATUTES AND RULES

TMEP Rule 1501.06

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**AMENDMENT AFTER DECISION
ON APPEAL**

In the Examining Attorney's Appeal Brief, the Trademark Examining Attorney raised the issue of a broadened scope of services presented by amendment. Although Applicant believes that "reconditioning" subsumes "repair" and "maintenance", if the Board agrees with the Trademark Examining Attorney, Applicant is willing to amend the services after decision on the appeal to read "Vehicle reconditioning services, excluding electric motors." Per T.M.E.P. § 1501.06, Applicant would then petition the Director to reopen prosecution to address that requirement.

Applicant respectfully requests that the Board rule in Applicant's favor on the Section 2(d) issue and, if necessary, permit Applicant to reopen prosecution by petition to the Director as discussed above.

Respectfully submitted,

Peacock Myers, P.C.

By: /Jeffrey D. Myers/
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