

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86923407
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86923407/large
LITERAL ELEMENT	PURE10
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (005)(proposed)	
INTERNATIONAL CLASS	005
TRACKED TEXT DESCRIPTION	
Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement for medical purposes; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use for medical purposes.	
FINAL DESCRIPTION	
Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement for medical purposes; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use for medical purposes.	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (032)(class deleted)	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Mark A. Watkins/
SIGNATORY'S NAME	Mark A. Watkins
SIGNATORY'S POSITION	Attorney of Record, Ohio Bar Member
SIGNATORY'S PHONE NUMBER	330.208.1000

DATE SIGNED	07/11/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 11 16:20:10 EDT 2017
TEAS STAMP	USPTO/RFR-XXX.XXX.XX.XXX- 20170711162010258791-8692 3407-59022cb4f54c014f7989 4d4c19d837bf09ba8ad8d2385 4b98b83cde391a252-N/A-N/A -20170711154603445856

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

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To the Commissioner for Trademarks:

Application serial no. **86923407** PURE10(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86923407/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 032 for Fruits beverages; electrolyte beverages for rehydration

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; ~~Dietary and nutritional beverages and beverage mixes for meal supplement and replacement;~~ [Dietary and nutritional beverages and beverage mixes for meal supplement and replacement for medical purposes;](#) ~~Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use;~~ [Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use for medical purposes.](#)

Class 005 for Baby formula; infant and toddler formula, powdered nutritional supplement beverage mix; electrolyte replacement solutions; Dietary and nutritional beverages and beverage mixes for meal supplement and replacement for medical purposes; Dietary and nutritional beverages and beverage mixes, namely liquid nutritive preparations for human use for medical purposes.

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a***

collective trademark, collective service mark, or collective membership mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Mark A. Watkins/ Date: 07/11/2017

Signatory's Name: Mark A. Watkins

Signatory's Position: Attorney of Record, Ohio Bar Member

Signatory's Phone Number: 330.208.1000

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 86923407

Internet Transmission Date: Tue Jul 11 16:20:10 EDT 2017

TEAS Stamp: USPTO/RFR-XXX.XXX.XX.XXX-201707111620102

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A-N/A-20170711154603445856