

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	88334992
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 111
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	https://tmng-al.uspto.gov/resting2/api/img/88334992/large
<b>LITERAL ELEMENT</b>	REUSABLE YELLOWJACKET TRAP
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>ARGUMENT(S)</b>	
<p>In response to the Office Action dated September 2, 2019, Applicant submits a new specimen of the mark clearly depicting the applied-for mark as a two-dimensional design and conforming to the drawing and description of the subject application. Further, Applicant respectfully submits that the applied-for mark is a two-dimensional design of a product label shown flat that will be used as product packaging.</p> <p>The Applicant has addressed and rectified all of the issues raised in the Office Action and respectfully requests that the Examining Attorney withdraw the rejection and approve the mark for publication. If the Examining Attorney has any remaining questions, please contact the attorney of record.</p>	
<b>GOODS AND/OR SERVICES SECTION (005)(current)</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>DESCRIPTION</b>	Biopesticides for domestic use
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/00/2016
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/00/2016
<b>GOODS AND/OR SERVICES SECTION (005)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>DESCRIPTION</b>	Biopesticides for domestic use
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 03/00/2016
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 03/00/2016
<b>STATEMENT TYPE</b>	<p><b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"</b> [for an application based on Section 1(a), Use in Commerce] <b>OR</b> <b>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"</b> [for an application based on Section 1(b) Intent-to-Use]. <b>OR</b> <b>"The attached specimen is</b></p>

	a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT 17\883\349\88334992\xml14 \RFR0002.JPG</a>
SPECIMEN DESCRIPTION	label showing use of the mark with the goods
<b>GOODS AND/OR SERVICES SECTION (021)(current)</b>	
INTERNATIONAL CLASS	021
DESCRIPTION	Insect Traps
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2016
FIRST USE IN COMMERCE DATE	At least as early as 03/00/2016
<b>GOODS AND/OR SERVICES SECTION (021)(proposed)</b>	
INTERNATIONAL CLASS	021
DESCRIPTION	Insect Traps
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/2016
FIRST USE IN COMMERCE DATE	At least as early as 03/00/2016
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"[for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT 17\883\349\88334992\xml14 \RFR0003.JPG</a>
SPECIMEN DESCRIPTION	label showing use of the mark with the goods
<b>ATTORNEY SECTION (current)</b>	
NAME	Everett E. Fruehling
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	CHRISTENSEN O'CONNOR JOHNSON KINDNESS
STREET	1201 THIRD AVENUE, SUITE 3600
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98101
COUNTRY	US
PHONE	206-682-8100
FAX	206-224-0779

EMAIL	efiling@cojk.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	STIL-2-58841
<b>ATTORNEY SECTION (proposed)</b>	
NAME	Everett E. Fruehling
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	CHRISTENSEN O'CONNOR JOHNSON KINDNESS
STREET	1201 THIRD AVENUE, SUITE 3600
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98101
COUNTRY	United States
PHONE	206-682-8100
FAX	206-224-0779
EMAIL	efiling@cojk.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	STIL-2-58841
OTHER APPOINTED ATTORNEY	Jerald E. Nagae, Reg. No. 29,418; George E. Renzoni, Ph.D., Reg. No. 37,919; John D. Denkenberger, Reg. No. 44,060; Everett E. Fruehling; Brandon C. Stallman, Reg. No. 46,468; Laura A. Cruz, Reg. No. 46,649; Ryan E. Dodge, Jr., Reg. No. 42,492; Brian W. Poor, Reg. No. 32,928; Margie B. Aoki, Reg. No. 62,644; Matthew D. Balint, Reg. No. 61,038; Llewellyn Rhys Lawson, Reg. No. 57,869; David P. Sheldon, Reg. No. 62,494; Brian F. McMahon; Melissa A. Nowak, Reg. No. 68,088; B. Casey Fitzpatrick, Reg. No. 66,847, Jadran Adrian Mihailovic, Reg. No. 57,874; James Y. Go, Reg. No. 40,621; and Cory G. Claassen, Reg. No. 50,296; Thomas S. (Stasiu) Nowak, Reg. No. 67,998; Jennifer R. Ashton
<b>CORRESPONDENCE SECTION (current)</b>	
NAME	Everett E. Fruehling
FIRM NAME	CHRISTENSEN O'CONNOR JOHNSON KINDNESS
STREET	1201 THIRD AVENUE, SUITE 3600
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98101
COUNTRY	US
PHONE	206-682-8100
FAX	206-224-0779
EMAIL	efiling@cojk.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	STIL-2-58841

<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	Everett E. Fruehling
<b>FIRM NAME</b>	CHRISTENSEN O'CONNOR JOHNSON KINDNESS
<b>STREET</b>	1201 THIRD AVENUE, SUITE 3600
<b>CITY</b>	SEATTLE
<b>STATE</b>	Washington
<b>POSTAL CODE</b>	98101
<b>COUNTRY</b>	United States
<b>PHONE</b>	206-682-8100
<b>FAX</b>	206-224-0779
<b>EMAIL</b>	efiling@cojk.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	STIL-2-58841
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Jennifer R. Ashton/
<b>SIGNATORY'S NAME</b>	Jennifer R. Ashton
<b>SIGNATORY'S POSITION</b>	Of Counsel, Christensen O'Connor Johnson Kindness, Washington State bar member
<b>SIGNATORY'S PHONE NUMBER</b>	206 695.1614
<b>DATE SIGNED</b>	10/10/2019
<b>RESPONSE SIGNATURE</b>	/Jennifer R. Ashton/
<b>SIGNATORY'S NAME</b>	Jennifer R. Ashton
<b>SIGNATORY'S POSITION</b>	Of Counsel, Christensen O'Connor Johnson Kindness, Washington State bar member
<b>SIGNATORY'S PHONE NUMBER</b>	206-695-1614
<b>DATE SIGNED</b>	10/10/2019
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Oct 10 15:49:14 EDT 2019
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XX-20 191010154914339367-883349 92-610fd246f493fe54719b96 9b3caddca7f3b93e973eaf53e b9175bf09f8d8691438d-N/A- N/A-20191010153607156949

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

**Request for Reconsideration after Final Action**

## To the Commissioner for Trademarks:

Application serial no. **88334992** REUSABLE YELLOWJACKET TRAP (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/88334992/large>) has been amended as follows:

### ARGUMENT(S)

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

In response to the Office Action dated September 2, 2019, Applicant submits a new specimen of the mark clearly depicting the applied-for mark as a two-dimensional design and conforming to the drawing and description of the subject application. Further, Applicant respectfully submits that the applied-for mark is a two-dimensional design of a product label shown flat that will be used as product packaging.

The Applicant has addressed and rectified all of the issues raised in the Office Action and respectfully requests that the Examining Attorney withdraw the rejection and approve the mark for publication. If the Examining Attorney has any remaining questions, please contact the attorney of record.

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

**Current:** Class 005 for Biopesticides for domestic use

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2016 and first used in commerce at least as early as 03/00/2016 , and is now in use in such commerce.

**Proposed:** Class 005 for Biopesticides for domestic use

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2016 and first used in commerce at least as early as 03/00/2016 , and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 005 . The specimen(s) submitted consists of label showing use of the mark with the goods .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"***[for an application based on Section 1(a), Use in Commerce]* **OR** **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. **OR** **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*. [Specimen File 1](#)

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

**Current:** Class 021 for Insect Traps

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2016 and first used in commerce at least as early as 03/00/2016 , and is now in use in such commerce.

**Proposed:** Class 021 for Insect Traps

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2016 and first used in commerce at least as early as 03/00/2016 , and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 021 . The specimen(s) submitted consists of label showing use of the mark with the goods .

**"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"***[for an application based on Section 1(a), Use in Commerce]* **OR** **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. **OR** **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*. [Specimen File 1](#)

The applicant's current attorney information: Everett E. Fruehling. Everett E. Fruehling of CHRISTENSEN O'CONNOR JOHNSON KINDNESS, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101  
US

The docket/reference number is STIL-2-58841.

The phone number is 206-682-8100.

The fax number is 206-224-0779.

The email address is [efiling@cojk.com](mailto:efiling@cojk.com)

The applicants proposed attorney information: Everett E. Fruehling. Other appointed attorneys are Jerald E. Nagae, Reg. No. 29,418; George E. Renzoni, Ph.D., Reg. No. 37,919; John D. Denkenberger, Reg. No. 44,060; Everett E. Fruehling; Brandon C. Stallman, Reg. No. 46,468; Laura A. Cruz, Reg. No. 46,649; Ryan E. Dodge, Jr., Reg. No. 42,492; Brian W. Poor, Reg. No. 32,928; Margie B. Aoki, Reg. No. 62,644; Matthew D. Balint, Reg. No. 61,038; Llewellyn Rhys Lawson, Reg. No. 57,869; David P. Sheldon, Reg. No. 62,494; Brian F. McMahon; Melissa A. Nowak, Reg. No. 68,088; B. Casey Fitzpatrick, Reg. No. 66,847; Jadran Adrian Mihailovic, Reg. No. 57,874; James Y. Go, Reg. No. 40,621; and Cory G. Claassen, Reg. No. 50,296; Thomas S. (Stasiu) Nowak, Reg. No. 67,998; Jennifer R. Ashton. Everett E. Fruehling of CHRISTENSEN O'CONNOR JOHNSON KINDNESS, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101  
United States

The docket/reference number is STIL-2-58841.

The phone number is 206-682-8100.

The fax number is 206-224-0779.

The email address is [efiling@cojk.com](mailto:efiling@cojk.com)

Everett E. Fruehling submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current correspondence information: Everett E. Fruehling. Everett E. Fruehling of CHRISTENSEN O'CONNOR JOHNSON KINDNESS, is located at

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101  
US

The docket/reference number is STIL-2-58841.

The phone number is 206-682-8100.

The fax number is 206-224-0779.

The email address is [efiling@cojk.com](mailto:efiling@cojk.com)

The applicants proposed correspondence information: Everett E. Fruehling. Everett E. Fruehling of CHRISTENSEN O'CONNOR JOHNSON KINDNESS, is located at

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101  
United States

The docket/reference number is STIL-2-58841.

The phone number is 206-682-8100.

The fax number is 206-224-0779.

The email address is efilings@cojck.com

**SIGNATURE(S)**

**Declaration Signature**

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)**

**COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Jennifer R. Ashton/ Date: 10/10/2019

Signatory's Name: Jennifer R. Ashton

Signatory's Position: Of Counsel, Christensen O'Connor Johnson Kindness, Washington State bar member

Signatory's Phone Number: 206 695.1614

**Request for Reconsideration Signature**

Signature: /Jennifer R. Ashton/ Date: 10/10/2019

Signatory's Name: Jennifer R. Ashton

Signatory's Position: Of Counsel, Christensen O'Connor Johnson Kindness, Washington State bar member

Signatory's Phone Number: 206-695-1614

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); 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.-licensed attorney not currently associated

with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney 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.

Mailing Address: Everett E. Fruehling  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101

Mailing Address: Everett E. Fruehling  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS

1201 THIRD AVENUE, SUITE 3600  
SEATTLE, Washington 98101

Serial Number: 88334992

Internet Transmission Date: Thu Oct 10 15:49:14 EDT 2019

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XX-20191010154914339

367-88334992-610fd246f493fe54719b969b3ca

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-N/A-N/A-20191010153607156949





Model YTR  
 www.rescue.com  
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 Sold by Sterling International, Inc.  
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- Double-chambered design prevents escape
- Durable construction
- 10-Week Attractant Cartridge available
- Used by major U.S. parks, zoos, resorts, campgrounds & school districts

Making pest control smarter.®

- No killing agents — insects die naturally
- Low-maintenance
- No messy clean-up
- Will not trap beneficial honeybees
- Catches queens & workers, spring to fall

Making pest control smarter.®

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REUSABLE  
**YELLOWJACKET TRAP**

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Non-toxic mode of action



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 Spokane, WA 99216-1630  
 1-800-666-6766  
 ©1996, 2016 Sterling International, Inc.  
 EPA Reg. No. 84565-4-49407  
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**RESCUE**



REUSABLE  
**YELLOWJACKET TRAP**

TRAMPA PARA AVISPAS

Non-toxic mode of action