

ESTTA Tracking number: **ESTTA46300**

Filing date: **09/26/2005**

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

Proceeding	92044173
Party	Defendant Pliley, Larry E. Pliley, Larry E. 469 Newark Street Aurora, CO 80010
Correspondence Address	Pliley, Larry E. 469 Newark Street Aurora, CO 80010
Submission	Request for Reconsideration
Filer's Name	Ramon L. Pizarro
Filer's e-mail	pizarro@4dv.net
Signature	/Ramon L. Pizarro/
Date	09/26/2005
Attachments	Pliley request for reconsideration.pdf (6 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR RECONSIDERATION OF

REQUEST FOR AMENDMENT OF REGISTRATION

Petition for Cancellation No. 92044173

Registration Number: 2910183

Registration Date: December 14, 2004

Application Serial Number: 76/565876

Mark: PORTAVISE

International Class: 008

Owner: (REGISTRANT) Pliley, Larry E. INDIVIDUAL UNITED STATES
469 Newark Street Aurora COLORADO 80010

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Dear Sir:

In response to the communication from the Board dated September 14, 2005, and mailed to the Registrant instead of the Registrant's attorney, the Registrant respectfully requests the reconsideration of the denial of the amendment of the dates of use based on lack of proof of service on the Petitioner. In support of this request, the Registrant submits the copy of the Supplemental Request for Amendment of Registration served on August 8, 2005, on the Petitioner in response to the Board's notice of July 25, 2005, and which was simultaneously filed with the Trademark Office, in the same manner as the original Request for Amendment of Registration.

It is submitted that the Supplemental Request for Amendment of Registration provides the proof of service required by the Board in its July 25, 2005, notice.

Respectfully submitted on this 26th day of September, 2005.



Ramon L. Pizarro, Attorney for Applicant
3515 South Tamarac Drive, Suite 200
Denver, CO 80237
Telephone: (303) 779-9551
Facsimile: (303) 689-9627

CERTIFICATE OF MAILING

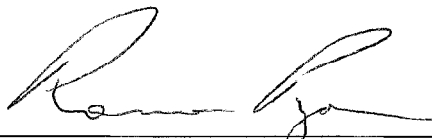
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451,

With a copy in an envelope addressed to:

Robert R. Deleault, Esq.
Mesmer & Deleault
41 Brook Street
Manchester, NH 03104

on this 26th day of September, 2005.



Ramon L. Pizarro

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
SUPPLEMENTAL REQUEST FOR AMENDMENT OF REGISTRATION

Registration Number: 2910183

Registration Date: December 14, 2004

Application Serial Number: 76/565876

Mark: PORTAVISE

International Class: 008

Owner: (REGISTRANT) Pliley, Larry E. INDIVIDUAL UNITED STATES
469 Newark Street Aurora COLORADO 80010

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Dear Sir:

In response to the TTAB's notice of July 25, 2005, the Registrant hereby presents an amended proposed amendment to the dates of first use and the dates of first use in commerce for the above registration. A copy of the original request for amendment is being sent to the Petitioner, together with this supplement. As previously indicated, the correct dates are as follows:

Date of first use: July 9, 2001;

Date of first use in commerce: July 9, 2001.

Since the corrected dates of first use and first use in commerce precede the dates on the registration, the amendment of this registration will not require republication. See TMEP 1505.01(d).

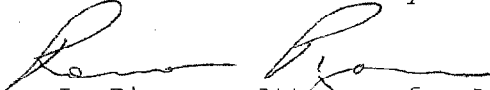
This request is supported by the following items (previously

Amendment to Registration No: 2910183, Page 1

submitted):

1. A declaration by the registrant asserting that the corrected dates are the true dates of first use (previously submitted);
2. Three specimens of showing the mark as used and a sales receipt showing that a vise bearing the mark was sold in commerce through a related entity "Mr. Watch" (previously submitted); and
3. The amendment fee under 37 CFR 2.6(a)(11) of \$100.00 (previously submitted).

Respectfully submitted on this 8th day of August, 2005.


Ramon L. Pizarro, Attorney for Applicant
3515 South Tamarac Drive, Suite 200
Denver, CO 80237
Telephone: (303) 779-9551
Facsimile: (303) 689-9627

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Ramon L. Pizarro

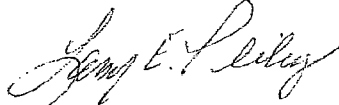
DECLARATION

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 as follows

1. That he is the owner and registrant of U.S. Trademark Registration No. 2910183, based on application serial number 76/565876 for the mark "PORTAVISE" and that he is authorized to execute this Declaration in support of the accompanying amendment to the subject registration;
2. That the accompanying receipt for the sale of a vise sold under the trademark PORTAVISE was for a face-to-face sale of the a vise sold under the trademark PORTAVISE to an unrelated seller on July 9, 2001.
3. That the entity identified in the accompanying receipt, "Mr. Watch", is Electronic Time, Inc., a Colorado corporation that is owned and operated by me, as supported by the enclosed documents filed with the Colorado Secretary of State.
4. That I hereby appoint appoints RAMON L. PIZARRO, Patent Attorney having Registration Number 37207, having a place of business at 3515 South Tamarac Drive, Suite 200, Denver, Colorado 80237, and telephone number of (303) 779-9551, as his attorney for the subject registration, to transact all business in the Patent and Trademark Office connected

therewith, and I hereby revoke any power of attorney to any attorney or attorneys of record in this application.

DATED this 25th day of April, 2005,


Larry E. Pliley