

PTO Form 1597 (Rev 11/2007)

OMB No. 0651-0055 (Exp. 12/31/2011)

92049168

## Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2997646
LAW OFFICE ASSIGNED	LAW OFFICE 106
SERIAL NUMBER	78441248
<b>MARK SECTION (current)</b>	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SKEETA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>GOODS AND/OR SERVICES SECTION (022)(current)</b>	
INTERNATIONAL CLASS	022
IDENTIFICATION	TENTS
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/05/1993
FIRST USE IN COMMERCE DATE	At least as early as 12/05/1993
<b>GOODS AND/OR SERVICES SECTION (022)(proposed)</b>	
INTERNATIONAL CLASS	022
IDENTIFICATION	TENTS
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/26/1999
FIRST USE IN COMMERCE DATE	At least as early as 10/26/1999
<b>GOODS AND/OR SERVICES SECTION (025)(current)</b>	
INTERNATIONAL CLASS	025

IDENTIFICATION	Jackets, and Pants
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/05/1993
FIRST USE IN COMMERCE DATE	At least as early as 12/05/1993
<b>GOODS AND/OR SERVICES SECTION (025)(proposed)</b>	
INTERNATIONAL CLASS	025
IDENTIFICATION	Jackets, and Pants
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/05/1993
FIRST USE IN COMMERCE DATE	At least as early as 06/08/1996
<b>ADDITIONAL STATEMENTS SECTION</b>	
	<p>Correction of Registrant's Error On November 11th, 2008 Registrant was served with Interrogatories by Skeeter Products, Inc. pertaining to a Civil Case No. 8:08-cv-01065-RAL-TGW to identify and specifically and completely describe in detail all goods offered to customers by Plaintiff under the TRADEMARK, and identify by name (including trademark) and by years of sale, i.e., beginning dates and, where applicable, end dates, of each product sold. In the process of investigating the available documentation to answer this request to the best of his ability it became known to the Registrant that an error had occurred in good faith in the applications filed to re-register the Skeeta TRADEMARKS. Registrant discovered that he had inadvertently referenced the Date of First Use in Commerce of the original Skeeta Registrations (No. 2,043,892, &amp; No. 2,047,945) for insect repelling garments, namely, shirts, jackets, pants, shawls, headwear and ponchos in Class 25, and applied it to the added Class 22 for tents in the new applications. The available documentation reveals a purchase request from The State of Alaska Department of Natural Resources for 200 tents on 7/9/1999, with payment being received on 10/26/1999, identifying a bona fide use of the mark in the ordinary course of trade to establish the Date of First Use and Date of First Use in Commerce for tents in Class 22. Furthermore, the available documentation to support the Date of First Use Anywhere for jackets and pants remains at least as early as 12/5/1993; however, a purchase of jackets on 6/8/1996 by The Riverview RV Park, and a purchase of pants on 5/23/1997 by The Prospector Outfitters, identify a bona fide use of the mark in the ordinary course of trade to establish the Date of First Use in Commerce for jackets and pants in Class 25, relative to</p>

**MISCELLANEOUS STATEMENT**

the size of the company and seasonal type of goods sold. Therefore, Registrant files this request for correction of registrant's error in the Dates of First Use Anywhere, and Dates of First Use in Commerce to be consistent with the currently available documentation as follows; First Use Anywhere for jackets in Class 25 remains to be as early as: 12/5/1993, First Use in Commerce for jackets in Class 25 to be at least as early as: 6/8/1996, First Use Anywhere for pants in Class 25 remains to be as early as: 12/5/1993, First Use in Commerce for pants in Class 25 to be at least as early as: 5/23/1997, First Use Anywhere for tents in Class 22 to be at least as early as: 10/26/1999, First Use in Commerce for tents in Class 22 to be at least as early as: 10/26/1999. The corrected dates specified above remain prior to the application filing date of June 25, 2004, for both current U.S. Trademark Registrations No. 3,015,253 for the SKEETA and Design mark for tents in Class 22 and jackets and pants in Class 25, and No. 2,997,646 for the SKEETA word mark for tents in Class 22 and jackets and pants in Class 25. Pursuant to TBMP § 1609.10(b) Correction of Registrant's Error, under §7(h) of the Trademark Act, if a mistake in a registration occurs in good faith through the fault of the owner of the registration, the Director may correct the error upon written request and payment of the fee required by 37 C.F.R. §2.6, provided the correction does not result in a change that would require republication of the mark. The Skeeta Trademark Registrations (No. 2,997,646 and No. 3,015,253) are currently subject to cancellation proceedings (No. 92049168 and No. 92049203) with the Trademark Trial and Appeal Board (TTAB). The undersigned 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 document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true. David E. Ways, President SKEETA, INC. 19706 77th Avenue East Bradenton, Florida 34202 Phone: (941) 322-9739 Facsimile: (941) 322-9739 dew@skeeta.com  
By: \_\_\_\_\_ David E. Ways

**MISCELLANEOUS FILE NAME(S)**

**ORIGINAL  
PDF FILE**

[http://tgate/PDF/SECT07/2008/12/17/20081217140241210702-2997646-001\\_001/M-682002156-132041941\\_.\\_Correction\\_of\\_Errors.pdf](http://tgate/PDF/SECT07/2008/12/17/20081217140241210702-2997646-001_001/M-682002156-132041941_._Correction_of_Errors.pdf)

**CONVERTED  
PDF FILE(S)  
(3 pages)**

\\TICRS\EXPORT5\IMAGEOUT5\784\412\78441248\xml1  
\\S7R0002.JPG

\\TICRS\EXPORT5\IMAGEOUT5\784\412\78441248\xml1

	\S7R0003.JPG
	\\TICRS\EXPORT5\IMAGE\OUT5\784\412\78441248.xml1 \S7R0004.JPG
<b>PAYMENT SECTION</b>	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/David E. Ways/
SIGNATORY'S NAME	David E. Ways
SIGNATORY'S POSITION	President
DATE SIGNED	12/17/2008
REQUEST SIGNATURE	/David E. Ways/
SIGNATORY'S NAME	David E. Ways
SIGNATORY'S POSITION	President
DATE SIGNED	12/17/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 & 15, OR 8 & 9 FILED	NO
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Wed Dec 17 14:02:41 EST 2008
TEAS STAMP	USPTO/S7R-68.200.215.6-20 081217140241210702-299764 6-430448b596ac3a09274bd46 51be272b041-CC-8656-20081 217132041941479

PTO Form 1597 (Rev 11/2007)

OMB No. 0651-0055 (Exp. 12/31/2011)

**Section 7 Request Form****To the Commissioner for Trademarks:**The registrant requests the following amendment(s) to registration no. **2997646**

**CLASSIFICATION AND LISTING OF GOODS/SERVICES****Registrant proposes to amend the following class of goods/services in the application:****Current:** Class 022 for TENTS

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant'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 12/05/1993 and first used in commerce at least as early as 12/05/1993, and is now in use in such commerce.

**Proposed:** Class 022 for TENTS

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant'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 10/26/1999 and first used in commerce at least as early as 10/26/1999, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:****Current:** Class 025 for Jackets, and Pants

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant'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 12/05/1993 and first used in commerce at least as early as 12/05/1993, and is now in use in such commerce.

**Proposed:** Class 025 for Jackets, and Pants

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant'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 12/05/1993 and first used in commerce at least as early as 06/08/1996, and is now in use in such commerce.

**ADDITIONAL STATEMENTS****Miscellaneous Statement(s)**

Correction of Registrant's Error On November 11th, 2008 Registrant was served with Interrogatories by Skeeter Products, Inc. pertaining to a Civil Case No. 8:08-cv-01065-RAL-TGW to identify and specifically and completely describe in detail all goods offered to customers by Plaintiff under the TRADEMARK, and identify by name (including trademark) and by years of sale, i.e., beginning dates and, where applicable, end dates, of each product sold. In the process of investigating the available documentation to answer this request to the best of his ability it became known to the Registrant that an error had occurred in good faith in the applications filed to re-register the Skeeta TRADEMARKS. Registrant discovered that he had inadvertently referenced the Date of First Use in Commerce of the original Skeeta Registrations (No. 2,043,892, & No. 2,047,945) for insect repelling garments, namely, shirts, jackets, pants, shawls, headwear and ponchos in Class 25, and applied it to the added Class 22 for tents in the new applications. The available documentation reveals a purchase request from The State of Alaska Department of Natural Resources for 200 tents on 7/9/1999, with payment being received on 10/26/1999, identifying a bona fide use of the mark in the ordinary course of trade to establish the Date of First Use and Date of First Use in Commerce for tents in Class 22.

Furthermore, the available documentation to support the Date of First Use Anywhere for jackets and pants remains at least as early as 12/5/1993; however, a purchase of jackets on 6/8/1996 by The Riverview RV Park, and a purchase of pants on 5/23/1997 by The Prospector Outfitters, identify a bona

vide use of the mark in the ordinary course of trade to establish the Date of First Use in Commerce for □jackets□ and □pants□ in Class 25, relative to the size of the company and seasonal type of goods sold. Therefore, Registrant files this request for correction of registrant's error in the Dates of First Use Anywhere, and Dates of First Use in Commerce to be consistent with the currently available documentation as follows; First Use Anywhere for jackets in Class 25 remains to be as early as: 12/5/1993, First Use in Commerce for jackets in Class 25 to be at least as early as: 6/8/1996, First Use Anywhere for pants in Class 25 remains to be as early as: 12/5/1993, First Use in Commerce for pants in Class 25 to be at least as early as: 5/23/1997, First Use Anywhere for tents in Class 22 to be at least as early as: 10/26/1999, First Use in Commerce for tents in Class 22 to be at least as early as: 10/26/1999. The corrected dates specified above remain prior to the application filing date of June 25, 2004, for both current U.S. Trademark Registrations No. 3,015,253 for the SKEETA and Design mark for □tents□ in Class 22 and □jackets and pants□ in Class 25, and No. 2,997,646 for the SKEETA word mark for □tents□ in Class 22 and □jackets and pants□ in Class 25. Pursuant to TBMP § 1609.10(b) □Correction of Registrant's Error□, under §7(h) of the Trademark Act, if a mistake in a registration occurs in good faith through the fault of the owner of the registration, the Director may correct the error upon written request and payment of the fee required by 37 C.F.R. §2.6, provided the correction does not result in a change that would require republication of the mark. The Skeeta Trademark Registrations (No. 2,997,646 and No. 3,015,253) are currently subject to cancellation proceedings (No. 92049168 and No. 92049203) with the Trademark Trial and Appeal Board (TTAB). The undersigned 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 document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true. David E. Ways, President SKEETA, INC. 19706 77th Avenue East Bradenton, Florida 34202 Phone: (941) 322-9739 Facsimile: (941) 322-9739 dew@skeeta.com By: \_\_\_\_\_ David E.

Ways

**Original PDF file:**

[http://tgate/PDF/SECT07/2008/12/17/20081217140241210702-2997646-001\\_001/M-682002156-132041941\\_.\\_Correction\\_of\\_Errors.pdf](http://tgate/PDF/SECT07/2008/12/17/20081217140241210702-2997646-001_001/M-682002156-132041941_._Correction_of_Errors.pdf)

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

Miscellaneous File1

Miscellaneous File2

Miscellaneous File3

**FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

**SIGNATURE(S)**

**Declaration Signature**

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 document or any resulting registration, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature: /David E. Ways/ Date: 12/17/2008

Signatory's Name: David E. Ways

Signatory's Position: President

**Request Signature**

Signature: /David E. Ways/ Date: 12/17/2008

Signatory's Name: David E. Ways  
Signatory's Position: President

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the registrant or (2) a person(s) with legal authority to bind the registrant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

RAM Sale Number: 8656  
RAM Accounting Date: 12/17/2008

Serial Number: 78441248  
Internet Transmission Date: Wed Dec 17 14:02:41 EST 2008  
TEAS Stamp: USPTO/S7R-68.200.215.6-20081217140241210  
702-2997646-430448b596ac3a09274bd4651be2  
72b041-CC-8656-20081217132041941479

### Correction of Registrant's Error

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In the process of investigating the available documentation to answer this request to the best of his ability it became known to the Registrant that an error had occurred in good faith in the applications filed to re-register the Skeeta TRADEMARKS. Registrant discovered that he had inadvertently referenced the Date of First Use in Commerce of the original Skeeta Registrations (No. 2,043,892, & No. 2,047,945) for "insect repelling garments, namely, shirts, jackets, pants, shawls, headwear and ponchos" in Class 25, and applied it to the added Class 22 for "tents" in the new applications.

The available documentation reveals a purchase request from The State of Alaska Department of Natural Resources for 200 tents on 7/9/1999, with payment being received on 10/26/1999, identifying a bona fide use of the mark in the ordinary course of trade to establish the Date of First Use and Date of First Use in Commerce for "tents" in Class 22.

Furthermore, the available documentation to support the Date of First Use Anywhere for "jackets" and "pants" remains at least as early as 12/5/1993; however, a purchase of jackets on 6/8/1996 by The Riverview RV Park, and a purchase of pants on 5/23/1997 by The Prospector Outfitters, identify a bona fide use of the mark in the ordinary course of trade to establish the Date of First Use in Commerce for "jackets" and "pants" in Class 25, relative to the size of the company and seasonal type of goods sold.



Therefore, Registrant files this request for correction of registrant's error in the Dates of First Use Anywhere, and Dates of First Use in Commerce to be consistent with the currently available documentation as follows;

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First Use in Commerce for jackets in Class 25 to be at least as early as: 6/8/1996,

First Use Anywhere for pants in Class 25 remains to be as early as: 12/5/1993,

First Use in Commerce for pants in Class 25 to be at least as early as: 5/23/1997,

First Use Anywhere for tents in Class 22 to be at least as early as: 10/26/1999,

First Use in Commerce for tents in Class 22 to be at least as early as: 10/26/1999.

The corrected dates specified above remain prior to the application filing date of June 25, 2004, for both current U.S. Trademark Registrations No. 3,015,253 for the SKEETA and Design mark for "tents" in Class 22 and "jackets and pants" in Class 25, and No. 2,997,646 for the SKEETA word mark for "tents" in Class 22 and "jackets and pants" in Class 25.

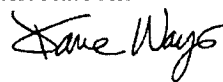
Pursuant to TBMP § 1609.10(b) "Correction of Registrant's Error", under §7(h) of the Trademark Act, if a mistake in a registration occurs in good faith through the fault of the owner of the registration, the Director may correct the error upon written request and payment of the fee required by 37 C.F.R. §2.6, *provided* the correction does not result in a change that would require republication of the mark.

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David E. Ways, President

SKEETA, INC.  
19706 77<sup>th</sup> Avenue East  
Bradenton, Florida 34202  
Phone: (941) 322-9739  
Facsimile: (941) 322-9739  
dew@skeeta.com



By: \_\_\_\_\_  
David E. Ways

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2997646



**Serial Number:** 78441248



**RAM Sale Number:** 8656

**RAM Accounting Date:** 20081217

**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§7 request	7212	20081217	\$0	0	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20081217

