Request for Reconsideration after Final Action

TEAS - Version 5.3 : 01/17/2015

GENERAL FORM INFORMATION:

- **60 MINUTE TIME LIMIT:** This form "times-out" 60 minutes after accessing the page unless you extend the time limit when the time-out warning appears on screen. To avoid timing out, please have all information ready before starting your session.

- **DO NOT USE YOUR BROWSER BACK/FORWARD BUTTONS:** Use only the navigation buttons at the bottom of each page.

- **REQUIRED FIELDS:** All have an *ASTERISK (*)*, and the form will not validate if these fields are not filled-out.

**NOTE:** Use this form only to file a Request for Reconsideration after issuance of a final Office action and before the deadline for filing an appeal. The filing of a Request for Reconsideration does not extend the time for filing an appeal or other proper response to the final action 37 C.F.R. §2.64(b). A Notice of Appeal is a different form that you must file separately to preserve your right to appeal the final refusal, if appropriate. See http://oia.uspto.gov. If you file a Notice of Appeal concurrently with a Request for Reconsideration, your application will be referred to the Trademark Trial and Appeal Board (TTAB) for processing of the appeal. The TTAB will (1) acknowledge the appeal; (2) suspend further proceedings with respect to the appeal (including the applicant’s time to file an appeal brief; and (3) remand the application to the examining attorney for review of the Request for Reconsideration. MPEP §1504; TEBMP §1204.

Also, do **NOT** use this form to respond to any actions mailed after the mark is published and/or registered, because the Inter-Office (ITU) and Post-Registration units issue those actions, respectively. To access forms for filing a Statement of Use/Affidavit to Alleged Use and/or Request for Extension of Time to File a Statement of Use, click here. A form for responding to Post-Registration Office actions will be developed in the future.

FOLLOW THE 4 STEPS TO ACCESS THE RESPONSE FORM:

**STEP 1: CHECK STATUS.**
To use this form, the "Current Status" of your application must be "A Final Action has been mailed (or e-mailed)." Click here to confirm the status before proceeding. If the application is not in the correct status, you must wait until the status is updated (usually 48-72 hours after receiving an e-mail notice that a final Office action has issued). Otherwise, you will receive an error message when you click the "Continue" button at Step 4.

**STEP 2: ENTER APPLICATION SERIAL NUMBER BELOW OR ACCESS PREVIOUSLY FILLED-OUT/SAVED FORM.**

*Serial Number:*  
(Do not enter serial number if you are accessing your saved form.)

**OR**
To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive, and then click the "Continue" button at Step 4. You cannot change your answers in the form wizard questions at Step 3, however, you can change data within an existing section(s) of a saved form. To introduce a completely new section, you must start a new form. For further instructions for retrieving your saved data, click here. You must follow these instructions to ensure that you can view your data in the expected editable format.

**NOTE:** This button should **not** be used to attempt to upload or attach any other file, for example, a specimen image or a foreign registration certificate. For these or any other types of attachments, after answering "Yes" to the appropriate wizard question(s), you can then attach the file within the specific part of the form relating to that issue.
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Important: ONCE A RESPONSE TO FINAL REFUSAL IS SUBMITTED ELECTRONICALLY, THE OFFICE WILL IMMEDIATELY PROVIDE THE SENDER WITH AN ELECTRONIC ACKNOWLEDGMENT OF RECEIPT OF THE response to final refusal. Please contact teas@uspto.gov within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.

Contact Points:
For general trademark information, please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone 1-800-786-9199. If you need help in resolving technical glitches, please e-mail teas@uspto.gov. Please include your telephone number in your e-mail, so we can talk to you directly, if necessary. For status information on an application that has an assigned serial number, use http://tsr.uspto.gov.

NOTE: Do NOT attempt to check status until at least 72 hours after submission of a filing, to allow sufficient time for our databases to be updated.

Instructions:
To file the response to final refusal form electronically, please complete the following steps:

1. Fill out all relevant fields.
2. Sign the response to final refusal form on the Signature Page. If the desired signatory is not available to sign the application, there are three options available:
   1. To electronically forward the Signature Page to the signatory, use the Text Form option on the Signature Page for an electronic signature.
   2. To mail or fax to the signatory, use the Handwritten pen-and-ink signature option on the Signature Page for the traditional "pen-and-ink" signature.
   3. To electronically save the form, use the Download Portable Data option on the Validation Page.
3. Validate the form by selecting the "Continue" button on the Signature Page.
4. On the Validation Page, it is critical to confirm that all information is displayed properly immediately before filing, regardless of the appearance of the data at any point earlier in the process.
5. Click on the Pay/Submit button at the bottom of the Validation Page. If a fee payment is required, this will allow you to choose from 3 different payment methods: credit card, automated deposit account, or electronic funds transfer. Access the proper screen for payment, and make the appropriate entries. If your transmission is successful, you will receive a SUCCESS! Page.
6. You will receive an e-mail acknowledgement of your submission.

Serial Number

Mark

Currently Authorized Correspondence E-mail Address
Primary Email Address:
Secondary Email Address(es):

NOTE: If the e-mail address listed above is either no longer correct for receiving USPTO correspondence or contains a typographical error, answer YES to the form wizard question "Do you need to change correspondence address" and then make the appropriate change in the "Correspondence Section" of the form, along with a reauthorization for the USPTO to communicate with you by e-mail.

WARNING: For an application filed under TEAS Plus or TEAS RF, the failure to maintain a correct e-mail address for ongoing e-mail communication will result in the loss of TEAS Plus or TEAS RF status and a requirement to pay $50 per class processing fee.

STEP 3: ANSWER ALL WIZARD QUESTIONS.
You must answer all wizard questions appearing directly below, now currently set on "No" as a default (unless you are accessing a previously filled-
A RESPONSE WITH ONLY YOUR SIGNATURE IS NOT ACCEPTABLE. Merely providing a response with a signature and no other information, or authorizing the examining attorney to make any necessary changes to the application without specifying the exact changes, is not a proper response to the final Office action (except if the only issue raised was that the original filing was unsigned, improperly signed, or lacked the required declaration language).

1. Do you need to respond to a refusal to register your mark, including but not limited to a possible finding that your mark appears to be:
   - likely to cause confusion with another mark(s)
   - merely descriptive (or generic) or deceptively misdescriptive
   - primarily merely a surname
   - geographically descriptive or geographically deceptively misdescriptive
   - deceptive
   - functional
   - multiple marks instead of a single mark
   - a protected symbol (e.g., a flag, the Red Cross)
   - used in a manner that would not be perceived as actually being a trademark/servicemark

You must answer "Yes" to this question to submit your arguments against the refusal, and if necessary, attach supporting evidence, to attempt to convince the examining attorney to withdraw the refusal.

*NOTE: To submit a "substitute specimen" to overcome a refusal, also answer "Yes" to #2.

☐ Yes ☐ No

2. Do you need to do any of the following:
   - change/delete an existing class number
   - modify the identification of goods and/or services
   - change filing basis
   - add/modify dates of use
   - submit a new or substitute specimen
   - submit a foreign registration certificate

*NOTE: To ADD a new class, answer "Yes" to #6, and to pay fee(s) for additional class(es), answer "Yes" to #7.

**NOTE: You may only modify the identification of goods/services to clarify or limit the goods/services, adding to or broadening the scope of goods/services is not permitted.

☐ Yes ☐ No

3. Do you need to add or delete (withdraw) any of the following:
   NOTE: ALL of the below will display within the "Additional Statement(s)" section of the form, even when only one is appropriate and should be selected.
   - Disclaimer
   - Colors claimed as feature of the mark
   - Description of the mark (including nature and location of color(s)), if appropriate
   - Stippling statement
   - Claim of prior registration(s)
   - Translation/Transliteration
   - Meaning and/or significance of wording, letter(s), and/or numeral(s) in the mark
   - Section 2(f) claim
   - Consent to register name(s), likeness(es), signature(s) of individual(s)
   - Supplemental Register amendment
   - Concurrent use claim
**NOTE:** Do not use this section if you are also answering "Yes" to Question #4, below, which will then provide this field. Use this only if adding or modifying an existing description but not attaching a new mark image.

**NOTE:** The miscellaneous statement field includes the ability to attach a file, for example, to provide requested product literature. Do not use this section for attachments where a specific different section for the purpose already exists, for example, submission of a substitute specimen in #2, above. This field may also be used to request DELETION (WITHDRAWAL) of an additional statement currently of record, for example, a disclaimer (see specific instructions within form).

☐ Yes ☐ No

4. Do you need to submit a new drawing of the mark, either to change the mark itself or submit a better quality image?

NOTE: A material change to your mark is never permissible. Only minor changes in the mark are sometimes permitted. A drawing must be in JPG format.

☐ Yes ☐ No

5. Do you need to correct or change the applicant’s name or entity information or provide missing applicant or entity information?

☐ Yes ☐ No

6. Do you need to ADD a new class(es) of goods and/or services?

NOTE: You may not add class(es) or goods/services to broaden the scope of the original identification of goods/services.

NOTE: To pay the fee(s) for adding class(es), answer "Yes" to #7. To change an existing classification number or delete goods/services, answer "Yes" to #2.

☐ Yes ☐ No

If the answer is Yes, enter the number of classes: 1

7. Do you need to submit a fee for: (1) an existing or additional class of goods/services; (2) failing to satisfy the requirements of TEAS Plus or TEAS RE; and/or (3) processing a payment that has been refused or charged back?

☐ Yes ☐ No

8. Is a newly appearing attorney filing (i.e., a person not the subject of an applicant-signed appointment filed prior to this submission) this form?

WARNING: Answer YES to this question only if one of the three requirements set forth in the underlying help text for "newly appearing attorney" has been satisfied. Failure to satisfy one of the three requirements may result in a later determination that this submission is incomplete and/or not in compliance with the minimum filing requirements.

☐ Yes ☐ No

9. Do you need to change correspondence address (includes e-mail address)?

☐ Yes ☐ No
10. Do you need to submit a **Signed Declaration** to verify an application?

**NOTE**: Answer "Yes" to this question if the application was unsigned, improperly signed, or lacked the required declaration language.

- [x] Yes  - [ ] No

**STEP 4: ACCESS ACTUAL REQUEST FORM.**
Click on the "Continue" button below to access the request form for entering your information.

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CLASSIFICATION AND LISTING OF GOODS/SERVICES

Enter information for the Original Class

☐ Check here to delete the following class of goods/services from your application. If checked, it is not necessary to modify the current class below.

☐ Check here to modify the current classification number, listing of goods/services; dates of use; and/or filing basis, or to submit a substitute specimen or foreign registration certificate. If not checked, the changes will be ignored.

Original International Class: 033
Listing of Goods/Services

[NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods and/or services associated with the mark. Also, do not include any html or other programming code or language that may create links in the listing of goods and/or registration services. For more information about acceptable language for the goods and/or services, see the USPTO’s online Goods and/or Services Manual. If entering multiple listings of goods/services, please separate with a semi-colon (;), NOT a comma.]

WARNING: Your entry may NOT exceed the scope of your original identification. While you may modify the original listing to clarify or remove goods/services, you may NOT at this point ADD goods or services. A new filing would be required to cover any new goods or services.

WARNING: Registration Subject to Cancellation for Fraudulent Statements

You must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of a trademark registration. The lack of a bona fide intention to use the mark with all goods and/or services included in an application, or the lack of use on all goods and/or services for which the application was filed, could jeopardize the validity of the registration and result in its cancellation.

☐ 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, or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. WARNING: If you filed your original application under Section 1(b), Intent to Use, do not use this form to submit dates of use and a specimen, unless responding to a specimen issue created by an already filed Allegation of Use. Otherwise, you must file the specific Allegation of Use form (Statement of Use/Amendment to Allegation Use). Filing an Allegation of Use is not a proper response to an Office action.

Date of First Use of Mark Anywhere by the applicant, or the applicant’s related company, license, or predecessor in interest at least as early as

Date of First Use of Mark in Commerce by the applicant, or the applicant’s related company, license, or predecessor in interest at least as early as

Specimen File

NOTE: For an instructional video on what is an appropriate specimen for a good or service, click here. To view video, you must have Windows Media Player installed. For information about downloading Windows Media Player, click here.

Click on the ‘Attach’ button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment) or WAV, WMV, WMA, MP3, MPG, or AVI format (not exceeding 5 megabytes for sound files or 30 megabytes for motion files). WARNING: Submission of an overall response as a PDF file is NOT permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of this form that exists for a specific purpose must be used for that purpose, rather than trying to ‘shoehorn’ a complete form within one PDF file.

Failure to follow this instruction will cause significant delays in the processing and review of your response. For complete requirements concerning PDF files, click here.

Describe what the specimen submitted consists of:
*If additional or new specimen(s) is/are being submitted, check the statement below to support the submission (the required declaration will automatically appear at the end of the form):

- "The substitute (or new, 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, if appropriate) specimen(s) was/were in use in commerce prior 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].

Checking Basis Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant’s related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the application filing date. (15 U.S.C. Section 1051(b)).

**WARNING:** If your goods or services for this class are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods or services.

**WARNING:** If you select this option, additional filing(s) and fee(s) will be required when you begin use of the mark in commerce in order to receive a registration. For more information, <a>click here</a> (see first and second forms on linked page).

Checking Basis Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application, and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

- Foreign Application Number
- Date of Foreign Filing (MM/DD/YYYY)
- Country of Foreign Application

**WARNING:** At this time, the applicant does NOT intend to rely on Section 44(e) as a basis for registration, but wishes only to assert a valid claim of priority.

Checking Basis Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application, and either attaches a copy of the foreign registration certificate, and translation thereof, or will submit a copy of the foreign registration/translation before the application may proceed to registration, in accordance with 15 U.S.C. 1126(e), as amended.

- Foreign Registration Number
- Date Foreign Registration (MM/DD/YYYY)
- Expiration Date of Foreign Registration (MM/DD/YYYY)
- Country of Foreign Registration

**WARNING:** Submission of an overall response as a PDF file is NOT permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete form within one PDF file. **FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR RESPONSE.** For complete requirements concerning PDF files, <a>click here</a>

**WARNING:** The file size cannot exceed 5 megabytes per attachment.

- Contact Information
- Check here if the foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

**WARNING:** If this box is NOT checked, then the designation of the mark as "Standard Character Mark" will automatically be changed from "YES" to "NO."

- Check here if the foreign registration is intended to be used for the filing of a Section 44(e) application for an international registration.

- Check here if the foreign registration is intended to be used for the filing of an opposition.
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ADDITIONAL STATEMENT(S)

Note: The declaration required to support a Section 2(f) (or in part) claim (based on use) will automatically appear at the end of this form.
Note: To delete (withdraw) an additional statement that is already in the record (e.g., a disclaimer), use the "MISCELLANEOUS STATEMENT" field below.
Note: As a general rule, include only words that are in the mark, or translations and transliterations of those words, within quotation marks in the text boxes below.

DISCLAIMER: No claim is made to the exclusive right to use __________ apart from the mark as shown.

☐ STIPPLING AS A FEATURE OF THE MARK: The stippling is a feature of the mark and does not indicate color.

☐ STIPPLING FOR SHADING: The stippling is for shading purposes only.

PRIOR REGISTRATION(S): The applicant claims ownership of U.S. Registration Number(s) __________, __________. Note: Entry must not include any commas and must be 7 numerical long (if necessary, add leading 0's to number, e.g., 0086417).

☐ and others: Check here to indicate there are additional prior U.S. Registration Number(s).

TRANSLATION:
The English translation of __________ in the mark is __________.

The wording __________ has no meaning in a foreign language.

TRANSLITERATION: (Note: Not required for any standard character marks.)
The non-Latin characters in the mark transliterate to __________ and this means __________ in English.
The non-Latin characters in the mark transliterate to __________ and this has no meaning in a foreign language.

SIGNIFICANCE OF WORDING, LETTER(S), OR NUMERAL(S):

__________ appearing in the mark means or signifies or is a term of art for __________ in the relevant trade or industry as applied to the goods/services listed in the application.

__________ appearing in the mark has no significance nor is it a term of art in the relevant trade or industry as applied to the goods/services listed in the application, or any geographical significance.
The word(s) __________ has no meaning in a foreign language.

☐ §2(f) Claim of Acquired Distinctiveness, based on Use: The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

☐ §2(f) Claim of Acquired Distinctiveness, based on Prior Registration(s): The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). __________

☐ §2(f) Claim of Acquired Distinctiveness, based on Evidence: The mark has become distinctive of the goods/services, as demonstrated by the attached evidence.

☐ §2(f) Claim of Acquired Distinctiveness, IN PART, based on Use: __________ has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

☐ §2(f) Claim of Acquired Distinctiveness, IN PART, based on Prior Registration(s) __________ has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). __________

☐ §2(f) Claim of Acquired Distinctiveness, IN PART, based on Evidence: __________ has become distinctive of the goods/services, as demonstrated by the attached evidence.
NAME(S), PORTRAIT(S), SIGNATURE(S) OF INDIVIDUAL(S):
The name(s), portrait(s), and/or signature(s) shown in the mark identifies [ ], whose consent(s) to register is made of record.

☐ The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

☐ SUPPLEMENTAL REGISTER: The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

☐ The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce, making conversion to the Supplemental Register permissible.

CONCURRENT USE: Enter the appropriate concurrent use information, e.g., specify the goods and the geographic area for which registration is sought. WARNING: Enter text in the box only if you (1) intend to initiate a concurrent use registration proceeding before the Trademark Trial and Appeal Board; or (2) have a final determination by a court establishing your concurrent right to use the same or similar mark in commerce in a limited geographic area.

☐ MISCELLANEOUS STATEMENT: Enter information here ONLY if no other section of the form is appropriate. FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR SUBMISSION. If you wish to DELETE (WITHDRAW) a statement previously submitted, you may indicate that here through an instruction. E.g., "Please delete the disclaimer currently of record."
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Mark Information

Note: While minor changes in the mark are sometimes permitted, any material alteration will NOT be permitted and will result in a refusal being issued on that ground.

☐ If you have read and understood the above notice, you must check the box before you enter the proposed new mark.

* Click the appropriate circle to indicate the Mark type: ☐ Standard Characters ☐ Special Form (Stylized and/or Design) ☐ Sound Mark

Use this section if you wish to modify a word(s), letter(s), and/or number(s) with no design element and without claim to any particular font style, size or color.

Add/Modify the Standard Characters mark here: (Note: The entry can be in capital letters, lower case letters, or a combination thereof.)

NOTE: After previewing the USPTO-generated image, if you object to the display of the mark, then you must use the "Special Form (Stylized and/or Design)" option. Therein, you could attach your own image file and check a box to claim standard characters. However, the appropriateness of the standard character claim would later be determined as part of the examination of the application. For how the USPTO determines what the display of the entered mark will be, click here.
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Owner Information

Note: If this change relates to a change in the correspondence address or e-mail, please use the Change of Correspondence Address Form.

* Owner of Mark

☐ DBA (doing business as) ☐ AKA (also known as)
☐ TA (trading as) ☐ Formerly

Entity Type

☐ Individual
☐ Corporation
☐ Limited Liability Company
☐ Partnership
☐ Limited Partnership
☐ Joint Venture
☐ Sole Proprietorship
☐ Trust
☐ Estate
☐ Other

Internal Address

* Street Address

NOTES: You must limit your entry here, and for all remaining fields within this overall section (except City, State below), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.

* City

NOTES: You must limit your entry here to no more than 22 characters.

* State

(Required for U.S. applicants)

* Country or U.S. Territory

* Zip/Postal Code

(Required for U.S. applicants only)

Phone Number

Fax Number

Internet

While the application may list an e-mail address for the owner, owner's attorney, and/or owner's domestic representative, only one e-mail address may be used for correspondence, in accordance with Office policy. The owner must keep this address current in the Office's records.
<table>
<thead>
<tr>
<th>E-mail Address</th>
</tr>
</thead>
</table>

- **Check here to authorize** the USPTO to communicate with the owner via e-mail.

**NOTE:** By checking this box, the owner acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner should periodically check the status of its application through the [Trademark Status & Document Retrieval (TSDR)](https://tsdr.uspto.gov) system, to see if the assigned examining attorney has e-mailed an Office Action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the owner's security or anti-spam software, or any problems within the owner's e-mail system. All sent actions can be viewed on-line, from [Trademark Status & Document Retrieval (TSDR)](https://tsdr.uspto.gov).

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Burdens/Privacy Statement | TEAS Form Burden Statement
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CLASSIFICATION AND LISTING OF GOODS/SERVICES

Enter information for the New Class

*International Class: [ ] (Enter class number 001-045, A, E and 200)

*Listing of Goods/Services [NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods and/or services associated with the mark. Also, do not include any brand or other programming code or language that may create links in the listing of goods and/or services. For more information about acceptable language for the goods and/or services, see the USPTO's online Goods and/or Services Manual. If entering multiple listings of goods/services, please separate with a semi-colon (;) NOT a comma.]

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☐ Filing Basic 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. WARNING: If you filed your original application under Section 1(b), Intent to Use, do not use this form to submit dates of use and a specimen, unless responding to a specimen issue created by an already filed Allegation of Use. Otherwise, you must file the specific Allegation of Use form (Statement of Use/Amendment to Allegation of Use). Filing an Allegation of Use is not a proper response to an Office action.

Date of First Use of Mark Anywhere by the applicant, or the applicant’s related company, licensee, or predecessor in interest at least as early as (MM/DD/YYYY)

Date of First Use of Mark Commerce by the applicant, or the applicant’s related company, licensee, or predecessor in interest at least as early as (MM/DD/YYYY)

Specimen File

NOTE: For an instructional video on what is an appropriate specimen for a good or service, click here*. (To view video, you must have Windows Media Player installed. For information about downloading Windows Media Player, click here.)

Click on the 'Attach' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment) or WAV, WMV, WMA, MP3, MPG, or AVI format (not exceeding 2 megabytes for sound files or 30 megabytes for motion files).

WARNING: Submission of an overall response as a PDF file is NOT permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to 'scotch' a complete request for reconsideration within one PDF file. FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR RESPONSE. For complete requirements concerning PDF files, click here.

Describe what the specimen submitted consists of:
*If additional or new specimen(s) is being submitted, check the appropriate statement: [WARNING: You must select the appropriate statement below for the substitute specimen to be acceptable. Please refer to the Office action to which you are responding and select the statement specifically referenced therein.]

☐ "The substitute (or new, 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, if appropriate) specimen(s) was/were in use in commerce prior to either the filing date of the Amendment to Allegate Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].

☐ Filing Basis Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the application filing date. (15 U.S.C. Section 1051(b)).

WARNING: If your goods or services for this class are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods or services.

WARNING: If you select this option, additional filing(s) and fee(s) will be required when you begin use of the mark in commerce in order to receive a registration. For more information, click here (see first and second forms on linked page).

☐ Filing Basis Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application, and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

Foreign Application Number

Date of Foreign Filing

Country of Foreign Application

☐ At this time, the applicant does NOT intend to rely on Section 44(e) as a basis for registration, but wishes only to assert a valid claim of priority.

WARNING: Do NOT check this box if the Section 44(d) basis is the ONLY basis either for the overall application or a specific good or service.

☐ Filing Basis Section 44(e): Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application, and either attaches a copy of the foreign registration certificate, and translation thereof, or will submit a copy of the foreign registration/translation before the application may proceed to registration, in accordance with 15 U.S.C. 1126(e), as amended.

Foreign Registration Number

Date Foreign Registration

Renewed (if applicable)

Expiration Date of Foreign Registration

Country of Foreign Registration

Attach Foreign Registration

Click on the 'Browse' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment). WARNING: Submission of an overall response as a PDF file is NOT permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete form within one PDF file.

FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR RESPONSE. For complete requirements concerning PDF files, click here

☐ Check here if the foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

WARNING: If this box is NOT checked, then the designation of the mark as "Standard Character Mark" will automatically be changed from "YES" to "NO."

0 file(s) attached

Help Desk | Bug Report | Feedback | TEAS Home | Trademark Home | USPTO
Request for Reconsideration after Final Action

TEAS Version 5.3: 01/17/2015

FEE INFORMATION

- Number of Classes Paid x $225 (per class) for Application fee for TEAS Plus form = $0
- Number of Payments Refused or charged back x $50 for Additional fee processing for each payment refused or charged back = $0

Total Amount = $0

☐ I hereby elect to bypass any fee edit for an added class(es), because I believe the original fee payment was sufficient. I understand that the examining attorney could still, upon later review, require a fee payment.

NOTE: You may wish not to bypass this requirement if the examining attorney’s office action is a final action.
Request for Reconsideration after Final Action

TEAS - Version 5.3 : 01/17/2015

DECLARATION SIGNATURE

The declaration must be signed by someone who is a "proper party to sign on behalf of applicant" under Trademark Rule 2.33. If not required, the declaration may simply be left unsigned. However, the information for the Request for Reconsideration Signature section must always be entered.

Click to choose ONE signature method:

☐ Sign electronically directly on this response form  ☐ E-mail Text Form to second party for electronic signature  ☐ Handwritten pen and ink signature

NOTE: If signing the declaration electronically, it will not be "signed" in the sense of a traditional paper document. The signatory must enter any alphanumeric character(s) or combination thereof of his or her choosing, preceded and followed by the forward Slash (/) symbol. The USPTO does not determine or pre-approve what the entry should be, but simply presumes that this specific entry has been adopted to serve the function of the signature. Most signatories simply enter their names between the two forward slashes, although acceptable "signatures" could include /John Doe/, /jdoe/, or /23:43678/.

☐ I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

WARNING: If the examining attorney has required a signed declaration in a final office action, bypassing this requirement may result in your application being abandoned for failure to submit a complete request.

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. Section 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 amendment to allege use (AUA) unsigned, all statements in the application or AUA and this submission based on the signatory's own knowledge are true, and all statements in the application or AUA and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AUA: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AUA under 15 U.S.C. Section 1051(c), the signatory additionally believes that the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AUA on or in connection with the goods/services in the application or AUA; and such use by the applicant's related company or licensee harms to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AUA on or in connection with the goods/services in the application or AUA; and to the best of the signatory's knowledge and belief, no other person has 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 of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 112(d), and/or Section 112(e), the signatory additionally believes that the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has 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 of such other person, to cause confusion or mistake, or to deceive.
NOTE: Only one signature is required, regardless of the number of applicants. The person signing for each section may be different, depending on who has the required knowledge to sign. To add a signature option, if appropriate, use the "Add Signatory" button, below.

* Signature

* Signatory's Name

* Signatory's Position

NOTE: Enter the appropriate title or the relationship to the applicant - if an individual, enter "Owner;" if an attorney, enter "Attorney of record, [specify at least one state] bar number;" if an authorized signatory of a business entity enter, e.g., "President," "Vice President," "General Partner" (if a partnership), or "Principal" (if a limited liability company).

Signatory's Phone Number

---

REQUEST FOR RECONSIDERATION SIGNATURE

Click to choose ONE signature method:

- Sign electronically directly on this response form
- E-mail Text Form to second party for electronic signature

NOTE: Although a possible combination as selected on the form, the following can NOT be used: declaration signed directly and request signed through the e-mail text form approach.

NOTE: If signing the response electronically, it will not be "signed" in the sense of a traditional paper document. The signatory must enter any alpha/numeric character(s) or combination thereof of his or her choosing preceded and followed by the forward slash (/) symbol. The USPTO does not determine or pre-approve what the entry should be, but simply presumes that this specific entry has been adopted to serve the function of the signature. Most signatories simply enter their names between the two forward slashes, although acceptable "signatures" could include /john doe/; /jd/; or /123-4567/.

* You must click one of the three buttons, below, to confirm that you are authorized pursuant to the rules governing representation of others before the USPTO to sign this form. 37 C.F.R. Part 10.

- Unrepresented Applicant: I hereby confirm that
  - No authorized attorney or Canadian attorney/agent represents me in this matter, and that I am either (1) the applicant or (2) a person(s) with legal authority to bind the applicant, and
  - If an authorized U.S. attorney or Canadian attorney/agent previously represented me in this matter, either I have filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of my prior representative to withdraw.

  ADVISORY: You may click this first button only if you are the applicant or legally authorized to bind the applicant, e.g., an officer of the applicant corporation or association, or a general partner of the applicant partnership. See TMEP §§712.01 et seq.

- Authorized U.S. Attorney: I hereby confirm that
  - I am 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
  - I am currently the applicant's attorney or an associate thereof; and
  - To the best of my knowledge, if prior to my appointment another U.S. attorney or a Canadian attorney/agent not currently associated with my company/firm previously represented the applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing me in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing me as an associate attorney in this matter.

- Authorized Canadian Attorney/Agent: I hereby confirm that
  - I am a Canadian attorney/agent, or an associate thereof, who represents an applicant located in Canada;
  - I am either registered with the USPTO and in good standing as a patent agent under 37 C.F.R. §11.6(e) or I have been granted reciprocal recognition under 37 C.F.R. §11.14(c) by the USPTO's Office of Enrollment and Discipline; and
  - To the best of my knowledge, if prior to my appointment another Canadian attorney/agent or a U.S. attorney not currently associated with my company/firm previously represented the applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing me in this matter; or (4) the applicant's appointed Canadian attorney/agent or U.S. attorney has filed a power of attorney appointing me as an associate attorney in this matter.

ADVISORY: Foreign attorneys (other than authorized Canadian attorneys/agents) cannot sign this form and are prohibited from representing an applicant before the USPTO in trademark matters.
Check here if you are filing a Notice of Appeal in conjunction with this Request for Reconsideration. **NOTE:** A Notice of Appeal is a different form that you must file separately to preserve your right to appeal the final refusal, if appropriate. See [http://esfta.uspto.gov/](http://esfta.uspto.gov/). If you file a Notice of Appeal concurrently with a Request for Reconsideration, your application will be referred to the Trademark Trial and Appeal Board for processing of the appeal. The Board will (1) acknowledge the appeal; (2) suspend further proceedings with respect to the appeal (including the applicants time to file an appeal brief); and (3) remand the application to the examining attorney for review of the Request for Reconsideration. TMEP §715.04; TBMP §1204.

**NOTE:** If more than one applicant/registrant, **ALL** must sign the overall submission.

<table>
<thead>
<tr>
<th>* Signature</th>
<th>* Date Signed</th>
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<table>
<thead>
<tr>
<th>* Signatory's Name</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>* Signatory's Position</th>
</tr>
</thead>
</table>

NOTE: Enter the appropriate title or the relationship to the applicant - if an individual, enter "Owner;" if an attorney, enter "Attorney of record, [specify at least one state] bar member;" if an authorized signatory of a business entity enter, e.g., "President," "Vice President," "General Partner" (if a partnership), or "Principal" (if a limited liability company). Broad designations such as "Authorized Signatory" and "Trademark Administrator" are not acceptable.

NOTE: If the attorney signing is from the same United States firm as the attorney of record, but was not listed in the original filing and is not otherwise of record, include firm name to establish acceptability of signature. E.g., Associate Attorney, Smith, Jones & Davis, Virginia Bar Member. See TMEP §604.01.

**Signatory's Phone Number**

---

Burden/Privacy Statement | TEAS Form Burden Statement
Request for Reconsideration after Final Action

Validation Page

On you completed all mandatory fields and successfully validated the form. It has NOT been filed to the USPTO at this point. Please complete all steps below to submit the form.

STEP 1: Review the Request for Reconsideration after Final Action data, available below in various formats, by clicking on any of the phrases listed under Request for Reconsideration after Final Action Data. Use the print function within your browser to print these pages for your own records.

NOTE: At the point of final validation, it is critical to confirm that all information is displayed properly immediately before filing, regardless of the appearance of the data at any point earlier in the process.

Note: If you are using the e-signature approach or the handwritten pen-and-ink signature approach, you must click on the final link to access the specific "text form" for that purpose.

Request for Reconsideration after Final Action Data

Input  Mark  XML File  Text Form

STEP 2: If any of the information is incorrect, click on the Go Back to Modify button at the bottom of this page to return to the Request for Reconsideration after Final Action form and make changes.

Note: If you originally selected standard character format, but are not satisfied with USPTO-created image of mark (accessed above):
1. Return to the Mark Information Section;
2. Select the Stylized/Design format;
3. Affix your own JPG file;
4. Check the box to claim that the mark is presented in standard character format; and
5. Enter the literal element of the mark in the appropriate field.

If you do not have a JPG image file ready at this time, you should:
1. Save this application, using the Download Portable Data button at the bottom of this page.
2. Create your own JPG image file of the mark;
3. Retrieve the saved form, and
4. Continue as per steps 1-5, above.

STEP 3: If there are no errors and you are ready to file this Request for Reconsideration after Final Action electronically, confirm the e-mail address for acknowledgment. Once you submit an Request for Reconsideration after Final Action electronically, we will send an electronic acknowledgment of receipt to the e-mail address entered below. If no e-mail address appears, you must enter one. If we should send the acknowledgment to a different e-mail address, or to an additional address(es), please enter the proper address or additional address(es). For multiple addresses/receipts, please separate e-mail addresses by either a semicolon or a comma.

E-mail for acknowledgment

To ensure we can deliver your e-mail confirmation successfully, please re-enter your e-mail address(es) here.

E-mail for acknowledgment

STEP 4: To download and save the Request for Reconsideration after Final Action, click on the Download Portable Data button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive," REMINDER: Do NOT try to open the saved .obj xml file directly. You must return to the very first page of the form, as if starting a brand new form, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.

STEP 5: Read and check the following.
Important Notice:

☐ I hereby confirm that I am aware that this response, to be considered "complete," should address each issue requiring response in the Office action or any previous Office action incorporated by reference, and further confirm that this response does not consist only of a signature (unless the missing signature was the sole issue raised in the Office action).

**STEP 6:** If you are ready to file electronically:
Click on the Pay/Submit button at the bottom of this page. NOTE: If a fee payment is required, screens for entering payment information will come up after you have clicked on the Pay/Submit button. After successful entry of payment information, you can complete the submission to the USPTO. A complete transaction will result in a screen that says SUCCESS! Within 24 hours, the email acknowledgment will also be sent.

**WARNING:** Click on the Pay/Submit button ONLY if you are now entirely prepared to complete the Pay/Submit process. After clicking the button, you can NOT return to the form, since you will have left the TEAS site entirely. Once in the separate payment site, you must complete the Pay/Submit process within 30 minutes. If you are not prepared to complete the process now, you should select the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction. If you are not prepared to complete the process now, you should select the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction.

**WARNING:** Fee payments by credit card may not be made from 2 a.m. to 6 a.m. Sunday, Eastern Standard Time. If you are attempting to file during that specific period, you must use either (1) the deposit account or electronic funds transfer payment method; or (2) the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later for a credit card payment.
The table below presents the data as entered.

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<td>LITERAL ELEMENT</td>
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</table>

OWNER SECTION (current)

NAME
STREET
CITY
ZIP/POSTAL CODE
COUNTRY
PHONE
EMAIL

OWNER SECTION (proposed)

NAME
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CITY
STATE
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</table>
Request for Reconsideration after Final Action

Original Mark:

Proposed Mark: (USPTO-generated image for standard character format)
Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. , see mark has been amended as follows:

MARK
Applicant proposes to amend the mark as follows:
Current: (standard characters, see mark)
Proposed (USPTO generated image): (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Applicant proposes to amend the following class of goods/services in the application:
Current:
Original Filing Basis:
Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class , the mark was first used at least as early as and first used in commerce at least as early as .

Proposed:
Tracked Text Description:

Class
Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class , the mark was first used at least as early as , and first used in commerce at least as early as .

Applicant hereby adds the following class of goods/services to the application:
New:
Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

APPLICANT AND/OR ENTITY INFORMATION
Applicant proposes to amend the following:
Current:
ADDITIONAL STATEMENTS

Disclaimer
No claim is made to the exclusive right to use apart from the mark as shown.

FEE(S)
Fee(s) in the amount of $225 has been submitted.

SIGNATURE(S)

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. Section 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 amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has 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 of such other person, to cause confusion or mistake, or to deceive.

STATMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has 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 of such other person, to cause confusion or mistake, or to deceive.

Signature: Date:
Signatory's Name:
Signatory's Position:

Request for Reconsideration Signature
Signature: Date:
Signatory's Name:
Signatory's Position:

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 applicant or (2) a person(s) with legal authority to bind the applicant; 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 applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.