

Re: Trademark Application of :
 Licom Systems Ltd. :
 Serial No. 75-291030¹ :
 Filing Date: May 13, 1997² : On Petition
 For: ALPHACADCAM :
 Petition Filed: June 23, 1997 :

Licom Systems Ltd., has petitioned the Commissioner to restore the original filing date of April 18, 1997, for the above-identified application. The petition is denied under Trademark Rule 2.146(A)(3).

FACTS

On April 18, 1997, Petitioner filed an application for registration of the above-identified mark. The identification of goods did not appear in the body of the application itself, although the goods were identified on the application drawing page. The application papers were subsequently returned to Petitioner for failure to include the identification of goods and/or services, as required under Trademark Rule 2.21(a)(4). 37 C.F.R. §2.21(a)(4). Petitioner refiled the application on May 13, 1997. A separate petition to restore the application filing date was filed on June 23, 1997.

DECISION

Office policy governing review of applications for compliance with statutory filing requirements dictates that the application form itself contain all appropriate elements.³ Elements such as the name of the applicant, the identification of goods, and the basis for filing cannot be supplied in separate documents, such as the drawing sheet or transmittal letter. The compliance of each application with filing date requirements must be determined by the contents within the four corners of the application. *See In 're Bod Corp.*, 21 USPQ2d 1717 (Comm'r Pats. 1991) (Identification of goods must appear in body of written application. Listing goods on drawing is not enough. Requirement that goods be specified is statutory requirement that cannot be waived.); *In re Tokiwa Mfg. Co. Ltd.*, 21 USPQ2d 1395 (Comm'r Pats. 1991)

¹ In its petition, Petitioner has referenced application Serial No. 75-277491. This serial number has been declared "misassigned" and will not be re-assigned.

² The filing date is the issue on petition.

³ Of course, this does not include drawing pages, fee checks, or the specimens necessary for use applications which, by their very nature, must be separate items.

(Goods or services must be set forth in identification clause. Listing goods on drawing or in method of use clause is not enough.); *In re Bull*, S.A., 20 USPQ2d 1703 (Comm'r Pats. 1991) (Identification of goods and basis for filing must appear within four corners of written application.)

The petition is denied. The application filing date will remain May 13, 1997. The application file will be returned to the Law Office 102 new-case docket to await examination in due course.

Philip G. Hampton, II
Assistant Commissioner
for Trademarks

PGH:EKM

Date:

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