

Mr. George F. Tomeny
President
Technology Transfer International, Inc.
Suite 100
Two Greenwich Place
Greenwich, CT 06830

Re: Petition to Revive Application Serial No. 74/549234
Applicant: Technology Transfer International, Inc.
For: GREASE IT!

Dear Mr. Tomeny:

Applicant filed a petition to revive the above identified application on May 28, 1996. On August 14, 1996 a letter was mailed to the Applicant granting it thirty (30) days to supplement the petition to revive by submitting further explanation of the circumstances that caused the delay. Since Applicant did not respond to the letter within the time allowed (response to the thirty day letter was received December 3, 1996), the decision on this petition is based upon the information set forth in the petition as originally filed.

DECISION: Petition to Revive is DENIED.

The application was abandoned for failure to file the Statement of Use or request for extension of time for filing the Statement of Use within the statutory six month period from the issuance date of the Notice of Allowance (i.e. on or before January 25, 1996). The Petitioner indicates that the reason that the Statement of Use or extension request was not filed was due to the fact that "no specific person in our company was designated to receive correspondence from the U. S. Patent and Trademark Office." The Petitioner will note that "Technology Transfer International, Inc." was identified in the application as the party to which all correspondence was to be sent.

In connection with delays due to the failure to receive a written action or notice from the Patent and Trademark Office, it is not enough to merely state that a thorough search was conducted for the paper. There is a strong presumption that mail which is properly addressed was timely delivered to the addressee. Thus, a petition alleging non-receipt of an Office Action or other notice should include an explanation by the person handling the mail of the methods used for processing mail and of how such methods ordinarily function to eliminate accidental loss or misplacement. TMEP § 1112.05(b)(v). In this case, Applicant was requested to submit a verified statement explaining its procedures for processing incoming correspondence, but Applicant did not timely respond to this request.

Accordingly, since it has not been established that Applicant had reliable procedures for receipt and docketing of incoming mail the delay in responding to the outstanding Office Action is not deemed to be unavoidable.

This application will remain abandoned.

Sincerely,

Sarah Lee Chung
Staff Attorney
Office of the Assistant Commissioner
for Trademarks
(703) 308-8900 ext. 35