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633 Third Avenue  
New York, NY 10017

Re: Petition to Revive  
Application Serial No. 74/604066  
Applicant: Green Arrow Australia Pty Ltd  
For: THE GOLF BUG

Dear Ms. Douglass:

This will acknowledge receipt of the petition to revive the above-identified application, filed February 11, 1997.

The application was abandoned for failure to respond to an Office Action dated May 13, 1996, within 6 months of the mailing date.

Decision: Petition to Revive is hereby DENIED.

While the circumstances that caused the delay in responding to the Office Action may have been inadvertent or unintentional, it has not been established that they were unavoidable. Therefore, the petition is denied.

When dealing with a foreign applicant, it is essential that adequate time be allocated to the preparation, execution and submission of time sensitive documents in order to avoid abandonment of an application for failure to timely file such documents.

Furthermore, difficulty in obtaining necessary information is not sufficient justification for an applicant's failure to respond to an Office Action. Petitioner's letter dated February 11, 1997, indicates that the new firm acquiring the GOLF BUG trademark was advised by the prior firm that there was a requirement to obtain a certified copy of the Australian registration. Although the prior owner of the mark did not inform the new owner of a time-sensitive deadline, it is the assignee's responsibility to apprise itself of the status of the application and to see that the transfer of ownership does not affect the meeting of deadlines in legal matters. TMEP §1112.05(b)(ii).

The Office Action inquired as to the status of the foreign application upon which this application is based. It clearly stated that "[a] proper response to this Office Action must be received within 6 months from the date of this action in order to avoid abandonment. " Applicant's failure to read the Office Action was not unavoidable.

Applicant may file a new application. The Office will not hold the dismissal of this petition to be prejudicial to the Applicant in the filing of a new application.

Sincerely,

Janice Long  
Staff Attorney  
Office of the Assistant Commissioner for Trademarks  
(703) 308-8910 ext. 56

JL/dm