

Eric B. Meyertons, Esq.  
Conley Rose & Tayon  
P.O. Box 3267  
Houston, TX 77253-3267

Re: Petition to Revive Application Serial No. 74/627105  
Applicant: Tech-Metrics International, Inc.  
For: VIRTUAL ASSESSOR

Dear Mr. Meyertons:

This will acknowledge receipt of the petition to revive the above-identified application, filed April 22, 1996. The application was abandoned for failure to respond to an Office Action dated July 26, 1995, within 6 months of the mailing date.

Decision: Petition to Revive is hereby DENIED.

The term "unavoidable" means that reasonable steps had been taken, or precautionary systems were in operation which were designed to avoid the circumstances which caused the delay, but the delay occurred despite these precautions. If there were reasonable precautions that could have been taken to anticipate and avoid the delay, and those precautions were not taken, then the delay is considered avoidable and the petition to revive the application will not be granted. TMEP §1112.05(b)(i). Petitioner states that failure to respond to the Office Action was caused by a clerical error made in the docketing system. While the clerical error might have been inadvertent and unintentional, it could have been avoided by the exercise of reasonable care.

Sincerely,

Carol P. Smith  
Paralegal Specialist  
Office of the Assistant Commissioner  
for Trademarks  
(703) 308-8900 ext. 49