

Kim C. Kristoff
Salesco Manufacturing Inc.
1118 E. Missouri Ave., Suite B-2
Phoenix, AZ 85014

Re: Petition to Revive
Application Serial No. 74/679889
Applicant: Salesco Manufacturing, Inc.
For: ACTISOLV

Dear Ms. Kristoff:

Applicant filed a petition to revive the above identified application on July 22, 1996.

On October 3, 1996, a letter was mailed to the Applicant granting it thirty (30) days to perfect the petition to revive. Since the period set for response to the letter has expired, a decision on the petition to revive will be forthcoming based on the evidence presently of record.

Decision: Petition to Revive is hereby DENIED.

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.

Sincerely,

Roger J. Drexler
Paralegal Specialist
Office of the Assistant
Commissioner for Trademarks
(703) 308-8910 x46