

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77507505
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 117
<b>MARK SECTION (no change)</b>	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_001/evi_2084615350-094659845_ . Brochure _ Reference to _PediMugs _ _page11 _ .pdf
<b>CONVERTED PDF FILE(S) (1 page)</b>	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0002.JPG
<b>ORIGINAL PDF FILE</b>	http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_002/evi_2084615350-094659845_ . _sample _PediMUGs.pdf
<b>CONVERTED PDF FILE(S) (8 pages)</b>	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0003.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0004.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0005.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0006.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0007.JPG
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	\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0009.JPG

	<u>\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0010.JPG</u>
DESCRIPTION OF EVIDENCE FILE	The first attachment is a marketing brochure clearly referenceing the PediMUGs trademark (at the bottom of the page). The second attachment is a sample of the actual PediMUGs Guidelines handbook.
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	044
DESCRIPTION	
Healthcare services, namely, integrated healthcare services with a network of international healthcare providers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2008
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	044
DESCRIPTION	
Healthcare services, namely, integrated healthcare services with a network of international healthcare providers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2008
STATEMENT TYPE	"The specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_003/SPU0-2084615350-094659845_._PediMUGs.pdf">http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_003/SPU0-2084615350-094659845_._PediMUGs.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT8\IMAGEOUT8\775\075\77507505\xml1\RFR0011.JPG</u>
SPECIMEN DESCRIPTION	The specimen contains a black & white rendering of the Trademark "PediMUGs".
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Catherine Woods/

SIGNATORY'S NAME	Catherine Woods
SIGNATORY'S POSITION	General Counsel
DATE SIGNED	10/15/2009
RESPONSE SIGNATURE	/Catherine Woods/
SIGNATORY'S NAME	Catherine Woods
SIGNATORY'S POSITION	General Counsel
DATE SIGNED	10/15/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Oct 15 10:21:01 EDT 2009
TEAS STAMP	USPTO/RFR-208.46.153.50-2 0091015102101023204-77507 505-460541f99ec6f4986defc cf81227af1e7-N/A-N/A-2009 1015094659845307

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

### Request for Reconsideration after Final Action

#### To the Commissioner for Trademarks:

Application serial no. **77507505** has been amended as follows:

#### EVIDENCE

Evidence in the nature of The first attachment is a marketing brochure clearly referencing the PediMUGs trademark (at the bottom of the page). The second attachment is a sample of the actual PediMUGs Guidelines handbook. has been attached.

#### Original PDF file:

[http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003\\_001/evi\\_2084615350-094659845\\_ \\_Brochure\\_ Reference\\_to\\_ PediMugs\\_ -\\_page11\\_.pdf](http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_001/evi_2084615350-094659845_ _Brochure_ Reference_to_ PediMugs_ -_page11_.pdf)

#### Converted PDF file(s) (1 page)

Evidence-1

#### Original PDF file:

[http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003\\_002/evi\\_2084615350-094659845\\_ \\_sample\\_ PediMUGs.pdf](http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_002/evi_2084615350-094659845_ _sample_ PediMUGs.pdf)

#### Converted PDF file(s) (8 pages)

Evidence-1  
Evidence-2  
Evidence-3  
Evidence-4  
Evidence-5  
Evidence-6  
Evidence-7  
Evidence-8

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 044 for Healthcare services, namely, integrated healthcare services with a network of international healthcare providers

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2008 and first used in commerce at least as early as 00/00/2008, and is now in use in such commerce.

**Proposed:** Class 044 for Healthcare services, namely, integrated healthcare services with a network of international healthcare providers

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2008 and first used in commerce at least as early as 00/00/2008, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 044. The specimen(s) submitted consists of The specimen contains a black & white rendering of the Trademark "PediMUGs"..

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

**Original PDF file:**

[http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003\\_003/SPU0-2084615350-094659845\\_.PediMUGs.pdf](http://tgate/PDF/RFR/2009/10/15/20091015102101023204-77507505-003_003/SPU0-2084615350-094659845_.PediMUGs.pdf)

**Converted PDF file(s) (1 page)**

Specimen File1

### **SIGNATURE(S)**

#### **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application

or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Catherine Woods/ Date: 10/15/2009

Signatory's Name: Catherine Woods

Signatory's Position: General Counsel

**Request for Reconsideration Signature**

Signature: /Catherine Woods/ Date: 10/15/2009

Signatory's Name: Catherine Woods

Signatory's Position: General Counsel

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77507505

Internet Transmission Date: Thu Oct 15 10:21:01 EDT 2009

TEAS Stamp: USPTO/RFR-208.46.153.50-2009101510210102

3204-77507505-460541f99ec6f4986defccf812

27af1e7-N/A-N/A-20091015094659845307

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