

TTAB

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February 7, 2007

Direct Dial:  
414-298-8383

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir:

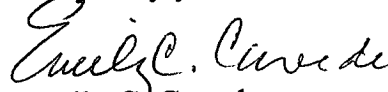
Re: Notice of Appeal  
Serial No. 78/642992  
Our Ref. No. 9016

I enclose the following documents in connection with the above-captioned action:

1. Notice of Appeal;
2. Check No. 326190 in the amount of \$100.00 to cover the Notice of Appeal filing fee;
3. Copy of Office Action Response; and
4. A return receipt postcard.


Please charge Deposit Account No. 18-0882 for any fee deficiencies. Please return the postcard receipt. If you have any questions, you may contact me at the number above.

Very truly yours,

  
Emily C. Canedo

Encl.

MW1395777ECC:TJM 02/07/07

  
02-16-2007  
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #:

P.O. Box 2965, Milwaukee, WI 53201-2965 • 1000 North Water Street, Suite 2100, Milwaukee, WI 53202  
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**MW1395762**

**TRADEMARK**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, PO Box 1451, Alexandria, VA 22313-1451, on February 7, 2007.

Reinhart Boerner Van Deuren s.c.

Dated: February 7, 2007

BY: Tammi McCarley  
Tammi McCarley

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re application of:	)	Examining Attorney:
	)	Amy E. Hella
Sno-Way International, Inc.	)	
	)	
Mark: EIS	)	Law Office No.: 110
	)	
Serial No: 78/642992	)	Attorney Docket No.: 9016
	)	
Class: 009	)	Filed: 06/03/05

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
PO Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF APPEAL**

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration. Enclosed please find a check in the amount of \$100.00 to cover the cost of the required fee. Please charge Deposit Account 18-0882 for any filing fee deficiencies.

Respectfully submitted,

By: Emily C. Canedo  
02/23/2007 10:44:11 00000000 78642992  
Emily C. Canedo  
Attorney for Applicant 100.00 00

Reinhart Boerner Van Deuren s.c.  
1000 North Water Street, Ste. 2100  
Milwaukee, WI 53202  
414-298-8383



February 7, 2007

Direct Dial:  
414-298-8383

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir:

Re: Office Action Response  
Serial No. 78/642992  
Our Ref. No. 9016

I enclose the following documents in connection with the above-captioned actions:

1. Office Action Response;
2. Substitute Specimens;
3. Copy of Notice of Appeal; and
4. A return receipt postcard.

Please charge Deposit Account No. 18-0882 for any fee deficiencies. Please return the postcard receipt. If you have any questions, you may contact me at the number above.

Very truly yours,

A handwritten signature in cursive script that reads 'Emily C. Canedo'.

Emily C. Canedo

Encl.

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MW1362169

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I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on February 7, 2007.

Dated: February 7, 2007

BY: Tammi McCarley  
Tammi McCarley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : ) Examining Atty : Amy E. Hella  
Sno-Way International, Inc. )  
Mark.: EIS ) Law Office No. : 110  
Serial No: 78/642,992 ) Attorney Docket No. 9016  
Class(es): 009 ) Filed: 06/03/05

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

RESPONSE

In response to the Examining Attorney's office action dated October 19, 2006, Applicant attaches both a substitute specimen showing use of the mark in Class 009 and the following declaration under 37 C.F.R. Section 2.20 verifying that Applicant has used such specimen in commerce since at least as early as May 31, 2005, which duplicates the use date listed in the original application filed with the U.S. Trademark Office on June 3, 2005.

Applicant submits that the attached specimens are acceptable evidence of actual use because they meet the requirements of 37 C.F.R. 2.56 as documents which are associated with the goods or their sale. 37 C.F.R. 2.56 specimens that "the specimens shall be ... labels, tags, or containers .... (or if the nature of the goods make use of such specimens impracticable then on documents associated with the good or their sale)" (emphasis added).

In the present case, a significant amount of technical information is required to connect, install and start up the equipment, in order to use the machines. Operator's manuals, such as the specimens, provide information necessary for use of the goods. These manuals are further required after purchase to provide both use and maintenance information. They provide, therefore, an ongoing association between the goods and the mark.

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. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that the facts set forth in this application are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

In light of the above, Applicant believes the mark in question is in condition to be approved for publication in the Official Gazette, and such action is respectfully requested. In the unlikely event that the Examining Attorney does not find the arguments acceptable, Applicant has filed a Notice of Appeal with the Trademark Trial and Appeal Board.

Respectfully submitted,

BY *Emily C. Canedo*

Emily C. Canedo  
Attorney for Applicant

Reinhart Boerner Van Deuren s.c.  
1000 North Water Street  
Milwaukee, WI 53202  
414-298-8383

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