

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86228291
LAW OFFICE ASSIGNED	LAW OFFICE 119
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_9820634245-20150318162315297686_ . pecialty Animal Companion Animal Treats R
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\282\86228291\xml7\RFR0002.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\862\282\86228291\xml7\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\862\282\86228291\xml7\RFR0005.JPG
ORIGINAL PDF FILE	evi_9820634245-20150318162315297686_ . 919-v3-Legion Settlement Agreement and Consent Decree-signed.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\282\86228291\xml7\RFR0006.JPG
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ORIGINAL PDF FILE	evi_9820634245-20150318162315297686_ . Phoenix Office Action Response FINA
CONVERTED	

(5 pages)	
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	\\TICRS\EXPORT16\IMAGEOUT16\862\282\86228291\xml7\RFR0016.JPG
DESCRIPTION OF EVIDENCE FILE	Website of cited mark showing use in commerce is solely aimed at horses and not general supplements; master consent agreement with cited mark with relevant provisions aimed at co-existing with cited mark and Applicant's mark; Applicant's written Office Action Response
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
nutritional and dietary supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; vitamin and mineral supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; pharmaceutical preparations, namely a fat burner preparation	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	005
TRACKED TEXT DESCRIPTION	
nutritional and dietary supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; <u>dietary supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;</u> and mineral supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; <u>vitamin and mineral supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;</u> pharmaceutical preparations, namely a fat burner preparation; <u>pharmaceutical preparations, for human consumption, namely a fat burner preparation</u>	
FINAL DESCRIPTION	
dietary supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; vitamin and mineral supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; pharmaceutical preparations, for human consumption, namely a fat burner preparation	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Rishi Nair/

SIGNATORY'S NAME	Rishi Nair, Esq.
SIGNATORY'S POSITION	Attorney of record, Keener & Associates, P.C., IL bar member
SIGNATORY'S PHONE NUMBER	(312) 375-1573
DATE SIGNED	03/18/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 18 16:39:58 EDT 2015
TEAS STAMP	USPTO/RFR-98.206.34.245-2 0150318163958165024-86228 291-5307d2e3893461136b535 ff013c525abb85247e6bfa77e f3141742c4b41a5b44d7-N/A- N/A-20150318162315297686

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86228291** has been amended as follows:

EVIDENCE

Evidence in the nature of Website of cited mark showing use in commerce is solely aimed at horses and not generally nutritional supplements; master consent agreement with cited mark with relevant provisions aimed at similar mark co-existing with cited mark and Applicant's mark; Applicant's written Office Action Response. has been attached.

Original PDF file:

[evi_9820634245-20150318162315297686_pecialty_Animal_Companion_Animal_Treats_Renew_Gold_.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

Original PDF file:

[evi_9820634245-20150318162315297686 . 919-v3-](#)

[Legion Settlement Agreement and Consent Decree-signed.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

Original PDF file:

[evi_9820634245-20150318162315297686 . Phoenix Office Action Response FINAL.pdf](#)

Converted PDF file(s) (5 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 005 for nutritional and dietary supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; vitamin and mineral supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; pharmaceutical preparations, namely a fat burner preparation

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: 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. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~nutritional and dietary supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;~~ [dietary supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;](#) ~~vitamin and mineral supplements for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;~~ [vitamin and mineral supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes;](#) ~~pharmaceutical preparations, namely a fat burner preparation;~~ [pharmaceutical preparations, for human consumption, namely a fat burner preparation](#)

Class 005 for dietary supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; vitamin and mineral supplements, for human consumption, for weight management and the treatment of obesity, the suppression of appetite, the enhancement of metabolism, and slimming purposes; pharmaceutical preparations, for human consumption, namely a fat burner preparation

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Rishi Nair/ Date: 03/18/2015

Signatory's Name: Rishi Nair, Esq.

Signatory's Position: Attorney of record, Keener & Associates, P.C., IL bar member

Signatory's Phone Number: (312) 375-1573

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: 86228291

Internet Transmission Date: Wed Mar 18 16:39:58 EDT 2015

TEAS Stamp: USPTO/RFR-98.206.34.245-2015031816395816

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c525abb85247e6bfa77ef3141742c4b41a5b44d7

-N/A-N/A-20150318162315297686

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