

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87010649
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87010649/large
LITERAL ELEMENT	J2945
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_3810714699-20170417111122215656_. SAEI-108844 Arguments.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT17\IMAGEOUT17\870\106\87010649\xml5\RFR0002.JPG
ORIGINAL PDF FILE	evi_3810714699-20170417111122215656_. SAEI-108844 Appendix A to E.pdf
CONVERTED PDF FILE(S) (28 pages)	\\TICRS\EXPORT17\IMAGEOUT17\870\106\87010649\xml5\RFR0003.JPG
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	\\TICRS\EXPORT17\IMAGEOUT17\870\106\87010649\xml5\RFR0029.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\870\106\87010649\xml5\RFR0030.JPG
DESCRIPTION OF EVIDENCE FILE	Arguments addressing Examining Attorney's specimen refusal and Appendices in support thereof.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Alicia M. Passerin/
SIGNATORY'S NAME	Alicia M. Passerin
SIGNATORY'S POSITION	Attorney of Record, PA Bar Member
SIGNATORY'S PHONE NUMBER	412-263-4369
DATE SIGNED	04/17/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 17 11:23:25 EDT 2017
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XX-2 0170417112325926541-87010 649-58018795baff87bed2336 5368ebfcc7572f965b68a3928 8f7b9f264b0eda5f1db-N/A-N /A-2017041711122215656

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **87010649** J2945(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87010649/large>) has been amended as follows:



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ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

EVIDENCE

Evidence in the nature of Arguments addressing Examining Attorney's specimen refusal and Appendices in support thereof, has been attached.

Original PDF file:

[evi_3810714699-20170417111122215656_.SAEI-108844_Arguments.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_3810714699-20170417111122215656_.SAEI-108844_Appendix_A_to_E.pdf](#)

Converted PDF file(s) (28 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

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[Evidence-22](#)

[Evidence-23](#)

[Evidence-24](#)

[Evidence-25](#)

[Evidence-26](#)

[Evidence-27](#)

[Evidence-28](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Alicia M. Passerin/ Date: 04/17/2017

Signatory's Name: Alicia M. Passerin

Signatory's Position: Attorney of Record, PA Bar Member

Signatory's Phone Number: 412-263-4369

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 87010649

Internet Transmission Date: Mon Apr 17 11:23:25 EDT 2017

TEAS Stamp: USPTO/RFR-XX.XXX.XXX.XX-2017041711232592

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N/A-N/A-20170417111122215656

To the Commissioner of Trademarks:

Re: Application Serial No. 87/010,649

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Remarks

In the Office Action mailed on October 28, 2016 regarding Application Serial No. 87/010,649 for "J2945" ("the Mark"), the Examining Attorney has rejected registration of the Mark on the grounds that the specimens of record do not show "the applied-for mark...function[ing] as a trademark to indicate the source of applicant's good and to identify and distinguish them from others."

Applicant's Representative appreciates the Examining Attorney's time to discuss the Office Action by telephone. As discussed, Applicant is submitting herewith a listing of other Marks owned by Applicant in which substantially similar specimens were submitted and accepted. Specifically, please refer to:

Application Serial No. 86/790,279 for "AMS-STD-595;"
Application Serial No. 86/810,271 for "J3061;"
Application Serial No. 87/010,624 for "J2735;" and
Registration No. 4,698,635 for "J826."

See Appendices A-D hereto. Applicant submits that the Specimens submitted on September 27, 2016 do show the Mark in use in commerce to indicate the source of Applicant's goods and to identify and distinguish them from others. A marked up copy of the Specimens submitted on September 27, marked to show the Mark as used in commerce, is attached hereto as Appendix E.

Accordingly, Applicant submits that the Mark is registerable and respectfully requests that the refusal to register the Mark be withdrawn.

In view of the foregoing, Applicant respectfully submits that the application is in condition for publication and requests prompt favorable action.

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