

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77546899
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=77546899
LITERAL ELEMENT	SWISSGEAR
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.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, footwear, shoes, boots, hats, socks, hosiery, headwear	
FIRST USE ANYWHERE DATE	At least as early as 09/25/2011
FIRST USE IN COMMERCE DATE	At least as early as 09/25/2011
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Clothing, namely, footwear, shoes, boots, hats, socks, hosiery, headwear	
FIRST USE ANYWHERE DATE	At least as early as 09/25/2011
FIRST USE IN COMMERCE DATE	At least as early as 09/25/2011
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-704257163-141538847_77546899 - Specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\775\468\77546899\xml1\ROA0002.JPG

SPECIMEN DESCRIPTION	proximity to the mark, with the means to purchase the goods
SIGNATURE SECTION	
ORIGINAL PDF FILE	HS_704257163-141538847_Declaration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\775\468\77546899\xml1\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\775\468\77546899\xml1\ROA0004.JPG
SIGNATORY'S NAME	Bussard, Jean-Daniel
SIGNATORY'S POSITION	CFO
SIGNATORY'S NAME	Patricia Bayar
SIGNATORY'S POSITION	Executive Secretary
RESPONSE SIGNATURE	/David I. Greenbaum/
SIGNATORY'S NAME	David I. Greenbaum
SIGNATORY'S POSITION	Attorney of record, New York bar member
SIGNATORY'S PHONE NUMBER	212 912-2977
DATE SIGNED	08/24/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Aug 24 14:26:59 EDT 2012
TEAS STAMP	USPTO/ROA-XX.XX.XX.XXX-20 120824142659573062-775468 99-4907111a7fa75d41c72fc9 4f24a5c43e9d-N/A-N/A-2012 0824141538847460

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77546899** SWISSGEAR(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=77546899>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 025 for Clothing, namely, footwear, shoes, boots, hats, socks, hosiery, headwear

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 025, the mark was first used at least as early as 09/25/2011 and first used in commerce at least as early as 09/25/2011 .

Proposed: Class 025 for Clothing, namely, footwear, shoes, boots, hats, socks, hosiery, headwear

Deleted Filing Basis: 1(b)

In International Class 025, the mark was first used at least as early as 09/25/2011 . and first used in commerce at least as early as 09/25/2011 .

Applicant hereby submits one(or more) specimen(s) for Class 025 . The specimen(s) submitted consists of an image of the goods bearing the mark and a display of footwear for sale in close proximity to the mark, with the means to purchase the goods .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use]*. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** *[for an illegible specimen]*.

Original PDF file:

[SPU0-704257163-141538847 . 77546899 - Specimen.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

SIGNATURE(S)

Declaration Signature

Original PDF file:

[HS_704257163-141538847 . Declaration.pdf](#)

Converted PDF file(s) (2 pages)

[Signature File1](#)

[Signature File2](#)

Signatory's Name: Bussard, Jean-Daniel

Signatory's Position: CFO

Response Signature

Signature:

Signatory's Name: Patricia Bayar

Signatory's Position: Executive Secretary

Response Signature

Signature: /David I. Greenbaum/ Date: 08/24/2012

Signatory's Name: David I. Greenbaum

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone Number: 212 912-2977

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.

Serial Number: 77546899

Internet Transmission Date: Fri Aug 24 14:26:59 EDT 2012

TEAS Stamp: USPTO/ROA-XX.XX.XX.XXX-20120824142659573

062-77546899-4907111a7fa75d41c72fc94f24a

5c43e9d-N/A-N/A-20120824141538847460

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TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

-----X
Applicant: Wenger S.A. :
Mark: SWISSGEAR : Trademark Examining Attorney:
Serial No.: 77546899 : Ellen Awrich
Filing Date: August 14, 2008 : Law Office: 116
Int'l. Class: 25 :
-----X

**DECLARATION IN SUPPORT OF SUBSTITUTE SPECIMEN
UNDER 37 C.F.R. §2.20**

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 so made may jeopardize the validity of the application or document or any registration resulting there from, declares that the substitute specimen was in use in commerce prior to the expiration of the filing deadline for filing a Statement of Use; and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Wenger S.A.

August 24, 2012

By

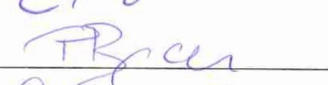
Name:
Title:


Hubert Jean-Paul
CFO

August 24, 2012

By

Name:
Title:


Patricia Bayar
Executive Secretary

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