

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85256046
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85256046
LITERAL ELEMENT	RX PROFILER
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.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-2052100254-122958273 . NEW withdrawing AU suspension request for RX Profiler.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\852\560\85256046\xml5\ROA0002.JPG
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Brian Petrequin/
SIGNATORY'S NAME	Brian L. Petrequin, Esq.
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	06/20/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jun 20 12:37:41 EDT 2012
TEAS STAMP	USPTO/ROA-XXX.XXX.X.XXX-2 0120620123741902480-85256 046-490447498c42a47ce312b ef6c7739fef996-N/A-N/A-20 120620122958273194

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85256046** RX PROFILER(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85256046>) has been amended as follows:

ADDITIONAL STATEMENTS

Miscellaneous Statement

Original PDF file:

[mis-2052100254-122958273 . NEW withdrawing AU suspension request for RX Profiler.pdf](#)

Converted PDF file(s) (1 page)

[Miscellaneous File1](#)

SIGNATURE(S)

Response Signature

Signature: /Brian Petrequin/ Date: 06/20/2012

Signatory's Name: Brian L. Petrequin, Esq.

Signatory's Position: Attorney of Record

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: 85256046

Internet Transmission Date: Wed Jun 20 12:37:41 EDT 2012

TEAS Stamp: USPTO/ROA-XXX.XXX.X.XXX-2012062012374190

2480-85256046-490447498c42a47ce312bef6c7

739fef996-N/A-N/A-20120620122958273194

**RESPONSE TO OFFICE ACTION AND
REQUEST FOR SUSPENSION OF APPLICATION**

I. INTRODUCTION.

Applicant submits its response to the office action, dated June 5, 2012 (“Office Action”), regarding the allegation of use, for Applicant’s mark RX PROFILER (Serial No. 85256046) (“Applicant’s Mark”) from the United States Patent and Trademark Office (“PTO”) Examining Attorney. Prior to this response, but subsequent to the issuance of the PTO of this Office Action, Applicant submitted (i) a request for reconsideration on June 6, 2012 (“Request for Reconsideration”) with respect to the final office action dated January 3, 2012 (“Final Office Action”) responding to a §2(e)(1) descriptiveness refusal and (ii) pursuant to 37 C.F.R. §2.67 and TMEP §716, a request that the processing of its application be suspended pending the disposition of a federal court proceeding involving the pending application cited in the Final Office Action.

II. RESPONSE TO SPECIMEN REFUSAL

In response to the PTO’s refusal to accept Applicant’s specimens in its allegation of use, the Applicant withdraws its amendment to allege use.

III. REQUEST FOR SUSPENSION UNTIL COURT PROCEEDING DISPOSITION & §2(e)(1) DESCRIPTIVE REFUSAL.

Applicant maintains its request for suspension of the pending application and preliminary response to the §2(e)(1) descriptiveness refusal set forth in the Request for Reconsideration.

In the event that the PTO Examining Attorney determines that he/she will not issue the suspension requested in the Request for Reconsideration, it is respectfully requested that the Examining Attorney issue an Examiner’s Subsequent Final Refusal as a result of the new evidence presented in the Request for Reconsideration (i.e., the new evidence being the federal court proceeding that could result in a legal decisions squarely addressing the sole issue in Applicant’s application) as required by TMEP §715.03(b).

IV. CONCLUSION.

Having responded to all open items with respect to Applicant’s application to register its mark, Applicant respectfully requests that Applicant’s application to register its mark now be suspended pending the disposition of the court proceeding referred to in the Request for Reconsideration and withdraws its allegation of use.