

## Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86353436
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>DATE OF NOTICE OF ABANDONMENT</b>	06/25/2015
<b>PETITION</b>	
<b>PETITION STATEMENT</b>	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional. The signatory did not receive the Office action prior to the expiration of the six-month response period, and requests the USPTO to revive the abandoned application and reissue the Office Action.
<b>RESPONSE TO OFFICE ACTION</b>	
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	http://tmng-al.uspto.gov/resting2/api/img/86353436/large
<b>LITERAL ELEMENT</b>	OTTER CREEK MILLWORK
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_21616456213-20150825161342286599_ OTTER_CREEK_MILLWORK.pdf</a>
<b>CONVERTED PDF FILE(S) (4 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\863\534\86353436\xml7\POA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\863\534\86353436\xml7\POA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\863\534\86353436\xml7\POA0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\863\534\86353436\xml7\POA0005.JPG</a>
<b>GOODS AND/OR SERVICES SECTION (class deleted)</b>	
<b>GOODS AND/OR SERVICES SECTION (class added) Original Class (019)</b>	
<b>INTERNATIONAL CLASS</b>	035
<b>DESCRIPTION</b>	
Retail building supply store services featuring : Non-metal mantels for fireplaces, Non-metal windows, Non-metal window jambs, Door jambs not of metal, Non-metal doors, Non-metal, building products, namely, trim, Non-metal window screens, Boards of wood, Construction material, namely, nonmetal exterior boards, Wood boards	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 10/09/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 10/09/2013
	"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" (See application based on Section 1(a) Using Commercial OP"

STATEMENT TYPE	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)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT 16\863\534\86353436\xml7\ POA0006.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT 16\863\534\86353436\xml7\ POA0007.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT 16\863\534\86353436\xml7\ POA0008.JPG</a>
SPECIMEN DESCRIPTION	Specimen consists of screen shots of applicant's webpage displaying goods available in retail store as well as image of retail store displaying the applied for mark in commerce.
<b>PAYMENT SECTION</b>	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
<b>SIGNATURE SECTION</b>	
PETITION SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	ASSOCIATE ATTORNEY DUNLAP BENNETT & LUDWIG (MD BAR)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	08/25/2015
DECLARATION SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	Associate Attorney, Dunlap, Bennett & Ludwig (MD Bar)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	08/25/2015
RESPONSE SIGNATURE	/khardley/
SIGNATORY'S NAME	KEISHA HARDLEY
SIGNATORY'S POSITION	Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)
SIGNATORY'S PHONE NUMBER	703.777.7319
DATE SIGNED	08/25/2015
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Aug 25 16:30:00 EDT 2015
TEAS STAMP	USPTO/POA-XXX.XXX.XX.XXX- 20150825163000706728-8635 3436-5404c5243a66971a6545 e5efd54257dcc6a589889df7d 9431cb7e28c434d7be67f2-CC -6346-2015082516134228659 9

## **Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action To the Commissioner for Trademarks:**

Application serial no. **86353436** OTTER CREEK MILLWORK (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86353436/large>) has been amended as follows:

### **PETITION**

#### **Petition Statement**

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional. The signatory did not receive the Office action prior to the expiration of the six-month response period, and requests the USPTO to revive the abandoned application and reissue the Office Action.

### **RESPONSE TO OFFICE ACTION**

#### **EVIDENCE**

##### **Original PDF file:**

[evi\\_21616456213-20150825161342286599\\_.OTTER\\_CREEK\\_MILLWORK.pdf](#)

##### **Converted PDF file(s) ( 4 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

#### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

##### **Applicant hereby deletes the following class of goods/services from the application.**

Class 019 for Building materials, namely, windows, doors, trim, mantels, screens, locks, door hardware, jambs and boards

##### **Applicant hereby adds the following class of goods/services to the application:**

**New:** Class 035 (Original Class: 019 ) for Retail building supply store services featuring : Non-metal mantels for fireplaces, Non-metal windows, Non-metal window jambs, Door jambs not of metal, Non-metal doors, Non-metal, building products, namely, trim, Non-metal window screens, Boards of wood, Construction material, namely, nonmetal exterior boards, Wood boards

**Filing Basis: Section 1(a), Use in Commerce:** The mark was first used at least as early as 10/09/2013 and first used in commerce at least as early as 10/09/2013 , and is now in use in such commerce.

Applicant hereby submits a specimen for Class 035 . The specimen(s) submitted consists of Specimen consists of screen shots of applicant's webpage displaying goods available in retail store as well as image of retail store displaying the applied for mark in commerce. .

**"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 File1](#)

[Specimen File2](#)

[Specimen File3](#)

#### **FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

#### **SIGNATURE(S)**

Signature: /khardley/ Date: 08/25/2015

Signatory's Name: KEISHA HARDLEY

Signatory's Position: ASSOCIATE ATTORNEY DUNLAP BENNETT & LUDWIG (MD BAR)

Signatory's Phone Number: 703.777.7319

## Declaration Signature

**DECLARATION:** The signatory being warned that willful false statements and the like 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 submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

## STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

**COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, 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. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /khardley/ Date: 08/25/2015  
Signatory's Name: KEISHA HARDLEY  
Signatory's Position: Associate Attorney, Dunlap, Bennett & Ludwig (MD Bar)  
Signatory's Phone Number: 703.777.7319

## Response Signature

Signature: /khardley/ Date: 08/25/2015  
Signatory's Name: KEISHA HARDLEY  
Signatory's Position: Associate Attorney, Dunlap, Bennett & Ludwig PLLC (MD Bar)

Signatory's Phone Number: 703.777.7319

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/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 applicant 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/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.

RAM Sale Number: 86353436  
RAM Accounting Date: 08/26/2015

Serial Number: 86353436  
Internet Transmission Date: Tue Aug 25 16:30:00 EDT 2015  
TEAS Stamp: USPTO/POA-XXX.XXX.XX.XXX-201508251630007  
06728-86353436-5404c5243a66971a6545e5cfd  
54257dcc6a589889df7d9431cb7e28c434d7be67  
f2-CC-6346-20150825161342286599

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