

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FOUNDING LABORERS

SERIAL NUMBER: 76712231

MARK: FOUNDING LABORERS

CORRESPONDENT ADDRESS:

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RESPONSE TO OFFICE ACTION AND REQUEST FOR RECONSIDERATION

Commissioner for Trademarks

PO Box 1451

Alexandria, VA 22313-1451

Remarks and Request for Reconsideration

Examining Attorney Eulin,

In response to the Office Action dated August 13, 2014, please consider the following in regard to this application. We respectfully request reconsideration of this application.

Registration is refused because the specimen does not show the applied-for mark in use in commerce in connection with any of the goods and/or services specified in the statement of use. The recitation of services lists the services as non-downloadable electronic publications in the nature of books, articles, and speeches in the field of history, reparations and slavery. However, the Examining Attorney states that applicant appears to be providing a website related to those subjects but not books, articles, and speeches as specified. We respectfully disagree.

The Applicant previously submitted a statement of use on June 25, 2014 with a screen shot of applicant's mark in relation to the services, Non-downloadable electronic publications in the nature of books, articles and speeches in the fields of history, reparations and slavery. The website shows non-downloadable publications in the nature of articles in the fields of history, reparations and slavery. The publications (articles) are on the website. The specimen is a screen shot of the website showing the mark on the top portion of the website. The mark stays at the top of the page and the articles are shown on the same page below the mark. Multiple non-downloadable electronic articles are on the home page of the website, in relation to the mark. Applicant has resubmitted the specimen of use to further show all articles on the site, in relation to the mark. This is clearly proper use of the mark for the services. Thus, we respectfully request you withdraw the refusal.

Furthermore, Applicant has attached evidence showing multiple third party registrations whose specimen also included screen shots of their websites showing the mark in relation to articles. We have filed the same type of specimen of use and ask the Examining Attorney to reconsider the refusal and allow the mark to proceed to registration.

Conclusion

For all of the reasons stated above, Applicant submits that the present application is in condition for passage to publication in the Official Gazette for Trademarks, and requests a prompt Notice of Publication. If there are any remaining issues that can be addressed by telephone, the Examining Attorney is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

DATED: February 6, 2015

/Andrea H. Evans, Esq./

Andrea Hence Evans, Esq.

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