

IN THE UNITED STATES DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

U.S. Registration No. 4796111  
Mark: THUNDERBIRD  
Owner: Koch Development Corporation

**PETITION TO THE DIRECTOR UNDER TRADEMARK RULE 2.146**

Comes now the Registrant, Koch Development Corporation, by counsel, and files Registrant's Petition to Director Under Trademark Rule 2.146, to reinstate Registration No. 4,796,111, for failure to timely respond to the Office Action with mailing date of February 21, 2020. In support of this Petition, the Applicant states as follows:

1. On November 3, 2020, Registrant timely submitted its Combined Declaration of Use and Incontestability under Sections 8 and 15.
2. Registrant's November 3, 2020 submission was accepted by the USPTO.
3. With mailing date of February 12, 2021, the USPTO issued an Office Action (the "Action"). The correspondent address for the Action was Gary K. Price, Esq., Terrell, Baugh, Salmon & Born, LLP, 700 S. Green River Rd., Ste 2000, Evansville, Indiana 47715-7907, and the correspondent e-mail address was gprice@tbsblaw.com.
4. The correspondence address was the correct mailing and email address for Registrant's counsel.<sup>1</sup>
5. Registrant's counsel has no record of receiving the Action. Registrant's counsel has reviewed his files and email records and has been unable to locate the

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<sup>1</sup> Registrant's counsel moved his office address on November 1, 2021 to PRICE & ASSOCIATES, LLC, 3101 N. Green River Road, Suite 110, Evansville, IN 47715, Tel: 812-475-8444 Fax: 812- 471-2733 Email: Gary@Pricelaw.net.

February 12, 2021 Office action. Registrant's attorney did not receive the Action neither by mail nor email.

6. Registrant's counsel's first notice of the pending Office Action was when he received the Official USPTO Notice that the trademark registration had been cancelled with issue date of March 23, 2022.

7. Registrant's delay in responding to the Office action by the specific deadline was unintentional.

8. Included with this Petition:

(a) Registrant's Verified Statement responding to the February 12, 2021 Office action, specifying the URL of the original webpage specimen and the date it was accessed or printed. With this verified statement, Registrant will have fully responded to the February 12, 2021 Office action; and

(b) Payment of the required fee.

WHEREFORE, Registrant respectfully requests the USPTO to grant the present petition and reinstate the Registration No. 4,796,111 and for all other relief just and proper.

Respectfully submitted,

By: 

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