

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF THE COMMISSIONER FOR TRADEMARKS

In re Registration of:

Mine Safety Appliances Company

Serial No. : 78/775,918

Trademark: IT'S ALL ABOUT SAFETY

Int'l Class: 9

Law Office 116

Trademark Attorney: Tamara G. Frazier

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

STATEMENT OF FACTS

1. Applicant received a Notice of Allowance in the above-identified application on November 28, 2006.
2. Applicant filed a Statement of Use on December 6, 2006.
3. Applicant received an Office Action dated March 14, 2007, objecting to the Specimen submitted with the Statement of Use.
4. Applicant's Attorney called the Trademark Examining Attorney to discuss the options for responding to it. Based on that conversation, Applicant's attorney thought he could either comply with the requirements set forth in the Office Action within six (6) months or file a request for an extension of

new Statement of Use and a new specimen within one year of the date of the Notice of Allowance.

5. Applicant timely submitted a first Request for an Extension of Time for Filing a Statement of Use on May 1, 2007, which was granted on May 29, 2007.
6. Applicant timely submitted a new Statement of Use and specimen on October 30, 2007, within one year of the November 28, 2006 Notice of Allowance.
7. Applicant received a Notice of Abandonment dated October 26, 2007. Applicant respectfully requests that the above-identified application be revived and that the Trademark Examining Attorney consider the new Statement of Use submitted on October 30, 2007. This new Statement of Use and specimen fully responds to the deficiencies set forth in the March 14, 2007 Office Action.

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 may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Amendment to Allege Use on behalf of the applicant; he believes the applicant to be the owner of the mark sought to be registered; the trademark is now in use in commerce; and all statements made of his own knowledge

are true and all statements made on information and belief are believed to be true.

Applicant now respectfully requests that the Trademark Attorney withdraw the refusal to register the subject mark based on Section 2(e) of the Trademark Act, indicate the registrability of the subject mark, and pass the subject application to publication for Opposition under Section 12(a) of the Trademark Act.

Respectfully submitted,



James G. Uber, Esquire
Reg. No. 30,600

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