

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARAMARK Uniform
and Career Apparel, Inc.

Examiner: William T. Verhosek

Serial No.: 85/633,039

Law Office: 114

For: WEARGUARD

RESPONSE

This communication is responsive to the Office Action dated August 1, 2012.

Remarks

The Examining Attorney has initially refused registration based on a finding that this application and U.S. Trademark Registration No. 1,195,780 for WEARGUARD appear to be exact duplicates. Based upon the following submissions, Applicant respectfully requests that this refusal to register be withdrawn and the subject application be approved for registration.

Registration No. 1,195,780 was cancelled due to failure to renew in 2002 by the previous counsel. A registration issued before 1988 has a term of 20 years. Registration No. 1,195,780 was issued on May 18, 1982, and a 8 & 15 Combined Declaration was filed in 1986. The registration should have been renewed in 2002, but no action was taken. The records in the Trademark Electronic Search System (TESS) erroneously shows the registration as "LIVE" due to the online filing of an assignment recordation of a security interest filed 2007 (Reel/Frame No. 3476/0625) and the corrective recordations filed May 2010 (Reel/Frame No. 4201/0837) and July 15, 2010 (Reel/Frame No. 4242/0517) for several registrations including Registration No. 1,195,780. Applicant brought this registration status error at TESS to the Office's attention but the correction has not been made. Further, attempts to file a Combined Declaration of Use or renewal of Registration No. 1,195,780 at Trademark Electronic Application System (TEAS) are

rejected online, and an error message is returned, stating that the registration could not be renewed and was cancelled due to failure to renew past statutory filing deadline.

In light of the cancellation of Registration No. 1,195,780, the subject application was submitted as a refiling of the WEARGUARD mark.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examining Attorney approve the subject application for publication and, in due course, to registration.