

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: DISPATCH
Registration No. 2,610,694
Registration Date: August 20, 2002
International Class: 001

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

RESPONSE TO POST REGISTRATION OFFICE ACTION

Sir:

This is in response to the Office Action dated May 31, 2012.

In the Action, the Trademark Specialist questioned whether the Section 8 Affidavit was filed in the name of the owner of the mark sought to be renewed because the Applicant did not include "Inc." as a corporate identifier in the body of the document.

For the foregoing reasons, reconsideration is requested.

Under Delaware Corporation Law, Title 8, Section 101, copy attached, the name of a corporation must include one of several corporate designations, viz. "...association, company, **corporation**, club, foundation, fund, incorporated, institute, society, union, syndicate, or limited, (or abbreviations thereof, with or without punctuation...)"

[Emphasis added] Here, the Owner's name includes the word "Corporation". See attached Certificate of Incorporation in Delaware dated January 26, 1955 and pages 1 and 6 thereof. This makes another designation, such as "Inc." unnecessary, and redundant. That is why it was deleted in the Affidavit.

There has been no change in the corporate structure of Owner, merely a phased-out cessation of use of a redundant corporate identifier.

The Owner, and the legal entity that filed the Section 8 Affidavit, and one and the same.

Reconsideration and acceptance of the Section 8 Affidavit is respectfully requested.

Respectfully submitted,
HOWSON & HOWSON ^{LLP}
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TITLE 8

Corporations

CHAPTER 1. GENERAL CORPORATION LAW

Subchapter I. Formation

§ 101. Incorporators; how corporation formed; purposes.

(a) Any person, partnership, association or corporation, singly or jointly with others, and without regard to such person's or entity's residence, domicile or state of incorporation, may incorporate or organize a corporation under this chapter by filing with the Division of Corporations in the Department of State a certificate of incorporation which shall be executed, acknowledged and filed in accordance with § 103 of this title.

(b) A corporation may be incorporated or organized under this chapter to conduct or promote any lawful business or purposes, except as may otherwise be provided by the Constitution or other law of this State.

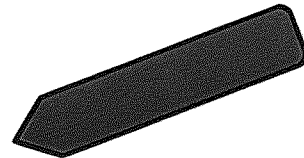
(c) Corporations for constructing, maintaining and operating public utilities, whether in or outside of this State, may be organized under this chapter, but corporations for constructing, maintaining and operating public utilities within this State shall be subject to, in addition to this chapter, the special provisions and requirements of Title 26 applicable to such corporations.

8 Del. C. 1953, § 101; 56 Del. Laws, c. 50; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 587, § 1; 71 Del. Laws, c. 339, § 1.

§ 102. Contents of certificate of incorporation.

(a) The certificate of incorporation shall set forth:

(1) The name of the corporation, which (i) shall contain 1 of the words "association," "company," "corporation," "club," "foundation," "fund," "incorporated," "institute," "society," "union," "syndicate," or "limited," (or abbreviations thereof, with or without punctuation), or words (or abbreviations thereof, with or without punctuation) of like import of foreign countries or jurisdictions (provided they are written in roman characters or letters); provided, however, that the Division of Corporations in the Department of State may waive such requirement (unless it determines that such name is, or might otherwise appear to be, that of a natural person) if such corporation executes, acknowledges and files with the Secretary of State in accordance with § 103 of this title a certificate stating that its total assets, as defined in § 503(i) of this title, are not less than \$10,000,000, or, in the sole discretion of the Division of Corporations in the Department of State, if the corporation is both a nonprofit nonstock corporation and an association of professionals, (ii) shall be such as to distinguish it upon the records in the office of the Division of Corporations in the Department of State from the names that are reserved on such records and from the names on such records of each other corporation, partnership, limited partnership, limited liability company or statutory trust organized or registered as a domestic or foreign corporation, partnership, limited partnership, limited liability company or statutory trust under the laws of this State, except with the written consent of the person who has reserved such name or such other foreign corporation or domestic or foreign partnership, limited partnership, limited liability company or statutory trust, executed, acknowledged and filed with the Secretary of State in accordance with § 103 of this title, (iii) except as permitted by § 395 of this title, shall not contain the word "trust," and (iv) shall not contain the word "bank," or any variation thereof, except for the name of a bank reporting to and under the supervision of the State Bank Commissioner of this State or a subsidiary of a bank or savings association (as those terms are defined in the Federal Deposit Insurance Act, as amended, at 12 U.S.C. § 1813), or a corporation regulated under the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1841 et seq., or the



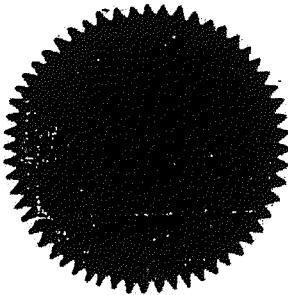
State of Delaware



Office of Secretary of State

I, John N. McDowell, Secretary of State of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of Certificate of Incorporation of the "AQUATROLS CORPORATION OF AMERICA", as received and filed in this office the twenty-sixth day of January, A.D. 1955, at 9 o'clock A.M.

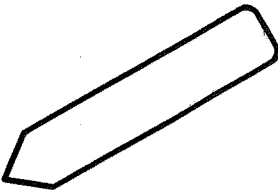
In Testimony Whereof, I have hereunto set my hand and official seal at Dover this twenty-sixth day of January in the year of our Lord one thousand nine hundred and fifty-five.



John N. McDowell
Secretary of State

M. D. Tomlinson
Ass't. Secretary of State

CERTIFICATE OF INCORPORATION
OF
AQUATROLS CORPORATION OF AMERICA



FIRST:- The name of this Corporation is AQUATROLS CORPORATION OF AMERICA.

SECOND:- Its principal office in the State of Delaware is to be located at 927-929 Market Street, in the City of Wilmington, County of New Castle, and the resident agent in charge of said office and upon whom legal process may be served shall be the COLONIAL CHARTER COMPANY, 927-929 Market Street, Wilmington, Delaware.

THIRD:- The nature of the business and the objects and purposes proposed to be transacted, promoted and carried on, are to do any or all of the things herein set forth as fully and to the same extent as natural persons might or could do, and in any part of the world, viz:

To purchase or in any manner acquire, hold, own, vend, import, export, transport, demonstrate, display, sell, or in any manner turn to account or dispose of, and to manipulate and deal in, at wholesale or retail, fertilizers, soil conditioners, agricultural, biological, industrial or other chemicals and chemical specialties and compounds, and articles of a similar nature, or analogous thereto, together with containers, supplies, tools or fixtures essential therefor, or anything required by customers of or persons having dealings with this company.

To acquire the good will, rights and property, and to undertake the whole or any part of the assets and liabilities of any person, firm, association or corporation; to pay for the same in

TENTH:- If the by-laws so provide, the stockholders and directors shall have power to hold their meetings, to have an office or offices and to keep the books of this corporation (subject to the provisions of the statute) outside of the State of Delaware at such places as may from time to time be designated by the by-laws or by resolution of the directors.

ELEVENTH:- This corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation in the manner now or hereafter prescribed by law, and all rights conferred on officers, directors and stockholders herein are granted subject to this reservation.

WE, THE UNDERSIGNED, being all of the incorporators, for the purpose of forming a corporation in pursuant of an Act of the Legislature of the State of Delaware, entitled "An Act Providing a General Corporation Law" (approved March 10, 1899) and the acts amendatory thereof and supplemental thereto, do make and file this Certificate of Incorporation, hereby declaring and certifying that the facts herein stated are true, and accordingly hereunto have set our respective hands and seals this 25th day of January, A. D., 1955.

In the presence of:

Margaret M. Lucey

S. Golden _____ (SEAL)

A. L. Lewis _____ (SEAL)

E. F. Bradway _____ (SEAL)