

Daniel Kaylor, Esq.
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San Jose, CA 95129

Re: Petition to Revive Application Serial No. 74/632856
Applicant: Lighthouse Associates
For: LIGHTHOUSE ASSOCIATES and design

Dear Mr. Kaylor:

This will acknowledge receipt of the petition to revive the above-referenced application, filed April 18, 1996.

FURTHER EXPLANATION IS NECESSARY

The application was abandoned for failure to respond to an Office Action dated June 30, 1995 within 6 months of the mailing date. Petitioner's original response to the Office Action was received by the Office but was not associated with the application file until after the response period ended. The original response does not bear a mailroom date stamp making it impossible to determine the precise date on which the original response was received. Nonetheless, the original response contains a declaration of Tae Yun Kim, President of Lighthouse Associates that was not attached to the response that accompanied this petition.

While Counsel declares that the response was mailed on November 30, 1995, the statement of Tae Yun Kim declaring to the fact that the application was signed on February 7, 1995, was signed on "December __, 1995." The declaration accompanying the original response appears to have been signed after the date on which Counsel declares that he mailed the response. (Please see the attached). This inconsistency must be clarified to determine the merits of this petition properly.

In any petition to revive an abandoned application, the applicant must show that the delay in responding was unavoidable. Delays due to circumstances that could have been avoided with the exercise of care and attention are not considered unavoidable delays.

This explanation should be submitted within thirty (30) days of the mailing date of this letter, in the form of an affidavit or declaration under 37 C.F.R. §2.20, based on the first hand knowledge of the affiant or declarant.

Applicant is granted thirty (30) days from the mailing date of this letter to supplement the petition in accordance with the above. If no response is received within thirty (30) days from the mailing date of this letter, a decision on the petition to revive will be forthcoming based on the evidence presently of record. Please note that the filing date of a document in

the Patent and Trademark Office is the date of receipt in the Office, not the date of deposit of the mail. 37 C.F.R. §1.6. To avoid lateness due to mail delay, certificates of mailing under Rules 1.8 and 1.10, 37 C.F.R. §§1.8 and 1.10, are encouraged.

Sincerely,

Sarah Lee Chung
Staff Attorney
Office of the Assistant Commissioner
for Trademarks
(703) 308-8900 ext. 35