

Bruce W. Longbottom, Esq.
Ice Miller Donadio & Ryan
One American Square
Box 82001
Indianapolis, IN 46282-0002

Re: Petition to Revive Application Serial No. 74/641739
Applicant: Blue Lustre Products, Inc.
For: LUSTRE CLEAN and Design

Dear Mr. Longbottom:

This will acknowledge receipt of the petition to revive the above-identified application, filed October 24, 1996. This application was abandoned for failure to file a Statement of Use, or Request for Extension of Time to File a Statement of Use, within 6 months of the Notice of Allowance, i.e., on or before September 5, 1996.

Decision: Petition to Revive is hereby DENIED.

In any petition to revive an abandoned application, the applicant must show that the delay in responding was unavoidable. The term "unavoidable" means that reasonable steps had been taken, or precautionary systems were in operation which were designed to avoid the circumstances which caused the delay, but the delay occurred despite these precautions. If there were reasonable precautions that could have been taken to anticipate and avoid the delay, and those precautions were not taken, then the delay is considered avoidable and the petition to revive the application will not be granted. TMEP § 1112.05(b)(i). Delays due to circumstances that could have been avoided with the exercise of care and attention are not considered unavoidable delays. The preparation and execution of a response during the last few days of the response period should be carried out with the utmost diligence and attention. While the error that occurred might have been inadvertent and unintentional, it could have been avoided by the exercise of reasonable care.

Sincerely,

Carol P. Smith
Paralegal Specialis
Office of the Assistant Commissioner
for Trademarks
(703) 308-8900 ext. 49