

**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 76/659543

MARK: SPRINGHAMMER



**CORRESPONDENT ADDRESS:**

JORDAN S. WEINSTEIN  
OBLON, SPIVAK, MCCLELLAND,  
MAIER  
1940 DUKE ST  
ALEXANDRIA, VA 22314-3451

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** CHICAGO PNEUMATIC  
TOOL COMPANY LLC

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

290883US56

**CORRESPONDENT E-MAIL ADDRESS:**

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:**

Applicant is requesting reconsideration of a final refusal issued/mailed October 23, 2007. Applicant's substitute drawing was received and made of record.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

***Identification of Goods***

With respect to the identification submitted for International Class 7, applicant listed "vacuum cleaners." This wording cannot be accepted because it refers to goods that are not within the scope of the identification that was set forth in the application at the time of filing. While the identification may be amended to clarify or limit the goods, additions to the identification or a broadening of the scope of the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §§1402.06 et seq. and 1402.07. Therefore, this wording should be deleted from the identification.

Applicant must correct the classification of the "ESP controllers in the International Class 007 listing and transfer them to International Class 009. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b). Instructions were provided previously for adding a class to the application, and they are incorporated herein by this reference.

Applicant must clarify the identification respecting such wording as "air cutting tools," "offset tube nut tools," "compression tools," "cutting tools," "grinding tools for grinding machines," "fastening tools," "yoke" and "c yoke" and "valves." TMEP §1402.01. Applicant may indicate the "yoke" and "c yoke"

goods are in the nature of holders, if accurate.

“Portable feed drill concentric colleting system” is too broad. The word “system” in the identification of goods is indefinite and must be amended to list the major parts or components of the system, as well as describe the nature, purpose and use of the system. Applicant should use common generic terms when specifying the parts or components of the system. TMEP §1402.03.

The identification of goods remains indefinite and must be clarified because it includes the open-ended wording “INCLUDING.” TMEP §§1402.01 and 1402.03(a). The identification must be specific and all-inclusive. Therefore, this wording should be deleted and replaced with “namely.”

The applicant must not include duplicate goods in its identification.

Accordingly, applicant’s request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

**Advisory**

The designation “LLC” is included in applicant’s assigned name, but the entity type is set forth as a “corporation.” “LLC” is a designation for a “limited liability company,” which is a different entity from a corporation. Therefore, applicant must specify whether it is a limited liability company or a corporation and amend the application accordingly. TMEP §§803.03(c) and (h).

If applicant is a limited liability company, the U.S. state under whose laws it is organized must be stated. TMEP §803.03(h).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, registration will be refused under Trademark Act Section 1, 15 U.S.C. §1051, because the application was void as filed. Only the owner of a mark may apply to register the mark. TMEP §§803.01, 803.06, and 1201.02(b).

Steven W. Jackson  
/Steven W. Jackson/  
Trademark Attorney  
Law Office 107  
Phone: 571-272-9409  
Fax: 571-273-9107

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.