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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77878600
Applicant	Stork Townsend Inc.
Applied for Mark	ILINKER
Correspondence Address	TIMOTHY J ZARLEY ZARLEY LAW FIRM PLC CAPITAL SQUARE 400 LOCUST STREET, SUITE 200 DES MOINES, IA 50309-2350 UNITED STATES tzarley@zarleylaw.com
Submission	Reply Brief
Attachments	Reply Brief to Examining Attorney's - iLinker.pdf (11 pages)(1092490 bytes)
Filer's Name	Timothy J. Zarley
Filer's e-mail	tzarley@zarleylaw.com
Signature	/Timothy J. Zarley/
Date	04/28/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Stork Townsend Inc.	
TRADEMARK:	**iLinker**	
SERIAL NO:	77/878,600	
FILED:	November 23, 2009	BEFORE THE
CLASS:	007	TRADEMARK TRIAL
EXAM. ATTY.:	Robert Clark	AND APPEAL BOARD
LAW OFFICE:	101	ON APPEAL
DOCKET NO:	T61203US0	
ATTORNEY:	Timothy J. Zarley	
ADDRESS:	Capital Square	
	400 Locust St., Ste. 200	
	Des Moines, IA 50309	

REPLY BRIEF TO THE EXAMINING ATTORNEY'S APPEAL BRIEF

Box TTAB-No Fee
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Pursuant to T.M.E.P. § 1501.02(a), Applicant hereby submits its Reply Brief in response to the Examining Attorney's Appeal Brief dated April 13, 2011, as follows.

ARGUMENT:

The Examining Attorney continues to assert that the stylized mark "iLinker" is merely descriptive because it describes a characteristic of the goods. Applicant continues to respectfully disagree with the present rejection and herby reiterates the argument presented in Applicant's Appeal Brief filed on February 11, 2011.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being electronically filed online using the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) system, on this 28th day of April, 2011.

Timothy J. Zarley

In summary, the Examining Attorney's argument asserts that the mark "iLinker" merely combines two descriptive elements to describe a feature of the claimed goods, namely an "intelligent linker". (See Answer, pg. 3). Combining the Examining Attorney's two asserted definitions the mark "iLinker" means "the ability to perform computer functions" + "to couple or connect by or as if by a link." (See Answer, pgs. 3-4). Applicant asserts that this description does not describe Applicant's claimed goods.

Even if the mark "iLinker" is descriptive of an "intelligent linker" as is asserted by the Examining Attorney, neither the mark "iLinker", nor the term "intelligent linker" is descriptive of Applicant's recited goods. As stated in the Examining Attorney's Answer, page 3, a "[d]etermination of whether a mark is merely descriptive is considered **in relation to the identified goods** and/or services, not in the abstract." *In re Abcor Dev. Corp.*, 588 F.2d 811, 814 (C.C.P.A. 1978); TMEP § 1209.01(b); *see e.g.*, *In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987)(emphasis added). The Examining Attorney's argument has all-but ignored Applicant's recited goods in violation of the above cited precedent.

Importantly, Applicant is not attempting to register the mark "iLinker" for an "intelligent linker." Instead, Applicant is attempting to register the mark "iLinker" for use with "meat processing machines, namely, technologically advanced sausage linking machines." The Examining Attorney has not presented a sufficient argument as to how Applicant's mark is descriptive of these recited goods.

Not only is the mark "iLinker" and the term "intelligent linker" not descriptive of what is described in Applicant's recitation of goods, the mark "iLinker" and term "intelligent

linker" is not descriptive of the product Applicant sells. With reference to the attached exhibits (Exhibits 1-3) Applicant submits that Applicant's product sold under the "iLinker" mark is a complex meat processing system which consists of much more than just an "intelligent linker". (See Exhibits 1-3). As such, the mark "iLinker" and the term "intelligent linker" are not descriptive of Applicant's goods.

Accordingly, as argued in Applicant's Appeal Brief, it would take a great deal of imagination for a consumer encountering Applicant's mark, "iLinker," to realize that Applicant's goods apply to meat processing machines, and specifically technologically advanced sausage linking machines. To come to this conclusion would require mature thought or a multi-stage reasoning process, which is a strong indication that the mark is, at worst, suggestive. *See In re Tennis in the Round, Inc.*, 199 USPQ 496 (TTAB 1978).

Furthermore, the Examining Attorney has presented no evidence that a consumer, upon encountering Applicant's mark "iLinker" would come to the instantaneous conclusion that this means an intelligent linker for "meat processing machines" and not for any other area of industry wherein intelligent linkers are used. This is a further indication that the mark is not descriptive of Applicant's recited goods. *Id.*

For these reasons, Applicant's mark is not merely descriptive of the Applicant's recited goods, and Applicant thus respectfully requests that the refusal to register the mark "iLinker" under Trademark Act Section 2(e)(1) be withdrawn.

IN THE ALTERNATIVE, REGISTRATION ON THE SUPPLEMENTAL REGISTER IS PROPER:

Notwithstanding the above argument, at worst Applicant's mark is merely descriptive. Merely descriptive marks are

registerable on the Supplemental Register. 15 U.S.C. 1091; TMEP §1209.01(b); TMEP §§1212 et seq. In view of the Examining Attorney's arguments and Applicant's response, at worst Applicant's mark is merely descriptive of an "intelligent linker." For this reason, Applicant requests that should registration on the Principal Register be denied, Applicant respectfully requests registration on the Supplemental Register as the mark is at worst merely descriptive. See 15 U.S.C. 1091.

CONCLUSION:

In view of the above, Applicant respectfully requests that the Examining Attorney's decision be reversed and that the mark be registered on the Principal Register, or in the alternative that the mark be registered on the Supplemental Register.

No fees or extensions of time are believed to be due in connection with this reply; however, consider this a request for any fees inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

4-28-11

Date

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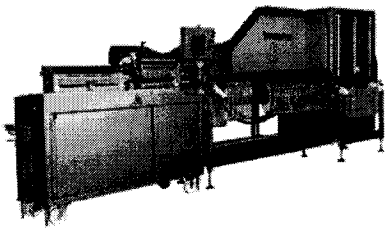
TJZ/CAP/kc

Attachments: Exhibits 1, 2 & 3

Systems & Equipment
Poultry Processing
Fish Processing
Meat Processing
Further Processing
More Foods
All Products
Checkweighing
Coating
Cooking
Deboning
Deheading
Desliming & Rinsing
Filleting
Forming
Freezing
Frying
Grading & Batching
Injection
Innova Software
Internal Logistics
Marinating & Tumbling
Meat Harvesting
Packing & End-of-line
- Ice Dosing
- Labelling
- Pack Handling
- Weigh Price Labelling
Pinboning
Portion & Batch Loading
Portion Cutting
Portion Sawing
Poultry Harvesting
Processing Systems
Sausage Making
- Cooked & Smoked
- Fresh Sausages
Skinning
Slicing
- D-Cut Slicers
- High Speed Slicers
- Horizontal Slicers
- Multi Angle Slicers
- Retail Pack Slicers
Spicing
Trimming
- Trimming Flowlines
Weighing
X-ray

iLinker & iConveyor



MAIN BENEFITS

- High capacity system for producing sausage with cellulose casings
- Consistent production of sausages of the same length and weight
- Optimum automatic smoke stick loading
- The only system able to maximise oven throughput by up to 20%
- Labour saving, low ownership cost

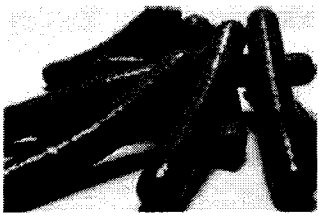
OVERVIEW

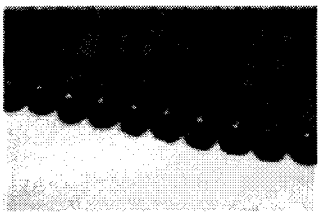
The iLinker & iConveyor system enables the high capacity production of cooked/smoked sausages with cellulose casings.

The system permits higher production capacity than any other system and is able to process a larger variety of casing calibres and sausage lengths than conventional linkers.

The iLinker's "Quick Jump" feature prevents loss of links due to untwisting. The iConveyor determines the optimal positioning of each loop on the smoke sticks, which are filled and presented automatically.

The iLinker & iConveyor can maximise oven throughput by up to 20%.





Overview
Features
Brochure
Watch video

CONTACT SALES

RELATED LINKS

- High Speed Sausage Peeler

USED IN...

EXHIBIT 1

- X-ray Bone Detection

CONTACT SALES

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Marel is the leading global provider of advanced equipment, systems and services to the fish, meat and poultry industries. Our brands – Marel, Stork Poultry Processing and Townsend Further Processing – are among the most respected in the industry. Together, we offer the convenience of a single source to meet our customers' every need. With offices and subsidiaries in over 30 countries and a global network of more than 100 agents and distributors, we work side-by-side with our customers to extend the boundaries of food processing performance.

v1.0

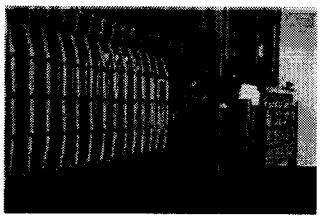
Systems & Equipment

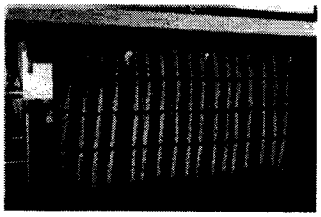
Poultry Processing
Fish Processing
Meat Processing
Further Processing
More Foods
All Products
Checkweighing
Coating
Cooking
Deboning
Deheading
Desliming & Rinsing
Filleting
Forming
Freezing
Frying
Grading & Batching
Injection
Innova Software
Internal Logistics
Marinating & Tumbling
Meat Harvesting
Packing & End-of-line
- Ice Dosing
- Labelling
- Pack Handling
- Weigh Price Labelling
Pinboning
Portion & Batch Loading
Portion Cutting
Portion Sawing
Poultry Harvesting
Processing Systems
Sausage Making
- Cooked & Smoked
- Fresh Sausages
Skinning
Slicing
- D-Cut Slicers
- High Speed Slicers
- Horizontal Slicers
- Multi Angle Slicers
- Retail Pack Slicers
Spicing
Trimming
- Trimming Flowlines
Weighing
X-ray

iLinker & iConveyor

FEATURES

- The only system with high production capacities (up to 2590 portions per minute and a maximum capacity of 6050 lbs, depending on the product type)
- The "quick jump" principle shortens the last loop or loops of a string of sausages automatically and hangs it to the conveyor hook, preventing the last sausage from untwisting
- The "quick jump" principle makes the operator's work easier and ensures higher volume and cleaner production
- Proven durability and long, trouble-free production of a wide variety of products
- Automatic smoke stick loading
- The iConveyor determines the optimal positioning of each loop on smoke sticks, maximising smokehouse throughput by up to 20%
- When the smoke stick has been loaded, it is presented by the iConveyor to the operator or robot that then transfers products to the smoke wagon or continuous oven
- Using the iLinker means that the whole linker block does not need to be replaced if the user wishes to make sausages of a different length. Simply replace the chain, saving time and money
- The iLinker can also be used with a 'conventional' vertical conveyor, although the iConveyor provides more benefits than traditional conveyors





Overview
Features
Brochure
Watch video

CONTACT SALES

RELATED LINKS

- High Speed Sausage Peeler

USED IN...

EXHIBIT 2

- X-ray Bone Detection

CONTACT SALES

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Marel is the leading global provider of advanced equipment, systems and services to the fish, meat and poultry industries. Our brands – Marel, Stork Poultry Processing and Townsend Further Processing – are among the most respected in the industry. Together, we offer the convenience of a single source to meet our customers' every need. With offices and subsidiaries in over 30 countries and a global network of more than 100 agents and distributors, we work side-by-side with our customers to extend the boundaries of food processing performance.

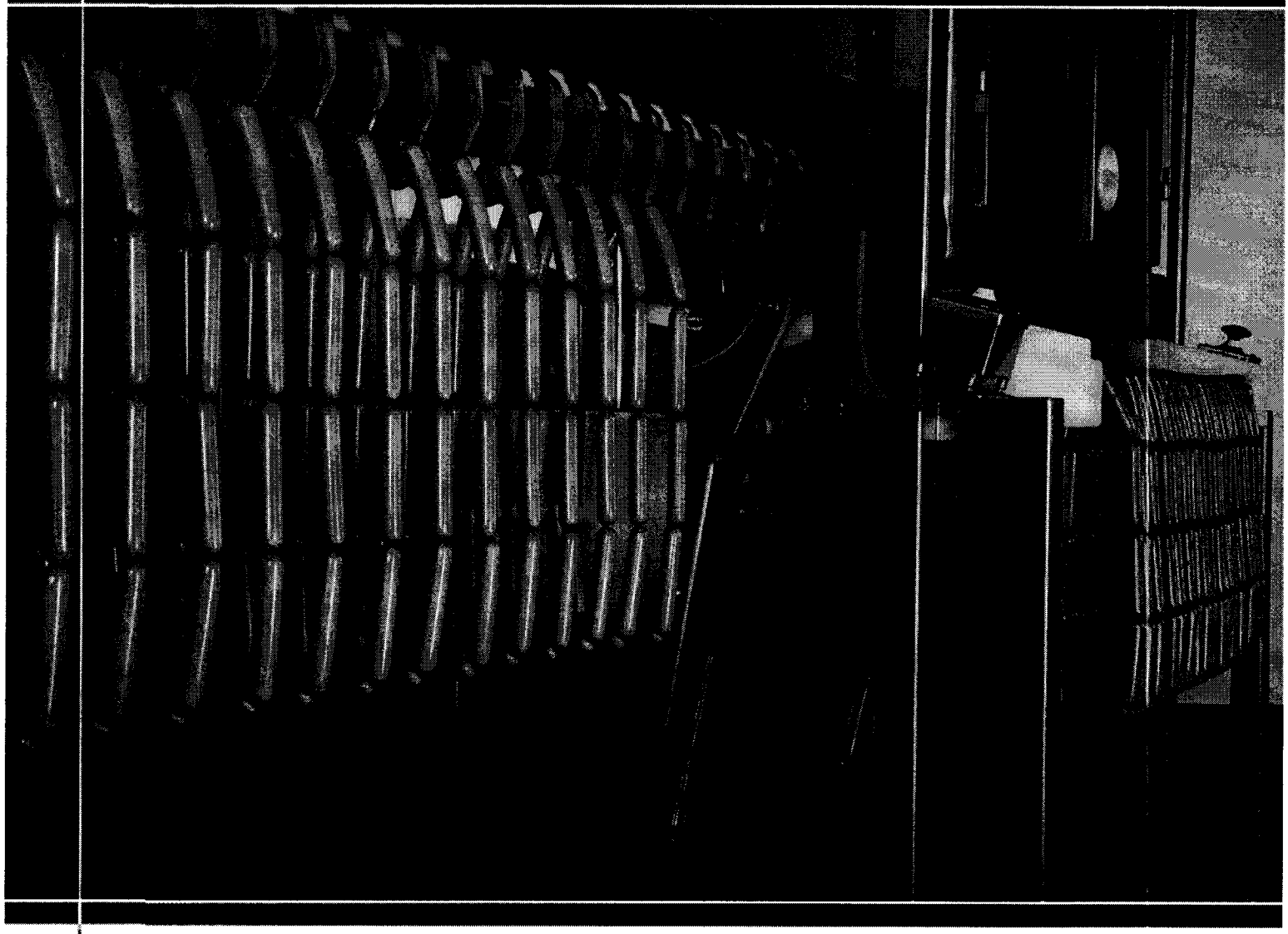
v1.0

iLinker and iConveyor

Intelligence to high-production sausage manufacture

TOWNSEND
FURTHER PROCESSING

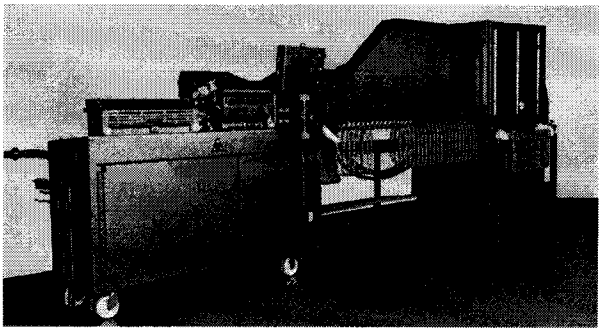
marel



- Quick jump
- Counts links
- Longer casings
- Optimal positioning of loops on smoke stick

EXHIBIT 3

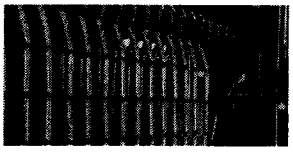
Two intelligent machines form **one remarkable system**



Townsend Further Processing always has been a leader in the development of advanced technology for the meat processing industry. It is part of our corporate culture. It is our company tradition. Now, we are proud to surpass mere automation and venture into the realm of "artificial intelligence" with the introduction of the iLinker and iConveyor.

Each is capable of standing its ground, and then some, in any competition. But together they form a dynamic duo the likes of which has never before been seen in the sausage production arena. Each seems to "know" the other's business and is both willing and capable of assisting.

iLinker and iConveyor mark the ascent of sausage making to a high level of trouble-free and much more profitable production of a wide variety of products with collagen or cellulose casing. The journey begins here.



"Quick Jump" prevents the waste of raw material

iLinker and iConveyor actually work in concert to anticipate the approaching casing end and change speeds to compensate. iLinker shortens the length of the final loop to provide an optimum hang point. iConveyor assures that the hook is precisely positioned and waiting to receive.

Neither machine could accomplish this feat individually. It takes both machines in a coordinated effort to make it happen. But the results are astonishing.

Not only does the "Quick Jump" feature make tying off easier for the operator, but it also produces more links, better casing utilization, and less waste.

At 120 strands per hour, you'd get:

- Up to **3 extra links** per strand
- 1000 strands per shift, 2000 strands per day
- 12,000 strands per week, 600,000 strands per year
- **180,000 lbs extra product** per year at 10 to the pound

"Link Counting" helps manage the production process

Yes, the iLinker actually counts links and notifies the operator of potential shortfalls. It allows the operator to stop losing links immediately when link count goes out of specification and make necessary adjustments to bring production back in line.

"Longer Casings" optimize time, energy and labor

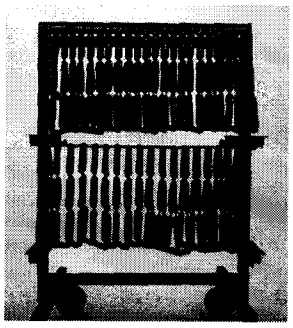
Together, iLinker and iConveyor can link and hang 10% longer casings in the same amount of time it takes for standard casings... the same amount of time.

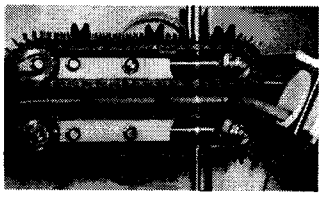
This improved throughput means that other costs, energy and labor for instance, remain unchanged. So that additional 10% of production costs virtually nothing. It's FREE.

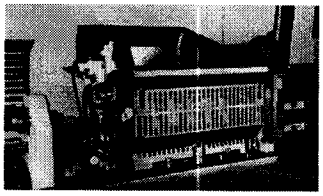
"Precision Positioning" on sticks maximizes capacity

This is where iConveyor shines. It's the "moving drop point" principle at work. iConveyor calculates smoke stick length, casing length, sausage size and the desired number of links per loop.

Then iConveyor determines the necessary spacing between loops to optimize smoke stick loading and maximize oven capacity. You get 10% or more additional links per smoke stick. It's automatic.







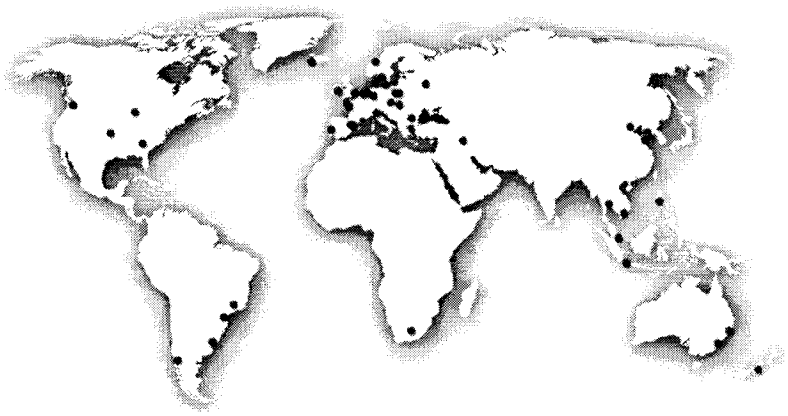
Much more to learn about the iLinker & iConveyor team

The key features and benefits of this dynamic duo read like a "wish list" of every sausage producer in the business: precision length and weight control; short changeover times; proven durability and low maintenance costs; automatic smoke stick loading and presentation to the operator; labor savings and improved ergonomics. Intelligent sausage linking and stick management has arrived.

So, contact your Townsend Further Processing representative and ask for all the exciting details. Better yet, ask for a demonstration: **1-888-888-9107**

How much can you save?

iLinker and iConveyor Benefit	Value
Casing Savings... due to extra links per strand due to "Quick Jump"	$
Extra Links per Strand... with increased smokehouse utilization of 10% or more	$
Improved Throughput... as a result of increased speed	$
Ergonomic Benefits... because completed strands are delivered to the operator	$
TOTAL SAVINGS	**$**



Contact details

Townsend Further Processing
Design, manufacture, worldwide sales and service of further processing systems for portioning, marinating, coating, heat treatment and sausage-making for poultry, red meat, and fish.

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