

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/008256

MARK: PIZZATO



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RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: PIZZATO ELETTRICA S.r.l.

CORRESPONDENT'S
REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

This letter responds to applicant's communication filed on January 22, 2008.

The Office has reassigned this application to the undersigned trademark examining attorney.

The Final requirement to submit an acceptable identification of goods is CONTINUED.

Identification of Goods

Portions of the identification of goods remain indefinite and must be clarified. *See* TMEP §1402.01. In the proposed acceptable amendment listed below, the examining attorney has noted the wording that must be specified.

Also, the wording "electric starters" and "contractors" and "electrical safety light curtains" in the identification of goods is indefinite and must be clarified because the nature of the goods is not clear. *See* TMEP §1402.01. Applicant must specify the common commercial or generic name for the goods. If there is no common commercial or generic name, applicant must describe the product and intended consumer as well as its main purpose and intended uses.

Please note, "electric starter motors" are in International Class 7. Applicant cannot add this class to the application because the international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau in the corresponding international registration. TMEP §§1401.03

(d), 1904.02(b). Therefore, these goods may need to be deleted from the application if they are not correctly classified in International Class 9.

The wording "electrical explosion proof devices" is unacceptable. In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant uses indefinite words such as "accessories," "components," "devices," "equipment," "materials," "parts," "systems" or "products," such words must be followed by "namely," followed by a list of the specific goods identified by their common commercial or generic names. See TMEP §§1402.01, 1402.03(a).

The word "electrical identification 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. See TMEP §§1401.02(a), 1402.01.

The wording "electrical speed drive units for checking the speed of electric motors" must be **deleted** from the application because these goods are correctly classified in International Class 7. As stated above, the international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau in the corresponding international registration. TMEP §§1401.03(d), 1904.02(b).

Applicant may adopt the following identification, if accurate:

International Class 9: Electrical and electronic equipment, namely, position switches, safety switches, foot switches, microswitches, miniature or subminiature switches, selector switches, electronic memory expansion modules, electronic integrated circuit modules, connectors, automatic switchboards, electric and electronic safety push buttons, telerrupters, fuse panels, electric relay bases, electric safety relays, electrical safety mats, electrical safety bumpers, namely, electrical contacts covered by a polyurethane foam or rubber; electrical measurement instruments for measuring electric current, voltage, amperage, resistance, and power; electrical encoders, electrical plc, electrical safety plc, electrical explosion proof devices, namely, _____ [specify common commercial name of each device]; electrical enclosures for protecting electrical and electronic circuits; electrical identification system, namely, _____ [list the major parts or components of the system, as well as describe the nature, purpose and use of the system]; electrical vision systems in the nature of video cameras or charge-coupled device sensors used in photography and for video cameras together with computer software to photograph and monitor moving objects; electrical control system comprising electric circuits, a central processing unit and computer software for monitoring the safe operation of machinery to prevent damage to the machinery; electric or electronic sensors for _____ {indicate what is being sensed}, electric or electronic safety sensors for _____ {indicate what is being sensed}; explosion proof switches, control and signaling units for _____ {indicate what is being controlled and signaled, i.e., regulating start-up electrical motors}; air circuit breakers, electrical switch disconnectors and switch disconnector fuses, circuit breakers, electrical socket outlet, electrical light sensitive switches, transformers, time switches, pressure switches, timers.

Although identifications of goods may be amended to clarify or limit the goods, adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at

<http://tess2.uspto.gov/netahhtml/tidm.html>. See TMEP §1402.04.

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau in the corresponding international registration. TMEP §§1401.03(d), 1904.02(b).

Response Guidelines

There is no required format or form for responding to an Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>.

The response should address each refusal and/or requirement raised in the Office action. If a refusal has issued, applicant can argue against the refusal; i.e., applicant can submit arguments and evidence as to why the refusal should be withdrawn and the mark should register. To respond to requirements, applicant should set forth in writing the required changes or statements and request that the Office enter them into the application record.

The Trademark Applications and Registrations Retrieval (TARR) database on the USPTO website at <http://tarr.uspto.gov> provides detailed, up to the minute information about the status and prosecution history of trademark/service mark applications and registrations. To access the TARR database, applicant will need to provide an application serial number or registration number. The TARR database is available 24 hours a day, 7 days a week.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Leslie L. Richards/
Trademark Examining Attorney
Law Office 106
U.S. Patent and Trademark Office
571-272-1256 phone
571-273-9106 fax

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

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.