

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79043953
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In response to the final Office Action issued April 1, 2009, Applicant hereby requests reconsideration of the refusal of registration.</p> <p>In the Office Action, the Examiner maintained the refusal to register Applicant's mark on the grounds that the same is merely descriptive of the goods in connection with which it is used, within the meaning of Section 2(e)(1) of the Trademark Act. For the reasons set forth below, it is believed that the mark of the instant application satisfies the requirements for trademark registrability and, therefore, the refusal to register should be withdrawn.</p> <p>The Examining Trademark Attorney cited the cases of <u>In Re Gyulay</u>, 3 USPQ2d 1009 (Fed. Cir. 1987) and <u>In re Steelbuilding.com</u>, 75 USPQ2d 1420 (Fed. Cir. 2005) for the proposition that a mark is descriptive within the meaning of Section 2(e)(1) of the Trademark Act if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods/services. However, these cases specified that the determination of whether a particular designation is merely descriptive must be decided by considering the mark <b>as a whole</b> and in relation to the goods or services for which registration is sought, the context in which the designation is being used in connection with such goods or services, and the possible significance that the designation would have, given the manner of use, to the average purchaser of the goods or services. See also, <u>Q-Tips, Inc. v. Johnson &amp; Johnson</u>, 95 U.S.P.Q. 264 (D.N.J. 1952), <u>aff'd</u>, 98 U.S.P.Q. 86 (3d Cir. 1953), <u>cert. den.</u> 99 U.S.P.Q. 491 (1953) and <u>modified</u>, 99 U.S.P.Q. 183 (3d Cir. 1953), <u>cert. den.</u> 101 U.S.P.Q. 505 (1954); <u>In re Chicago Pneumatic Tool Company</u>, 160 U.S.P.Q. 628 (T.T.A.B. 1968).</p> <p>While the line between a suggestive and a descriptive designation is difficult to draw, a term is deemed suggestive if, when used in connection with the goods or services, it requires imagination, thought and perception to reach a conclusion as to the nature of goods or services offered thereunder. See, <u>In re Aid Laboratories, Inc.</u>, 223 U.S.P.Q. 357, 358 (T.T.A.B. 1984). On the other hand, a term is deemed to be descriptive if it conveys an immediate idea of the ingredients, qualities or characteristics of the goods or services so marked. <u>Id.</u> Any doubts are to be resolved in favor of registrability of the Applicant's mark.</p> <p>Under these standards, Applicant's "MICROPULSE (stylized)" mark would not be deemed merely descriptive within the meaning of Section 2(e)(1) of the Trademark Act. Although the Examiner has cited to a number of dictionary definitions recognizing the term "MICRO" as a term descriptive of diminutive scale, and others identifying the term "PULSE" as a variation of quantity, it is significant that no dictionary definitions were located for the composite term "MICROPULSE" as either an individual or a compound word. Moreover, the record does not include citation to <i>any</i> instances of use of the Applicant's mark as a whole.</p> <p>The Examiner concedes that a combination of these terms does not necessarily result in a mark which is</p>	

merely descriptive in its entirety even though the individual components of such mark may be highly suggestive or descriptive. It is well-established that the combination of terms that may be descriptive when viewed individually can nevertheless result in a composite mark that is both distinctive and entitled to exclusive appropriation, even in the absence of proof of secondary meaning. Concurrent Technologies Inc. v. Concurrent Technologies Corp., 12 U.S.P.Q. 2d 1054 (T.T.A.B. 1989); In re Warner Electric Brake & Clutch Co., 154 U.S.P.Q. 328 (T.T.A.B. 1967); Nationwide Consumer Testing Institute, Inc. v. Consumer Testing Laboratories, Inc., 159 U.S.P.Q. 304 (T.T.A.B. 1968). As held by the Fifth Circuit in Association of Co-Operative Members, Inc. v. Farmland Industries, Inc., 216 U.S.P.Q. 361 (5th Cir. 1982), cert. den. 460 U.S. 1038 (1983):

The whole, in trademark law, is often greater than the sum of its parts. Common words in which no one may

acquire a trademark because they are descriptive or generic may, when used in combination, become a valid trademark.

Id.

Absence of any evidence that the unique composite term which is Applicant's mark has been used by third parties for related goods is compelling evidence of lack of descriptive significance for similar goods. Moreover, in addition to the fact that the subject word mark is not descriptive as a whole, Applicant's mark is presented in an idiosyncratic, stylized format consisting of the unitary term "MICROPULSE" in red lettering of mixed thickness. The Examiner contends that this presentation lacks sufficient distinctiveness to create a separable commercial impression.

Applicant's stylized presentation is distinguishable from the facts presented in In re Geo. A. Hormel & Company, 227 U.S.P.Q. 813 (T.T.A.B. 1985), In re Miller Brewing Company, 226 U.S.P.Q. 666 (T.T.A.B. 1985) and In re Bonni Keller Collections Ltd., 6 U.S.P.Q. 2d 1224 (T.T.A.B. 1987) ( which featured an application directed to a generic term combined with slightly altered lettering) cited as controlling authority by the Examiner. As held by the Board in Hormel:

The law is clear with respect to the registration of merely descriptive terms which are presented in a stylized display. In order for such a mark to be registrable, either the features of the display must be of such a nature that they inherently serve to distinguish the mark in its entirety or it must be shown by competent evidence properly of record that what is sought to be registered does in fact serve to identify and distinguish the goods or services... In either such case, the merely descriptive components of the mark must be disclaimed apart from the mark under Section 6(a) of the Act.

The only extent to which the mark of the instant application can be viewed as descriptive is that it includes the term "PULSE", which is a synonym for the calibrated delivery system for the goods. Prefacing this term with the prefix "MICRO", however, does not render the unitary term prohibitively descriptive. The fanciful combination of these terms with the unique and distinctive style of the lettering does not directly convey information about the nature of the goods so marked and together creates a singular and unique commercial impression. Viewed as a whole, as required by controlling authority, the mark distinguishes Applicant's goods in the marketplace. As stated in Miller:

Although an entire mark cannot be disclaimed and also registered, nevertheless where the unregistrable components of a mark are presented in a distinctive display, it is possible to disclaim the unregistrable components and still have a mark which is registrable as a whole.

Id. At 668.

Moreover, the United States Patent and Trademark Office has recognized the inherent ability of combinations of the terms "MICRO" and "PULSE" to distinguish goods and services in commerce. In support of its prior Office Action response, Applicant attached a chart of subsisting marks in the records

of the Patent and Trademark Office comprised of these terms. The Examiner refused to consider this evidence as a part of the record based on the failure to submit copies of the registration certificates.

Accordingly, Applicant submits herewith copies of the Certificates of Registration for the following marks, each of which is valid and subsisting:

MARK	SERIAL/REG. NO.	GOODS/SERVICES
MICROPULSE oxygen therapy	3385597	medical apparatus, namely oxygen conserver for oxygen therapy
MICRO-PULSE for providing controlled accurate feeding of granular and powdery materials for use in plastics molding and extrusion facilities	2556260	gravimetric blenders and replacement parts therefor
MICROPULSE & Des.	2224756	magnetostrictive position sensors
MICROPULSE	2229541	magnetostrictive position sensors
MICROPULSE	1635746	induction heat treating of parts for others

In none of these marks has a demonstration of acquired distinctiveness been required as a condition to registration, nor has exclusive right to use either the term "MICRO" or "PULSE" been disclaimed.

The variety and extent of third party use of similar marks, each of which is used in connection with goods and services completely unrelated to those in connection with which Applicant's mark is used, further underscores the failure of Applicant's mark to convey an immediate idea of the goods sold thereunder. The Examiner was certainly aware of at least one of such registrations, having previously cited Registration No. 3385597 as a hindrance to registration of Applicant's mark under Section 2(d) of the Trademark Act. The mark therein, "MICROPULSE" used for medical apparatus, namely oxygen conserver for use in oxygen therapy, is used to suggest the same qualities promoted by Applicant by its use of its mark, namely the delivery of an agent in varying intervals. In fact, it appears that all of the third party registrations cited above use virtually identical marks to convey similar ideas about their respective goods and services. It serves to reason that the identical word mark cannot simultaneously prove incapable of functioning as a trademark and be cited as an impediment to peaceful use by another.

Under these standards, Applicant's "MICROPULSE (stylized)" mark is not prohibitively descriptive within the meaning of Section 2(e)(1) of the Trademark Act. The colored and stylized presentation of the design component of the mark together with the unique use in the field of application is sufficiently unique that the mark as a whole distinguishes Applicant's goods from those of others in the marketplace.

It is believed that, in view of the above, the application herein is now in condition for acceptance. Accordingly, Applicant respectfully requests reconsideration of the refusal of registration and that the application be approved for publication in due course. Applicant has simultaneously filed a Notice of Appeal to the Trademark Trial and Appeal Board to be given effect in the event of an adverse determination.

Respectfully submitted,

#### EVIDENCE SECTION

##### EVIDENCE FILE NAME(S)

ORIGINAL  
PDF FILE

[http://tgate/PDF/RFR/2009/10/01/20091001142920490638-79043953-001\\_001/evi\\_6320917811-140624267\\_.MICROPULSE\\_Reg\\_Certs..PDF](http://tgate/PDF/RFR/2009/10/01/20091001142920490638-79043953-001_001/evi_6320917811-140624267_.MICROPULSE_Reg_Certs..PDF)

CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0002.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0003.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0004.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0005.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0006.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\790\439\79043953\xml1 \RFR0007.JPG
DESCRIPTION OF EVIDENCE FILE	Copies of the Certificates of Registration issued by the United States Patent and Trademark Office
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/Maureen C. Kassner/
SIGNATORY'S NAME	Maureen C. Kassner
SIGNATORY'S POSITION	Attorney of Record, Pennsylvania Bar member
DATE SIGNED	10/01/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Oct 01 14:29:20 EDT 2009
TEAS STAMP	USPTO/RFR-63.209.178.11-2 0091001142920490638-79043 953-460c7ec7fb3c57f95b759 43d83f0912353-N/A-N/A-200 91001140624267956

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

### Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79043953** has been amended as follows:

### ARGUMENT(S)

#### **In response to the substantive refusal(s), please note the following:**

In response to the final Office Action issued April 1, 2009, Applicant hereby requests reconsideration of the refusal of registration.

In the Office Action, the Examiner maintained the refusal to register Applicant's mark on the grounds that the same is merely descriptive of the goods in connection with which it is used, within the meaning of Section 2(e)(1) of the Trademark Act. For the reasons set forth below, it is believed that the mark of the instant application satisfies the requirements for trademark registrability and, therefore, the refusal to register should be withdrawn.

The Examining Trademark Attorney cited the cases of In Re Gyulay, 3 USPQ2d 1009 (Fed. Cir. 1987) and In re Steelbuilding.com, 75 USPQ2d 1420 (Fed. Cir. 2005) for the proposition that a mark is descriptive within the meaning of Section 2(e)(1) of the Trademark Act if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods/services. However, these cases specified that the determination of whether a particular designation is merely descriptive must be decided by considering the mark **as a whole** and in relation to the goods or services for which registration is sought, the context in which the designation is being used in connection with such goods or services, and the possible significance that the designation would have, given the manner of use, to the average purchaser of the goods or services. See also, Q-Tips, Inc. v. Johnson & Johnson, 95 U.S.P.Q. 264 (D.N.J. 1952), aff'd, 98 U.S.P.Q. 86 (3d Cir. 1953), cert. den. 99 U.S.P.Q. 491 (1953) and modified, 99 U.S.P.Q. 183 (3d Cir. 1953), cert. den. 101 U.S.P.Q. 505 (1954); In re Chicago Pneumatic Tool Company, 160 U.S.P.Q. 628 (T.T.A.B. 1968).

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Under these standards, Applicant's "MICROPULSE (stylized)" mark would not be deemed merely descriptive within the meaning of Section 2(e)(1) of the Trademark Act. Although the Examiner has cited to a number of dictionary definitions recognizing the term "MICRO" as a term descriptive of diminutive scale, and others identifying the term "PULSE" as a variation of quantity, it is significant that no dictionary definitions were located for the composite term "MICROPULSE" as either an individual or a compound word. Moreover, the record does not include citation to *any* instances of use of the Applicant's mark as a whole.

The Examiner concedes that a combination of these terms does not necessarily result in a mark which is merely descriptive in its entirety even though the individual components of such mark may be highly suggestive or descriptive. It is well-established that the combination of terms that may be descriptive when viewed individually can nevertheless result in a composite mark that is both distinctive and entitled to exclusive appropriation, even in the absence of proof of secondary meaning. Concurrent Technologies Inc. v. Concurrent Technologies Corp., 12 U.S.P.Q. 2d 1054 (T.T.A.B. 1989); In re Warner Electric Brake & Clutch Co., 154 U.S.P.Q. 328 (T.T.A.B. 1967); Nationwide Consumer Testing Institute, Inc. v. Consumer Testing Laboratories, Inc., 159 U.S.P.Q. 304 (T.T.A.B. 1968). As held by the Fifth Circuit in Association of Co-Operative Members, Inc. v. Farmland Industries, Inc., 216 U.S.P.Q. 361 (5th Cir. 1982), cert. den. 460 U.S. 1038 (1983):

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acquire a trademark because they are descriptive or generic may, when used in combination, become a valid trademark.

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The only extent to which the mark of the instant application can be viewed as descriptive is that it includes the term "PULSE", which is a synonym for the calibrated delivery system for the goods. Prefacing this term with the prefix "MICRO", however, does not render the unitary term prohibitively descriptive. The fanciful combination of these terms with the unique and distinctive style of the lettering does not directly convey information about the nature of the goods so marked and together creates a singular and unique commercial impression. Viewed as a whole, as required by controlling authority, the mark distinguishes Applicant's goods in the marketplace. As stated in Miller:

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MICRO-PULSE	2556260	gravimetric blenders and replacement parts therefor for providing controlled accurate feeding of granular and powdery materials for use in plastics molding and extrusion facilities
MICROPULSE & Des.	2224756	magnetostrictive position sensors
MICROPULSE	2229541	magnetostrictive position sensors

MICROPULSE

1635746

induction heat treating of parts for others

In none of these marks has a demonstration of acquired distinctiveness been required as a condition to registration, nor has exclusive right to use either the term "MICRO" or "PULSE" been disclaimed.

The variety and extent of third party use of similar marks, each of which is used in connection with goods and services completely unrelated to those in connection with which Applicant's mark is used, further underscores the failure of Applicant's mark to convey an immediate idea of the goods sold thereunder. The Examiner was certainly aware of at least one of such registrations, having previously cited Registration No. 3385597 as a hindrance to registration of Applicant's mark under Section 2(d) of the Trademark Act. The mark therein, "MICROPULSE" used for medical apparatus, namely oxygen conserver for use in oxygen therapy, is used to suggest the same qualities promoted by Applicant by its use of its mark, namely the delivery of an agent in varying intervals. In fact, it appears that all of the third party registrations cited above use virtually identical marks to convey similar ideas about their respective goods and services. It serves to reason that the identical word mark cannot simultaneously prove incapable of functioning as a trademark and be cited as an impediment to peaceful use by another.

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It is believed that, in view of the above, the application herein is now in condition for acceptance. Accordingly, Applicant respectfully requests reconsideration of the refusal of registration and that the application be approved for publication in due course. Applicant has simultaneously filed a Notice of Appeal to the Trademark Trial and Appeal Board to be given effect in the event of an adverse determination.

Respectfully submitted,

#### **EVIDENCE**

Evidence in the nature of Copies of the Certificates of Registration issued by the United States Patent and Trademark Office has been attached.

#### **Original PDF file:**

[http://tgate/PDF/RFR/2009/10/01/20091001142920490638-79043953-001\\_001/evi\\_6320917811-140624267\\_.MICROPULSE\\_Reg.\\_Certs..PDF](http://tgate/PDF/RFR/2009/10/01/20091001142920490638-79043953-001_001/evi_6320917811-140624267_.MICROPULSE_Reg._Certs..PDF)

#### **Converted PDF file(s) (6 pages)**

Evidence-1

Evidcncc-2

Evidence-3

Evidcncc-4

Evidence-5

Evidcncc-6

#### **SIGNATURE(S)**

##### **Request for Reconsideration Signature**

Signature: /Maureen C. Kassner/ Date: 10/01/2009

Signatory's Name: Maureen C. Kassner

Signatory's Position: Attorney of Record, Pennsylvania Bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to

the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79043953

Internet Transmission Date: Thu Oct 01 14:29:20 EDT 2009

TEAS Stamp: USPTO/RFR-63.209.178.11-2009100114292049

0638-79043953-460c7ec7fb3c57f95b75943d83

f0912353-N/A-N/A-20091001140624267956

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

**United States Patent and Trademark Office**

Reg. No. 3,385,597

Registered Feb. 19, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

# MicroPulse

SUNRISE MEDICAL HHG INC. (CALIFORNIA  
CORPORATION)  
7477 EAST DRY CREEK PARKWAY  
LONGMONT, CO 80503

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: MEDICAL APPARATUS, NAMELY, OXY-  
GEN CONSERVER FOR USE IN OXYGEN THER-  
APY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

SER. NO. 78-963,027, FILED 8-29-2006.

FIRST USE 11-30-2006; IN COMMERCE 11-30-2006.

SKYE YOUNG, EXAMINING ATTORNEY

**Int. Cl.: 11**

**Prior U.S. Cls.: 13, 21, 23, 31, and 34**

**United States Patent and Trademark Office**

**Reg. No. 2,556,260**

**Registered Apr. 2, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MICRO-PULSE**

**MAGUIRE PRODUCTS, INC. (PENNSYLVANIA  
CORPORATION)  
400 W. KNOWLTON ROAD  
MEDIA, PA 19063**

**PLASTICS MOLDING AND EXTRUSION FACIL-  
ITIES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).**

**FIRST USE 4-0-1997; IN COMMERCE 4-0-1997.**

**FOR: GRAVIMETRIC BLENDERS AND REPLA-  
CEMENT PARTS THEREFOR FOR PROVIDING  
CONTROLLED ACCURATE FEEDING OF GRAN-  
ULAR AND POWDERY MATERIALS FOR SUBSE-  
QUENT PROCESSING OF THOSE MATERIALS IN**

**SN 75-292,712, FILED 5-15-1997.**

**JULIE WATSON, EXAMINING ATTORNEY**

**Int. Cl.: 11**

**Prior U.S. Cls.: 13, 21, 23, 31, and 34**

**United States Patent and Trademark Office**

**Reg. No. 2,556,260**

**Registered Apr. 2, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MICRO-PULSE**

**MAGUIRE PRODUCTS, INC. (PENNSYLVANIA  
CORPORATION)  
400 W. KNOWLTON ROAD  
MEDIA, PA 19063**

**FOR: GRAVIMETRIC BLENDERS AND REPLA-  
CEMENT PARTS THEREFOR FOR PROVIDING  
CONTROLLED ACCURATE FEEDING OF GRAN-  
ULAR AND POWDERY MATERIALS FOR SUBSE-  
QUENT PROCESSING OF THOSE MATERIALS IN**

**PLASTICS MOLDING AND EXTRUSION FACIL-  
ITIES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).**

**FIRST USE 4-0-1997; IN COMMERCE 4-0-1997.**

**SN 75-292,712, FILED 5-15-1997.**

**JULIE WATSON, EXAMINING ATTORNEY**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**Reg. No. 2,224,756**

**United States Patent and Trademark Office**

**Registered Feb. 16, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

The logo for MICROPULSE features the word "MICROPULSE" in a bold, sans-serif font. The letter "I" is stylized as a vertical line with a horizontal bar at the top, resembling a pulse or a signal. The word is centered between two horizontal lines that extend to the left and right.

**BALLUFF, INC. (KENTUCKY CORPORATION)  
8125 HOLTON DRIVE  
FLORENCE, KY 41042**

**FIRST USE 1-10-1997; IN COMMERCE  
1-10-1997.**

**FOR: MAGNETOSTRICTIVE POSITION SEN-  
SORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND  
38).**

**SN 75-273,335, FILED 4-11-1997.**

**MARY CRAWFORD, EXAMINING ATTORNEY**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**Reg. No. 2,229,541**

**United States Patent and Trademark Office**

**Registered Mar. 2, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**MICROPULSE**

**BALLUFF, INC. (KENTUCKY CORPORATION)  
8125 HOLTON DRIVE  
FLORENCE, KY 41042**

**FIRST USE 1-10-1997; IN COMMERCE  
1-10-1997.**

**FOR: MAGNETOSTRICTIVE POSITION SEN-  
SORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND  
38).**

**SN 75-273,257, FILED 4-11-1997.**

**MARY CRAWFORD, EXAMINING ATTORNEY**

Int. Cl.: 40

Prior U.S. Cl.: 106

**United States Patent and Trademark Office** **Reg. No. 1,635,746**  
Registered Feb. 19, 1991

**SERVICE MARK  
PRINCIPAL REGISTER**

**MICROPULSE**

CONTOUR HARDENING INVESTORS, LTD.  
(PARTNERSHIP)  
7898 ZIONSVILLE ROAD  
INDIANAPOLIS, IN 46268

FIRST USE 5-7-1986; IN COMMERCE  
5-7-1986.

SER. NO. 74-051,956, FILED 4-23-1990.

FOR: INDUCTION HEAT TREATING OF  
PARTS FOR OTHERS, IN CLASS 40 (U.S. CL.  
106).

MITCHELL LERNER, EXAMINING ATTOR-  
NEY