

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79056033
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (001)(no change)	
GOODS AND/OR SERVICES SECTION (003)(no change)	
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Biological, pharmaceutical, and veterinary preparations, namely, recombinant proteins and growth factors for medical use, use in cell culture media, and use in conjunction with medical devices	
GOODS AND/OR SERVICES SECTION (005)(proposed)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Biological, pharmaceutical, and veterinary preparations, namely, recombinant proteins and growth factors for medical use including use in cell culture media and use in conjunction with medical devices	
GOODS AND/OR SERVICES SECTION (031)(current)	
INTERNATIONAL CLASS	031
DESCRIPTION	
Gene-modified agricultural, horticultural and forestry products and grains not included in other classes; seeds, plants and flowers; foodstuffs for animals, malt; proteins and other biomolecules for animal consumption	
GOODS AND/OR SERVICES SECTION (031)(proposed)	
INTERNATIONAL CLASS	031
DESCRIPTION	
Gene-modified agricultural, horticultural and forestry products and grains, namely unprocessed edible	

seeds; plant seeds; live plants; live flowers; foodstuffs for animals, malt for brewing and distilling; protein and other biomolecule nutritional feed supplements for animal consumption

GOODS AND/OR SERVICES SECTION (035)(no change)

GOODS AND/OR SERVICES SECTION (040)(current)

INTERNATIONAL CLASS 040

DESCRIPTION

Treatment of materials; material treatment for the production of proteins and other biomolecules; use of recombinant proteins for the treatment of materials

GOODS AND/OR SERVICES SECTION (040)(proposed)

INTERNATIONAL CLASS 040

DESCRIPTION

Treatment of materials through gene modification and with materials produced in gene-modified organisms; material treatment for biotechnological production of proteins, peptides, carbohydrates, and lipids in living organisms to produce growth factors, cytokines and other recombinant proteins for the chemical, pharmaceutical, food and feed production, cosmetics, and medical fields

GOODS AND/OR SERVICES SECTION (042)(current)

INTERNATIONAL CLASS 042

DESCRIPTION

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; all the above-mentioned services in the field of biotechnology, including but not limited to gene technology and protein technology such as in molecular farming, and application of biotechnology in the fields of chemical industry, food and feed production, cosmetics, medicine and pharmaceutical industry

GOODS AND/OR SERVICES SECTION (042)(proposed)

INTERNATIONAL CLASS 042

DESCRIPTION

Scientific and technological services, namely, design and engineering of genetic molecules that encode growth factors and cytokines for the chemical, pharmaceutical, food and feed production, cosmetics, and medical fields; Design and engineering of scientific production methods for introducing said genetic molecules into plants for production therein of said growth factors and cytokines; Design and development of computer hardware and software for designing and engineering said genetic molecules that encode growth factors and cytokines; Scientific research relating to effects of recombinant proteins on cellular functions

GOODS AND/OR SERVICES SECTION (044)(current)

INTERNATIONAL CLASS 044

DESCRIPTION

Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services

GOODS AND/OR SERVICES SECTION (044)(proposed)

INTERNATIONAL CLASS 044

DESCRIPTION

Medical services; veterinary services; hygienic and beauty care for human beings and animals; agriculture, horticulture and forestry services, namely, growing plants that produce recombinant proteins

SIGNATURE SECTION

RESPONSE SIGNATURE	/Bennett J. Berson/
SIGNATORY'S NAME	Bennett J. Berson
SIGNATORY'S POSITION	Attorney of record, WI bar member
DATE SIGNED	02/17/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

FILING INFORMATION SECTION

SUBMIT DATE	Wed Feb 17 17:56:30 EST 2010
TEAS STAMP	USPTO/RFR-12.145.185.163- 20100217175630899646-7905 6033-4606e4ce9dfa318e5aa1 be1cfa8cfe770f7-N/A-N/A-2 0100217175433192220

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. 79056033 has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Biological, pharmaceutical, and veterinary preparations, namely, recombinant

proteins and growth factors for medical use, use in cell culture media, and use in conjunction with medical devices

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 005 for Biological, pharmaceutical, and veterinary preparations, namely, recombinant proteins and growth factors for medical use including use in cell culture media and use in conjunction with medical devices

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 031 for Gene-modified agricultural, horticultural and forestry products and grains not included in other classes; seeds, plants and flowers; foodstuffs for animals, malt; proteins and other biomolecules for animal consumption

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 031 for Gene-modified agricultural, horticultural and forestry products and grains, namely unprocessed edible seeds; plant seeds; live plants; live flowers; foodstuffs for animals, malt for brewing and distilling; protein and other biomolecule nutritional feed supplements for animal consumption

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 040 for Treatment of materials; material treatment for the production of proteins and other biomolecules; use of recombinant proteins for the treatment of materials

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 040 for Treatment of materials through gene modification and with materials produced in gene-modified organisms; material treatment for biotechnological production of proteins, peptides, carbohydrates, and lipids in living organisms to produce growth factors, cytokines and other recombinant proteins for the chemical, pharmaceutical, food and feed production, cosmetics, and medical fields

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; all the above-mentioned services in the field of biotechnology, including but not limited to gene technology

and protein technology such as in molecular farming, and application of biotechnology in the fields of chemical industry, food and feed production, cosmetics, medicine and pharmaceutical industry

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 042 for Scientific and technological services, namely, design and engineering of genetic molecules that encode growth factors and cytokines for the chemical, pharmaceutical, food and feed production, cosmetics, and medical fields; Design and engineering of scientific production methods for introducing said genetic molecules into plants for production therein of said growth factors and cytokines; Design and development of computer hardware and software for designing and engineering said genetic molecules that encode growth factors and cytokines; Scientific research relating to effects of recombinant proteins on cellular functions

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 044 for Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 044 for Medical services; veterinary services; hygienic and beauty care for human beings and animals; agriculture, horticulture and forestry services, namely, growing plants that produce recombinant proteins

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Bennett J. Berson/ Date: 02/17/2010

Signatory's Name: Bennett J. Berson

Signatory's Position: Attorney of record, WI 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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79056033

Internet Transmission Date: Wed Feb 17 17:56:30 EST 2010

TEAS Stamp: USPTO/RFR-12.145.185.163-201002171756308

99646-79056033-4606e4ce9dfa318e5aalbe1cf

a8cfe770f7-N/A-N/A-20100217175433192220