

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	79060812
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This communication responds to the Office Action mailed July 8, 2009, concerning the above-referenced application.</p> <p style="text-align: center;">AMENDMENTS</p> <p>1. <u>Identification of Goods/Services</u></p> <p>Please delete the originally-filed identification of goods/services and substitute therefore the following:</p> <p style="padding-left: 40px;">International Class 04: Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene; lubricants in the nature of synthetic lubricants and lubricating oils for use on gear units and bearings for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; technical oils and fats, namely, industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse</p> <p style="padding-left: 40px;">International Class 09: Chemical and thermochemical apparatus, namely, apparatus that facilitate the chemical and thermochemical processes of making synthetic gases and fuels from biomass for the purpose of power production in feedstock plants, namely, vortex bottom plates and seals, burners, automatic control dust control valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas,</p>	

gasification reactors

International Class 42: Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses, namely, technical and scientific research relating to capabilities of energy-relevant plants as well as preparation of technical expert reports in the technology fields of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment

REMARKS

In this Office Action the Examiner requested further clarification of the goods and services. Applicant has amended its goods and services as seen above, largely in conformity with Examiner's suggestions. These amendments clarify the goods without expanding or adding to those goods originally identified in the application. 37 C.F.R. § 2.71(a); TMEP § 1402.06. Accordingly, Applicant respectfully submits that the amendments are acceptable.

With respect to its Class 9 goods, Applicant respectfully submits that the goods are properly classified. Applicant submits the above clarifying amendments, specifying that its Class 9 goods are apparatus that facilitate the chemical and thermochemical processes of converting biomass into gases and fuel for use in power production. Chemical apparatus, as well as apparatus for converting energy, are included in Class 9. Therefore, Applicant respectfully submits that its identification is sufficiently clear and properly classified in Class 9, and requests that this ground for refusal be removed.

CONCLUSION

In light of the above, Applicant believes that it has responded to all issues raised in the Office Action and respectfully requests that the application be passed to publication. However, should any questions arise with respect to the application or the issues addressed herein, please contact the undersigned.

GOODS AND/OR SERVICES SECTION (004)(current)

INTERNATIONAL CLASS	004
DESCRIPTION	
Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene, luminous substances and lubricants for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse	
GOODS AND/OR SERVICES SECTION (004)(proposed)	
INTERNATIONAL CLASS	004
DESCRIPTION	
Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene; lubricants in the nature of synthetic lubricants and lubricating oils for use on gear units and bearings for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; technical oils and fats, namely, industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse	
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Chemical and thermochemical apparatus for the production of gases and fuels, namely: vortex bottom plates and seals, burners, control dust valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas, gasification reactors	
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Chemical and thermochemical apparatus, namely, apparatus that facilitate the chemical and thermochemical processes of making synthetic gases and fuels from biomass for the purpose of power production in feedstock plants, namely, vortex bottom plates and seals, burners, automatic control dust control valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas, gasification reactors	
GOODS AND/OR SERVICES SECTION (042)(current)	

INTERNATIONAL CLASS	042
DESCRIPTION	
<p>Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses as well as preparation of technical expert reports in the technology fields, namely in the field of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment</p>	
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	
<p>Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses, namely, technical and scientific research relating to capabilities of energy-relevant plants as well as preparation of technical expert reports in the technology fields of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Megan Q. Raynor/
SIGNATORY'S NAME	Megan Q. Raynor

SIGNATORY'S POSITION	Attorney of record, Wisconsin bar member
DATE SIGNED	12/14/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 14 16:03:07 EST 2009
TEAS STAMP	USPTO/RFR-151.153.1.1-200 91214160307085139-7906081 2-460d031bf777d4bc24fada5 a12a1837d6-N/A-N/A-200912 14155033945990

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. **79060812** has been amended as follows:

ARGUMENT(S)

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

This communication responds to the Office Action mailed July 8, 2009, concerning the above-referenced application.

AMENDMENTS

1. Identification of Goods/Services

Please delete the originally-filed identification of goods/services and substitute therefore the following:

International Class 04: Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene; lubricants in the nature of synthetic lubricants and lubricating oils for use on gear units and bearings for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; technical oils and fats, namely, industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse

International Class 09: Chemical and thermochemical apparatus, namely, apparatus that facilitate the chemical and thermochemical processes of making synthetic gases and fuels from biomass for the purpose of power production in feedstock plants, namely, vortex bottom plates and seals, burners, automatic control dust control valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas, gasification reactors

International Class 42: Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses, namely, technical and scientific research relating to capabilities of energy-relevant plants as well as preparation of technical expert reports in the technology fields of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment

REMARKS

In this Office Action the Examiner requested further clarification of the goods and services. Applicant has amended its goods and services as seen above, largely in conformity with Examiner's suggestions. These amendments clarify the goods without expanding or adding to those goods originally identified in the application. 37 C.F.R. § 2.71(a); TMEP § 1402.06. Accordingly, Applicant respectfully submits that the amendments are acceptable.

With respect to its Class 9 goods, Applicant respectfully submits that the goods are properly classified. Applicant submits the above clarifying amendments, specifying that its Class 9 goods are apparatus that facilitate the chemical and thermochemical processes of converting biomass into gases and fuel for use in power production. Chemical apparatus, as well as apparatus for converting energy, are included in Class 9. Therefore, Applicant respectfully submits that its identification is sufficiently clear and properly classified in Class 9, and requests that this ground for refusal be removed.

CONCLUSION

In light of the above, Applicant believes that it has responded to all issues raised in the Office Action and respectfully requests that the application be passed to publication. However, should any questions arise with respect to the application or the issues addressed herein, please contact the undersigned.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 004 for Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene, luminous substances and lubricants for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse
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 004 for Fuels, namely motor fuels, synthetic fuels, methanol fuel and other alcohol fuels for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; Diesel oil and fuels for spark ignition engines, kerosene; lubricants in the nature of synthetic lubricants and lubricating oils for use on gear units and bearings for automotive industry, for engines, for the purpose of power production, heating or cooling and cooking; technical oils and fats, namely, industrial oils and greases for the production of lubricants, all aforementioned substances obtained from bio masses, coal and calorific value-rich fractions such as recycling materials and refuse

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 009 for Chemical and thermochemical apparatus for the production of gases and fuels, namely: vortex bottom plates and seals, burners, control dust valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas, gasification reactors
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 009 for Chemical and thermochemical apparatus, namely, apparatus that facilitate the chemical and thermochemical processes of making synthetic gases and fuels from biomass for the purpose of power production in feedstock plants, namely, vortex bottom plates and seals, burners, automatic control dust control valves, coal sluices, coal dosing tanks, pump recipient burner cooling systems, steam drums, coal bunkers and filters, condensate separators, slack sluices, emergency quenching containers, bucket wheel sluices, coal powder entry sluices, coal powder outlet sluices, slack sluices, slack outlets, burner cooling pumps, circulation pumps, reticulating gas compressors, burner cooling systems, heat exchangers for reticulating gas, gasification reactors

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 Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses as well as preparation of technical expert reports in the technology fields, namely in the field of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment

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 Engineering services, namely, development of new technology for others in the field of plants, plant components and equipments for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; engineering services, namely, design of and technical layout services and in the nature of drawing up of plans and engineering drawings for energy-relevant industrial plants, plant components and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value rich fractions, such as recycling materials and refuse; research and development of technology in the field of industrial plants, plant components, and equipment for the production of fuel and synthesis gas, synthetic fuels and lubricants and other chemical products obtained from bio masses, coal and calorific value-rich fractions, such as recycling materials and refuse; investigations, assessments, and analyses, namely, technical and scientific research relating to capabilities of energy-relevant plants as well as preparation of technical expert reports in the technology fields of engineering of energy-relevant industrial plants, plant components and equipment, particularly for the production of fuel and synthesis gas, synthetic fuels und lubricants and other chemical products, obtained from coal and calorific value-rich fractions, such as recycling materials and refuse; technical monitoring of industrial plants, namely technical monitoring of the functioning of plant computers and equipment

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: /Megan Q. Raynor/ Date: 12/14/2009

Signatory's Name: Megan Q. Raynor

Signatory's Position: Attorney of record, Wisconsin 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: 79060812
Internet Transmission Date: Mon Dec 14 16:03:07 EST 2009
TEAS Stamp: USPTO/RFR-151.153.1.1-200912141603070851
39-79060812-460d031bf777d4bc24fada5a12a1
837d6-N/A-N/A-20091214155033945990