

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79109409
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In response to the outstanding Office Action, Applicant has amended the identification of goods and deleted the services in class 37. Although Applicant does not believe the mark is descriptive of the goods or services in the application, with these amendments, Applicant respectfully submits that there is no longer a question as to the descriptiveness of the mark. Applicant's arguments in prior responses are incorporated by reference.</p> <p>Reconsideration and passage to publication are respectfully requested.</p>	
GOODS AND/OR SERVICES SECTION (006)(current)	
INTERNATIONAL CLASS	006
DESCRIPTION	
<p>Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for solar installations; metal construction materials for solar panels, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels, and tiles incorporating metal frames for solar panels; retaining systems comprised of metal cable wires and metal cantilevered brackets for solar panels; ground supports of metal for solar panels; steel rods for use with solar panels</p>	
GOODS AND/OR SERVICES SECTION (006)(proposed)	
INTERNATIONAL CLASS	006
TRACKED TEXT DESCRIPTION	
<p>Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for solar installations; fixed installations of metal, namely, for roof structures; metal construction materials for solar panels, namely, braces, supports, and cladding; metal construction materials, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels, and tiles incorporating metal frames for solar panels; metal roof covering materials, namely, flashing, panels; retaining systems comprised of metal</p>	

~~cable wires and metal cantilevered brackets for solar panels; ground supports of metal for solar panels; steel rods for use with solar panels~~

FINAL DESCRIPTION

Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for roof structures; metal construction materials, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels

GOODS AND/OR SERVICES SECTION (019)(current)

INTERNATIONAL CLASS	019
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DESCRIPTION

Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal, incorporating solar cells

GOODS AND/OR SERVICES SECTION (019)(proposed)

INTERNATIONAL CLASS	019
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TRACKED TEXT DESCRIPTION

Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; ~~non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings;~~ non-metal roof cladding and roofing elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; ~~roofing, not of metal, incorporating solar cells;~~ roofing, not of metal

FINAL DESCRIPTION

Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal

GOODS AND/OR SERVICES SECTION (020)(no change)

GOODS AND/OR SERVICES SECTION (037)(class deleted)

SIGNATURE SECTION

RESPONSE SIGNATURE	/John J. O'Malley/
SIGNATORY'S NAME	John J. O'Malley
SIGNATORY'S POSITION	Attorney of Record, PA bar member
SIGNATORY'S PHONE NUMBER	215-568-6400
DATE SIGNED	04/08/2013

AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 08 17:24:38 EDT 2013
TEAS STAMP	USPTO/RFR-71.242.127.159- 20130408172438269860-7910 9409-50018cad7fec7d1aca50 49334c8144181a6cba20177e5 a7e9ba39dbdacdfc8a9-N/A-N /A-20130408172026905792

PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

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

Application serial no. **79109409** has been amended as follows:

ARGUMENT(S)

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

In response to the outstanding Office Action, Applicant has amended the identification of goods and deleted the services in class 37. Although Applicant does not believe the mark is descriptive of the goods or services in the application, with these amendments, Applicant respectfully submits that there is no longer a question as to the descriptiveness of the mark. Applicant's arguments in prior responses are incorporated by reference.

Reconsideration and passage to publication are respectfully requested.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 037 for Building construction; installation of solar energy installations

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

Current: Class 006 for Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for solar installations; metal construction materials for solar panels, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels, and tiles incorporating metal frames for solar panels; retaining systems comprised of metal cable wires and metal cantilevered brackets for solar panels;

ground supports of metal for solar panels; steel rods for use with solar panels

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:

Tracked Text Description: Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; ~~fixed installations of metal, namely, for solar installations; fixed installations of metal, namely, for roof structures; metal construction materials for solar panels, namely, braces, supports, and cladding; metal construction materials, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels, and tiles incorporating metal frames for solar panels; metal roof covering materials, namely, flashing, panels; retaining systems comprised of metal cable wires and metal cantilevered brackets for solar panels; ground supports of metal for solar panels; steel rods for use with solar panels~~

Class 006 for Common metals and their alloys; building materials of metal, namely, metal hardware, namely, screws, rivets, bolts; metal transportable buildings; articles of small ironware, namely, bolts, nails, rivets, screws; metal goods, namely, nuts, washers; fixed installations of metal, namely, for roof structures; metal construction materials, namely, braces, supports, and cladding; metal roof covering materials, namely, flashing, panels

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 019 for Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal, incorporating solar cells
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:

Tracked Text Description: Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; ~~non-metal roof cladding and roofing elements for photovoltaic elements, namely, non-metal roofing panels, tiles, and roof coverings;~~ non-metal roof cladding and roofing elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; ~~roofing, not of metal, incorporating solar cells;~~ roofing, not of metal

Class 019 for Non-metallic building materials, namely, roofing elements, non-metallic reinforcements for concrete and wood building construction, namely, rods; non-metal roof cladding and roofing elements, namely, non-metal roofing panels, tiles, and roof coverings; structural component parts of the aforementioned goods; roofing, not of metal

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: /John J. O'Malley/ Date: 04/08/2013

Signatory's Name: John J. O'Malley

Signatory's Position: Attorney of Record, PA bar member

Signatory's Phone Number: 215-568-6400

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: 79109409

Internet Transmission Date: Mon Apr 08 17:24:38 EDT 2013

TEAS Stamp: USPTO/RFR-71.242.127.159-201304081724382

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N/A-N/A-20130408172026905792