

From: Benjamin, Sara

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Subject: U.S. TRADEMARK APPLICATION NO. 79116397 - BPF - 218537-33602 - Request for
Reconsideration Denied - Return to TTAB

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 79116397

MARK: BPF



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: Bioprocess Pilot Facility B.V.

CORRESPONDENT'S REFERENCE/DOCKET NO:

218537-33602

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/7/2013

INTERNATIONAL REGISTRATION NO. 1125328

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below with regard to the partial Section 2(d) refusal and with regard to the identification of services for International Class 42, as indicated below. See 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

The wording "scientific and technological services, namely,...upscaling" in the identification of services is indefinite and must be clarified because it is unclear what these services are. See TMEP §1402.01. Applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s).

Applicant may adopt the following identification for International Class 42, if accurate:

Scientific and technological services, namely, analysis, testing, and upscaling ***in the nature of _____ (clarify what "upscaling" is)*** in the field of modular pretreatment and biorefinery, fermentation processes, downstream processing and separation technology bioconversion processes related to biobased chemicals and development of processes for the manufacture of biobased chemicals; industrial chemical analysis and research services in the field of biobased chemicals and in the field of development of processes for the manufacture of biobased chemicals; technical advice and consultancy relating to the development of processes for the upscaling of biobased chemicals and to biobased chemicals; research and development of new products for third parties in the field of biobased chemicals and in the field of development of processes for the manufacture of biobased chemicals; chemical research in the field of biobased chemicals and in the field of development of processes for the manufacture of biobased chemicals. International Class 42

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

The partial Section 2(d) refusal made final in the Office action dated April 4, 2013 and the partial identification requirement indicated above are maintained and continue to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/Sara N. Benjamin/

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