

ESTTA Tracking number: **ESTTA582922**

Filing date: **01/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |   |
|------------------------|---|
| Proceeding             | 79118716  |
| Applicant              | SILSON LIMITED  |
| Applied for Mark       | SILSON  |
| Correspondence Address | SANDRA M KOENIG<br>FAY SHARPE LLP<br>1228 EUCLID AVENUE, 5TH FLOOR<br>CLEVELAND, OH 44115<br>UNITED STATES<br>skoening@faysharpe.com, chatter@faysharpe.com |
| Submission             | Applicants Request for Remand and Amendment   |
| Attachments            | UDLZ500084_Request to Suspend.pdf(7398 bytes )<br>UDLZ500084_Amendment.pdf(85383 bytes )  |
| Filer's Name           | Sandra M. Koenig  |
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| Signature              | /sandramkoenig/   |
| Date                   | 01/21/2014  |

TRADEMARK  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Silson Limited  
Mark : SILSON  
Serial No. : 79/118,716  
Filing Date : March 28, 2012  
Attorney Docket No. : UDLZ 500084US01  
January 21, 2014

ATTN: TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**REQUEST TO SUSPEND AND REMAND**

Applicant respectfully requests that the appeal in the above-referenced application be suspended and that the file be remanded to the Examining Attorney for consideration of an amendment to the identification of goods. A copy of the proposed amendment is submitted herewith.

Respectfully submitted,

FAY SHARPE LLP

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**AMENDMENT**

Please amend the identification of goods in Class 9 as follows:

--Scientific instruments, namely, silicon nitride, silicon carbide, boron nitride and polysilicon membranes for use in the science and research industry; X-ray apparatus not for medical purposes, namely, x-ray filters for filtering out some or all wavelengths in the x-ray spectrum; diffractive optics being thin optical elements such as gratings and zone plates that operate by means of interference and diffraction to manipulate light to a selected intensity profile, including beam shapers, beam splitters, diffractive line generators, diffractive diffusers, Gaussian generators, and pattern generators; scientific instruments, namely, micro-fluidic cells in the nature of small devices that allow fluids to flow through channels and membranes, heater cells being two membranes having heaters patterned into their surfaces, and test specimens being patterned membranes used to test the resolution and aberrations of an optical system, all for use in synchrotrons, accelerator mass spectrometers, electron and optical microscopes; ultra-thin membranes of silicon nitride, silicon carbide, boron nitride, polysilicon, for use in x-ray microscopy, electron and optical microscopy and accelerator mass spectrometry; optical specimen carriers for use in optical instruments; laboratory equipment, namely, microscope slides; vacuum windows, namely, ultra-thin membranes of silicon nitride, silicon carbide, boron nitride, polysilicon for use in x-ray microscopy, electron and optical microscopy and accelerator mass spectrometry; filter carriers, namely, carriers for x-ray apparatuses not for medical purposes, namely, x-ray filters for filtering out some or all wavelengths in the x-ray spectrum; structural and replacement parts for all the aforesaid goods.—

## COMMENTS

Applicant notes with appreciation that the Examining Attorney has already accepted the identification of services in Classes 37 and 42. In addition, a majority of the language in Class 9 has already been accepted as well. In fact, in the above amendment language for Class 9, Applicant has adopted most of the language recommended by the Examining Attorney in the December 6, 2013 Office Action. There are two exceptions as follows.

With regard to the first phrase in statement, the Examining Attorney indicated the following to be acceptable:

Scientific instruments, namely, cellular mixed ester membranes of silicon nitride, silicon carbide, boron nitride, polysilicon all used in the science and research industry

Instead, Applicant has slightly modified the language to read:

Scientific instruments, namely, silicon nitride, silicon carbide, boron nitride and polysilicon membranes for use in the science and research industry;

It is submitted that the modified language comports with the format recommended by the Examining Attorney (as well as the Trademark ID Manual) and, therefore, should be acceptable.

Applicant has also amended the third phrase of the proposed amendment by clarifying the nature of the diffractive optics as follows:

diffractive optics being thin optical elements such as gratings and zone plates that operate by means of interference and diffraction to manipulate light to a selected intensity profile, including beam shapers, beam splitters, diffractive line generators, diffractive diffusers, Gaussian generators, and pattern generators

It is respectfully submitted that this revised language should likewise be acceptable.

Applicant has incorporated all of the remaining changes suggested by the Examining Attorney.

All outstanding issues having been fully addressed, the application is believed to be in condition for acceptance and publication.

If the Examining Attorney requires any additional modifications to the identification of goods, it is respectfully requested that she contact the undersigned directly. Otherwise, early notification that the matter has been accepted is respectfully requested.

Respectfully submitted,

FAY SHARPE LLP

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