

This Opinion is not a  
Precedent of the TTAB

Mailed: June 23, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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*In re Nippon Electric Glass Co., Ltd.*  
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Serial No. 79137917  
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Sarah Voeller of Hamre, Schumann, Mueller & Larson PC,  
for Nippon Electric Glass Co., Ltd.

Shannon Twohig, Trademark Examining Attorney, Law Office 105,  
Susan Hayash, Managing Attorney.

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Before Zervas, Wellington, and Masiello,  
Administrative Trademark Judges.

Opinion by Wellington, Administrative Trademark Judge:

Nippon Electric Glass Co., Ltd. (“Applicant”) seeks registration on the Principal Register of the standard character mark NIPPON ELECTRIC GLASS for various goods in International Classes 1, 6, 7, 9, 10, 11, 17, 19, 20, 21, 22, 23 and 24.<sup>1</sup> The application, as amended, includes a claim of acquired distinctiveness as to the whole mark under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f). In a final refusal

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<sup>1</sup> Application Serial No. 79137917, filed on February 4, 2013, is based on International Registration No. 1180257 (reg. date February 4, 2013) under Section 66(a), 15 U.S.C. § 1141(f)(a).

of registration, the Examining Attorney required Applicant to disclaim the exclusive right to use ELECTRIC, with respect to Classes 1, 11, 19, and 21, and GLASS, as to all classes of goods; and on appeal the Board affirmed, in part, and reversed, in part, the requirement in a decision issued on June 2, 2016. Specifically, the Examining Attorney's requirement for disclaimer of the term ELECTRIC in International Class 11 and a disclaimer of GLASS in International Classes 9, 11, 17, 19, 21, 22, 23 and 24, was affirmed, but the disclaimer requirement in other classes was reversed. The Board also stated that the decision, affirming in part the disclaimer requirement, would be set aside if Applicant submitted the required disclaimer within thirty days.

37 C.F.R. §2.142(g)

In a timely response filed June 21, 2016, Applicant submitted the required disclaimers in accordance with the Board's decision. The disclaimers are approved and entered.

Accordingly, the Board's June 2, 2016 decision is set aside with respect to the affirmance of the disclaimer requirement; and the application is forwarded for publication of Applicant's mark for opposition with the following disclaimers:

No claim is made to the exclusive right to use ELECTRIC apart from the mark as shown for the goods in International Classes 11.

No claim is made to the exclusive right to use GLASS apart from the mark as shown for the goods in International Classes 9, 11, 17, 19, 21, 22, 23 and 24.