

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	79137917
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<b><u>REQUEST FOR RECONSIDERATION</u></b>	
<p>This paper is filed in response to the Partial Final Office Action dated December 11, 2014. Reconsideration of the application in view of the following is respectfully requested.</p>	
<b><u>REMARKS</u></b>	
<b><u>Identification of Goods</u></b>	
<p>The Examining Attorney maintains her refusal to register the Applicant's mark in Class 9, 11 and 21 based on the argument that the Identification of Goods as currently worded is indefinite and must be clarified. Applicant has complied with the Office Action's Request but maintains that "green sheets for LTCC" and "glass ferrules" are the common commercial terms and need no further clarification.</p> <p>Attached as Exhibit A, is evidence showing that "Green sheets for LTCC" and "Glass ferrules" are the common commercial names for the goods specified. The evidence shows that LTCC stands for Low Temperature Co-fired Ceramics. LTCCs are used in the production of circuit boards. Green sheets are used to make LTCCs. The evidence shows that green sheets for LTCC is a generic term that describes a component in the production of LTCCs circuit boards. We also attach evidence showing that glass ferrules are the generic term for optical fiber connections. See Exhibit B. There are glass ferrules as well as zirconia ferrules and ceramic ferrules. Applicant has amended "glass ferrules" to read "glass ferrules for fiber optic connectors." Applicant respectfully requests that refusal on this basis be</p>	

removed.

### **Disclaimer Requirement**

The Examining Attorney has maintained a partial refusal to register the mark in Classes 1, 11, 17, 19 and 21 because the Trademark Office views the term “ELECTRIC” to be a generic description of Applicant’s goods. Applicant respectfully disagrees.

Applicant requests that the Examiner withdraw the requirement that “electric” be disclaimed as generic because (1) the Examiner has not met her burden of proof; (2) the public does not understand “electric” to be a generic term for the goods in Class 1, 11, 17, 19 and 21; and (3) Applicant has claimed acquired distinctiveness of its mark from using it consistently for at least 5 consecutive years. NIPPON ELECTRIC GLASS as a whole term has acquired distinctiveness. For the reasons set forth herein, Applicant’s mark is entitled to registration on the Principle Register without a disclaimer of “electric glass”.

#### **A. The Examiner Has Not Met Her Burden of Presenting Clear Evidence**

Applicant seeks registration of NIPPON ELECTRIC GLASS for various glass related goods in Class 1, 11, 17, 19 and 21. The test used to determine whether “electric” is generic as applied to Applicant’s goods is (1) What is the class of goods or services at issue?; and (2) Does the relevant public understand the designation primarily to refer to that class or genus of goods and/or services? *See* the Office Action dated December 11, 2014 (citing *In re 1800Mattress.com IP, LLC*, 586 F.3d 1359, 1363, 92 USPQ2d 1682, 1684 (Fed. Cir. 2009) (quoting *H. Marvin Ginn Corp. v. Int’l Ass’n of Fire Chiefs, Inc.*, 782 F.2d 987, 989-90, 228 USPQ 528, 530 (Fed. Cir. 1986)); TMEP § 1209.01(C)(i).

The Examiner has maintained that “electric” is generic of the goods and must be disclaimed. The Examiner argued that the relevant public would understand “electric” to refer primarily to the genus of the Applicant’s goods because Applicant’s goods are related to electricity in that they are electric items or components of electric items. If Applicant’s goods were for “electricity” itself, this argument would hold weight. However, the Examiner appears to be making a descriptiveness rejection under the guise of a genericness rejection. For example, “electric” may describe the nature or quality of the goods but it does not refer to the overall genus of Applicant’s goods. While the Examiner’s argument may be enough to show that the word “electric” is descriptive of the goods, we do not believe the Examiner’s argument meets the burden of showing the term to be generic.

#### **B. Two Dictionary Definitions are Not Enough to Show Clear Evidence**

The Examiner has to make a substantial showing that the term “electric” is in fact generic. This showing must be based upon "clear evidence" that the public *primarily* understands the term “electric” to be generic for Applicant’s goods in each of the above classes. See *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.* 4 U.S.P.Q.2d 1141, 1143 (Fed. Cir. 1987). All evidence bearing on the purchaser must be considered when considering what would be relevant to the issue of genericness. Any doubt must be resolved in Applicant’s favor. *In re Waverly, Inc.* 27 U.S.P.Q.2d 1620, 1624 (TTAB 1993).

The only evidence submitted by the Examining Attorney to prove genericness of the term “electric” for Applicant’s goods has been dictionary definitions of the term “electric” from the MacMillion Dictionary (see Office Action dated July 9, 2014) and “electrical” from the American Heritage Dictionary (see the Office Action dated December 11, 2014). Two dictionary definitions do not comprise “clear evidence” of how the public primarily views and uses the term “electric.” Dictionary definitions are not conclusive evidence of genericness because it would endow editors the power to destroy trademarks merely by defining them generically. *In re Minnetonka, Inc.*, 212 U.S.P.Q. 772 (TTAB 1981). In *R.J. Reynolds Tobacco Co. v. Brown & Williamson Tobacco Corp.*, when considering whether the term “new look” was descriptive of cigarettes, the Board stated that dictionary definitions may be problematic because “dictionary definitions may not always reflect a term’s meaning to those persons who purchase the particular product concerned.” 226 U.S.P.Q. 169, 171 (TTAB 1985). The Federal Circuit has warned the Board against relying exclusively on dictionary definitions to determine genericness: “The Board cannot simply cite definitions and generic uses of the constituent terms of a mark, or in this case, a phrase within the mark, in lieu of conducting an inquiry into the meaning of the disputed phrase as a whole to hold a mark, or a phrase within the mark, generic” *In re American Fertility Society*, 188 F.3d 1341, 1347 (Fed. Cir. 1999).

The Examining Attorney has conducted absolutely no inquiry into the public’s understanding of the term “electric”. “Even knowing full well what applicant’s goods are, the dictionary meanings are not enough to establish that the public views this term as the common name for the goods. *In re Homes & Land Publishing Corp.*, 24 U.S.P.Q.2d 1717, 1718 (TTAB 1992). Instead, the Examiner concludes, without support, that the relevant meaning of “electric” in the applied for mark means “of, relating to, producing, or operated by electricity” and concludes the public would understand this designation to refer primarily to the genus of goods because applicant’s goods are related to electricity in that they are

electric items. Therefore, we believe the Trademark Office cannot conclude from the evidence presented by the Examining Attorney, in the face of Applicant's showing that NIPPON ELECTRIC GLASS is recognized as an indicator of source with acquired secondary meaning, that the word ELECTRIC would be perceived by the relevant public primarily as a generic term for applicant's glass products. Further "Electric Glass" is not a generic term. In a close case, any doubt whatsoever on the matter must be resolved in applicant's favor. *In re Waverly, Inc.* 27 U.S.P.Q.2d 1620, 1624 (TTAB 1993).

### **C. The Primary Significance Of Electric is Not For Applicant's Goods**

With respect to the first portion of the test, we note that the Examiner has failed to determine what the "genus" is in this application. In this case, there are wide range of goods in various classes. It would be too burdensome to address each and every good. For the sake of simplicity we will summarize Applicant's goods in each class:

Class 1 – chemicals for use in industry.

Class 11 – specialty glass products; glassmaking machinery

Class 17 – insulation materials made of glass.

Class 19 – building materials.

Class 21 – various glass products except for building

The term "electric" is not commonly used to describe the genus in each of the above goods. For example, a consumer would not ask for an "electric" when seeking glass turntables of microwave ovens. Rather, the word "electric" falls within either the suggestive classification or the descriptive category.

### **Applicant's Mark is Unitary**

A mark comprising a combination of components is registrable if the combination of terms creates a unitary mark with a unique, non-descriptive meaning, or if the composite has a bizarre or incongruous meaning as applied to the goods. See *In re Colonial Stores Inc.*, 394 F.2d 549, 157 USPQ 382 (C.C.P.A. 1968) (SUGAR & SPICE held not merely descriptive of bakery products); *In re Shutts*, 217 USPQ 363 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool). For example, if two or more terms are combined in a mark to create an incongruity or result in a bizarre unitary whole (e.g., URBAN SAFARI, SNO-RAKE, POLY PITCHER), the mark is unitary and no disclaimer of non-distinctive individual elements is necessary. T.M.E.P. § 1213.05(d).

Applicant submits that the term ELECTRIC GLASS is incongruous as the average consumer fully

understands that glass is not electric. In fact, glass is a very poor conductor of electricity. It is common knowledge that for this reason glass is used as an insulator. Thus, the combination of ELECTRIC and GLASS creates an incongruity. ELECTRIC GLASS together makes no sense other than as a source identifier. At most, it is suggestive of a glass that is incorporated into electronic devices. A search for the term “electric glass” in the Mirriam-Webster Online Dictionary and Oxford Dictionary generated no results indicating that its primary significance is a source identifier. See Exhibit C.

Applicant submits that ELECTRIC GLASS together has a different meaning than its component parts. It is improper to analyze each word on its own when the word ELECTRIC GLASS creates a different meaning as a phrase than each word does on its own. The Board has held that “to refuse registration on the ground that an applicant seeks to register a generic name for the goods, the PTO must show that the word or expression inherently has such meaning in ordinary language, or that the public uses it to identify goods of other producers as well.” In re Gould Paper Corp., 5 U.S.P.Q.2d 1017, 1018 (Fed. Cir. 1987). In cases of unitary marks, the PTO can only satisfy its evidentiary burden “if it produces evidence including dictionary definitions that the separate words joined to form a compound have a meaning identical to the meaning the common usage would ascribe to those words as a compound.” Id. (holding that SCREENWIPE was generic for an anti-static wipe). As stated above, ELECTRIC GLASS has no ordinary common meaning. It is an incongruous unitary phrase. At most it is suggestive, or even descriptive, but it is not generic.

#### **The Mark NIPPON ELECTRIC GLASS Has Acquired Distinctiveness**

Applicant revokes its disclaimer of “glass” as it has already presented evidence of acquired distinctiveness of NIPPON ELECTRIC GLASS. See the Response to the Office Action dated May 19, 2014.

#### **Conclusion**

Applicant respectfully requests reconsideration and advancement of the subject application to publication.

#### **EVIDENCE SECTION**

##### **EVIDENCE FILE NAME(S)**

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<b>DESCRIPTION OF EVIDENCE FILE</b>	Exhibit A showing LTCC green sheets as a common commercial term Exhibit B showing ferrule as the generic term for optical fiber connections Exhibit C showing the lack of dictionary definitions for "electric glass"
<b>GOODS AND/OR SERVICES SECTION (001)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (006)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (007)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (009)(current)</b>	

<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
<p>Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass, namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; Electronic machines, apparatus and parts therefore, namely, cover glass for image sensors, glass capillaries, collimator components, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder glass, glass tubes for reed switches; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>TRACKED TEXT DESCRIPTION</b>	
<p>Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical</p>	

apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass, namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; ~~Electronic machines, apparatus and parts therefore, namely, cover glass for image sensors, glass capillaries, collimator components, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder glass, glass tubes for reed switches;~~ Electronic machines, apparatus and parts therefor, namely, cover glass for image sensors, communication glass capillaries, collimator lenses, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder, glass, glass tubes for reed switches for electronic devices; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder

**FINAL DESCRIPTION**

Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass, namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of

liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; Electronic machines, apparatus and parts therefor, namely, cover glass for image sensors, communication glass capillaries, collimator lenses, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder, glass, glass tubes for reed switches for electronic devices; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder

**GOODS AND/OR SERVICES SECTION (010)(no change)**

**GOODS AND/OR SERVICES SECTION (011)(current)**

**INTERNATIONAL CLASS**

011

**DESCRIPTION**

Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; Lamps for vehicles, in particular turn signals, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces, namely, heat exchangers, solid fuel burners, stoves

**GOODS AND/OR SERVICES SECTION (011)(proposed)**

**INTERNATIONAL**

CLASS

011

**TRACKED TEXT DESCRIPTION**

Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; ~~Lamps for vehicles, in particular turn signals, headlights, tail lights, stop lights, back lamps and daytime running lamps~~; Lamps for vehicles, in particular vehicle turn signal light bulbs, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces, namely, heat exchangers, solid fuel burners, stoves

**FINAL DESCRIPTION**

Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; Lamps for vehicles, in particular vehicle turn signal light bulbs, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces,

namely, heat exchangers, solid fuel burners, stoves

**GOODS AND/OR SERVICES SECTION (017)(no change)**

**GOODS AND/OR SERVICES SECTION (019)(no change)**

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

**GOODS AND/OR SERVICES SECTION (021)(current)**

**INTERNATIONAL CLASS**

021

**DESCRIPTION**

Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthen glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; Tableware of heat resistant glass, namely, plates, glasses, trays, bowls, coffee services and tea pots; Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces; Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste

or powder form, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; Tableware, namely, plates, glasses, trays, bowls, coffee services and tea pots; Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

**GOODS AND/OR SERVICES SECTION (021)(proposed)**

**INTERNATIONAL CLASS**

021

**TRACKED TEXT DESCRIPTION**

Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthened glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; ~~Tableware of heat resistant glass, namely, plates, glasses, trays, bowls, coffee services and tea pots;~~ [Tableware of heat resistant glass, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots;](#) Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces;

Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste or powder form, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; ~~Tableware, namely, plates, glasses, trays, bowls, coffee services and tea pots~~; Tableware, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots; Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

#### FINAL DESCRIPTION

Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthen glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass

tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; Tableware of heat resistant glass, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots; Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces; Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste or powder form, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; Tableware, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots; Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

**GOODS AND/OR SERVICES SECTION (022)(no change)**

**GOODS AND/OR SERVICES SECTION (023)(no change)**

**GOODS AND/OR SERVICES SECTION (024)(no change)**

**ADDITIONAL STATEMENTS SECTION**

<p><b>SECTION 2(f) Claim of Acquired Distinctiveness, based on Use</b></p>	<p>The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of</p>
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	this statement.
<b>MISCELLANEOUS STATEMENT</b>	Please delete the disclaimer currently of record.
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Sarah G. Voeller/
<b>SIGNATORY'S NAME</b>	Sarah G. Voeller
<b>SIGNATORY'S POSITION</b>	Attorney of record, MN bar member
<b>SIGNATORY'S PHONE NUMBER</b>	612.670.3800
<b>DATE SIGNED</b>	05/15/2015
<b>RESPONSE SIGNATURE</b>	/Sarah G. Voeller/
<b>SIGNATORY'S NAME</b>	Sarah G. Voeller
<b>SIGNATORY'S POSITION</b>	Attorney of record, MN bar member
<b>DATE SIGNED</b>	05/15/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri May 15 15:37:34 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-64.132.169.45-2 0150515153734047947-79137 917-530f43299dad5d96aba56 474bed3324178453d1dff296d 9b4f9b882c1a2c81271c-N/A- N/A-20150515151649940345

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

Application serial no. **79137917** has been amended as follows:

**ARGUMENT(S)**

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

**REQUEST FOR RECONSIDERATION**

This paper is filed in response to the Partial Final Office Action dated December 11, 2014. Reconsideration of the application in view of the following is respectfully requested.

**REMARKS**

**Identification of Goods**

The Examining Attorney maintains her refusal to register the Applicant's mark in Class 9, 11 and 21 based on the argument that the Identification of Goods as currently worded is indefinite and must be clarified. Applicant has complied with the Office Action's Request but maintains that "green sheets for LTCC" and "glass ferrules" are the common commercial terms and need no further clarification.

Attached as Exhibit A, is evidence showing that "Green sheets for LTCC" and "Glass ferrules" are the common commercial names for the goods specified. The evidence shows that LTCC stands for Low Temperature Co-fired Ceramics. LTCCs are used in the production of circuit boards. Green sheets are used to make LTCCs. The evidence shows that green sheets for LTCC is a generic term that describes a component in the production of LTCCs circuit boards. We also attach evidence showing that glass ferrules are the generic term for optical fiber connections. See Exhibit B. There are glass ferrules as well as zirconia ferrules and ceramic ferrules. Applicant has amended "glass ferrules" to read "glass ferrules for fiber optic connectors." Applicant respectfully requests that refusal on this basis be removed.

**Disclaimer Requirement**

The Examining Attorney has maintained a partial refusal to register the mark in Classes 1, 11, 17, 19 and 21 because the Trademark Office views the term "ELECTRIC" to be a generic description of Applicant's goods. Applicant respectfully disagrees.

Applicant requests that the Examiner withdraw the requirement that "electric" be disclaimed as generic because (1) the Examiner has not met her burden of proof; (2) the public does not understand "electric" to be a generic term for the goods in Class 1, 11, 17, 19 and 21; and (3) Applicant has claimed acquired distinctiveness of its mark from using it consistently for at least 5 consecutive years. NIPPON

ELECTRIC GLASS as a whole term has acquired distinctiveness. For the reasons set forth herein, Applicant's mark is entitled to registration on the Principle Register without a disclaimer of "electric glass".

#### **A. The Examiner Has Not Met Her Burden of Presenting Clear Evidence**

Applicant seeks registration of NIPPON ELECTRIC GLASS for various glass related goods in Class 1, 11, 17, 19 and 21. The test used to determine whether "electric" is generic as applied to Applicant's goods is (1) What is the class of goods or services at issue?; and (2) Does the relevant public understand the designation primarily to refer to that class or genus of goods and/or services? See the Office Action dated December 11, 2014 (citing *In re 1800Mattress.com IP, LLC*, 586 F.3d 1359, 1363, 92 USPQ2d 1682, 1684 (Fed. Cir. 2009) (quoting *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 989-90, 228 USPQ 528, 530 (Fed. Cir. 1986)); TMEP § 1209.01(C)(i).

The Examiner has maintained that "electric" is generic of the goods and must be disclaimed. The Examiner argued that the relevant public would understand "electric" to refer primarily to the genus of the Applicant's goods because Applicant's goods are related to electricity in that they are electric items or components of electric items. If Applicant's goods were for "electricity" itself, this argument would hold weight. However, the Examiner appears to be making a descriptiveness rejection under the guise of a genericness rejection. For example, "electric" may describe the nature or quality of the goods but it does not refer to the overall genus of Applicant's goods. While the Examiner's argument may be enough to show that the word "electric" is descriptive of the goods, we do not believe the Examiner's argument meets the burden of showing the term to be generic.

#### **B. Two Dictionary Definitions are Not Enough to Show Clear Evidence**

The Examiner has to make a substantial showing that the term "electric" is in fact generic. This showing must be based upon "clear evidence" that the public *primarily* understands the term "electric" to be generic for Applicant's goods in each of the above classes. See *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.* 4 U.S.P.Q.2d 1141, 1143 (Fed. Cir. 1987). All evidence bearing on the purchaser must be considered when considering what would be relevant to the issue of genericness. Any doubt must be resolved in Applicant's favor. *In re Waverly, Inc.* 27 U.S.P.Q.2d 1620, 1624 (TTAB 1993).

The only evidence submitted by the Examining Attorney to prove genericness of the term "electric" for Applicant's goods has been dictionary definitions of the term "electric" from the MacMillan Dictionary (see Office Action dated July 9, 2014) and "electrical" from the American Heritage Dictionary (see the

Office Action dated December 11, 2014). Two dictionary definitions do not comprise “clear evidence” of how the public primarily views and uses the term “electric.” Dictionary definitions are not conclusive evidence of genericness because it would endow editors the power to destroy trademarks merely by defining them generically. *In re Minnetonka, Inc.*, 212 U.S.P.Q. 772 (TTAB 1981). In *R.J. Reynolds Tobacco Co. v. Brown & Williamson Tobacco Corp.*, when considering whether the term “new look” was descriptive of cigarettes, the Board stated that dictionary definitions may be problematic because “dictionary definitions may not always reflect a term’s meaning to those persons who purchase the particular product concerned.” 226 U.S.P.Q. 169, 171 (TTAB 1985). The Federal Circuit has warned the Board against relying exclusively on dictionary definitions to determine genericness: “The Board cannot simply cite definitions and generic uses of the constituent terms of a mark, or in this case, a phrase within the mark, in lieu of conducting an inquiry into the meaning of the disputed phrase as a whole to hold a mark, or a phrase within the mark, generic” *In re American Fertility Society*, 188 F.3d 1341, 1347 (Fed. Cir. 1999).

The Examining Attorney has conducted absolutely no inquiry into the public’s understanding of the term “electric”. “Even knowing full well what applicant’s goods are, the dictionary meanings are not enough to establish that the public views this term as the common name for the goods. *In re Homes & Land Publishing Corp.*, 24 U.S.P.Q.2d 1717, 1718 (TTAB 1992). Instead, the Examiner concludes, without support, that the relevant meaning of “electric” in the applied for mark means “of, relating to, producing, or operated by electricity” and concludes the public would understand this designation to refer primarily to the genus of goods because applicant’s goods are related to electricity in that they are electric items. Therefore, we believe the Trademark Office cannot conclude from the evidence presented by the Examining Attorney, in the face of Applicant's showing that NIPPON ELECTRIC GLASS is recognized as an indicator of source with acquired secondary meaning, that the word ELECTRIC would be perceived by the relevant public primarily as a generic term for applicant's glass products. Further “Electric Glass” is not a generic term. In a close case, any doubt whatsoever on the matter must be resolved in applicant's favor. *In re Waverly, Inc.* 27 U.S.P.Q.2d 1620, 1624 (TTAB 1993).

### **C. The Primary Significance Of Electric is Not For Applicant’s Goods**

With respect to the first portion of the test, we note that the Examiner has failed to determine what the “genus” is in this application. In this case, there are wide range of goods in various classes. It would be

too burdensome to address each and every good. For the sake of simplicity we will summarize Applicant's goods in each class:

Class 1 – chemicals for use in industry.

Class 11 – specialty glass products; glassmaking machinery

Class 17 – insulation materials made of glass.

Class 19 – building materials.

Class 21 – various glass products except for building

The term “electric” is not commonly used to describe the genus in each of the above goods. For example, a consumer would not ask for an “electric” when seeking glass turntables of microwave ovens. Rather, the word “electric” falls within either the suggestive classification or the descriptive category.

### **Applicant's Mark is Unitary**

A mark comprising a combination of components is registrable if the combination of terms creates a unitary mark with a unique, non-descriptive meaning, or if the composite has a bizarre or incongruous meaning as applied to the goods. See In re Colonial Stores Inc., 394 F.2d 549, 157 USPQ 382 (C.C.P.A. 1968) (SUGAR & SPICE held not merely descriptive of bakery products); In re Shutts, 217 USPQ 363 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool). For example, if two or more terms are combined in a mark to create an incongruity or result in a bizarre unitary whole ( *e.g.*, URBAN SAFARI, SNO-RAKE, POLY PITCHER), the mark is unitary and no disclaimer of non-distinctive individual elements is necessary. T.M.E.P. § 1213.05(d).

Applicant submits that the term ELECTRIC GLASS is incongruous as the average consumer fully understands that glass is not electric. In fact, glass is a very poor conductor of electricity. It is common knowledge that for this reason glass is used as an insulator. Thus, the combination of ELECTRIC and GLASS creates an incongruity. ELECTRIC GLASS together makes no sense other than as a source identifier. At most, it is suggestive of a glass that is incorporated into electronic devices. A search for the term “electric glass” in the Mirriam-Webster Online Dictionary and Oxford Dictionary generated no results indicating that its primary significance is a source identifier. See Exhibit C.

Applicant submits that ELECTRIC GLASS together has a different meaning than its component parts. It is improper to analyze each word on its own when the word ELECTRIC GLASS creates a different meaning as a phrase than each word does on its own. The Board has held that “to refuse registration on the ground that an applicant seeks to register a generic name for the goods, the PTO must show that the

word or expression inherently has such meaning in ordinary language, or that the public uses it to identify goods of other producers as well.” In re Gould Paper Corp., 5 U.S.P.Q.2d 1017, 1018 (Fed. Cir. 1987). In cases of unitary marks, the PTO can only satisfy its evidentiary burden “if it produces evidence including dictionary definitions that the separate words joined to form a compound have a meaning identical to the meaning the common usage would ascribe to those words as a compound.” *Id.* (holding that SCREENWIPE was generic for an anti-static wipe). As stated above, ELECTRIC GLASS has no ordinary common meaning. It is an incongruous unitary phrase. At most it is suggestive, or even descriptive, but it is not generic.

### **The Mark NIPPON ELECTRIC GLASS Has Acquired Distinctiveness**

Applicant revokes its disclaimer of “glass” as it has already presented evidence of acquired distinctiveness of NIPPON ELECTRIC GLASS. See the Response to the Office Action dated May 19, 2014.

### **Conclusion**

Applicant respectfully requests reconsideration and advancement of the subject application to publication.

### **EVIDENCE**

Evidence in the nature of Exhibit A showing LTCC green sheets as a common commercial term Exhibit B showing ferrule as the generic term for optical fiber connections Exhibit C showing the lack of dictionary definitions for "electric glass" has been attached.

#### **Original PDF file:**

[evi\\_1-6413216945-20150501171819476237\\_. Exhb. A NEG.pdf](#)

#### **Converted PDF file(s) ( 7 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

#### **Original PDF file:**

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#### **Converted PDF file(s) ( 2 pages)**

[Evidence-1](#)

[Evidence-2](#)

#### **Original PDF file:**

[evi\\_1-6413216945-20150501171819476237\\_. Exb. C NEG.pdf](#)

#### **Converted PDF file(s) ( 10 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

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

**Current:** Class 009 for Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass, namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; Electronic machines, apparatus and parts therefore, namely, cover glass for image sensors, glass capillaries, collimator components, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder glass, glass tubes for reed switches; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder  
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:** Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass, namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; ~~Electronic machines, apparatus and parts therefore, namely, cover glass for image sensors, glass capillaries, collimator components, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder glass, glass tubes for reed switches;~~ Electronic machines, apparatus and parts therefor, namely, cover glass for image sensors, communication glass capillaries, collimator lenses, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder, glass, glass tubes for reed switches for electronic devices; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder

Class 009 for Ultraviolet-ray transmitting glass, not for building; Infrared-ray absorbing glass, not for building; Lens glass of semi-finished material not for building; Processed glass, namely, strengthened glass used for displays of smart phones, tablet PC's and other portable electronic devices; Processed glass, namely, crystallized glass for measuring or testing machines and instruments; Processed glass, namely, crystallized glass for optical apparatus and instruments; Conduction glass, not for building; Heat-resistant glass for measuring or testing machines and instruments; Heat-resistant glass used for optical apparatus and instruments; Processed glass, not for building, namely, heat-resistant glass; Optical glass; Optical glass for optical communication devices; Glass for pressing optical pickups and optical lenses; Glass for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass for liquid-crystal projectors; Optical glass for liquid-crystal projectors; Processed glass, namely, glass tubes used for the encapsulation of semiconductors; Infrared-ray absorbing glass tubes, not for building; Processed glass,

namely, sealing glass tubes for tungsten; Processed glass, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass parts for providing stable gap of liquid crystal cells of liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass substrates, namely, glass substrates used for lighting; Glass substrates used for lighting of organic electroluminescence displays; Glass substrates for solar power generation panels; Glass substrates for lithium-ion secondary batteries; Optical communication apparatus, namely, temperature compensation substrates for fiber bragg grating; Processed glass, namely, glass tubes for industrial purposes used for connection of optical fibers; Lenses for laser diodes and other optical communication devices; Collective lenses for optical sensors; Collective lenses for bar-code readers; Lenses for optical pickups; Optical fiber cables; Ferrules used for connection of optical fibers; Optical fiber connectors; Prisms for optics purposes; Optical fiber coupler cases of glass; Glass defocus parts of projectors; Liquid-crystal projectors; Electronic machines, apparatus and parts therefor, namely, cover glass for image sensors, communication glass capillaries, collimator lenses, green sheets for LTCC, optical network modules, glass ferrules, micro prisms, coupler housing, ball lens units, glass for diodes, glass for laser diodes, glass for aspherical lenses, powder, glass, glass tubes for reed switches for electronic devices; Ceramic substrates for electronic components; Liquid crystal lenses; Optical imaging devices to form a 3-dimensional image in space, and their light control panels and optical reflectors; Glass lenses for optical apparatus and instruments; Optical lenses; Scales for linear encoder

**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 011 for Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; Lamps for vehicles, in particular turn signals, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces, namely, heat exchangers, solid fuel burners, stoves

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:** Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; ~~Lamps for vehicles, in particular turn signals, headlights, tail lights, stop lights, back lamps and daytime running lamps;~~ Lamps for vehicles, in particular vehicle turn signal light bulbs, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces, namely, heat exchangers, solid fuel burners, stoves

Class 011 for Glass fusing furnace, melting furnaces, calcining kilns and industrial furnaces; Glass access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass access openings of nuclear reactors; Fittings of calcining kilns and other industrial furnaces, namely, glass ceramic supports; Glass ceramic supports, to be used in kilns for burning panel display substrates; Fittings of calcining kilns and other industrial furnaces, namely, kiln furniture supports; Lamp chimneys; Electric lamps; Lighting apparatus; Lighting covers of glass; Lenses for lighting apparatus; Fluorescent lamps; glass tubes of fluorescent lamps; Lamps; Lamp glasses; Lamps for vehicles, in particular vehicle turn signal light bulbs, headlights, tail lights, stop lights, back lamps and daytime running lamps; Lamp reflectors; Lamp reflectors, for projectors, using mirrored crystallized glass; Cooking apparatus and installations, for industrial and household purposes; Glass top plates for electromagnetic induction cookers for industrial and household purposes; Glass top plates for microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass top plates for cooking apparatus and installations for industrial and household purposes; Glass bottom plates of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass turntables of microwave ovens, electric cooking ovens, gas cooking ovens and other cooking ovens for industrial and household purposes; Glass protective tubes for Nichrome wire for use in electric toasters, electric cooking ovens or microwave ovens; Crystallized glass top plates of cooking apparatus and installations for industrial and household purposes; Heat-resistant glass for top boards of cooking apparatus and installations for industrial and household purposes; Glass covers for electric heaters; Chimneys for oil or gas heaters; Fireplaces, domestic; Glass windows sold as a part of stoves; glass portholes of domestic fireplaces, namely, heat exchangers, solid fuel burners, stoves

**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 021 for Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthen glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; Tableware of heat resistant glass, namely, plates, glasses, trays, bowls, coffee services and tea pots; Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces; Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste or powder form, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; Tableware, namely, plates, glasses, trays, bowls, coffee services and tea

pots; Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

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:** Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthen glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; ~~Tableware of heat resistant glass, namely, plates, glasses, trays, bowls, coffee services and tea pots;~~ [Tableware of heat resistant glass, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots;](#) Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces; Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste or powder form, unworked or semi-worked, not for building,

used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; ~~Tableware, namely, plates, glasses, trays, bowls, coffee services and tea pots~~; [Tableware, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots](#); Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

Class 021 for Glass, unworked or semi-worked, except building glass; Glass, unworked or semi-worked, except building glass, in the form of powders, tablets, pastes, rods, tubes, spheres, boards, films, ribbons or tapes; Radiation shield glass, not for building; Crystallized glass, not for building; Heat-resistant glass, unworked or semi-worked, except building glass; Photosensitive sheet glass, not for building; Strengthened glass, not for building; Luminous glass, not for building; Glass for chemical laboratory glassware not for scientific use; Opal glass, not for building; Glass used for electric wires and cables; Glass, unworked or semi-worked, except building glass, namely, guard glass for image sensors, laser diodes, emitting laser diode, photodiodes and other diodes; Glass, unworked or semi-worked, for electronic components; Sealing glass tubes, unworked or semi-worked, for semiconductors or reed switches; Sealing glass tubes, unworked or semi-worked, including those for infrared absorption; Glass tubes, unworked or semi-worked, for sealing tungsten electrodes; Glass tubes, unworked or semi-worked, for ampoules for drug injections; Glass, unworked or semi-worked, namely, glass substrates, glass tubes, glass for exhaust tubes, and sealing glass, all for liquid crystal displays, plasma displays, field-emission displays, organic electroluminescence displays, inorganic electroluminescence displays, flat-panel displays and other panel displays; Glass, unworked or semi-worked, namely, glass tubes for backlights and front lights for liquid crystal displays, flat-panel displays and other panel displays; Glass tubes, unworked or semi-worked, used for connection of optical fibers; Glass, unworked or semi-worked, for optical fiber coupler cases; Glass used for flash lamps for cameras; Glass used for syringe barrels for medical purposes; Glass used for access openings of glass fusing furnace, melting furnaces, calcining kilns and other industrial furnaces; Glass used for access openings of nuclear reactors; Semi-finished glass product for vehicle lamps; Semi-finished glass product for vehicle windows; Semi-finished glass tubes for automobile lamps; Cooking pots and pans, of heat-resistant glass; Oven trays, of heat-resistant glass; Tableware of heat resistant glass, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots; Crystallized glass used for top plates of cooking apparatus and installations for industrial and household purposes; Glass used for furniture; Glass used for fireplaces; Glass used for single-leaf screens; Glass used for partitions; Glass for use inside vacuum bottles; Glass in paste or powder form, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing; Glass, unworked or semi-worked, not for building, used for forming dielectric layers on electric parts and electronic parts, forming ribs for pixels located inside of a display panel, forming coated layers, binding metallic powder, binding ceramic derivatives, coating or hermetic sealing;

Glass in paste or powder form, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass, unworked or semi-worked, not for building, for forming coated layers of printed boards, circuit boards, semiconductors, semiconductor devices and other electronic components; Glass in paste or powder form, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass, unworked or semi-worked, not for building, for use in the manufacture of circuit boards; Glass in paste or powder form, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass, unworked or semi-worked, not for building, used for hermetic sealing of display panels, ceramics, semiconductors or tungsten; Glass in paste form, for industrial purposes; Glass in powder form, for industrial purposes; Glass ceramic, unworked or semi-worked, not for building; Fiberglass other than for insulation or textile use; Chopped strands of fiberglass, other than for insulation or textile use; Fiberglass thread and yarn, other than for textile use, namely, fiberglass rovings; Fiberglass thread and yarn, not for textile use; Industrial packaging containers of glass or porcelain, namely, chemical containers of glass; Glass stoppers for industrial packaging containers; Glass covers and lids for industrial packaging containers; Cooking pots and pans non-electric; Coffee-pots non-electric; Kettles non-electric; cooking pots and pans non-electric, of glass; Lids of cooking pots and pans, of glass; Tableware, namely, plates, drinking glasses, serving trays, bowls, coffee services and tea pots; Glass trays for microwave ovens; Glass tableware, namely, coffee or tea sets; Glass ceramic tableware, namely, coffee or tea sets; Portable cold boxes non-electric, namely, thermal insulated containers for food or beverage; Rice chests; Food preserving jars of glass; Drinking flasks for travelers; Vacuum bottles; Glass parts of vacuum bottles, namely, glass inner flasks and vacuum lock glass in the form of a glass bead; Processed glass, not for building, namely, strengthened glass; Processed glass, not for building, namely, crystallized glass

**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.

#### **ADDITIONAL STATEMENTS**

##### **Section 2(f) Claim of Acquired Distinctiveness, based on Use**

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

##### **Miscellaneous Statement**

Please delete the disclaimer currently of record.

#### **SIGNATURE(S)**

##### **Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an

unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Sarah G. Voeller/    Date: 05/15/2015  
Signatory's Name: Sarah G. Voeller  
Signatory's Position: Attorney of record, MN bar member  
Signatory's Phone Number: 612.670.3800

**Request for Reconsideration Signature**

Signature: /Sarah G. Voeller/    Date: 05/15/2015  
Signatory's Name: Sarah G. Voeller  
Signatory's Position: Attorney of record, MN 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: 79137917  
Internet Transmission Date: Fri May 15 15:37:34 EDT 2015  
TEAS Stamp: USPTO/RFR-64.132.169.45-2015051515373404

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## LTCC Technology for Sensor and RF-Applications

*LTCC-ceramics has small temperature expansion*

*LTCC substrates manufactured to customers' specifications are utilised in many applications. This paper highlights the specific benefits of "Low Temperature Co-fired Ceramics" (LTCC) and provides an outlook to future developments.*

*By Dr. Arne Albertsen, Manager Field Application Engineering and Marketing, KOA Europe GmbH*

The trends of miniaturization, increased reliability and high ambient operating temperatures for electronic circuits have driven the deployment of ceramic substrates and packages.

Among other technological approaches, LTCC have proven their superior performance in a variety of applications. These comprise high temperature automotive, highly reliable medical applications and RF modules for wireless communication. A strong growing segment is the manufacture of packages for Micro Electrical Mechanical Systems (MEMS).

What exactly are LTCCs and which properties make this substrate so popular? A quick glance at Wikipedia, the free encyclopedia, helps to find answers:

"Low temperature co-fired ceramic (LTCC) is a well-established process that has been in use for many years in the microelectronics packaging industry. It is similar to the thick film hybrid process employed for multilayer ceramic capacitors and chip inductors. LTCC technology is especially used for wireless and high-frequency applications. In RF and wireless applications, LTCC technology is also used to make multilayer hybrid integrated circuits, which can include resistors, inductors, capacitors, and active components in the same package. LTCC hybrids have a smaller initial ("non recurring") cost as compared with ICs, making them an attractive alternative for small scale integration devices.

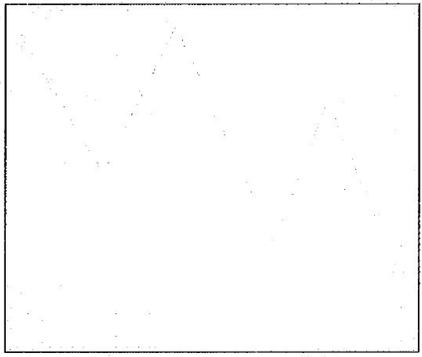
This technology presents advantages compared to other technologies: the ceramic could be fired below 900°C due to a special sintering process. This allows for the integration of copper and inductors into the ceramic substrate.

On the contrary, High Temperature Cofired Ceramics (HTCC) are made of alumina and fired at temperatures around 1600°C, such that only metals with high melting points like molybdenum or tungsten can be used as conductors. Since their electric conductivity is poor compared to silver or gold, bigger losses occur.

The in-house manufacture of the ceramic base material for the LTCC production, the „green sheets“, KOA ensures a maximum flexibility especially with regard to the mechanical properties of the substrates.

Figure 1 shows the main manufacture steps of the LTCC substrate production, starting with the unfired "green sheets".

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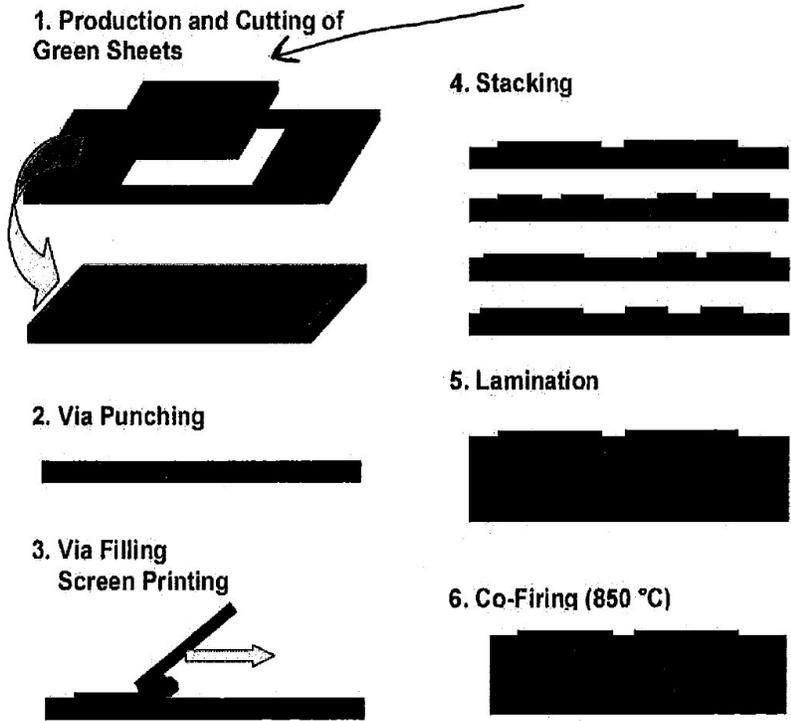


Figure 1: Process Steps of LTCC- Substrate Production

After cutting the sheets to the desired size, via holes and cavity openings are mechanically punched.

The next step is the via filling with conducting silver paste. The paste is applied through a mask with openings at the positions of the vias. Standard via diameters are 100, 150, and 200  $\mu\text{m}$ . Then, the conducting traces are screenprinted. The minimum line width and the minimum line space is 60  $\mu\text{m}$ , each.

The printed sheets are stacked and aligned and afterwards isostatically laminated in a water-filled pressurized tank.

The final process step is the firing at temperatures of up to 850°C. The fired material shrinks – approximately 15% in x- and y-directions and approximately 20% in z-direction. The highly homogeneous structure of the green sheets and a precise temperature control ensure high reproducibility of the dimensional accuracy. This high accuracy allows for the realization of dimensionally accurate cavities for the mounting of semiconductor chips.

Figure 2 depicts a cross-section through a LTCC-substrate that holds a cavity for chip mounting. The cavity offers the benefit of short bond wire lengths to connect the chip to the substrate. The short wire length minimizes the influence of parasitic inductances on signal integrity, which is of use especially at high frequencies. To facilitate the heat conduction from the chip to the ambient, thermal vias can be utilized.

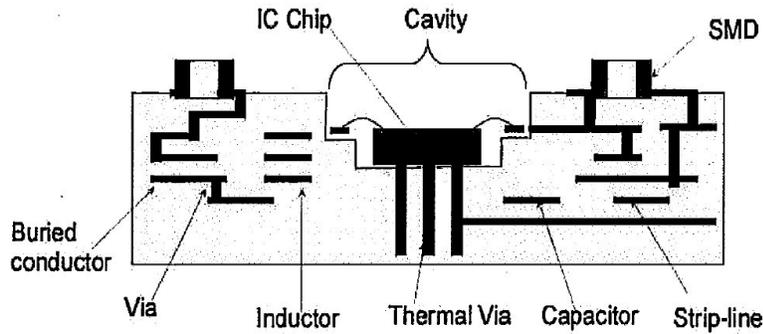


Figure 2: Cross-Section of LTCC-Substrate with „buried“ passive Components

A plot of the dielectric losses (Figure 3) of organic FR4 vs. LTCC substrate shows that LTCC have significantly lower loss at high frequencies than FR4. Another advantage of LTCC-ceramics is their small temperature coefficient of expansion: the numerical value of LTCC's T.C.E. is in between those of Si and GaAs and thus closer than the T.C.E.s of FR4 or HTCC.

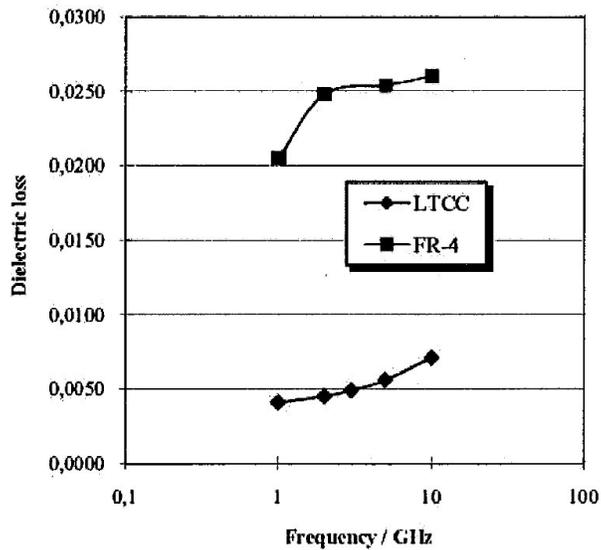


Figure 3: Dielectric losses of LTCC- vs. FR4-Material

Applications are for example wireless telecom equipment and "intelligent" sensor systems. Figure 4 illustrates an example LTCC substrate with cavities.

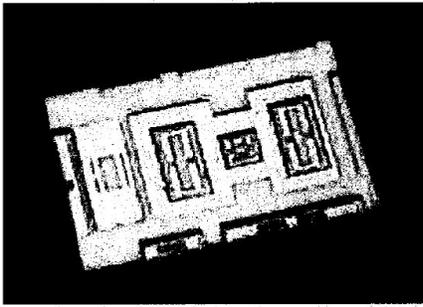


Figure 4: LTCC-Substrate with Cavities

#### Advantages of LTCC-technology

- Multi-layer structures up to 20 layers possible
- Supports fine line / space structures down to 60 / 60  $\mu\text{m}$
- Buried components (R, L, C) can be implemented
- Low loss up to 60 GHz
- Narrow mechanical tolerance and high reproducibility
- Cavities available
- T.C.E. similar to Si, GaAs
- Robust under temperature cycling conditions
- Custom specific solutions starting from 5000 to 10000 pieces/year

#### Outlook

KOAs manufacture process allows for line / space of 60 / 60  $\mu\text{m}$ . The main targets for the development of the technology affect the further miniaturization and the increase of the production efficiency, the latter especially for small quantities. Hence, KOA's research activities focus on the enhancement of the methods and processes for creating conducting tracks on the multi layer substrate.

A major achievement towards highly efficient production is the application of ink-jet technology to print directly from a file onto the green sheets. In addition to the time savings, finer line /space patterns can be produced compared with traditional screen printing. In a joint-research project together with Seiko- Epson, KOA managed to demonstrate the feasibility of line / space structures with 30 / 30  $\mu\text{m}$ .

The researchers prepared a special nanodispersed silver-ink that was printed onto standard green sheets by a dedicated ink-jet printer.

Enhancements for the structuring of the metallization layers (e.g. conducting traces in thin film technology) and via (e.g. laser punched fine vias) will allow for further miniaturization of the substrates. The number of applications that will become accessible to LTCC substrate solutions will grow significantly during the next years.

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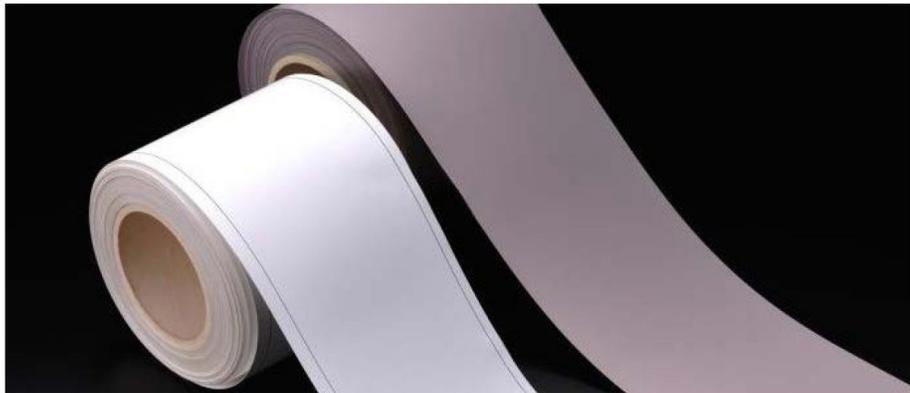
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## Outline



YAMAMURA Photonics' LTCC green sheet can be sintered by less than 900 degC temperature. It features high strength, low loss, low dielectric constant, and stable dimension. It is used in the high frequency circuit, car electronics, LED substrate and other various high quality application, minimum size, and low profile. Pb-free products are available.

## Product and technology



**■ LTCC Green Sheet**  
 YAMAMURA Photonics' offers LTCC green sheet in variety of size and thickness or roll shape shipping is possible. Coloured sheet, softness/hardness adjustment are possible upon customers request.

 [Product information C-1 \(PDF\)](#)



**■ Alumina sheet, other sheet**  
 Not only LTCC sheet, but alumina or other material sheets are possible to be made.

## The inquiry about a product

※ Product information may be changed without a preliminary announcement.

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Exhibit B



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Article Talk

# Ferrule

From Wikipedia, the free encyclopedia

*For the plant of similar name, see Ferrula.*

A **ferrule** (a corruption of Latin *viridula* "small bracket", under the influence of *ferrum* "iron") is a name for types of objects, generally used for fastening, joining, sealing or reinforcement. They are often narrow circular rings made from metal, or less commonly, plastic. Ferrules are also often referred to as *eyellets* or *grommets* within the manufacturing industry.<sup>[1]</sup>

Most ferrules consist of a circular clamp used to hold together and attach fibers, wires, or posts, generally by crimping, swaging, or otherwise deforming the ferrule to permanently tighten it onto the parts that it holds.

## Examples [edit]

- The plastics sleeve preventing the ends of shoelaces from unraveling (called the aglet)
- The metal sleeve which is crimped to hold the eraser in place on pencils
- The metal band that binds the bristles or hair of a brush to its handle
- The metal ring which holds a chisel blade's tang to the handle
- In fiber optic terminations, glass or plastic fibers are bonded to precision ferrule connectors (FCs), also described as fiber channel connectors, and polished for splitting or connecting two fibers together<sup>[2]</sup>
- The metal spike at the end of the shaft of an ice axe
- The margin of a cast crown that stabilizes root-canal treated teeth in restorative dentistry<sup>[3]</sup>
- The bottom end of a flag stick on a golf course, which fits snugly into a hole in the cup
- The plastic sleeve that adorns the bottom of most steel and graphite golf club shafts just above the club head hosel. Originally designed to protect the shaft from damaging vibrations, it is now used mainly for aesthetic purposes
- The metal band used to prevent the ends of wooden instruments from splitting
- The semi-circular metal band that holds the fibers in place on the frogs of bows for violin family instruments
- Compression fittings for attaching tubing (piping) commonly have ferrules in them.
- A swaged termination type for wire rope
- The cap at the end of a cane or umbrella as well as the ring, often crimped, sometimes pinned, that prevents an umbrella's canopy from sliding off the end when open
- The portion of a cue in pool, billiards and snooker that tops the shaft and to which the tip is bonded; historically made of

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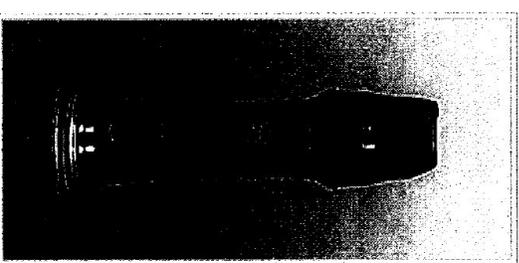


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