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Subject: U.S. TRADEMARK APPLICATION NO. 79147113 - E-THREAD - BRVT-53028 - Request for
Reconsideration Denied - Return to TTAB

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

U.S. APPLICATION SERIAL NO. 79147113

MARK: E-THREAD



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: PRIMO1D

CORRESPONDENT'S REFERENCE/DOCKET NO:

BRVT-53028

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 7/22/2015

INTERNATIONAL REGISTRATION NO. 1203432

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated

December 23, 2014 are maintained and continue to be final: Identification of goods and services. See TMEP §§715.03(a)(ii)(B), 715.04(a).

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

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

Identification of Goods and Services

The highlighted wording in the identification of goods and/or services is broad and must be clarified because it could include a variety of goods and/or services in each class. See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

The USPTO has the discretion to determine the degree of particularity needed to clearly identify goods and/or services covered by a mark. *In re Fiat Grp. Mktg. & Corp. Commc'ns S.p.A*, 109 USPQ2d 1593, 1597 (TTAB 2014) (citing *In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007)). Accordingly, the USPTO requires the description of goods and/or services in a U.S. application to be specific, definite, clear, accurate, and concise. TMEP §1402.01; see *In re Fiat Grp. Mktg. & Corp. Commc'ns S.p.A*, 109 USPQ2d at 1597-98; *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm'r Pats. 1954).

The wording, "piezoelectric electrical current generators and electroactive polymer electrical current generators;; bus interfaces ; motion activated electromechanical generators" must be deleted from the

identification of goods in Class 009 because these goods are classified in Class 007. In addition, in a Section 66(a) application, an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c).

In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. TMEP §1402.03(a). If applicant uses indefinite words such as “devices” such words must be followed by “namely,” followed by a list of the specific goods identified by their common commercial or generic names. See TMEP §§1401.05(d), 1402.03(a).

The following substitute wording is suggested, if accurate:

Microelectronic, optoelectronic and micro mechanical components for the production of primary wired structures for holding chips for use as computation, communication and information storage hardware namely, microprocessors, micro controllers, digital memory **and** network interfaces for **[specify e.g. computers, detectors, etc.]**; RFID **[specify, e.g. computer, semiconductor, etc.]** chips; signal emitters, namely, light emitting **diodes**, sound or ultrasound emitting devices **in the nature of [specify exact nature of goods, e.g. ultrasound probes not for medical use, acoustic sound alarms, etc.]**, RF emitting devices, **namely, [specify exact nature of goods, e.g. RFID tags, radio-frequency controlled locks, etc.]**; sensors namely, temperature sensors, electric sensors, capacitive sensors **in the nature of [specify, e.g. capacitors, etc.]**, resistive sensors **in the nature of [specify]**, pressure sensors, biometric sensors **for sensing, [specify]**, attitude **and** motion sensors, chemical sensors **for measuring [specify purpose, e.g. water chemicals, etc.]**; and energy harvesting hardware, namely, photovoltaic cells, radio-frequency rectifiers, in Class 009.

Textile fibers including microelectronic, optoelectronic and micromechanical components, in Class 022.

Assembly of products for others in the nature of assembling of microelectronic, optoelectronic and micromechanical components for textile use or production, in Class 040.

Research and development of new products, new engineering processes and new manufacturing processes for others; engineering services including design and development of wired electronic solutions made with dedicated integrated circuits including circuit design; professional consulting in the field of microelectronics, optoelectronics and micromechanics in the field of microtechnology and nanotechnology; materials testing including electromagnetic adaptation of radio solutions implemented in the form of wires; laboratory research for others in the field of microelectronics, optoelectronics, micromechanics in the field of microtechnology and nanotechnology, in Class 042.

In an application filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends an identification to a class other than that assigned by the International Bureau, the amendment will not be accepted because it will exceed the scope and those goods and/or services will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

For guidance on writing identifications of goods and/or services, please use the USPTO's online ID Manual at <http://tess2.uspto.gov/netahtml/tidm.html>, which is continually updated in accordance with prevailing rules and policies. See TMEP §1402.04.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

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