

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	79150580
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 111
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	http://tmng-al.uspto.gov/resting2/api/img/79150580/large
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>COLOR(S) CLAIMED (If applicable)</b>	Color is not claimed as a feature of the mark.
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	The mark consists of consists of two facing chevrons/curved bars that are staggered.
<b>GOODS AND/OR SERVICES SECTION (001)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (005)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (009)(current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
<p>Testing apparatus not for medical purposes, namely, testing apparatus for testing diagnostic kits, DNA-chips or DNS-chips; diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>TRACKED TEXT DESCRIPTION</b>	
<p><del>Testing apparatus not for medical purposes, namely, testing apparatus for testing diagnostic kits, DNA-chips or DNS-chips;</del> <a href="#">Testing apparatus not for medical purposes, namely, testing apparatus for measuring the performance of analytical instruments and apparatus found in diagnostic kits, DNA-chips</a></p>	

[or DNS-chips](#); diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers

**FINAL DESCRIPTION**

Testing apparatus not for medical purposes, namely, testing apparatus for measuring the performance of analytical instruments and apparatus found in diagnostic kits, DNA-chips or DNS-chips; diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers

**GOODS AND/OR SERVICES SECTION (010)(current)**

<b>INTERNATIONAL CLASS</b>	010
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**DESCRIPTION**

Surgical apparatus and instruments; medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, analytical instruments for analyzing diagnostic kits, namely, device for analysis or detection incorporating dispensing of liquids and optical detection or device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation de-vice, and related data management software sold as a unit, medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

**GOODS AND/OR SERVICES SECTION (010)(proposed)**

<b>INTERNATIONAL CLASS</b>	010
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**TRACKED TEXT DESCRIPTION**

Surgical apparatus and instruments; ~~medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, analytical instruments for analyzing diagnostic kits, namely, device for analysis or detection incorporating dispensing of liquids and optical detection or device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation de-vice, and related data~~

~~management software sold as a unit, medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification;~~ medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, kits comprising analytical instruments for analyzing diagnostics, namely, kits comprising one or more of the following items sold as a unit, device for analysis or detection incorporating dispensing of liquids and optical detection, device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation device, and related data management software, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

**FINAL DESCRIPTION**

Surgical apparatus and instruments; medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, kits comprising analytical instruments for analyzing diagnostics, namely, kits comprising one or more of the following items sold as a unit, device for analysis or detection incorporating dispensing of liquids and optical detection, device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation device, and related data management software, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

**ADDITIONAL STATEMENTS SECTION**

<b>MISCELLANEOUS STATEMENT</b>	Applicant has amended its identification of goods and services pursuant to the examiner's requirement of the same. Applicant respectfully requests that the examiner approve the application for publication.
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**SIGNATURE SECTION**

<b>RESPONSE SIGNATURE</b>	/smd/
<b>SIGNATORY'S NAME</b>	Sara M. Dorchak
<b>SIGNATORY'S POSITION</b>	Attorney

<b>SIGNATORY'S PHONE NUMBER</b>	5163659802
<b>DATE SIGNED</b>	10/27/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Oct 27 09:51:17 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-47.23.42.154-20 151027095117191432-791505 80-54025457439246c5781899 bf0b1848689e6d16bc2d9bc07 361947cd3ef927819-N/A-N/A -20151027094223026415

PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

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

Application serial no. **79150580** (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/79150580/large>) has been amended as follows:

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

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

**Current:** Class 009 for Testing apparatus not for medical purposes, namely, testing apparatus for testing diagnostic kits, DNA-chips or DNS-chips; diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers

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:** ~~Testing apparatus not for medical purposes, namely, testing apparatus for testing diagnostic kits, DNA-chips or DNS-chips;~~ Testing apparatus not for medical purposes, namely, testing apparatus for measuring the performance of analytical instruments and apparatus found in diagnostic kits, DNA-chips or DNS-chips; diagnostic apparatus, not for medical purposes, namely,

diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers

Class 009 for Testing apparatus not for medical purposes, namely, testing apparatus for measuring the performance of analytical instruments and apparatus found in diagnostic kits, DNA-chips or DNS-chips; diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for the detection of pathogens for laboratory or research use; computer software for analyzing diagnostic kits, DNA-Chips or DNS-Chips or for analyzing instruments in the field of diagnostic kits; computer software for controlling and managing patient medical information; computer software for controlling moduls for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; DNA chips; DNS chips; chemistry apparatus and instruments, namely, centrifuges and homogenizers

**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 010 for Surgical apparatus and instruments; medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, analytical instruments for analyzing diagnostic kits, namely, device for analysis or detection incorporating dispensing of liquids and optical detection or device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation de-vice, and related data management software sold as a unit, medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

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:** Surgical apparatus and instruments; ~~medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, analytical instruments for analyzing diagnostic kits, namely, device for analysis or detection incorporating dispensing of liquids and optical detection or device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation de-vice, and related data management software sold as a unit, medical apparatus and instrument for diagnostic use, namely, apparatus for medical diagnostic testing, medical diagnostic instruments for the analysis of body~~

~~fluids, blood testing apparatus, immunochemical testing apparatus for medical use, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, kits comprising analytical instruments for analyzing diagnostics, namely, kits comprising one or more of the following items sold as a unit, device for analysis or detection incorporating dispensing of liquids and optical detection, device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation device, and related data management software, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification;~~ surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

Class 010 for Surgical apparatus and instruments; medical apparatus and instrument for diagnostic use, namely, medical diagnostic instruments for the analysis of body fluids, blood testing apparatus, immunochemical testing apparatus for medical use, kits comprising analytical instruments for analyzing diagnostics, namely, kits comprising one or more of the following items sold as a unit, device for analysis or detection incorporating dispensing of liquids and optical detection, device for the detection or for the analysis of chemicals, nucleic acids and proteins in the nature of instruments and apparatus systems for medical diagnostic uses, sample preparation device, and related data management software, instrument for diagnostic use comprising controlling modules for dispensing of liquids, sample processing and/or purification, nucleic acid amplification, signal amplification; surgical apparatus and instruments for veterinary use; procedures testing apparatus for medical purposes; diagnostic apparatus for medical purposes, namely, diagnostic apparatus for detection of virus or bacteria; medical blood collection apparatus, namely, empty blood collection tubes for medical purposes; medical blood testing apparatus; needles for medical purposes, in particular for blood collection; medical blood receiving tubules and medical drainage tubules, namely, centrifuge tubules; drainage tubes and cannulas for medical and/or clinical purposes

**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**

### **Miscellaneous Statement**

Applicant has amended its identification of goods and services pursuant to the examiner's requirement of the same. Applicant respectfully requests that the examiner approve the application for publication.

## **SIGNATURE(S)**

### **Request for Reconsideration Signature**

Signature: /smd/ Date: 10/27/2015

Signatory's Name: Sara M. Dorchak

Signatory's Position: Attorney

Signatory's Phone Number: 5163659802

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 79150580

Internet Transmission Date: Tue Oct 27 09:51:17 EDT 2015

TEAS Stamp: USPTO/RFR-47.23.42.154-20151027095117191

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848689e6d16bc2d9bc07361947cd3ef927819-N/

A-N/A-20151027094223026415