

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	79158696
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 106
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/79158696/large
<b>LITERAL ELEMENT</b>	MW-GRADE
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Attached is a "Request for the Recording of a Change in Ownership" in International Registration No. 1,231,767 that was recently filed with the International Bureau to transfer ownership of the U.S. application for the mark MW- GRADE shown in U.S. Serial No. 79/158696 from Salzgitter Mannesmann Precision GmbH to Salzgitter Mannesmann GmbH. The new owner of the U.S. application is Salzgitter Mannesmann GmbH, a limited liability company organized under the laws of Germany and located at 99 / Eisenhutzenstrasse, 38239 Salzgitter, Germany. Now that the assignment of this application has been duly recorded at the International Bureau, and the Applicant and the owner of the cited mark U.S. Reg. No. 0622898 are the same entity, Applicant respectfully requests the refusal to register be withdrawn and the application be passed to publication on the Principal Register.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_7420424216-20160315153519625785_53218WO-MM5.pdf</a>
<b>CONVERTED PDF FILE(S) (6 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0005.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0006.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\586\79158696\xml12\RFR0007.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Request for the Recording of a Change in Ownership
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/molly crandall/
<b>SIGNATORY'S NAME</b>	MOLLY MACK CRANDALL
<b>SIGNATORY'S POSITION</b>	Attorney of Record, MI Bar Member
<b>SIGNATORY'S PHONE NUMBER</b>	248-358-4400
<b>DATE SIGNED</b>	03/15/2016

<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Mar 15 16:03:32 EDT 2016
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XXX-2 0160315160332557754-79158 696-55081d95a7de8ce38ee9b d4f3bec386d69b4cf3385bde9 850aed79cca9591371549-N/A -N/A-20160315153519625785

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PTO Form 1960 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 07/31/2017)

### **Request for Reconsideration after Final Action**

#### **To the Commissioner for Trademarks:**

Application serial no. **79158696** MW-GRADE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/79158696/large>) has been amended as follows:

#### **ARGUMENT(S)**

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

Attached is a "Request for the Recording of a Change in Ownership" in International Registration No. 1,231,767 that was recently filed with the International Bureau to transfer ownership of the U.S. application for the mark MW- GRADE shown in U.S. Serial No. 79/158696 from Salzgitter Mannesmann Precision GmbH to Salzgitter Mannesmann GmbH. The new owner of the U.S. application is Salzgitter Mannesmann GmbH, a limited liability company organized under the laws of Germany and located at 99 / Eisenhutenstrasse, 38239 Salzgitter, Germany. Now that the assignment of this application has been duly recorded at the International Bureau, and the Applicant and the owner of the cited mark U.S. Reg. No. 0622898 are the same entity, Applicant respectfully requests the refusal to register be withdrawn and the application be passed to publication on the Principal Register.

#### **EVIDENCE**

Evidence in the nature of Request for the Recording of a Change in Ownership has been attached.

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

[evi\\_7420424216-20160315153519625785\\_53218WO-MM5.pdf](#)

**Converted PDF file(s)** ( 6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

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

##### **Request for Reconsideration Signature**

Signature: /molly crandall/ Date: 03/15/2016

Signatory's Name: MOLLY MACK CRANDALL

Signatory's Position: Attorney of Record, MI Bar Member

Signatory's Phone Number: 248-358-4400

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: 79158696

Internet Transmission Date: Tue Mar 15 16:03:32 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2016031516033255

7754-79158696-55081d95a7de8ce38ee9bd4f3b

ec386d69b4cf3385bde9850aed79cca959137154

9-N/A-N/A-20160315153519625785

MADRID AGREEMENT AND PROTOCOL CONCERNING THE  
INTERNATIONAL REGISTRATION OF MARKS

**REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP**

(Rule 25 of the Common Regulations)

**IMPORTANT**

1. This request may be presented to the International Bureau directly by the holder (or his recorded representative), through the Office of the Contracting Party of the (recorded) holder or through the Office of the Contracting Party of the new owner (transferee).
2. If the present request relates to a **total** change in ownership, as provided for in item 6(a), this form may be used for **several** international registrations in the name of the same holder.
3. If the present request relates to a **partial** change in ownership, as provided for in item 6(b), this form may only be used to request the recording of a change in ownership for a **single** international registration.

World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Tel. (Madrid Customer Service): +41 (0)22 338 8686  
Fax (Madrid Registry): +41 (0)22 740 1429  
e-mail: [intreg.mail@wipo.int](mailto:intreg.mail@wipo.int) – Internet: [www.wipo.int](http://www.wipo.int)

REQUEST FOR THE RECORDING OF A CHANGE IN OWNERSHIP

<p style="text-align: center;"><u>For the holder (transferor)/new owner (transferee)</u></p> <p>This request contains the following number of continuation sheets:                  .....                  Holder/new owner's reference: <u>53 218-WO /Nm</u> .....</p>	<p style="text-align: center;"><u>For the Office</u></p> <p>Office's reference: .....</p>
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**1** INTERNATIONAL REGISTRATION NUMBER(S)  
 (several international registrations may be indicated below, provided that all registrations concerned are the subject of a **total** change in ownership, as provided for in item 6(a))  
1 231 767 .....

**2** NAME OF THE HOLDER (TRANSFEROR)  
 (as recorded in the International Register)  
Salzgitter Mannesmann Precision GmbH .....

**3** NEW OWNER (TRANSFEEE)

(a) Name: Salzgitter Mannesmann GmbH .....

(b) Address: 99 / Eisenhuettenstrasse .....

38239 Salzgitter / GERMANY .....

(c) Address for correspondence: .....

.....

(d) Telephone: ..... Fax: .....

E-mail address: .....

By providing an e-mail address, any further correspondence from the International Bureau related to this/these international registration(s) will be sent only electronically and, **therefore, you will no longer receive any paper correspondence.** Likewise, any further correspondence from the International Bureau related to other international applications or international registrations for which the same e-mail address has been, or will be, provided will also be sent only electronically. Please note that, for the purpose of electronic communication, there can be only one e-mail address recorded per each international registration.

**4** ENTITLEMENT OF THE NEW OWNER (TRANSFEREE) TO BE THE HOLDER OF THE INTERNATIONAL REGISTRATION

- (a) Indicate in the appropriate space(s):
- (i) the name of the Contracting State of which the new owner (transferee) is a national; and/or,  
.....
  - (ii) the name of the State member of a Contracting Organization of which the new owner (transferee) is a national; and/or,  
.....
  - (iii) the name of the Contracting Party in the territory of which the new owner (transferee) is domiciled; and/or,  
.....
  - (iv) the name of the Contracting Party in the territory of which the new owner (transferee) has a real and effective industrial or commercial establishment:  
GERMANY  
.....
- (b) Where the new owner (transferee) is not a national of a Contracting State or of a State member of a Contracting Organization and the address given in item 3(b) is not in the territory of any of the Contracting Parties mentioned in paragraph (a)(iii) or (iv) of the present item, indicate in the space provided below:
- (i) the address of the new owner (transferee) in the territory of the Contracting Party mentioned in paragraph (a)(iii) of the present item; or,
  - (ii) the address of the new owner's (transferee) industrial or commercial establishment in the territory of the Contracting Party mentioned in paragraph (a)(iv) of the present item.  
.....  
.....

**5** APPOINTMENT OF A REPRESENTATIVE BY THE NEW OWNER (TRANSFEREE)<sup>1</sup>

Name: Meissner & Meissner Anwaltskanzlei  
 Address: 89 / Hohenzollerndamm  
14199 Berlin / GERMANY  
 Telephone: + 49 30 / 895291-0 Fax: + 49 30 / 895291-33  
 E-mail address: email@officemeissner.de

By providing an e-mail address, any further correspondence from the International Bureau related to this/these international registration(s) will be sent only electronically and, **therefore, you will no longer receive any paper correspondence**. Likewise, any further correspondence from the International Bureau related to other international applications or international registrations for which the same e-mail address has been, or will be, provided will also be sent only electronically. Please note that, for the purpose of electronic communication, there can be only one e-mail address recorded per each international registration.

SIGNATURE OF THE NEW OWNER (TRANSFEREE) APPOINTING THE ABOVE REPRESENTATIVE (compulsory)  
 .....

<sup>1</sup> This item should be used where the new owner (*transferee*) wishes to appoint a representative. Note that, if the person recorded as the representative of the holder (*transferor*) is to be recorded as the representative of the new owner (*transferee*), such appointment should be made by completing this item.

**6** SCOPE OF THE CHANGE IN OWNERSHIP (check either (a) or (b))

(a)  **TOTAL CHANGE IN OWNERSHIP** (the change in ownership is to be recorded for all the Contracting Parties designated in the international registration(s) indicated in item 1, and for all the goods and services covered by such international registration(s));

(b)  **PARTIAL CHANGE IN OWNERSHIP** (read note No. 3 on the cover page before checking this box)

(i) the change in ownership is to be recorded for the designated Contracting Parties indicated below (if no Contracting Party is indicated, it will be understood that the change in ownership is to be recorded in respect of all the designated Contracting Parties); and/or,

USA  
 .....  
 .....

(ii) the change in ownership is to be recorded for the goods and services indicated below (grouped in the appropriate classes); if no goods and services are indicated, it will be understood that the change in ownership is to be recorded in respect of all goods and services.

You can find indications that are pre-accepted by the International Bureau in the Madrid Goods & Services Manager (MGS) at [www.wipo.int/mgs/](http://www.wipo.int/mgs/).

Please make consistent use of a semicolon (;) to clearly specify the goods and services indications in your list, e.g.:  
 09 Scientific, optical and electronic apparatus and instruments; screens for photoengraving; computers.  
 35 Advertising; compilation of statistics; commercial information agencies.

Please use font "Courier New" or "Times New Roman", size 12 pt, or above.

.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

If the space provided above is not sufficient, check the box and use a continuation sheet

**7** MISCELLANEOUS INDICATIONS

(a) Indications concerning the new owner (transferee) (as may be required by certain designated Contracting Parties):

(i) if the new owner (transferee) is a natural person, indicate the nationality: .....

(ii) if the new owner (transferee) is a legal entity:

– legal nature of the legal entity: privat limited company .....

– State and, where applicable, territorial unit within that State, under the law of which the legal entity is organized:  
GERMANY .....

(b) The new owner (transferee) may choose a preferred language for correspondence:

English     French     Spanish

**8** SIGNATURE BY THE HOLDER (TRANSFEROR) AND/OR HIS REPRESENTATIVE

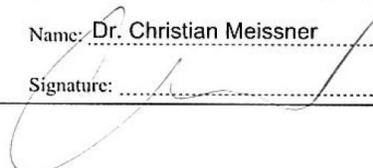
Holder (transferor)  
 (as recorded in the International Register)

Representative of the holder (transferor)  
 (as recorded in the International Register)

Name: .....

Name: Dr. Christian Meissner .....

Signature: .....

Signature:  .....

**9**

OFFICE OF THE CONTRACTING PARTY (OF THE RECORDED HOLDER (TRANSFEROR) OR THAT OF THE NEW OWNER (TRANSFeree)) PRESENTING THE REQUEST (where the request is presented through an Office)

Name of the Office: German Patent and Trademark Office .....

.....

Name and signature of the official signing on behalf of the Office: .....

.....

Name and e-mail address of the contact person in the Office: .....

.....

## FEE CALCULATION SHEET

(a) INSTRUCTIONS TO DEBIT FROM A CURRENT ACCOUNT	
<input checked="" type="checkbox"/> The International Bureau is hereby instructed to debit the required amount of fees from a current account opened with the International Bureau (if this box is checked, it is not necessary to complete (b)).	
Holder of the account: <u>Peter E. Meissner</u>	Account number: <u>38852</u>
Identity of the party giving the instructions: .....	
(b) AMOUNT OF FEES	
Amount (177 Swiss francs) x <u>1</u> (per international registration mentioned in item 1)	<b>Grand total (Swiss francs)</b> <u>177,00</u>
(c) METHOD OF PAYMENT	
Identity of the party effecting the payment: .....	
Payment received and acknowledged by WIPO	<input type="checkbox"/> WIPO receipt number .....
Payment made to WIPO bank account IBAN No. CH51 0483 5048 7080 8100 0 Crédit Suisse, CH-1211 Geneva 70 Swift/BIC: CRESCHZZ80A	<input type="checkbox"/> Payment identification .....
Payment made to WIPO postal account (within Europe only) IBAN No. CH03 0900 0000 1200 5000 8 Swift/BIC: POFICHBE	<input type="checkbox"/> Payment identification .....