

From: Vaghani, Mayur

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 79160528 - OSYPKA-MEDTEC - N/A - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 1

Files: 79160528.doc

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

U.S. APPLICATION SERIAL NO. 79160528 MARK: OSYPKA-MEDTEC	
CORRESPONDENT ADDRESS: JOHN P SULLIVAN VOLPE & KOENIG PC 30 SOUTH 17TH ST STE 1800 PHILADELPHIA, PA 19103	GENERAL TRADEMARK INFORMATION: http://www.uspto.gov/trademarks/index.jsp VIEW YOUR APPLICATION FILE
APPLICANT: OSYPKA AG	
CORRESPONDENT'S REFERENCE/DOCKET NO: N/A CORRESPONDENT E-MAIL ADDRESS: trademarks@vklaw.com	

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/19/2016

INTERNATIONAL REGISTRATION NO. 1235966

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. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated 9/14/2015 are maintained and continue to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 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.

Specifically, the Section 2(d) final refusal is maintained and continued. The applicant states that it has a consent agreement with the cited registrant. However, the applicant has not provided a copy of a valid consent agreement. Further, the identification of goods final requirement is maintained and continued with respect to the following goods:

- Class 009: Electric and electronic devices and instruments for the measurement, input, storage, display, analysis, processing, generation and transmission of data and signals, namely instruments in the nature of sensors for use with computers
- Class 010: Parts of the aforesaid goods as well as additional parts for this purpose, as far as included in this class, namely, cables in the nature of patient cables and interface cables

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

/mvaghani/

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