

From: Mizelle, Dezmona

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To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85606745 - ONE STEP SPLICE - N/A - Request for
Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 3

Files: vytr-1.jpg, vytr-2.jpg, 85606745.doc

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

U.S. APPLICATION SERIAL NO. 85606745

MARK: ONE STEP SPLICE



CORRESPONDENT ADDRESS:

VYTRAN LLC

1400 CAMPUS DR W

MORGANVILLE, NJ 07751

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: Vytran LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

dbowden@vytran.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/13/2013

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 March 13, 2013 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.

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).

MARK IS MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes aspects of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); see *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); see, e.g., *In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's

software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

In this case, both the individual components and the composite result are descriptive of applicant’s goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods.

ONE STEP is defined as: used for referring to a single person or thing.

STEP is defined as: one of a series of actions that you do in order to achieve a particular goal

Macmillan Dictionary (2009-2011) at www.macmillandictionary.com.

When viewed in its entirety, the term merely describes a feature or characteristic of the applicant’s goods which are splicers, which can presumably be performed in “one-step”.

Applicant describes its goods as “process software with its ultra-simple graphical user interface that enables splicing at the **touch of a single button**.” See attachment from applicant’s website.

Accordingly, the proposed mark “ONE STEP SPLICE” is merely descriptive, and registration is properly refused on the Principal Register under Section 2(e)(1).

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).

CONTACT THE EXAMINING ATTORNEY

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. §2.191; TMEP

§§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.

/Dezmona J. Mizelle-Howard/

Dezmona J. Mizelle-Howard

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The image is a screenshot of the Vytran website. At the top left is the Vytran logo, which consists of a stylized 'V' made of horizontal lines followed by the word 'vytran' in a lowercase sans-serif font. Below the logo is a navigation menu with the following items: HOME, CORE TECHNOLOGY, PRODUCTS, MARKETS & APPLICATIONS, SERVICE & SUPPORT, and ABOUT US. The 'ABOUT US' item is highlighted with a white background. Below the navigation menu is a secondary menu with the following items: > PRESS RELEASES, > EVENTS, > CAREERS, > CONTACT US, and > DISTRIBUTORS. The 'PRESS RELEASES' item is highlighted with a white background. The main content area has a dark blue background with a light blue abstract graphic on the left side. The headline of the press release is 'Vytran to Demonstrate Compact, High-Performance Optical Fiber Splicer at OFC/NFOEC 2013'. Below the headline is the date 'March 13, 2013'. The text of the press release is as follows:
"CAS-4100" Splicer Ideal for Use in Producing Telecom Fiber Assemblies
Morganville, New Jersey, March 13, 2013 – Vytran, an innovative supplier of optical fiber splicing and processing solutions, will demonstrate its compact, high-performance "CAS-4100" optical fiber splicer, and show a selection of other precision fiber processing equipment, at the Optical Fiber Communication Conference and Exposition/National Fiber Optic Engineers Conference (OFC/NFOEC) 2013, booth #2109. The OFC/NFOEC exposition will be held March 19-21 at the Anaheim Convention Center in Anaheim, California.
"A couple of key trends in telecom are increasing erbium-doped fiber amplifier (EDFA) performance and reducing manufacturing costs," said Jean-Michel Pelaprat, Vytran president and CEO. "Vytran's proprietary filament fusion splicing technology along with our mold-plate fiber recoating, the industry-standard recoating method, enable volume production of very high-strength, low-loss fiber assemblies, including state-of-the-art EDFAs. Our newest splicer, the CAS-4100, offers a combination of this precision splicing and manufacturing cost reduction from a compact machine that is easy to operate and integrates well into a high-volume production line."
The CAS-4100 splices standard and specialty fibers from 80 microns in diameter. CAS systems are designed with a large display screen and computer embedded into the single splicer unit. The unit's small footprint is ideal for limited-space settings. In addition, CAS splicers are equipped with One Step Splice™ process software with its ultra-simple graphical user interface that enables splicing at the touch of a single button. They also feature E-Splice™ technology to allow remote operation and monitoring plus data export for statistical process control.
Said Pelaprat, "We encourage OFC/NFOEC attendees to visit the Vytran booth, see a demonstration of our compact, semi-automated CAS-4100 splicer, and get a sense of how this unique tool can be combined with a Vytran recoater to manufacture high-performance fiber-based telecom components and assemblies."
On the right side of the main content area, there is a 'PRESS RELEASES' section with a list of other press releases:
September 23, 2013: Vytran Introduces Compact Automated Optical Fiber Cleavers for High-Volume Manufacturing
June 4, 2013: Vytran to Highlight Optical Fiber Processing Solutions for Fiber Laser Production and Others at CLEO: 2013
May 7, 2013: Vytran Introduces New Optical Fiber Splicer with Large Diameter Fiber Splicing Capabilities
March 13, 2013: Vytran to Demonstrate Compact, High-Performance Optical Fiber Splicer at OFC/NFOEC 2013
January 23, 2013: Vytran to Show Suite of Optical Fiber Processing Products at Photonics West 2013

At its OFC/NFOEC booth, Vytran will also display an FFS-2000 all-in-one fusion splicing workstation that can be used to produce EDFAs, and various PTR-200 Series optical fiber recoaters and proof testers. In addition, the company will show a GPX-3600 optical fiber glass processor and an LDC-400 large-diameter fiber cleaver for use in application areas ranging from fiber laser and sensing to defense and aerospace.

For added convenience, attendees can schedule appointments to discuss their unique fiber processing needs by contacting Jim Stathis, Vytran sales manager, at jstathis@vytran.com or by emailing sales@vytran.com.

About Vytran

Vytran is an innovative supplier of semi-automated and fully automated fiber fusion splicing and glass processing solutions for the telecom, fiber laser, sensing, medical, aerospace, and specialty fiber products markets. Vytran technologies are designed to reduce customers' risk, speed their products to market, and lower their cost of ownership. The company's patented filament fusion technology is paired with industry-leading machine monitoring and control capabilities to provide process control unattainable with other fusion splicing methods. These technologies, along with innovations in fiber cleaving, recoating and proof testing, make Vytran a leader in reliable, precision equipment for high-volume optical fiber assembly and specialty fiber processing. Vytran is a member of the NKT Group.

For more information about Vytran, LLC, please visit <http://www.vytran.com> or email info@vytran.com.

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January 8, 2013
Vytran Opens New Customer Support Center in Germany

September 12, 2012
Vytran to Display Newest Optical Fiber Splicer at ECOC 2012

May 2, 2012
Vytran Introduces Portable Optical Fiber Cleaver

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