

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85664291
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (010)(current)	
INTERNATIONAL CLASS	010
DESCRIPTION	
Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic studies, artificial pancreases, Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purposes injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, e.g. blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010700995
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	07/25/2012
FOREIGN EXPIRATION DATE	03/06/2022
GOODS AND/OR SERVICES SECTION (010)(proposed)	
INTERNATIONAL CLASS	010
TRACKED TEXT DESCRIPTION	
Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic studies, artificial pancreases, Apparatus for use in medical analysis, namely, instrumentation for medical	

~~blood glucose and subcutane glucose measurement and regulation; Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic functions, namely, injectors sold empty, glucose monitors, medical test kits for diabetes monitoring for home use, medical syringes, and devices for monitoring blood glucose for medical purposes; artificial pancreases; Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purposes injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, e.g. blood pump system for use in artificial pancreas support, vacuum pump; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purpose injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws.~~

FINAL DESCRIPTION

Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic functions, namely, injectors sold empty, glucose monitors, medical test kits for diabetes monitoring for home use, medical syringes, and devices for monitoring blood glucose for medical purposes; artificial pancreases; Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purpose injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws.

FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010700995
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	07/25/2012
FOREIGN EXPIRATION DATE	03/06/2022

GOODS AND/OR SERVICES SECTION (044)(no change)

SIGNATURE SECTION

RESPONSE SIGNATURE

RESPONSE SIGNATURE	/Martin R. Geissler/
SIGNATORY'S NAME	Martin R. Geissler
SIGNATORY'S POSITION	Attorney of record, NY bar member
SIGNATORY'S PHONE NUMBER	7036217140
DATE SIGNED	09/25/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Sep 25 16:25:20 EDT 2013
TEAS STAMP	USPTO/RFR-174.78.149.8-20 130925162520910394-856642 91-5009b50795c6912dd43387 36e72808f4891b762995b1d9b fde1e5c831115ecb80fe-N/A- N/A-20130925162347769248

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

Application serial no. **85664291** 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 010 for Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic studies, artificial pancreases, Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purposes injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, e.g. blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws

Original Filing Basis:

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use

the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community registration number 010700995 registered 07/25/2012 with a renewal date of _____ and an expiration date of 03/06/2022], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed:

Tracked Text Description: ~~Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic studies, artificial pancreases, Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic functions, namely, injectors sold empty, glucose monitors, medical test kits for diabetes monitoring for home use, medical syringes, and devices for monitoring blood glucose for medical purposes; artificial pancreases; Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purposes injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, e.g. blood pump system for use in artificial pancreas support, vacuum pump; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purpose injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws.~~

Class 010 for Insulin infusion apparatus, equipment and instruments for the treatment of diabetes and metabolic functions, namely, injectors sold empty, glucose monitors, medical test kits for diabetes monitoring for home use, medical syringes, and devices for monitoring blood glucose for medical purposes; artificial pancreases; Apparatus for use in medical analysis, namely, instrumentation for medical blood glucose and subcutane glucose measurement and regulation; Medical apparatus and instruments, namely, equipment and instrumentation for clamp studies in human subjects; Elastic bandages, Blood testing apparatus, Sphygmomanometers, Surgical apparatus and instruments, Diagnostic apparatus for medical purposes, namely, medical instrumentation for blood glucose and lactate monitoring and instrumentation for analysis of body fluids; Dialysis apparatus, Drainage tubes for medical purposes, Electrodes for medical use, Syringes for medical purpose injections, fluid injectors for medical purposes, Cannulae, Catheters, Pulse meters, Pumps for medical purposes, namely, blood pump system for use in artificial pancreas support, vacuum pump; Probes for medical purposes, Droppers for medical purposes, namely, namely, for administering medication, sold empty; Clamping equipment and devices for medical purposes, namely, clamps, bars, rails, expanding screws.

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [European Community registration number 010700995 registered 07/25/2012 with a renewal date of _____ and an expiration date of 03/06/2022], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Martin R. Geissler/ Date: 09/25/2013

Signatory's Name: Martin R. Geissler

Signatory's Position: Attorney of record, NY bar member

Signatory's Phone Number: 7036217140

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 applicant'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 applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant'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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85664291

Internet Transmission Date: Wed Sep 25 16:25:20 EDT 2013

TEAS Stamp: USPTO/RFR-174.78.149.8-20130925162520910

394-85664291-5009b50795c6912dd4338736e72

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