

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	86151572
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (005)(current)</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>DESCRIPTION</b>	
<p>Medical diagnostic reagents; Diagnostic reagents for medical use; Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use; Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use; Reagents for use in diagnostic tests; diagnostic agents for medical purposes, namely, reagents for use in diagnostic tests; diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy</p>	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	011925278
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	11/18/2013
<b>FOREIGN EXPIRATION DATE</b>	06/24/2023
<b>GOODS AND/OR SERVICES SECTION (005)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	005

**TRACKED TEXT DESCRIPTION**

Medical diagnostic reagents; Diagnostic reagents for medical use; ~~Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use;~~ Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, in vitro testing for diagnosing and monitoring of diabetes, heart disease and other chronic or acute disease or medical conditions;  
 Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; ~~Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use;~~ Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, clinical diagnostic reagents and assays for testing of body fluids; ~~Reagents for use in diagnostic tests;~~ in diagnostic tests; ~~diagnostic agents for medical purposes, namely, reagents for use in diagnostic tests;~~ diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy

**FINAL DESCRIPTION**

Medical diagnostic reagents; Diagnostic reagents for medical use; Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, in vitro testing for diagnosing and monitoring of diabetes, heart disease and other chronic or acute disease or medical conditions; Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, clinical diagnostic reagents and assays for testing of body fluids; in diagnostic tests; diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy

<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>FOREIGN REGISTRATION NUMBER</b>	011925278
<b>FOREIGN REGISTRATION COUNTRY</b>	European Community
<b>FOREIGN REGISTRATION DATE</b>	11/18/2013
<b>FOREIGN EXPIRATION DATE</b>	06/24/2023

**GOODS AND/OR SERVICES SECTION (009)(current)**

<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
Membrane test plates for use in medical research, namely, plates having multi-well arrays that can be used in chemical analysis, biological analysis or patterning for medical research use	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
Membrane test plates for use in medical research, namely, plates having multi-well arrays that can be used in chemical analysis, biological analysis or patterning for medical research use	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>GOODS AND/OR SERVICES SECTION (010)(current)</b>	
<b>INTERNATIONAL CLASS</b>	010
<b>DESCRIPTION</b>	
<p>Diagnostic apparatus for detection of diseases or medical conditions within bodily fluids, diabetes, obesity, heart disease, renal disease, thyroid disorders; Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics; Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids Diagnostic test kits for the detection of haemoglobin in faeces; Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; Membrane test plates for use in medical research; Blood testing apparatus; Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus; Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; Blood testing</p>	

equipment, namely, self-processing in-vitro diagnostic equipment blood sampling tubes

**FILING BASIS**

Section 1(b)

**FILING BASIS**

Section 44(e)

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

**INTERNATIONAL CLASS**

010

**TRACKED TEXT DESCRIPTION**

~~Diagnostic apparatus for detection of diseases or medical conditions within bodily fluids, diabetes, obesity, heart disease, renal disease, thyroid disorders;~~ [Diagnostic apparatus in the nature of immunoadsorption columns for detection of diseases or medical conditions within bodily fluids, namely, diabetes, obesity, heart disease, renal disease, thyroid disorders;](#) Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; ~~Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics;~~ [Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics apparatus for diagnosing and monitoring of diabetes, heart disease, and other chronic or acute diseases or medical conditions;](#) Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; ~~Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids~~ ~~Diagnostic test kits for the detection of haemoglobin in faeces;~~ [Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids;](#) Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; ~~Membrane test plates for use in medical research;~~ Blood testing apparatus; [Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus, namely, apparatus for blood testing or monitoring;](#) ~~Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus;~~ Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; [Blood testing equipment, namely, self-processing in-vitro diagnostic equipment in the nature of blood sampling tubes;](#) ~~Blood testing equipment, namely, self-processing in-vitro diagnostic equipment blood sampling tubes~~

**FINAL DESCRIPTION**

Diagnostic apparatus in the nature of immunoadsorption columns for detection of diseases or medical conditions within bodily fluids, namely, diabetes, obesity, heart disease, renal disease, thyroid disorders;

Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics apparatus for diagnosing and monitoring of diabetes, heart disease, and other chronic or acute diseases or medical conditions; Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; Blood testing apparatus; Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus, namely, apparatus for blood testing or monitoring; Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; Blood testing equipment, namely, self-processing in-vitro diagnostic equipment in the nature of blood sampling tubes

<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>GOODS AND/OR SERVICES SECTION (044)(current)</b>	
<b>INTERNATIONAL CLASS</b>	044
<b>DESCRIPTION</b>	
Medical services for the diagnosis of conditions of the human body, namely, through means of in-vitro medical diagnosis in clinical laboratory, scientific or research settings	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)
<b>GOODS AND/OR SERVICES SECTION (044)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	044
<b>DESCRIPTION</b>	
Medical services for the diagnosis of conditions of the human body, namely, through means of in-vitro medical diagnosis in clinical laboratory, scientific or research settings	
<b>FILING BASIS</b>	Section 1(b)
<b>FILING BASIS</b>	Section 44(e)

SIGNATURE SECTION	
RESPONSE SIGNATURE	/John J. O'Malley/
SIGNATORY'S NAME	John J. O'Malley
SIGNATORY'S POSITION	Attorney of Record, PA Bar Member
SIGNATORY'S PHONE NUMBER	215-568-6400
DATE SIGNED	05/05/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue May 05 18:58:05 EDT 2015
TEAS STAMP	USPTO/RFR-38.98.247.98-20 150505185805713313-861515 72-5305853289794554f52cd1 52a53cf65f9e166c8475e453f ec06e9dac55614faa1-N/A-N/ A-20150505184352266252

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

Application serial no. **86151572** 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 005 for Medical diagnostic reagents; Diagnostic reagents for medical use; Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use; Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use; Reagents for use in diagnostic tests; diagnostic agents for medical purposes, namely, reagents for use in diagnostic tests; diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of

ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 011925278 registered 11/18/2013 with a renewal date of \_\_\_\_\_ and an expiration date of 06/24/2023 ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

**Proposed:**

**Tracked Text Description:** Medical diagnostic reagents; Diagnostic reagents for medical use; ~~Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use;~~ Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, in vitro testing for diagnosing and monitoring of diabetes, heart disease and other chronic or acute disease or medical conditions; Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; ~~Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing for clinical laboratory, scientific or research use;~~ Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, clinical diagnostic reagents and assays for testing of body fluids; ~~Reagents for use in diagnostic tests; in diagnostic tests;~~ ~~diagnostic agents for medical purposes, namely, reagents for use in diagnostic tests;~~ diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy

Class 005 for Medical diagnostic reagents; Diagnostic reagents for medical use; Diagnostic agents for pharmaceutical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, in vitro testing for diagnosing and monitoring of diabetes, heart disease and other chronic or acute disease or medical conditions; Diagnostic preparations for medical purposes; Chemical diagnostic reagents for medical use; Diagnostic chemical reagents for medical use; Reagents for use in diagnostic pregnancy tests; Diagnostic testing materials for medical use, namely, those contained in test cartridges and/or kits for in-vitro diagnostic testing, namely, clinical diagnostic reagents and assays for testing of body fluids; in diagnostic tests; diagnostic agents for medical or veterinary purposes, namely, clinical diagnostics for medical or veterinary use; diagnostic agents for medical purposes, namely, reactants for medical diagnosis; diagnostic agents for veterinary purposes, namely, reactants for veterinary diagnosis; Chemical preparations for the diagnosis of diabetes; diagnostic agents for medical purposes, namely, indicators for medical diagnosis; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of ovulation; diagnostic preparations for medical purposes, namely, preparations for the diagnosis of pregnancy

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified

goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 011925278 registered 11/18/2013 with a renewal date of \_\_\_\_\_ and an expiration date of 06/24/2023 ], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

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

**Current:** Class 009 for Membrane test plates for use in medical research, namely, plates having multi-well arrays that can be used in chemical analysis, biological analysis or patterning for medical research use

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

**Proposed:** Class 009 for Membrane test plates for use in medical research, namely, plates having multi-well arrays that can be used in chemical analysis, biological analysis or patterning for medical research use

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

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

**Current:** Class 010 for Diagnostic apparatus for detection of diseases or medical conditions within bodily fluids, diabetes, obesity, heart disease, renal disease, thyroid disorders; Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics; Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids Diagnostic test kits for the detection of haemoglobin in faeces; Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or

medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; Membrane test plates for use in medical research; Blood testing apparatus; Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus; Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; Blood testing equipment, namely, self-processing in-vitro diagnostic equipment blood sampling tubes

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

**Proposed:**

**Tracked Text Description:** ~~Diagnostic apparatus for detection of diseases or medical conditions within bodily fluids, diabetes, obesity, heart disease, renal disease, thyroid disorders;~~ Diagnostic apparatus in the nature of immunoabsorption columns for detection of diseases or medical conditions within bodily fluids, namely, diabetes, obesity, heart disease, renal disease, thyroid disorders; Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; ~~Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics;~~ Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics apparatus for diagnosing and monitoring of diabetes, heart disease, and other chronic or acute diseases or medical conditions; Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; ~~Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids~~ Diagnostic test kits for the detection of haemoglobin in faeces; Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the

blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; ~~Membrane test plates for use in medical research~~; Blood testing apparatus; Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus, namely, apparatus for blood testing or monitoring; ~~Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus~~; Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; Blood testing equipment, namely, self-processing in-vitro diagnostic equipment in the nature of blood sampling tubes; ~~Blood testing equipment, namely, self-processing in-vitro diagnostic equipment blood sampling tubes~~

Class 010 for Diagnostic apparatus in the nature of immunoabsorption columns for detection of diseases or medical conditions within bodily fluids, namely, diabetes, obesity, heart disease, renal disease, thyroid disorders; Medical diagnostic instruments, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Diagnostic apparatus for pregnancy testing; Diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostics apparatus for diagnosing and monitoring of diabetes, heart disease, and other chronic or acute diseases or medical conditions; Diagnostic instruments for medical use, namely, self-processing in-vitro diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Medical diagnostic apparatus for medical purposes, namely, self-processing in-vitro diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Diagnostic testing apparatus for use in immunoassay procedures, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Testing instruments for medical diagnostic purposes, namely, medical diagnostic instruments for the analysis of diseases or medical conditions within bodily fluids; Apparatus for carrying-out diagnostic tests for medical purposes, namely, medical diagnostic apparatus for detecting diseases or medical conditions within bodily fluids; Urine testing instruments for medical diagnostic purposes; Diagnostic testing instruments for use in immunoassay procedure; membrane test plates for use in medical diagnostics, namely, medical diagnostic test plates for use in screening diseases or medical conditions within bodily fluids in humans; Tools for medical diagnostics, namely, surgical instruments for medical use; Tools for veterinary diagnostics, namely, surgical instruments for veterinary use; Medical apparatus for testing the level of glucose in the blood; Electric instruments for medical use in the diagnosis of blood; Medical test kits for diabetes monitoring for home use; Blood testing apparatus; Testing apparatus for medical purposes, namely, self-processing in-vitro diagnostic testing apparatus, namely, apparatus for blood testing or monitoring; Apparatus for blood tests; Blood glucose testing apparatus; Blood pressure testing apparatus; Medical instruments for drug abuse testing, namely, self-processing in-vitro diagnostic instruments; Medical instruments for infectious disease testing, namely, self-processing in-vitro diagnostic instruments; Blood testing equipment, namely, self-processing in-vitro diagnostic equipment in the nature of blood sampling tubes

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [\_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

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

**Current:** Class 044 for Medical services for the diagnosis of conditions of the human body, namely, through means of in-vitro medical diagnosis in clinical laboratory, scientific or research settings  
Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

**Proposed:** Class 044 for Medical services for the diagnosis of conditions of the human body, namely, through means of in-vitro medical diagnosis in clinical laboratory, scientific or research settings

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**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 [ \_\_\_\_\_ registration number \_\_\_\_\_ registered \_\_\_\_\_ with a renewal date of \_\_\_\_\_ and an expiration date of \_\_\_\_\_ ], 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: /John J. O'Malley/ Date: 05/05/2015

Signatory's Name: John J. O'Malley

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

Signatory's Phone Number: 215-568-6400

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: 86151572

Internet Transmission Date: Tue May 05 18:58:05 EDT 2015

TEAS Stamp: USPTO/RFR-38.98.247.98-20150505185805713

313-86151572-5305853289794554f52cd152a53  
cf65f9e166c8475e453fec06e9dac55614faa1-N  
/A-N/A-20150505184352266252