

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86218581
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_7340104251-20150610195640900017_.Request_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\185\86218581\xml11\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\862\185\86218581\xml11\RFR0003.JPG
DESCRIPTION OF EVIDENCE FILE	request for reconsideration in PDF format
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	006
DESCRIPTION	
construction and support materials--namely, conduit channel framing and fittings and hardware therefor, all made primarily of metal; space frame system consisting of welded tubing members, connector plates, bolts and nuts; criss-cross grid of metal framing for suspension from ceilings or building structure	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	006
TRACKED TEXT DESCRIPTION	
construction and support materials--namely, conduit channel framing and fittings and hardware therefor,	

~~all made primarily of metal;~~ Construction and support materials, namely, conduit channel framing and fittings therefor, all made primarily of metal; ~~space frame system consisting of welded tubing members, connector plates, bolts and nuts;~~ metal space frame building system comprised of welded tubing members, connector plates, bolts and nuts; ~~criss-cross grid of metal framing for suspension from ceilings or building structure;~~ structure and building support framing, namely, criss-cross grid of metal framing for suspension from ceilings or building structure

FINAL DESCRIPTION

Construction and support materials, namely, conduit channel framing and fittings therefor, all made primarily of metal; metal space frame building system comprised of welded tubing members, connector plates, bolts and nuts; structure and building support framing, namely, criss-cross grid of metal framing for suspension from ceilings or building structure

FILING BASIS Section 1(b)

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S) The applicant claims ownership of U.S. Registration Number(s) 1370880.

SIGNATURE SECTION

RESPONSE SIGNATURE /meh/

SIGNATORY'S NAME Michael E. Hall

SIGNATORY'S POSITION Attorney of record, Virginia bar member

SIGNATORY'S PHONE NUMBER 609-270-4918

DATE SIGNED 06/10/2015

AUTHORIZED SIGNATORY YES

CONCURRENT APPEAL NOTICE FILED YES

FILING INFORMATION SECTION

SUBMIT DATE Wed Jun 10 20:01:15 EDT 2015

TEAS STAMP
USPTO/RFR-73.40.104.251-2
0150610200115186557-86218
581-530d9800c3741494dc4f6
cf82345f32e25d6c4eb5651aa
101166c88776990f6-N/A-N/A
-20150610195640900017

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

Application serial no. **86218581** has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of request for reconsideration in PDF format has been attached.

Original PDF file:

[evi_7340104251-20150610195640900017_. Request for Reconsideration.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 006 for construction and support materials--namely, conduit channel framing and fittings and hardware therefor, all made primarily of metal; space frame system consisting of welded tubing members, connector plates, bolts and nuts; criss-cross grid of metal framing for suspension from ceilings or building structure

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)).

Proposed:

Tracked Text Description: ~~construction and support materials--namely, conduit channel framing and fittings and hardware therefor, all made primarily of metal;~~ [Construction and support materials, namely, conduit channel framing and fittings therefor, all made primarily of metal;](#) ~~space frame system consisting of welded tubing members, connector plates, bolts and nuts;~~ [metal space frame building system comprised of welded tubing members, connector plates, bolts and nuts;](#) ~~criss-cross grid of metal framing for suspension from ceilings or building structure;~~ [structure and building support framing, namely, criss-cross grid of metal framing for suspension from ceilings or building structure](#)

Class 006 for Construction and support materials, namely, conduit channel framing and fittings therefor, all made primarily of metal; metal space frame building system comprised of welded tubing members, connector plates, bolts and nuts; structure and building support framing, namely, criss-cross grid of metal framing for suspension from ceilings or building structure

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)).

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 1370880.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /meh/ Date: 06/10/2015

Signatory's Name: Michael E. Hall

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

Signatory's Phone Number: 609-270-4918

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86218581

Internet Transmission Date: Wed Jun 10 20:01:15 EDT 2015

TEAS Stamp: USPTO/RFR-73.40.104.251-2015061020011518

6557-86218581-530d9800c3741494dc4f6cf823

45f32e25d6c4eb5651aa101166c88776990f6-N/

A-N/A-20150610195640900017

Mark: POWER-STRUT DEFENDER
Serial No.: 86218581
Applicant: Unistrut International Corporation
Attorney Ref.: 1532TUN04167

Request for Reconsideration

On January 10, 2015, the Examining Attorney issued a final Office Action that made final the:

1. Section 2(d) refusal with respect to Registration No. 1370880, and
2. requirement for an amendment to the identification of goods.

I. Section 2(d) Refusal

Applicant respectfully advises that it is now the owner of the cited registration. Specifically, an assignment of Registration No. 1370880 to Applicant was recorded at Reel 5546, Frame 0910 on June 5, 2015, and accordingly Applicant has now claimed ownership of that registration.

II. Identification of Goods

Turning to the identification of goods, the Examining Attorney objected to “construction and support materials, namely, conduit channel framing and fittings and hardware therefor, all made primarily of metal” on the ground that “the types of fittings and hardware must be specified.” Applicant has deleted the wording “hardware” but respectfully submits that the wording “fittings therefor” is acceptable. On this point, Applicant notes the ID Manual contains numerous references to “fittings therefor” across multiple classes. For example, the ID Manual contains the following entries (emphasis added):

- “metal pipes and metal *fittings therefor*” in Class 6
- “tool and tool accessory boxes made of metal sold empty and parts and *fittings therefor*” in Class 6
- “scientific apparatus and instruments, namely, chromatography columns for use in purification in the laboratory and parts and *fittings therefor*” in Class 9
- “catheters and parts and *fittings therefor*” in Class 10
- “commercial refrigerators and freezers and parts and *fittings therefor*” in Class 11
- “marine equipment, namely, anti-surfing/broaching drogues and parts and *fittings therefor*” in Class 12

The Examining Attorney also objected to “space frame system consisting of welded tubing members, connector plates, bolts and nuts.” Applicant has now amended

this wording to “metal space frame building system comprised of welded tubing members, connector plates, bolts and nuts.”

Lastly, the Examining Attorney objected to “criss-cross grid of metal framing for suspension from ceilings or building structure.” Applicant has amended this to “structure and building support framing, namely, criss-cross grid of metal framing for suspension from ceilings or building structure,” to make it clear it is not the picture framing or the like mentioned by the Examining Attorney.

III. Conclusion

Having responded to all outstanding issues, Applicant respectfully requests that the application be approved for publication. The Examining Attorney is invited to contact the undersigned with any questions.