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OMB No. 0651-0050 (Exp 07/31/2017)

# Request for Reconsideration after Final Action

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## The table below presents the data as entered.

| Input Field | Entered |
|---|---|
| **SERIAL NUMBER** | 86393194 |
| **LAW OFFICE ASSIGNED** | LAW OFFICE 102 |
| **MARK SECTION** | |
| **MARK** | http://tmng-al.uspto.gov/resting2/api/img/86393194/large |
| **LITERAL ELEMENT** | TECHXPERT |
| **STANDARD CHARACTERS** | YES |
| **USPTO-GENERATED IMAGE** | YES |
| **MARK STATEMENT** | The mark consists of standard characters, without claim to any particular font style, size |
| **EVIDENCE SECTION** | |
| **EVIDENCE FILE NAME(S)** | |
| **ORIGINAL PDF FILE** | evi_389711398-20160128170013806011_._riptiveness_and_Request_for_Additional_In |
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| **DESCRIPTION OF EVIDENCE FILE** | Argument in response to mere descriptiveness refusal; response to requests for additiona A-G as supporting evidence in the form of third-party registrations and a printout from A |
| **SIGNATURE SECTION** | |
| | |

| | |
|---|---|
| **RESPONSE SIGNATURE** | /Nathan T. Harris/ |
| **SIGNATORY'S NAME** | Nathan T. Harris |
| **SIGNATORY'S POSITION** | Attorney of record, Massachusetts bar member |
| **SIGNATORY'S PHONE NUMBER** | 617-395-7000 |
| **DATE SIGNED** | 01/28/2016 |
| **AUTHORIZED SIGNATORY** | YES |
| **CONCURRENT APPEAL NOTICE FILED** | YES |
| **FILING INFORMATION SECTION** | |
| **SUBMIT DATE** | Thu Jan 28 17:09:31 EST 2016 |
| **TEAS STAMP** | USPTO/RFR-XX.XX.XXX.XX-20<br>160128170931084778-863931<br>94-5501f8d57a321da35f14fe<br>c7cd9a45edadb12726ee7b8a5<br>57911817b6df2e1de4-N/A-N/<br>A-20160128170013806011 |

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

# Request for Reconsideration after Final Action

## To the Commissioner for Trademarks:

Application serial no. **86393194** TECHXPERT(Standard Characters, see http://tmng-al.uspto.gov/resting2/api/img/86393194/large) has been amended as follows:

**EVIDENCE**
Evidence in the nature of Argument in response to mere descriptiveness refusal; response to requests for additional information; and Exhibits A-G as supporting evidence in the form of third-party registrations and a printout from Applicant's website. has been attached.
**Original PDF file:**
evi_389711398-20160128170013806011_._riptiveness_and_Request_for_Additional_Information_Respons
**Converted PDF file(s)** ( 3 pages)

Evidence-1
Evidence-2
Evidence-3
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Evidence-2
Evidence-3
**Original PDF file:**
evi_389711398-20160128170013806011_._Exhibit_B_-_SCRIPTXPERT_-_86043492.pdf
**Converted PDF file(s)** ( 2 pages)
Evidence-1
Evidence-2
**Original PDF file:**
evi_389711398-20160128170013806011_._Exhibit_C_-_PHARMXPERT_-_85726690.pdf
**Converted PDF file(s)** ( 3 pages)
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Evidence-3
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**Converted PDF file(s)** ( 2 pages)
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**Original PDF file:**
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**Converted PDF file(s)** ( 1 page)
Evidence-1
**Original PDF file:**
evi_389711398-20160128170013806011_._Drives_Automotive_Performance_Industry_Recalls___Regulat
**Converted PDF file(s)** ( 2 pages)
Evidence-1
Evidence-2

**SIGNATURE(S)**
**Request for Reconsideration Signature**
Signature: /Nathan T. Harris/ Date: 01/28/2016
Signatory's Name: Nathan T. Harris
Signatory's Position: Attorney of record, Massachusetts bar member

Signatory's Phone Number: 617-395-7000

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 86393194
Internet Transmission Date: Thu Jan 28 17:09:31 EST 2016
TEAS Stamp: USPTO/RFR-XX.XX.XXX.XX-20160128170931084
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**Refusal Under Section 2(e)(1) – Mere Descriptiveness**

The Examining Attorney asserts that Applicant's TECHXPERT mark is merely descriptive because "the entire mark and the terms used therein directly describe a characteristic of Applicant's services, namely 'expert level technical chemistry consultation in the surface finishing and electronics industries.['']" (Office Action, p. 2.) Applicant respectfully disagrees. Applicant's mark TECHXPERT is not merely descriptive of "chemistry consultation in the surface finishing and electronics industries," because it does not immediately convey information about those services. *In re Abcor Dev. Corp.*, 200 USPQ 215 (C.C.P.A. 1978).

In order to be merely descriptive, a mark must convey the descriptive information with a "degree of particularity." *Plus Prods v. Medical Modalities Assocs.*, 211 USPQ 1199, 1204-05 (TTAB 1981). Yet the formative "TECH" in Applicant's unitary, coined mark conveys nothing particular about Applicant's chemistry consultation services. In *In re Truck-Lite Co., Inc.*, the Board found SUPER not merely descriptive of vehicle lighting products, noting that "[t]here is a certain ambiguity about the mark and no information about any quality or characteristic of the goods is conveyed with a degree of particularity; accordingly, "[s]ome thought or imagination would be required on the part of prospective purchasers in order to perceive any significance of the mark as it relates to applicant's goods." *In Re Truck-Lite Co., Inc.*, 2006 WL 236396, at *3 (Serial No. 76/532,510) (TTAB Jan. 26, 2006) [not precedential].[1] Here, consumers would similarly have to engage in thought or imagination to perceive the significance of "TECH" as it relates to chemistry consultation services; the term is not specific enough to immediately convey any quality or characteristic of the recited services.

Applicant's mark is at least suggestive, in that it incongruously compresses the formatives "TECH" and "XPERT," thereby implying the word "expert" while omitting the first "e." As the TMEP notes, "[i]ncongruity is a strong indication that a mark is suggestive rather than merely descriptive." TMEP § 1209.01(a). In a seminal case involving a different compressed mark in which the letter of one formative was dropped, the Board held that the mark SNO-RAKE was not merely descriptive of a hand-held snow removal tool. *In re Shutts*, 217 USPQ 363, 364–5 (TTAB 1983) (noting that "the concept of mere descriptiveness should not

[1] A copy of this non-precedential decision is attached as Exhibit A.

penalize applicants for the coinage of hitherto unused and somewhat incongruous word combinations whose import would not be grasped without some measure of imagination and 'mental pause.'").

The Office Action cites third-party registrations attached to the Office Action as probative "to the extent that they serve to suggest that in connection with the consultation services, the Registrants have disclaimed the terms 'TECH' and/or 'EXPERT[S]' from their marks." (Office Action, p. 2.) Applicant respectfully asserts that this reliance is misplaced, as the cited registrations are inapposite. The marks in those registrations fundamentally differ from Applicant's mark, which does not include the individual terms "TECH" or "EXPERT[S]"—it is a unitary, coined term TECHXPERTS, composed of the formatives "TECH" and "XPERTS," itself a coined term.

On the other hand, there *have* been numerous third-party registrations on the Principal Register for standard character marks containing the formative "XPERT" in connection with consulting services, including:

- Reg. No. 4,524,985 (SCRIPTXPERT for "consulting services in the field of screenplay script development.") (attached as Exhibit B)
- Reg. No. 4,413,363 (PHARMXPERT for a variety of consulting services, including "employment counseling in the field(s) of pharmaceutical sector") (attached as Exhibit C)
- Reg. No. 4,829,507 (POLYXPERT for services including "technical consultancy in the field of optical measuring systems" and "installation, maintenance and repair of computer software; technical advice relating to computer software") (attached as Exhibit D)
- Reg. No. 4,789,972 (XPERTVANTAGE for a variety of advisory and consulting services including "Business assistance, advisory and consulting services in the field of staffing, recruitment, information technology, application development, enterprise portal devevlopment and product testing") (attached as Exhibit E)
- Reg. No. 3,171,361 (XPERT CONNECT for "Cost management for the health care benefit plans of others; Health care cost containment.") (attached as Exhibit F)

Notably, at least some of these marks (e.g., SCRIPTXPERT and PHARMXPERT) contain additional formatives conveying information with a much higher "degree of particularity" about the respective services than TECH does about the services at issue here. *See Plus Prods*, 211 USPQ at 1204-05. While each application is judged on its own merits, *see* TMEP § 1209.01(b),

it is also true that consistency is an "administrative goal" of the Lanham Act. *In Re Rodale Inc.*, 80 USPQ2d 1696 (TTAB 2006). And as these third-party registrations show, the USPTO has consistently registered unitary marks containing the formative XPERT on the Principal Register in connection with consulting and advisory services.

Finally, where there are doubts—as there are here—regarding whether a mark is merely descriptive, those doubts are to be resolved in favor of the Applicant. *See In re Morton-Norwich Products, Inc.*, 209 USPQ 791 (TTAB 1981); *In re Gourmet Bakers, Inc.*, 173 USPQ 565 (TTAB 1972). Reconsideration and withdrawal of the mere descriptiveness refusal is therefore respectfully requested.

**Request for Additional Information**

In response to the request for materials relating to the services at issue, Applicant submits a printout from Applicant's website, attached hereto as Exhibit G. Applicant also respectfully directs the Examining Attorney to the evidence submitted with the Response dated June 29, 2015.

In response to the question, posed by the Examining Attorney, seeking additional information, Applicant offers technical chemistry consultation in the surface finishing and electronics industries by individuals considered to be experts in that field.

2006 WL 236396 (Trademark Tr. & App. Bd.)

THIS DISPOSITION IS NOT CITABLE AS PRECEDENT OF THE TTAB

Trademark Trial and Appeal Board

Patent and Trademark Office (P.T.O.)

IN RE TRUCK-LITE CO., INC.

Serial No. 76532510
January 26, 2006
Hearing: October 27, 2005

***1** Byron A. Bilicki of The Bilicki Law Firm, P.C. for Truck-Lite Co., Inc.
Richard F. White, Trademark Examining Attorney
Law Office 113
(Odette Bonnet, Managing Attorney)

Before Hairston, Walters and Walsh
Administrative Trademark Judges
Opinion by Hairston
Administrative Trademark Judge:

Truck-Lite Co., Inc. has filed an application to register the mark SUPER (in standard character form) for:

> lighting products for vehicles, namely, headlights; tail lights; marker lights; clearance lights; identification lights; stop lights; turn lights; lighting kits comprised of lamps, grommets, plugs, and flanges; license plate lights; back-up lights; interior and utility lights; snow plow lights; fog and driving lights; daytime running lights; and flashing lights. [1]

Registration has been finally refused under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the basis that, when used in connection with applicant's goods, the mark SUPER is merely descriptive of them.

Applicant has appealed. Briefs have been filed, and an oral hearing was held.

Applicant argues that the mark is at most suggestive, and does not convey, with any degree of particularity an immediate idea or characteristic about the goods. Applicant asserts that the word “super” has multiple definitions. Applicant states that the term is not normally associated with lighting products for vehicles, and that others in the field neither have used the term nor have a competitive need to use the term in connection with similar goods.

The examining attorney maintains that the mark SUPER merely describes that applicant's vehicle lighting products “are of higher quality or are superior to similar products on the market.” (Brief, p. 3.) The examining attorney relies upon a dictionary definition of the word “super.” Also offered in the support of the refusal are third-party registrations for marks that include the term SUPER. These registrations contain a disclaimer of SUPER, or have been registered only on the Supplemental Register, or on the Principal Register upon a showing of acquired distinctiveness.

The examining attorney is not persuaded by the fact that the term “super” has several meanings given that the determination of mere descriptiveness must be made on the basis of the term's meaning when applied to the specified goods listed in the application.

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The term "super" is defined as, inter alia, "[a]n article or a product of superior size, quality, or grade. The American Heritage Dictionary of the English Language (Third edition 1992). The examining attorney relies on this definition in arguing that the mark will convey to consumers that applicant's lighting products are of higher quality or are superior to similar vehicle lighting products on the market.

***2** It is well settled that a mark is considered to be merely descriptive of the goods or services, within the meaning of Section 2(e)(1) of the Trademark Act, if it immediately describes an ingredient, quality, characteristic or feature thereof or if it directly conveys information regarding the nature, function, purpose or use of the goods or services. See In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978). It is not necessary that a mark describe all of the properties or functions of the goods or services in order for it to be considered to be merely descriptive thereof; rather it is sufficient if the mark describes a significant attribute or idea about them. Moreover, whether a mark is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with those goods or services and the possible significance that the mark would have to the average purchaser of the goods or services because of the manner of its use. See In re Bright-Crest, Ltd., 204 USPQ 591 (TTAB 1979).

On the other hand, a mark is suggestive if, when the goods or services are encountered under the mark, a multistage reasoning process, or imagination, thought or perception, is required in order to determine what attribute of the goods or services the mark indicates. See In re Abcor Development Corp., supra at 218. To the extent that there is any doubt in drawing the line of demarcation between a suggestive mark and a merely descriptive mark, such doubt is resolved in applicant's favor. In re Atavio, 25 USPQ 1361 (TTAB 1992).

In urging reversal of the refusal to register, applicant relies heavily on In re Ralston Purina Co., 191 USPQ 237, 238 (TTAB 1976) in which the term SUPER in the mark RALSTON SUPER SLUSH (SLUSH disclaimed) was held suggestive of a "concentrate to make a slush type soft drink" since the term "is used as mere puffery … to connote a vague desirable characteristic or quality;" and In re Occidental Petroleum Corp., 167 USPQ 128 (TTAB 1970) in which the Board held that SUPER IRON suggestive of "soil supplements" since "it takes some roundabout reasoning to make a determination … that the product contains a larger amount of iron than most soil supplements or that this iron … ingredient … is superior in quality to iron found in other soil supplements."

The examining attorney relies on In re U.S. Steel Corp., 225 USPQ 750, 751 (TTAB 1985) in which the Board held SUPEROPE merely descriptive of wire rope "since combination of the word 'SUPER' with the apt descriptive term 'ROPE' results in a term which would be perceived as nothing more than the name of the goods modified by a laudatory adjective indicating the superior quality of appellant's wire rope"; and In re General Tire & Rubber Co., 194 USPQ 491, 495 (TTAB 1977) in which the Board held SUPER STEEL RADIAL merely descriptive of tires since the term conveys "one or both of two ideas"; the first is that "the goods are superior grade steel radial tires" and the second is that the goods are "large size steel radial tires."

***3** What we distill from the cases relied on by applicant and the examining attorney, as well as other Board decisions, is that, in general, if the word "super" in a mark is combined with the generic name of the goods, or if the goods come in various grades or sizes, then the mark is merely descriptive rather than suggestive.

In this case, the mark sought to be registered is simply SUPER; it is not combined with the generic name of the goods. Moreover, there is no evidence of record to suggest that lighting products for vehicles come in various sizes or grades, or that "super" has been used as a descriptive designator for vehicle lighting products.

We find that the mark SUPER, when applied to applicant's goods, is suggestive and not merely descriptive. There is a certain ambiguity about the mark and no information about any quality or characteristic of the goods is conveyed with a degree of particularity. Some thought or imagination would be required on the part of prospective purchasers in order to perceive any significance of the mark as it relates to applicant's goods.

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Although we have considered, of course, the third-party registrations introduced by the examining attorney, we are not persuaded to reach a different result in this appeal. We readily concede that they tend to show that in the past the Trademark Examining Operation has viewed the term "super" to be merely descriptive for certain goods and services. However, we note that that none of the third-party registrations cover goods of the type involved in this appeal. Furthermore, while uniform treatment under the Trademark Act is an administrative goal, our task in this appeal is to determine whether this particular applicant's mark is registrable on the Principal Register. As the Board has often stated, each case must be decided on its own facts, and we are not privy to the file records of the registrations submitted by the examining attorney.

Finally, to the extent that there is any doubt in this case, we have resolved that doubt in applicant's favor so as to permit publication of the mark. In re Atavio, supra.

**Decision**: The refusal to register is reversed.

Footnotes

1 Serial No. 76532510, filed on July 28, 2003, which alleges a bona fide intention to use the mark in commerce.

2006 WL 236396 (Trademark Tr. & App. Bd.)

**End of Document**

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# United States of America

## United States Patent and Trademark Office

# ScriptXpert

**Reg. No. 4,524,985**

**Registered May 6, 2014**

**Int. Cl.: 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FINAL DRAFT, INC. (CALIFORNIA CORPORATION)
SUITE 205
26707 AGOURA ROAD
CALABASAS, CA 91302

FOR: CONSULTING SERVICES IN THE FIELD OF SCREENPLAY SCRIPT DEVELOPMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-0-2006; IN COMMERCE 10-0-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-043,492, FILED 8-21-2013.

BARBARA BROWN, EXAMINING ATTORNEY

Michelle K. Lee

**Deputy Director of the United States Patent and Trademark Office**

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years***
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods***
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

**Grace Period Filings***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at** http://www.uspto.gov.

# United States of America

## United States Patent and Trademark Office

# PHARMXPERT

**Reg. No. 4,413,363**

**Registered Oct. 8, 2013**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

MEDITHERAL SARL (ALGERIA LIMITED LIABILITY COMPANY)
RUE DJAMEL HARKAT 65
ALGIERS, ALGERIA 16211

FOR: BUSINESS INFORMATION SERVICES, NAMELY, PROVIDING AN ONLINE COMPILATION OF ANNUAL EMPLOYMENT DATA AND STATISTICS FOR THE UNITED STATES' HIGH-TECH INDUSTRY; CONSULTING SERVICES IN THE FIELD OF HUMAN RESOURCES DEVELOPMENT, NAMELY, FOR THE PROMOTION OF EMPLOYEE RETENTION, CAREER GROWTH, AND INCREASED PRODUCTIVITY FOR EMPLOYEES AND EMPLOYERS; CONSULTING SERVICES IN THE FIELD OF HUMAN RESOURCES DEVELOPMENT, NAMELY, UTILIZING TECHNOLOGY FOR THE PROMOTION OF EMPLOYEE RETENTION, CAREER GROWTH AND INCREASED PRODUCTIVITY FOR EMPLOYEES AND EMPLOYERS; CONSULTING SERVICES, NAMELY, TO EMPLOYERS, COMMUNITY ORGANIZATIONS, BROKERS AND BENEFICIARIES, RELATED TO CONSUMER INFORMATION REGARDING HEALTH CARE PLAN OPTIONS, PRODUCTS AND PROGRAMS IN THE FIELD OF MANAGED CARE AND STATE AND FEDERAL MEDICAL CARE PROGRAMS; EMPLOYMENT AGENCY SERVICES; EMPLOYMENT AGENCY SERVICES, NAMELY, FILLING THE TEMPORARY AND PERMANENT STAFFING NEEDS OF BUSINESSES; EMPLOYMENT AGENCY SERVICES, NAMELY, TEMPORARY AND PERMANENT PLACEMENT OF HEALTH CARE PROFESSIONALS; EMPLOYMENT AGENCY SERVICES, NAMELY, TEMPORARY PLACEMENT OF CHILD CARE PROVIDERS; EMPLOYMENT COUNSELING AND RECRUITING; EMPLOYMENT COUNSELING IN THE FIELD(S) OF PHARMACEUTICAL SECTOR; EMPLOYMENT HIRING, RECRUITING, PLACEMENT, STAFFING AND CAREER NETWORKING SERVICES; EMPLOYMENT OUTPLACEMENT SERVICES; EMPLOYMENT RECRUITING AND STAFFING SERVICES PROVIDED VIA TEXT MESSAGING; EMPLOYMENT RECRUITING CONSULTATION; EMPLOYMENT SERVICES IN THE NATURE OF TALENT CASTING IN THE FIELD(S) OF PHARMACEUTICAL SECTOR; EMPLOYMENT STAFFING CONSULTATION SERVICES; EMPLOYMENT STAFFING IN THE FIELD OF PHARMACEUTICAL SECTOR; EMPLOYMENT VERIFICATION; PERSONNEL RECRUITMENT SERVICES AND EMPLOYMENT AGENCIES; PROVIDING A WEB SITE FEATURING THE RATINGS, REVIEWS AND RECOMMENDATIONS ON EMPLOYERS AND EMPLOYEES AND PLACES OF EMPLOYMENT FOR USE BY EMPLOYEES, EMPLOYERS, BUSINESS OWNERS, AND CONSUMERS; PROVIDING AN EMPLOYER WITH CANDIDATES OR POTENTIAL EMPLOYEES TO FILL TEMPORARY, CONTRACT AND PERMANENT POSITIONS; PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING CLASSIFIED AD LISTINGS AND EMPLOYMENT OPPORTUNITIES; PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING EMPLOYMENT

Deputy Director of the United States Patent and Trademark Office

**Reg. No. 4,413,363** OPPORTUNITIES; PROVIDING EMPLOYMENT COUNSELING INFORMATION ON HOW TO SUCCESSFULLY TRANSITION JOBS; PROVIDING EMPLOYMENT COUNSELING INFORMATION ON HOW TO SUCCESSFULLY TRANSITION JOBS FOR MATURE WORKERS; PROVIDING EMPLOYMENT COUNSELING INFORMATION ON HOW TO SUCCESSFULLY TRANSITION JOBS FOR PHARMACEUTICAL SECTOR; PROVIDING EMPLOYMENT INFORMATION; PROVIDING NETWORKING OPPORTUNITIES FOR INDIVIDUALS SEEKING EMPLOYMENT; PROVIDING ON-LINE EMPLOYMENT INFORMATION IN THE FIELD OF PHARMACEUTICAL SECTOR; PROVIDING ON-LINE EMPLOYMENT PLACEMENT SERVICES, NAMELY, MATCHING RESUMES AND POTENTIAL EMPLOYERS VIA A GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE INTERACTIVE EMPLOYMENT COUNSELING AND RECRUITMENT SERVICES; PROVIDING ONLINE DATABASES FEATURING INFORMATION RELATING TO EMPLOYERS AND EMPLOYEES AND PLACES OF EMPLOYMENT; TALENT AGENCIES; TEMPORARY EMPLOYMENT AGENCIES; TESTING TO DETERMINE EMPLOYMENT SKILLS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-1-2012; IN COMMERCE 9-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-726,690, FILED 9-12-2012.

DANNEAN HETZEL, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years***
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods***
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

**Grace Period Filings***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at** http://www.uspto.gov.

# United States of America

## United States Patent and Trademark Office

# PolyXpert

**Reg. No. 4,829,507**

**Registered Oct. 13, 2015**

**Int. Cls.: 37, 41 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

POLYTEC GMBH (FED REP GERMANY GMBH)
POLYTEC PLATZ 1-7
WALDBRONN, FED REP GERMANY 76337

FOR: INSTALLATION, REPAIR AND MAINTENANCE OF MEASURING SYSTEMS; INSTALLATION, MAINTENANCE AND REPAIR OF COMPUTER HARDWARE, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: ARRANGING AND CONDUCTING SEMINARS AND WORKSHOPS TRAINING, PARTICULARLY IN THE FIELD OF OPTICAL MEASURING SYSTEMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: TECHNOLOGICAL PLANNING, PERFORMING AND EVALUATING MEASUREMENTS, PARTICULARLY WITH OPTICAL MEASURING SYSTEMS; RENTAL OF OPTICAL MEASURING SYSTEMS NOT FOR MEDICAL PURPOSES; ENGINEERING SERVICES; PHYSICS RESEARCH; TECHNICAL CONSULTANCY IN THE FIELD OF OPTICAL MEASURING SYSTEMS; INSTALLATION, MAINTENANCE AND REPAIR OF COMPUTER SOFTWARE; TECHNICAL ADVICE RELATING TO COMPUTER SOFTWARE; CALIBRATION MEASURING OF MEASURING SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 6-25-2014 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1235715 DATED 11-19-2014, EXPIRES 11-19-2024.

SER. NO. 79-160,427, FILED 11-19-2014.

YAT SYE, LEE, EXAMINING ATTORNEY

Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

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***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods***
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

**Grace Period Filings***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at** http://www.uspto.gov.

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at** http://www.uspto.gov.

# United States of America

## United States Patent and Trademark Office

# XpertVantage

**Reg. No. 4,789,972**

**Registered Aug. 11, 2015**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

XPERTVANTAGE, LLC (PENNSYLVANIA LIMITED LIABILITY COMPANY)
SUITE 203
3425 SIMPSON FERRY ROAD
CAMP HILL, PA 17011

FOR: BUSINESS ASSISTANCE, ADVISORY AND CONSULTING SERVICES IN THE FIELD OF STAFFING, RECRUITMENT, INFORMATION TECHNOLOGY, APPLICATION DEVELOPMENT, ENTERPRISE PORTAL DEVEVLOPMENT AND PRODUCT TESTING; BUSINESS CONSULTATION IN THE FIELD OF STAFFING, RECRUITMENT, INFORMATION TECHNOLOGY, APPLICATION DEVELOPMENT, ENTERPRISE PORTAL DEVEVLOPMENT AND PRODUCT TESTING; BUSINESS CONSULTATION SERVICES, NAMELY, BUSINESS PROCESS IMPROVEMENT AND ENTERPRISE ARCHITECTURE DESIGN; BUSINESS CONSULTING SERVICES IN THE FIELD OF STAFFING, RECRUITMENT, INFORMATION TECHNOLOGY, APPLICATION DEVELOPMENT, ENTERPRISE PORTAL DEVEVLOPMENT AND PRODUCT TESTING; CONSULTANCY OF PERSONNEL RECRUITMENT; EMPLOYMENT AGENCY SERVICES, NAMELY, FILLING THE TEMPORARY AND PERMANENT STAFFING NEEDS OF BUSINESSES; EMPLOYMENT STAFFING CONSULTATION SERVICES; EMPLOYMENT STAFFING IN THE FIELD OF INFORMATION TECHNOLOGY; HUMAN RESOURCE ANALYSIS AND CONSULTING SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-27-2012; IN COMMERCE 2-27-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-486,349, FILED 12-19-2014.

PRISCILLA MILTON, EXAMINING ATTORNEY

Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years***
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods***
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

**Grace Period Filings***

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***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at** http://www.uspto.gov.

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at** http://www.uspto.gov.

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,171,361

Registered Nov. 14, 2006

SERVICE MARK
PRINCIPAL REGISTER

# XPERT CONNECT

PREMIER HEALTHCARE EXCHANGE, INC.
(DELAWARE CORPORATION)
60 MORRIS TURNPIKE
SUMMIT, NJ 07901

FOR: COST MANAGEMENT FOR THE HEALTH CARE BENEFIT PLANS OF OTHERS; HEALTH CARE COST CONTAINMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-20-2005; IN COMMERCE 10-20-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-780,436, FILED 12-23-2005.

JAMES GRIFFIN, EXAMINING ATTORNEY

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Jason Maupin, Vice President-Enthone Americas

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## Six Sigma Collaboration Increases Brake Caliper Yields

### Enthone Case Study: Acid Zinc and Zinc-Nickel

A Six Sigma project collaboration between Enthone and one of the world's leading automotive chassisproviders resulted in significantly improved production yields, efficiency, product performance-and increased profitability-at the manufacturer's North American brake production facility. The two companies initiated the project by assembling a joint team of Black Belts, including Enthone TechXpert™ application engineers. The group audited the facility's acid zinc and zinc-nickel plating lines-which output over 15 million brake calipers per year-using the DMAIC (Define, Measure, Analyze, Improve and Control) data-driven, cycle control methodology.

**Read More>>**

## Recalls, Future Industry Trends, and Regulations

Linda Wing, Industry Automotive Manager

In the last issue of enthonews, I shared responses from leading automotive OEMs as they addressed the most difficult decorative chrome plating requirements for suppliers to meet and the Production Part Approval Process (PPAP). This article provides a continuation of the conversation as the discussion turned toward the impact of recalls and regulations on the auto business. Each provided predictions on what the next five years might bring to the decorative chrome plating industry. Questions addressed, included:

- How have recalls and a renewed focus on quality affected your business?
- What trends do you foresee over the next five years in decorative chrome plating?
- Will chrome plating increase or decrease? Any REACH impact?

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