03-10-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposer: STATEK CORPORATION

v.

Case: ZN 102-TM

Applicants: Dipl.-Ing. Rainer Puls and
Dipl.-Ing. Oliver Puls

Trademark Application
Serial No.:76/202322
Filing Date: 30/01/01
Examiner: Barbara Gainer

Trademark: STATEC

March 6, 2003

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Box TTAB FEE

This is in response to Opposition No 91154712 supplied with letter dated Jan/26/03.

The Opposition does not include a concise statement of the reasons for the opposers belief that the opposer would be damaged by the registration of the opposed mark.

However, it is assumed that the opposer objects to Applicants wording in class 9 "chronographs for use as specialized time recording apparatuses" since the trademarks of STATEC Corporation list in international class 9 "electronic timing devices, namely crystals and oscillators".

Although "electronic timing devices, namely crystals and oscillators" are not the same as "chronographs for use as specialized time recording apparatuses" listed in class 9

of the present application, Applicant has decided to remove these goods from the listing in class 9 of his application.

It is therefore respectfully requested to amend Class 9 of the present application so as to read:

Class 9: Testing equipment for determining physical values, namely, travel distance meters, speedometers, accelerometers, power meters, force meters, thermometers, pressure meters; and computers for monitoring and controlling drives and drive components, namely motors, transmissions, clutches and brakes.

This amendment completely eliminates any basis for the opposition, so that the present application should proceed.

The undersigned has contacted the attorney for STATEC Corporation, Mr. Jeffrey L. Van Hoosear of KNOBBE, MARTENS, OLSON & BEAR, LLP, and discussed the matter with him. However Mr. Van Hoosear has advised the undersigned, that the Director of STATEC Corporation is presently out of the country so that he can not be reached for obtaining his agreement to withdraw the opposition.

This ANSWER is therefore submitted at this time in order to comply with the 40 day term given in the letter of the BOARD dated Jan.26, 2003.

It is asserted that any possible basis for opposition has been eliminated by Applicants amendment and it is therefore respectfully requested that the Mark be registered as amended.

Enclosed herewith is the official certificate for the registration of the Mark in Germany together with a translation thereof.

Respectfully submitted,

K. Bach

Klaus Bach
Registration No. 26,832

TTAB

[redacted]

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CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

on: 03-06-03

K Bach 03-06-03

Klaus Bach **date**
4407 Twin Oaks Lane
Murrysville, PA 15668

OD

BUNDESREPUBLIK DEUTSCHLAND

BESCHEINIGUNG

über die in das Register eingetragenen Angaben

Die Marke mit der Registernummer **300 56 714** ist mit den folgenden Angaben in das Register des Deutschen Patent- und Markenamts eingetragen.

Die Schutzdauer der Marke beginnt mit dem Anmeldetag und endet am 31.07.2010 . Eine Verlängerung um jeweils zehn Jahre ist gemäß § 47 Markengesetz möglich.

München, den 10.02.2003
Der Präsident des Deutschen Patent- und Markenamts
im Auftrag

Martin

[111] **Registernummer: 300 56 714** [220] **Anmeldetag: 31.07.2000** [511] **Leitklasse: 42**

[210] Aktenzeichen: 300 56 714.6/42

[442] Bekanntmachungstag

[151] Tag der Eintragung: 01.09.2000

[450] Tag der Veröffentlichung der Eintragung: 05.10.2000

[540] Marke: STATEC

[----] Markenform: Wortmarke

[591] Farbige Eintragung mit folgenden Farben: -

[551] Kollektivmarke: -

[571] Der Anmeldung ist eine Beschreibung beigefügt: -

[521] Durchgesetzte Marke: -

[521] Durchgesetzter Markenbestandteil: -

[----] Internationale Registrierung: 759500(31.01.2001),

[390] Telle-Quelle-Marke: -

[521] Verlängert mit Wirkung vom:

[732] Name und Sitz des Inhabers der Marke:

Puls,Rainer,Dipl.-Ing., Karlsruhe, DE; Puls,Oliver,Dipl.-Ing., Karlsruhe, DE;

[750] Zustellanschrift:

Herrn Patentanwalt Dr.-Ing. Edgar Zürn, Hermann-Köhl-Weg 8, 76571 Gaggenau

[740] Name und Sitz des gegenwärtigen Vertreters:

Zürn, Edgar, Dipl.-Ing. Dr.-Ing., Gaggenau

[510] Verzeichnis der Waren und Dienstleistungen:

Antriebe zum Bewegen von Lasten, insbesondere Motore mit Getrieben, Kupplungen und Bremsen und Hebezeuge; Prüfstände, insbesondere zum Erfassen physikalischer Größen; Geräte und Computer zur Überwachung, Steuerung und Regelung von Antrieben und Antriebsteilen, insbesondere von Motoren, Getrieben, Kupplungen und Bremsen; Antriebe für Fahrzeuge, insbesondere Motore mit Getrieben, Kupplungen und Bremsen; Konstruktion von Antrieben, insbesondere Motore mit Getrieben, Kupplungen und Bremsen und Hebezeugen; Konstruktion von Anlagen, die Antriebe und Hebezeuge lagern; Beratung bezüglich der Planung dieser Anlagen; Erstellen von Programmen für die Datenverarbeitung, insbesondere zur Regelung und Steuerung von Antrieben und Prüfständen;

[511] Klassen: 07, 09, 12, 42

[300] Unionspriorität (Datum, Land, Aktenzeichen):-

[230] Ausstellungspriorität (Datum, Angaben zur Ausstellung): -

[300] Gemeinschaftspriorität (Datum, EM, Aktenzeichen):-

[----] Seniorität nach Art.34 GMV für folgende Gemeinschaftsmarke: -

[----] keine Widersprüche

Dingliche Rechte, Konkursverfahren, Zwangsvollstreckung

Art der Belastung: - eingetragen am: -

Teilungen:

abgeteilte Marken:

Berichtigungen:

EDV-Verfahrensstand: Wid.frist ohne Widersp. abgel. (veröffentl.)(07.02.2001)

FEDERAL REPUBLIC OF GERMANY

DOCUMENT

Concerning the data entered into the register

The mark with the registration number **300 56 714** has been entered in the register of the German Patent and Trademark Office with the following data.

The protection of the mark begins with the date of application and ends on 31/07/2010. An extension by ten years at a time is possible in accordance with § 47 trademark law.

Munich, 10/02/2003
For the president of the German Patent and Trademark Office

Signature

Martin

Seal

Registration document, State: 10/02/03

[111] **Register Number:300 56 714** [220] **Date of Application:31/07/2000** [511] **Guide Class: 42**

[210]	Application No.: 300 56 714.6/42	300 56 714.6/42
[442]	Date of publication:	
[151]	Date of Registration: 01/09/2000	01/09/2000
[450]	Day of Publication of the Registration: 05/10/2000	05/10/2000
[540]	Mark:	STATEK
[----]	Type of Mark:	Word mark
[591]	Color Registration with the following colors;	--
[551]	Collective Mark:	--
[----]	The application includes a description	--
[521]	Accepted Mark:	--
[521]	Accepted Mark Component:	--
[----]	International Registration (Date, Ser. No.)	-- 759500 (31/01/2001
[390]	Tell-Quelle Mark:	--
[521]	Extended Effective on:	--
[732]	Name and Address of the owner of the Mark:	Puls, Rainer, Dipl.-Ing. Karlsruhe, DE; Puls Oliver, Dipl.-Ing. Karlsruhe, DE
[750]	Mailing Address:	Patent attorney Dr. Ing. Edgar Zürn, Hermann-Köhl-Weg 8, 76571, Gaggenau
[740]	Name and Address of Present Representation:	Zürn, Edgar,Dipl.-Ing. Dr. Ing., Gaggenau
[510]	Listing of Goods and Services	Goods/services: Drives for moving loads, especially motors with transmissions, clutches, brakes and hoists; Testing equipment especially for determining physical values; apparatus and computer for monitoring and controlling drives and drive components, particularly motors, transmissions clutches and brakes; Designing of drives, especially, motors with transmissions clutches and brakes, and hoists; Designing structures for storing drives and hoists; Consulting concerning the planning of such structures; Development of computer software for the data processing, especially for controlling drives and testing equipment.
[511]	Classes:	07, 09, 12, 42
[300]	Union Priority (Date, Country, Serial No.)	--
[230]	Exhibition Priority (Date, details of the Exhibition)	--
[----]	Seniority according to art.34 GMW for the following union mark:	--

Material rights, bankruptcy procedure, foreclosure
Type of lien - registered on: -

Divisions:
Division of mark:
Corrections:

EDV-State of the procedure: opposition period passed without opposition (publ.) (07/02/2001)

Stamp