

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78816743
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
ARGUMENT(S)	
Applicant has filed a Notice of Appeal concurrently with this Response to the Final refusal, dated September 7, 2007.	
GOODS AND/OR SERVICES SECTION (006)(current)	
INTERNATIONAL CLASS	006
DESCRIPTION	
<p>--Metal weldable studs and metal fasteners, namely, steel fasteners, metal studs and bolts, weld studs, welded bolts, stud fasteners, shear connectors, headed anchors, welded headed anchors, welded deformed bar anchors, reinforcing bars and studs, concrete anchors, concrete anchor studs, deformed bar anchor studs, externally threaded fasteners, internally threaded fasteners, punching shear resistor (PSR) studs, inserts, ports, pipe hangers, cable hangers, bosses, steel bolts, tension bolts, nuts, sheet metal brackets, grounding studs, plastic cap ground studs, metal nut ground studs, fir-tree studs, coarse threaded studs, wide top wide flange studs, trim studs, collar studs, full base and reduced base studs, cold formed engineered components, cold formed net shapes, cold formed eccentric or asymmetric parts, anti-skid studs, wear protection studs, anti-corrosion studs, refractory anchors and insulation studs, capacitor discharge (CD) studs, rectangular studs, round corner square studs, eyebolt and J bolt studs; Metal ferrules, namely, ferrules for welding at an angle to a base plate, welding to curved surfaces, welding to edges of base plates, welding into fillets and onto heels, rectangular ferrules, welding to vertical surfaces, welding through metal deck, refractory anchor ferrules, special application ferrules, stand ferrules, in International Class 6.</p>	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/15/1944
FIRST USE IN COMMERCE DATE	At least as early as 01/15/1944
GOODS AND/OR SERVICES SECTION (006)(proposed)	
INTERNATIONAL CLASS	006
DESCRIPTION	

Metal weldable studs and metal weldable fasteners, namely, steel fasteners, namely, fasteners having a weld end shape and flux that makes them suitable for the stud welding process, steel bars, unthreaded weld studs, bent stud fasteners, shear connectors, headed anchors, welded headed anchors, welded deformed bar anchors, reinforcing bars and studs, concrete anchors, concrete anchor studs, deformed bar anchor studs, anti-skid studs, wear protection studs, anti-corrosion studs, refractory anchors, punching shear resistor (PSR) studs, steel blots, tension blots, collar studs, full based and reduced base studs, dowel pin studs, round corner square studs for connecting metal and metal rectangular studs for connecting metal and concrete, eyebolt and J bolt studs; Externally threaded fasteners, namely, fasteners having metric or imperial course or fine threads on the exterior comprising metal thread studs and bolts, weld studs and bolts, plugs, and inserts; Internally threaded fasteners, namely, fasteners having metric or imperial course or fine threads on the interior comprising metal port studs, hydraulic fittings, tapped bosses, full base and reduced base studs, grounding studs; Cold formed net shape parts, namely, fasteners having no flux but having a weld end shape suitable for the stud welding process the ends by be blunt, pointed, with or without flanges and timing tips comprising threaded studs, wide top wide flange studs, trim studs, ground studs, fir-tree studs, insulation pin studs, capacitor discharge (CD) studs, short cycle and gas arc studs, annular grooved studs, nuts, sheet metal studs, cold formed eccentric or asymmetric parts; Engineered metal components, namely, fasteners and assemblies that may or may not be stud welded comprising pipe hangers, cable hangers, speed clips, insulation pin caps, set-lok caps, water tight nuts, self counter-boring nuts, low profile pine drive nuts, sheet metal brackets, refractory anchors for manual arc welding, high temperature fired ceramic ferrules, stand ferrules to weld round studs to flat surfaces downhand and special application ferrules namely, ferrules for welding studs to metal at an angle to a base plate, welding to curved surfaces, to edges of base plates, into fillets and onto heels of angel iron, to vertical surfaces, through metal deck, shapes other than round, namely, rectangular studs and refractory anchors, stand ferrules for welding.

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/15/1944
FIRST USE IN COMMERCE DATE	At least as early as 01/15/1944

GOODS AND/OR SERVICES SECTION (007)(current)

INTERNATIONAL CLASS	007
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DESCRIPTION

Electric stud welding machines and apparatus, drawn arc stud welders, capacitor discharge stud welders, guns, heads, stud feeders, bracket feeders, and nut feeders, feeding tubes, stud selectors and routers, process controllers, stud welding cables, connectors, and accessories, namely collet, chuck, foot for the stud gun, ferrule grips and holders, ferrule dispensers, generator powered stud welding machine, stud welding robotic and hard automation systems, bracket welding system, drawn arc tack welding system, fully automated (automatic stud feed and stud positioning), semi-automatic (automatic stud feed but manual stud positioning), and manual (manual stud insertion into the gun and manual stud positioning), in International Class 7.

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/15/1944
FIRST USE IN COMMERCE DATE	At least as early as 01/15/1944

GOODS AND/OR SERVICES SECTION (007)(proposed)

INTERNATIONAL CLASS	007
DESCRIPTION	
Electric stud welding machines; drawn arc stud welders; capacitor discharge stud welders; stud welding tools, namely stud welding guns, stud welding heads, stud feeders, bracket feeders, and nut feeders, stud welding feeding tubes, stud selectors and routers being power tools; chucks for stud welding guns; feet for stud welding guns; stud welding tools, namely ferrule grips and holders, ferrule dispensers; generator powered stud welding machine.	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/15/1944
FIRST USE IN COMMERCE DATE	At least as early as 01/15/1944
GOODS AND/OR SERVICES SECTION (009)(class added)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Stud welding tools, namely electrical process controllers for electric stud welding machines, electric stud welding cables, cable connectors.	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/15/1944
FIRST USE IN COMMERCE DATE	At least as early as 01/15/1944
STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT12\788\167\78816743\xml1 \ROA0002.JPG
SPECIMEN DESCRIPTION	Scanned copy showing mark used.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	In the Office Action the Examining Attorney required further a clarification of the description of the goods and confirmation concerning the coloring of the mark. In response, Applicant states that the mark is not in color. Applicant has also clarified the description of the goods. Therefore, in view of the above amendments and remarks, Applicant submits that the application is now in proper form for allowance and publication. Such action is respectfully requested. The Commissioner is authorized to charge any fee in connection with this communication to our Deposit Account No. 07-1180. Attorney for Applicant may be contacted at (248) 647-6000 with any questions the Examining Attorney may have.
PAYMENT SECTION	

NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEES DUE	325
SIGNATURE SECTION	
DECLARATION SIGNATURE	/mds/
SIGNATORY'S NAME	Mark D. Schneider
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	03/07/2007
RESPONSE SIGNATURE	/mds/
SIGNATORY'S NAME	Mark D. Schneider
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	03/07/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 07 17:01:15 EST 2007
TEAS STAMP	USPTO/ROA-209.114.252.202 -20070307170115827829-788 16743-370b1d87f9addfe4de aa33735d36d2db-CC-591-200 70307163010532486

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78816743** has been amended as follows:

Argument(s)

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

Applicant has filed a Notice of Appeal concurrently with this Response to the Final refusal, dated September 7, 2007.

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 006 for --Metal weldable studs and metal fasteners, namely, steel fasteners, metal studs and bolts, weld studs, welded bolts, stud fasteners, shear connectors, headed anchors, welded headed anchors, welded deformed bar anchors, reinforcing bars and studs, concrete anchors, concrete anchor studs, deformed bar anchor studs, externally threaded fasteners, internally threaded fasteners, punching shear resistor (PSR) studs, inserts, ports, pipe hangers, cable hangers, bosses, steel bolts, tension bolts, nuts, sheet metal brackets, grounding studs, plastic cap ground studs, metal nut ground studs, fir-tree studs, coarse threaded studs, wide top wide flange studs, trim studs, collar studs, full base and reduced base studs, cold formed engineered components, cold formed net shapes, cold formed eccentric or asymmetric parts, anti-skid studs, wear protection studs, anti-corrosion studs, refractory anchors and insulation studs, capacitor discharge (CD) studs, rectangular studs, round corner square studs, eyebolt and J bolt studs; Metal ferrules, namely, ferrules for welding at an angle to a base plate, welding to curved surfaces, welding to edges of base plates, welding into fillets and onto heels, rectangular ferrules, welding to vertical surfaces, welding through metal deck, refractory anchor ferrules, special application ferrules, stand ferrules, in International Class 6.

Original Filing Basis: 1(a).

Proposed: Class 006 for Metal weldable studs and metal weldable fasteners, namely, steel fasteners, namely, fasteners having a weld end shape and flux that makes them suitable for the stud welding process, steel bars, unthreaded weld studs, bent stud fasteners, shear connectors, headed anchors, welded headed anchors, welded deformed bar anchors, reinforcing bars and studs, concrete anchors, concrete anchor studs, deformed bar anchor studs, anti-skid studs, wear protection studs, anti-corrosion studs, refractory anchors, punching shear resistor (PSR) studs, steel blots, tension blots, collar studs, full based and reduced base studs, dowel pin studs, round corner square studs for connecting metal and metal rectangular studs for connecting metal and concrete, eyebolt and J bolt studs; Externally threaded fasteners, namely, fasteners having metric or imperial course or fine threads on the exterior comprising metal thread studs and bolts, weld studs and bolts, plugs, and inserts; Internally threaded fasteners, namely, fasteners having metric or imperial course or fine threads on the interior comprising metal port studs, hydraulic fittings, tapped bosses, full base and reduced base studs, grounding studs; Cold formed net shape parts, namely, fasteners having no flux but having a weld end shape suitable for the stud welding process the ends by be blunt, pointed, with or without flanges and timing tips comprising threaded studs, wide top wide flange studs, trim studs, ground studs, fir-tree studs, insulation pin studs, capacitor discharge (CD) studs, short cycle and gas arc studs, annular grooved studs, nuts, sheet metal studs, cold formed eccentric or asymmetric parts; Engineered metal components, namely, fasteners and assemblies that may or may not be stud welded comprising pipe hangers, cable hangers, speed clips, insulation pin caps, set-lok caps, water tight nuts, self counter-boring nuts, low profile pine drive nuts, sheet metal brackets, refractory anchors for manual arc welding, high temperature fired ceramic ferrules, stand ferrules to weld round studs to flat surfaces downhand and special application ferrules namely, ferrules for welding studs to metal at an angle to a base plate, welding to curved surfaces, to edges of base plates, into fillets and onto heels of angel iron, to vertical surfaces, through metal deck, shapes other than round, namely, rectangular studs and refractory anchors, stand ferrules for welding.

Filing Basis: 1(a).

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 007 for Electric stud welding machines and apparatus, drawn arc stud welders, capacitor discharge stud welders, guns, heads, stud feeders, bracket feeders, and nut feeders, feeding tubes, stud selectors and routers, process controllers, stud welding cables, connectors, and accessories, namely collet, chuck, foot for the stud gun, ferrule grips and holders, ferrule dispensers, generator powered stud welding machine, stud welding robotic and hard automation systems, bracket welding system, drawn arc tack welding system, fully automated (automatic stud feed and stud positioning), semi-automatic (automatic stud feed but manual stud positioning), and manual (manual stud insertion into the gun and manual stud positioning), in International Class 7.

Original Filing Basis: 1(a).

Proposed: Class 007 for Electric stud welding machines; drawn arc stud welders; capacitor discharge stud welders; stud welding tools, namely stud welding guns, stud welding heads, stud feeders, bracket feeders, and nut feeders, stud welding feeding tubes, stud selectors and routers being power tools; chucks for stud welding guns; feet for stud welding guns; stud welding tools, namely ferrule grips and holders, ferrule dispensers; generator powered stud welding machine.

Filing Basis: 1(a).

Applicant hereby adds the following class of goods/services to the application:

New:

Class 009 for Stud welding tools, namely electrical process controllers for electric stud welding machines, electric stud welding cables, cable connectors.

Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/15/1944 and first used in commerce at least as early as 01/15/1944, and is now in use in such commerce.

Applicant hereby submits a specimen for Class 009.

The specimen(s) submitted consists of Scanned copy showing mark used..

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Specimen File1

Additional Statements

In the Office Action the Examining Attorney required further a clarification of the description of the goods and confirmation concerning the coloring of the mark. In response, Applicant states that the mark is not in color. Applicant has also clarified the description of the goods. Therefore, in view of the above amendments and remarks, Applicant submits that the application is now in proper form for allowance and publication. Such action is respectfully requested. The Commissioner is authorized to charge any fee in connection with this communication to our Deposit Account No. 07-1180. Attorney for Applicant may be contacted at (248) 647-6000 with any questions the Examining Attorney may have.

Fees

Fee(s) in the amount of \$325 is being submitted.

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant 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. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other

person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /mds/ Date: 03/07/2007
Signatory's Name: Mark D. Schneider
Signatory's Position: Attorney for Applicant

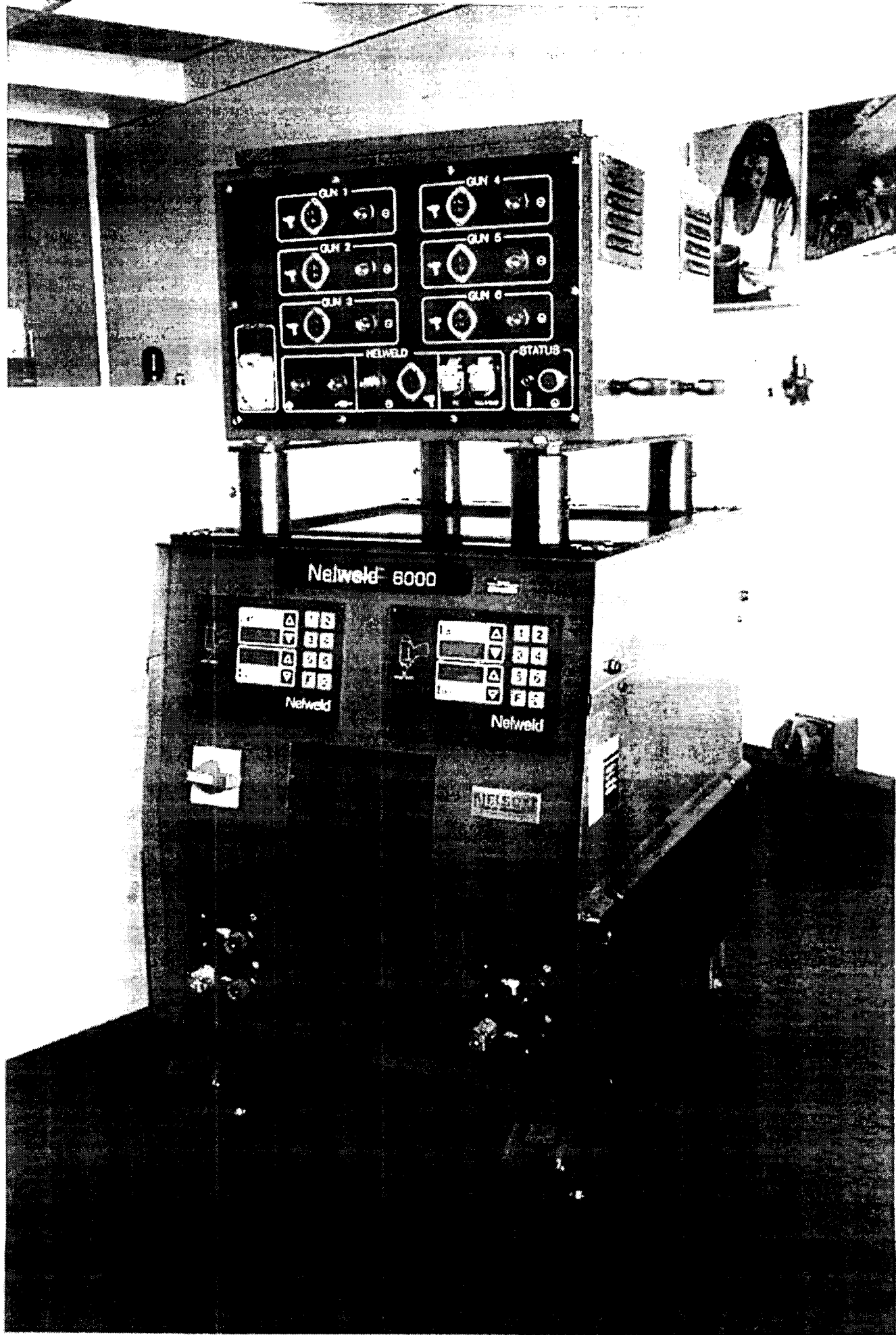
Response Signature

Signature: /mds/ Date: 03/07/2007
Signatory's Name: Mark D. Schneider
Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is either (1) an attorney who is a member in good standing of the bar of the highest court of a U.S. state; or (2) a Canadian attorney/agent who has been granted reciprocal recognition under 37 C.F.R. §10.14(c) by the USPTO's Office of Enrollment and Discipline. He/she further confirms that (1) the applicant has not previously been represented in this matter by an authorized attorney; and (2) he/she is the applicant's attorney or an associate of that attorney.

RAM Sale Number: 591
RAM Accounting Date: 03/08/2007

Serial Number: 78816743
Internet Transmission Date: Wed Mar 07 17:01:15 EST 2007
TEAS Stamp: USPTO/ROA-209.114.252.202-20070307170115
827829-78816743-370b1d87f9addfe4deaa337
35d36d2db-CC-591-20070307163010532486



RAM SALE NUMBER: 591
RAM ACCOUNTING DATE: 20070308

INTERNET TRANSMISSION DATE:
2007/03/07

SERIAL NUMBER:
78/816743

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2007/03/07	325	1	325