

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79095425
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (007)(current)	
INTERNATIONAL CLASS	007
DESCRIPTION	
Parts of motors and engines, machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps	
GOODS AND/OR SERVICES SECTION (007)(proposed)	
INTERNATIONAL CLASS	007
TRACKED TEXT DESCRIPTION	
<p style="color: red;">Parts of motors and engines, machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps; Parts of motors and engines, namely, components for housing, namely, housings for oil pumps and for fuel injection pumps, gears, sprockets, components for variable valve timing systems, namely, rotors, stators, flanges, gears, sprockets, cams, camshaft and crankshaft, bearing caps, pulleys; machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps.</p>	
FINAL DESCRIPTION	
Parts of motors and engines, namely, components for housing, namely, housings for oil pumps and for fuel injection pumps, gears, sprockets, components for variable valve timing systems, namely, rotors, stators, flanges, gears, sprockets, cams, camshaft and crankshaft, bearing caps, pulleys; machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps.	
GOODS AND/OR SERVICES SECTION (012)(no change)	
ADDITIONAL STATEMENTS SECTION	
	Applicant has amended its identification of goods in Class 7 pursuant to the examiner's requirement of the same. Applicant believes that this language is sufficiently definite and should be accepted by the examiner. Applicant

MISCELLANEOUS STATEMENT	respectfully points out that with few exceptions, an identification of goods and services will be considered acceptable "if it meets the standards (not necessarily the language)" set forth in the Acceptable Identification of Goods and Services Manual. TMEP Section 1402.01(a). The most important standard relevant here is that terms should be "understandable to the average person." Also deference should be given to the language and the classification set forth by the applicant in the original application. TMEP Section 1402.01(a). A term in the identification of goods should be read to have its ordinary meaning. See In re Thor Tech Inc., 85 USPQ2d 1474, 1477 (TTAB 2008) in which the TTAB reversed the examiner's refusal of the language "park trailers" because the Board found that it was recognized in the industry and was not too broad. Applicant therefore believes that its identification of goods should be accepted without further amendment and respectfully requests that the examiner approve the application for publication.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/alk/
SIGNATORY'S NAME	Aimee L. Kaplan
SIGNATORY'S POSITION	Attorney
SIGNATORY'S PHONE NUMBER	516/365-9802
DATE SIGNED	04/18/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Apr 18 11:55:58 EDT 2012
TEAS STAMP	USPTO/RFR-72.80.150.186-2 0120418115558313419-79095 425-490707e7b73fe55ac2513 df33835b1c2d7-N/A-N/A-201 20418114242687054

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **79095425** 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 007 for Parts of motors and engines, machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Parts of motors and engines, machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps;~~ Parts of motors and engines, namely, components for housing, namely, housings for oil pumps and for fuel injection pumps, gears, sprockets, components for variable valve timing systems, namely, rotors, stators, flanges, gears, sprockets, cams, camshaft and crankshaft, bearing caps, pulleys; machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps.

Class 007 for Parts of motors and engines, namely, components for housing, namely, housings for oil pumps and for fuel injection pumps, gears, sprockets, components for variable valve timing systems, namely, rotors, stators, flanges, gears, sprockets, cams, camshaft and crankshaft, bearing caps, pulleys; machine coupling and transmission components except for land vehicles, namely, sintered parts for the power train, for fuel injection pumps and for diesel injection pumps.

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

ADDITIONAL STATEMENTS

Miscellaneous Statement

Applicant has amended its identification of goods in Class 7 pursuant to the examiner's requirement of the same. Applicant believes that this language is sufficiently definite and should be accepted by the examiner. Applicant respectfully points out that with few exceptions, an identification of goods and services will be considered acceptable "if it meets the standards (not necessarily the language)" set forth in the Acceptable Identification of Goods and Services Manual. TMEP Section 1402.01(a). The most important standard relevant here is that terms should be "understandable to the average person." Also deference should be given to the language and the classification set forth by the applicant in the original application. TMEP Section 1402.01(a). A term in the identification of goods should be read to have its ordinary meaning. See *In re Thor Tech Inc.*, 85 USPQ2d 1474, 1477 (TTAB 2008) in which the TTAB reversed the examiner's refusal of the language "park trailers" because the Board found that it was recognized in the industry and was not too broad. Applicant therefore believes that its identification of goods should be accepted without further amendment and respectfully requests that the examiner approve the application for publication.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /alk/ Date: 04/18/2012
Signatory's Name: Aimee L. Kaplan
Signatory's Position: Attorney

Signatory's Phone Number: 516/365-9802

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: 79095425
Internet Transmission Date: Wed Apr 18 11:55:58 EDT 2012
TEAS Stamp: USPTO/RFR-72.80.150.186-2012041811555831
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35b1c2d7-N/A-N/A-20120418114242687054