From: Mickleburgh, Linda

Sent: 12/4/2012 2:35:29 PM

To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 79099877 - LIMIT - 61656-600100 - Request for Reconsideration Denied - Return to TTAB

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 79099877

MARK: LIMIT

CORRESPONDENT ADDRESS:
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GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Luna AB

CORRESPONDENT'S REFERENCE/DOCKET NO:
61656-600100
CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:
INTERNATIONAL REGISTRATION NO. 1083832

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated April 30, 2012 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

In this case the applicant attempted to overcome outstanding issues in regard to the wording of the goods in International Class 9. While some of the goods were amended to acceptable clarity, several were not and attempts to clarify by examiner amendment were unsuccessful.

The following portions of the class 9 goods remain problematic for the reasons stated.

"level rods": Applicant must add "for surveying".

"multimeters for electrical purposes": Applicant must specify a use or purpose; "electrical" is not a use or purpose.

"calipers for measuring (state)": Applicant retained the examining attorney's requirement that what is measured must be stated, but did not actually do so.

"measuring tables, namely, surface plates" : "Surface plates" is not clear and it is not apparent that it is a class 9 item. Also this item is repeated.

"thread templates, namely, thread control hand tools": This is not clear and hand tools are normally in International Class 8. Therefore, the clarity needed would determine whether this is a true class 9 item or whether it must be removed under the limits of 66(a) applications as improperly classified upon clarification.

"surface analysers in the nature of machined surfaces": This is not clear. Therefore, the clarity needed would determine whether this is a true class 9 item or whether it must be removed under the limits of 66(a) applications as improperly classified upon clarification.

"dividers as circulation markings on surfaces": This is not clear; what are the dividers made of and how do they function as class 9 goods. Therefore, the clarity needed would determine whether this is a true class 9 item or whether it must be removed under the limits of 66(a) applications as improperly classified upon clarification.

In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); *see* TMEP §§1402.07(a), 1904.02(c).

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §§715.03, 715.03(a), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

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