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Sent: 4/19/2016 2:36:36 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 79159280 - FLEXTOWER - 113561-91553 - Request for Reconsideration Denied - Return to TTAB

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Files: 79159280.doc

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

U.S. APPLICATION SERIAL NO. 79159280

MARK: FLEXTOWER



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

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APPLICANT: KUKA Systems GmbH

CORRESPONDENT'S REFERENCE/DOCKET NO:

113561-91553

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/19/2016

INTERNATIONAL REGISTRATION NO. 1233138

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. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated September 29, 2015 are maintained and continue to be final: (1) the identification of goods requirement in International Class 7; and (2) the identification of goods requirement in International Class 9. See TMEP §§715.03(a)(ii)(B), 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.

The identifications remain unacceptable in part in International Classes 7 and 9. The applicant may adopt the following, if accurate:

Robots, namely, industrial robots, service robots in the nature of service robots for cleaning the interior and the exterior of industrial buildings and for cleaning furnishings and equipment arranged in industrial **buildings**; moving and handling equipment, namely, cargo handling machines, platforms in the nature of lifting work platforms for industrial robots, service robots or medical robots, and robotunits in the nature of industrial robots; moving and handling equipment, namely, work platforms in the nature of elevating work platforms for industrial robots, industrial service robots or industrial robots; moving and handling equipment, namely, handling platforms in the nature of lifting work platforms for industrial robots, service robots or medical robots; handling frame structure in the nature of passive mobile frame intended for use in connection with autonomous omnidirectional mobile apparatus for industrial robots, service robots or medical robots; handling structure in the nature of specially made jib cranes and jib booms for use in connection with industrial robots, service robots or medical robots intended to be mounted on the structure; handling frame construction in the nature of industrial frames and supports where specially made jib cranes and jib booms are intended to be mounted for use with industrial robots, service robots or medical robots; handling constructions in the nature of structures to hold and support specially made jib cranes and jib booms for industrial robots, service robots or medical robots; handling assembly in the nature of assembly lines comprised of a **series** of machines for assembling industrial robots, service robots or medical robots; moving and handling equipment, namely, conveyor belts, roller conveyors, lifting devices in the nature of lifting jacks other than hand-operated, transport devices for the transport of materials and parts in the nature of gravity-driven conveyors; moving and handling equipment, namely, feeding devices for the feeding of materials and parts in the nature of assembly line convey and pneumatic conveyors; moving and handling equipment, namely, removal devices for the removal of materials and parts in the nature of tur removing ploughs; machines for manufacturing in the nature of processing units for machining workpieces, namely, machines for plastics working and component parts therefore; machines for manufacturing in the nature of processing handling units, namely, frame construction for the mounting of industrial robots with integrated provision and removal of materials for handling workpieces and component parts therefore in International Class 7.

Recorded content, namely, recorded computer operating programs, computer software used to control, diagnose and operate industrial machines, particularly for robotics or that are robot controlled; information technology and audiovisual apparatus, namely, calculating machines, data processing equipment and computers; apparatus or instruments for electricity, namely, apparatus and instruments for conducting, switching, transforming, accumulating, regulating, controlling and distributing electricity,

electricity distribution consoles for use in controlling and regulating manufacturing installations, mobile platforms in the nature of in **[clarify how platform is an apparatus for electricity and is a product properly classified in International Class 9 for use with elevating or lifting work platforms for moving industrial and service robots]**, electrical adapters, electricity conduits, electrical conductors, conductivity meters, electrical relays and transformers, electricity limiters, electric switches, electric current switches, electric accumulators, electric controllers, electricity distribution consoles for use in controlling and regulating manufacturing installations, robots, mobile platforms and tools; apparatus or instruments for electricity, namely, electric and electronic controls for robots; safety, security, protection and signaling devices all in the field of robotics, namely, flashing safety lights, rotating safety lights, **steady safety lights attached to a bar**, steady safety lights, digital signal processors, safety sensors or detectors for use with flexible location platforms, mobile platforms and portable platforms for industrial robots, service robots and medical robots **[indicate function of sensors and detectors, e.g., in the nature of load sensors for use in preventing overloading or turning over of platforms]**; measuring, detecting and monitoring instruments, indicators and controllers all in the field of robotics, namely, distance measuring apparatus, electronic controllers for use with flexible location elevating work platforms, mobile elevating work platforms and portable lifting work platforms for industrial robots, service robots and medical robots, electronic controllers for use with flexible location industrial robots, mobile industrial robots and portable industrial, monitoring instruments namely, video monitors for use with flexible location elevating work platforms in International Class 9.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney.

/Andrea Koyner Nadelman/

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