

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85069886
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (007)(current)	
INTERNATIONAL CLASS	007
DESCRIPTION	
Vacuum pumps, namely rotary vane, Cole principle, roots blowers and oil-less for evaporation and freeze drying (lyophilization); automated laboratory glassware washers; industrial machinery for generating a stream of filtered, dehumidified and thermally controlled gas for industrial use	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
GOODS AND/OR SERVICES SECTION (007)(proposed)	
INTERNATIONAL CLASS	007
DESCRIPTION	
Vacuum pumps, namely rotary vane, Cole principle, roots blowers and oil-less for evaporation and freeze drying (lyophilization); automated laboratory glassware washers; industrial machinery for generating a stream of filtered, dehumidified and thermally controlled gas for industrial use	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" <i>[for an</i>

STATEMENT TYPE	<i>application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].</i>
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPU0-121575983-150424413 . SP SCIENTIFIC Design Class 7 9 and 11 Specs.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT11\IMAGEOUT11\850\698\85069886\xml6\RF0002.JPG</u>
SPECIMEN DESCRIPTION	labels for packaging for the goods.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
<p>Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents; namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices; namely, automatic valves and actuators; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps</p>	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
<p>Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents; <u>Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents,</u> namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; namely, centrifugal, rotary,</p>	

vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices, namely, automatic valves and actuators; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; namely, automatic valves and actuators; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps

FINAL DESCRIPTION

Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents, namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices, namely, automatic valves and actuators; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
STATEMENT TYPE	" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application " <i>[for an application based on Section 1(a), Use in Commerce]</i> OR " The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPU1-121575983-150424413 . SP SCIENTIFIC Design Class 7 9 and 11 Specs.pdf</u>

CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT1\IMAGEOUT1\850\698\85069886\xml6\RFR0003.JPG</u>
SPECIMEN DESCRIPTION	labels for packaging for the goods.
GOODS AND/OR SERVICES SECTION (011)(current)	
INTERNATIONAL CLASS	011
DESCRIPTION	
Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled baths and traps for use in laboratory and industrial applications, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; electromechanical gas generators, namely, multi-purpose gas generators which generate a stream of filtered, dehumidified and thermally controlled gas for industrial or commercial use; replacement component parts for all the aforesaid goods	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
GOODS AND/OR SERVICES SECTION (011)(proposed)	
INTERNATIONAL CLASS	011
TRACKED TEXT DESCRIPTION	
Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled baths and traps for use in laboratory and industrial applications, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; replacement component parts for all the aforesaid goods; electromechanical gas generators;	

namely, multi-purpose gas generators which generate a stream of filtered, dehumidified and thermally controlled gas for industrial or commercial use

FINAL DESCRIPTION

Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; replacement component parts for all the aforesaid goods

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/26/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/26/2010
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].

SPECIMEN FILE NAME(S)

ORIGINAL PDF FILE	<u>SPU2-121575983-150424413 . SP SCIENTIFIC Design Class 7 9 and 11 Specs.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT1\IMAGEOUT1\850\698\85069886\xml6\RFR0004.JPG</u>
ORIGINAL PDF FILE	<u>SPU2-121575983-150424413 . SP SCIENTIFIC Design Class 11 Spec.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT1\IMAGEOUT1\850\698\85069886\xml6\RFR0005.JPG</u>
SPECIMEN DESCRIPTION	labels for packaging for the goods and photograph of a freeze dryer (lyophilizer) with the mark appearing on the top bezel of the goods.

GOODS AND/OR SERVICES SECTION (037)(no change)

GOODS AND/OR SERVICES SECTION (042)(no change)

ADDITIONAL STATEMENTS SECTION

DISCLAIMER	No claim is made to the exclusive right to use "Scientific" apart from the mark as shown.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a stylized figure "8" design forming the letters "SP" where the "S" is in the color purple, the curved figure forming the top portion of the "P" is in the color blue, and a curved portion to the bottom left is in the color grey; and the wording SP SCIENTIFIC appears in the color purple to the right of the design.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/pjh/
SIGNATORY'S NAME	P. Jay Hines
SIGNATORY'S POSITION	Counsel
DATE SIGNED	04/27/2011
RESPONSE SIGNATURE	/pjh/
SIGNATORY'S NAME	P. Jay Hines
SIGNATORY'S POSITION	Counsel
DATE SIGNED	04/27/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Apr 27 15:18:52 EDT 2011
TEAS STAMP	USPTO/RFR-12.157.59.83-20 110427151852312583-850698 86-480c494f26643976a0c71f 2c194458b49f-N/A-N/A-2011 0427150424413019

Request for Reconsideration after Final Action
To the Commissioner for Trademarks:

Application serial no. **85069886** 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 Vacuum pumps, namely rotary vane, Cole principle, roots blowers and oil-less for evaporation and freeze drying (lyophilization); automated laboratory glassware washers; industrial machinery for generating a stream of filtered, dehumidified and thermally controlled gas for industrial use
Original Filing Basis:

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Proposed: Class 007 for Vacuum pumps, namely rotary vane, Cole principle, roots blowers and oil-less for evaporation and freeze drying (lyophilization); automated laboratory glassware washers; industrial machinery for generating a stream of filtered, dehumidified and thermally controlled gas for industrial use

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 007. The specimen(s) submitted consists of labels for packaging for the goods..

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"***[for an application based on Section 1(b) Intent-to-Use].*

Original PDF file:

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Converted PDF file(s) (1 page)

Specimen File1

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents; namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices; namely, automatic valves and actuators; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps

Original Filing Basis:

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents; Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents, namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices, namely, automatic valves and actuators; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; namely, automatic valves and actuators; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps~~

Class 009 for Scientific apparatus and instruments, namely laboratory apparatus for evaporating volatile solvents, namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; temperature controlled baths and traps for laboratory use, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for laboratory use, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; freeze and vacuum dryers for laboratory research applications; laboratory equipment for generating a stream of filtered, dehumidified and thermally controlled gas for laboratory use; low and high temperature apparatus for rapidly recycling of temperature for testing electronic components, circuit boards and electromechanical devices, namely, automatic valves and actuators; programmable computer based control systems for scientific apparatus and instruments comprised of display screen, control panel, microprocessor, human-machine interface (HMI), programmable logic controllers (PLC) and graphical user interface (GUI) software; replacement component parts for all the aforesaid goods; vacuum pumps for laboratory use, namely rotary vane, Cole principle, roots blowers and oil-less vacuum pumps

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 009. The specimen(s) submitted consists of labels for packaging for the goods..

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"

[for an application based on Section 1(b) Intent-to-Use].

Original PDF file:

SPU1-121575983-150424413 . SP SCIENTIFIC Design Class 7 9 and 11 Specs.pdf

Converted PDF file(s) (1 page)

Specimen File1

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 011 for Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled baths and traps for use in laboratory and industrial applications, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; electromechanical gas generators, namely, multi-purpose gas generators which generate a stream of filtered, dehumidified and thermally controlled gas for industrial or commercial use; replacement component parts for all the aforesaid goods

Original Filing Basis:

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Proposed:

Tracked Text Description: Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled baths and traps for use in laboratory and industrial applications, namely thermal cycling baths, Charpy impact testing, embryo freezers and vapor traps; temperature controlled immersion and direct contact probe coolers for use in industrial applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; replacement component parts for all the aforesaid goods; electromechanical gas generators, namely, multi-purpose gas generators which generate a stream of filtered, dehumidified and thermally controlled gas for industrial or commercial use

Class 011 for Industrial apparatus for evaporating volatile solvents namely, centrifugal, rotary, vortex and nitrogen blow-down evaporators; freeze dyers (lyophilizers); vacuum dryers; condensers, namely continuous running condensers, solvent waste condensers and exhaust condensers; recirculating fluid chillers for use in industrial applications, namely with lasers, plasma etchers, diffusion pumps, graphite furnaces, reaction vessels, sputtering equipment, vacuum systems, electron microscopes and power supplies; temperature controlled immersion and direct contact probe coolers for use in industrial

applications, namely nuclear Magnetic Resonance (NMR) instruments, gas chromatographs and electronic component testing; centrifugal evaporators for use in biological, pharmaceutical, environmental and industrial applications; industrial freeze and vacuum dryers for use in biological, pharmaceutical, educational, agricultural and industrial applications; replacement component parts for all the aforesaid goods

Filing Basis: 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 02/26/2010 and first used in commerce at least as early as 02/26/2010, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 011. The specimen(s) submitted consists of labels for packaging for the goods and photograph of a freeze dryer (lyophilizer) with the mark appearing on the top bezel of the goods..

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** *[for an application based on Section 1(b) Intent-to-Use].*

Original PDF file:

SPU2-121575983-150424413 . SP SCIENTIFIC Design Class 7 9 and 11 Specs.pdf

Converted PDF file(s) (1 page)

Specimen File1

Original PDF file:

SPU2-121575983-150424413 . SP SCIENTIFIC Design Class 11 Spec.pdf

Converted PDF file(s) (1 page)

Specimen File1

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "Scientific" apart from the mark as shown.

Description of mark

The mark consists of a stylized figure "8" design forming the letters "SP" where the "S" is in the color purple, the curved figure forming the top portion of the "P" is in the color blue, and a curved portion to the bottom left is in the color grey; and the wording SP SCIENTIFIC appears in the color purple to the right of the design.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has 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); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. 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 and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. 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. Section 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. Section 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: /pjh/ Date: 04/27/2011
Signatory's Name: P. Jay Hines
Signatory's Position: Counsel

Request for Reconsideration Signature

Signature: /pjh/ Date: 04/27/2011
Signatory's Name: P. Jay Hines
Signatory's Position: Counsel

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85069886
Internet Transmission Date: Wed Apr 27 15:18:52 EDT 2011
TEAS Stamp: USPTO/RFR-12.157.59.83-20110427151852312
583-85069886-480c494f26643976a0c71f2c194
458b49f-N/A-N/A-20110427150424413019



3538 Main Street, Stone Ridge, NY 12484



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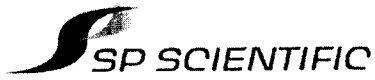
3538 Main Street, Stone Ridge, NY 12484



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