

ESTTA Tracking number: **ESTTA529443**

Filing date: **03/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Fluke Corporation		
Entity	Corporation	Citizenship	Washington
Address	6920 Seaway Boulevard Everett, WA 98203 UNITED STATES		

Attorney information	Heidi L. Sachs Perkins Coie LLP 1201 Third Avenue, Suite 4900 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com, mnaholowaa@perkinscoie.com Phone:2063598000
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Registration Subject to Cancellation

Registration No	3708876	Registration date	11/10/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Yello Strom GmbH Am Grauen Stein 27 51105 KÄ¶ln GERMANY		

Goods/Services Subject to Cancellation


<p>Class 009. All goods and services in the class are cancelled, namely: Measuring, signalling, checking and supervision apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electric measuring apparatus and instruments; blank magnetic data carriers, calculating machines; software for use in measuring and calculating energy usage; data processing equipment and computers; computer software for the remote control of electricity meters; computer hardware for the remote control of electricity meters; apparatus for receiving, recording, transmitting, processing, retrieving and reproducing data, voice, text, signals, sound and images; electronic-signal transmitters, meters for measuring current consumption, controllers for controlling the consumption of electricity, circuit closers, ammeters, circuit breakers, electric loss indicators, electric converters, electricity inverters, electricity distribution boxes, electricity distribution boards, heat regulating apparatus, electric counters and meters, electric counting devices, time recording apparatus, timing devices not used as clocks; electrical sealers, namely, electricity shut-off switches for electricity meters; gas control devices, namely, gas meters to monitor and control gas usage; fittings for gas and natural gas, namely, gas meters</p>


Grounds for Cancellation

Abandonment	Trademark Act section 14
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Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2796480	Application Date	03/03/2000
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the colors dark gray and yellow as applied to the goods. The dotted outline of the goods is intended to show the position of the mark and is not a part of the mark.		
Goods/Services	Class 009. First use: First Use: 1988/00/00 First Use In Commerce: 1988/00/00 Electronic test and measuring instruments and devices, and portable electronic test tools, namely, digital multimeters		

U.S. Application No.	85449701	Application Date	10/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the color yellow applied to the entire visible three dimensional surface of an outer border portion of the goods. The matter in dotted lines shows the position of the mark and is not part of the mark.		
Goods/Services	Class 009. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Digital multimeters; multimeters; electric meters; voltage meters; ammeters; ohmmeters; calibrators, namely, thermometer calibrators, dry block calibrators, fluid flow calibrators, pressure calibrators, electrical calibrators, process calibrators, and loop calibrators; loop calibration multimeters; digital insulation		

	multimeters; laser distance meters; broadband loop testers; broadband loop analyzers; electrical testers; electrical analyzers; phase rotation meters; power quality analyzers; power quality meters; voltage recorders; power quality recorders; power event recorders		
U.S. Application No.	85449725	Application Date	10/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the color yellow applied to the entire visible three dimensional surface of an outer border portion of the goods. The matter in dotted lines shows the position of the mark and is not part of the mark.		
Goods/Services	Class 009. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Digital multimeters: multimeters; electric meters; voltage meters: ammeters: ohmmeters:thermometers: electronic instruments for measuring temperature; temperature gauges:electrical, metal, optical, and telecommunication cable analyzers: electrical, metal,optical, and telecommunication cable testers; Digital insulation multimeters; network testers; wireless network testers; electrical, metal, optical, and telecommunication cable certification testers; optical fiber testers; optical fiber certification testers		

Attachments	75934005#TMSN.gif (1 page)(bytes) 85449701#TMSN.jpeg (1 page)(bytes) 85449725#TMSN.jpeg (1 page)(bytes) Color Copy - Petition to Cancel YELLO mark.pdf (22 pages)(469134 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Makalika Naholowaa/onbehalf of H. Sachs
Name	Heidi L. Sachs
Date	03/28/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FLUKE CORPORATION,

Petitioner,

v.

YELLO STROM GMBH,

Registrant.

Cancellation No.:

PETITION FOR PARTIAL CANCELLATION

Registration No.: 3708876

Registration Date: November 10, 2009


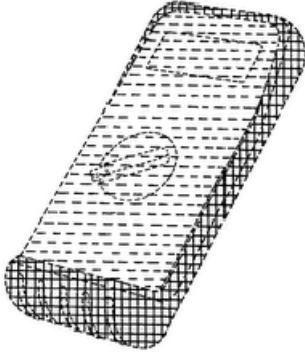
Fluke Corporation ("**Petitioner**") believes that it will be damaged by the continued registration by Yello Strom GmbH. ("**Registrant**") of the mark YELLO ("**Registrant's Mark**") for the goods in Class 9 ("**Registrant's Goods**") covered in Registration No. 3708876 (the "**Registration**"), as shown in **Exhibit A** attached hereto, including "electric measuring apparatus and instruments, meters for measuring current consumption, ammeters, electric loss indicators, electric counters and meters" and other related goods, and hereby petitions to partially cancel the Registration with respect to Registrant's Goods. As grounds for its petition, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is a Washington corporation, having a place of business in Everett, Washington.
2. On information and belief, Registrant is a company organized under the laws of Germany, having a place of business in Köln, Germany.
3. Registrant's correspondent of record for the Registration is David Haarz of Harness Dickey & Pierce, PLC, whose address is listed as 11730 Plaza America Drive, Reston, Virginia, 20190 on the Registration.

II. PETITIONER AND PETITIONER'S MARK

4. Since at least as early as 1988, Petitioner has used the yellow, product configuration color mark shown below ("**Petitioner's Rectangular Mark**"), as well as the yellow and gray product configuration color mark ("**Petitioner's Registered Mark**") also shown below, to provide electric measuring apparatus and instruments, including multimeters.

Petitioner's Rectangular Mark	Petitioner's Registered Mark
	 <p data-bbox="751 1081 1203 1331">Petitioner's Registered Mark consists of the colors dark gray and yellow as applied to the goods. The dotted outline of the goods is intended to show the position of the mark and is not a part of the mark.</p>

5. Petitioner provides the following goods using Petitioner's Rectangular Mark:

Digital multimeters; electric meters; voltage meters; ammeters; ohmmeters; calibrators, namely thermometer calibrators, dry block calibrators, fluid flow calibrators, pressure calibrators, electrical calibrators, process calibrators, and loop calibrators; loop calibration multimeters; digital insulation multimeters; laser distance meters; broadband loop testers; broadband loop analyzers; electrical testers; electrical analyzers; phase rotation meters; power quality analyzers; power quality meters; voltage recorders; power quality recorders; and power event recorders (collectively, "**Petitioner's Rectangular Shaped Goods**").

6. Petitioner provides the following goods using Petitioner's Registered Mark: "Electronic test and measuring instruments and devices, and portable electronic test tools, namely, digital multimeters" ("**Petitioner's Registered Goods**").
7. Since at least as early as 1997, Petitioner has used the yellow, product configuration color mark shown below ("**Petitioner's Tapered Mark**") to provide Petitioner's Goods.



8. Petitioner provides the following goods using Petitioner's Tapered Mark:
Digital multimeters; multimeters; electric meters; voltage meters; ammeters; ohmmeters; thermometers; electronic instruments for measuring temperature; temperature gauges; cable analyzers; cable testers; digital insulation multimeters; network testers; wireless network testers; cable testers; cable certification testers; fiber testers; and fiber certification testers (collectively, "**Petitioner's Tapered Shaped Goods**").
9. Petitioner owns a Trademark Registration, U.S. Trademark Registration No. 2796480 ("**Petitioner's Registration**"), for Petitioner's Registered Mark covering Petitioner's Registered Goods. The TSDR record for Petitioner's Registration is attached hereto as **Exhibit B**.
10. The application filing date for Petitioner's Registration is March 3, 2000.
11. Petitioner has applied to register Petitioner's Rectangular Mark for Petitioner's Rectangular Shaped Goods and Petitioner's Tapered Mark for Petitioner's Tapered Shaped Goods (collectively "**Petitioner's Goods**"), which are listed, respectively, in Petitioner's U.S. Trademark Application Nos. 85/449,701 and 85/449,725 (collectively, "**Petitioner's Applications**"). The TSDR records for Petitioner's Applications are attached hereto as **Exhibit C**.

12. Registrant's Mark was cited as a bar to registration of Petitioner's Rectangular and Tapered Marks in Final Office Actions issued by the U.S. Patent & Trademark Office in connection with Petitioner's Applications on October 10, 2012 (the "**Final Office Actions**").

III. REGISTRANT'S REGISTRATIONS

13. The Registration resulted from an application filed on February 12, 2008 (the "**Filing Date**") pursuant to Section 66(a) of the Lanham Act, 15 U.S.C. § 1141f(a).
14. The Registration does not include a claim of use of Registrant's Mark with Registrant's Goods by the Registrant.
15. The Certificate of Registration for Registrant's Mark was issued on November 10, 2009.

IV. CLAIMS

A. ABANDONMENT

16. On information and belief, Registrant is not currently using Registrant's Mark in commerce with Registrant's Goods.
17. On information and belief, Registrant has not used Registrant's Mark in commerce with the Registrant's Goods for at least three consecutive years prior to the filing date of this Petition (the "**Petition Filing Date**").
18. On information and belief, Registrant has no plan to resume use of Registrant's Mark in commerce with Registrant's Goods as of the Petition Filing Date.
19. Registrant has abandoned Registrant's Mark for Registrant's Goods.

B. PRIORITY AND LIKELIHOOD OF CONFUSION

20. Petitioner's Registered, Rectangular, and Tapered Marks (collectively, "**Petitioner's Marks**") are distinctive for Petitioner's Goods.

21. Petitioner has continuously used Petitioner's Marks in connection with Petitioner's Goods since prior to the Filing Date.
22. Petitioner has not abandoned Petitioner's Marks in connection with Petitioner's Goods.
23. As a result of its extensive use and promotion of Petitioner's Marks, the marks have developed substantial goodwill, are strong marks, and have acquired distinctiveness.
24. The Examining Attorney for Petitioner's Applications ("**Examiner**") has concluded that confusion is likely to result from co-existence of Registrant's Mark used in connection with Registrant's Goods with Petitioner's Rectangular and Tapered Marks used in connection with Petitioner's Goods, as indicated in the Final Office Actions.
25. Petitioner's Registered Mark is similarly situated as Petitioner's Rectangular and Tapered Marks in relation to Registrant's Mark as all three of Petitioner's Marks are in use in connection with electric measuring apparatus and instruments and include the color yellow, and only the color yellow, applied to the border those goods.
26. Thus, if the Examiner is correct regarding the likelihood of confusion between Petitioner's Rectangular and Tapered Marks and Registrant's Mark, then confusion is also likely to result from co-existence of Petitioner's Registered Mark and Registrant's Mark, and that confusion with respect to all three of Petitioner's Marks will result in injury to Petitioner, to the trade, and to the public.
27. There is no question as to priority; Petitioner has used Petitioner's Marks continuously with Petitioner's Goods, and Petitioner's Marks acquired distinctiveness with respect to Petitioner's Goods, since prior to the Filing Date, and the filing date for Petitioner's Registration occurred nearly eight years prior to the Filing Date.
28. Petitioner is likely to be damaged by continued registration of Registrant's Mark with respect to Registrant's Goods because the Registration poses a bar to Petitioner's registration of Petitioner's Rectangular and Tapered Marks for Petitioner's Goods and Petitioner is thus denied the benefits afforded by registration of Petitioner's Rectangular and Tapered Marks.

29. Because Petitioner's rights in Petitioner's Marks, including Petitioner's registered rights to Petitioner's Registered Mark, are prior and senior to Registrant's rights in Registrant's Mark with respect to Registrant's Goods, and the Trademark Office has asserted that there exists likelihood of confusion between Petitioner's Rectangular and Tapered Marks with respect to Petitioner's Goods and the Registrant's Goods, the Registration should be canceled in part with respect to Registrant's Goods.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner requests that Registration No. 3708876 be canceled in part, with respect to Registrant's Goods in Class 9, and that the description of goods and services in the Registration be restricted accordingly.

VI. FEES

The \$300 fee for this cancellation petition is submitted herewith.

DATED: March 28, 2013

Respectfully submitted,

PERKINS COIE LLP

By: 

Heidi L. Sachs

Makalika Naholowaa

Attorneys for Petitioner

1201 Third Avenue, 49th Floor

Seattle, Washington 98101-3099

TEL: (206) 359-8000

FAX: (206) 359-9000

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the attached Petition for Partial Cancellation has been served on the correspondent for Registrant's Registration, via First Class Mail with the United States Postal Service, postage prepaid, to:

David Haarz
Harness Dickey & Pierce, PLC
11730 Plaza America Drive
Reston, Virginia 20190
United States

I hereby certify that a true and complete copy of the attached Petition for Partial Cancellation has been served on the Registrant, via Overnight Courier with Federal Express, courier costs prepaid, to:

Yello Strom GmbH
Am Grauen Stein 27
51105 Köln
Germany

Signature: *Megan Babcock*
Printed Name: Megan Babcock

Exhibit A

Class 9 Goods Description for Registration

- **Class 9:** Measuring, signalling, checking and supervision apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electric measuring apparatus and instruments; blank magnetic data carriers, calculating machines; software for use in measuring and calculating energy usage; data processing equipment and computers; computer software for the remote control of electricity meters; computer hardware for the remote control of electricity meters; apparatus for receiving, recording, transmitting, processing, retrieving and reproducing data, voice, text, signals, sound and images; electronic-signal transmitters, meters for measuring current consumption, controllers for controlling the consumption of electricity, circuit closers, ammeters, circuit breakers, electric loss indicators, electric converters, electricity inverters, electricity distribution boxes, electricity distribution boards, heat regulating apparatus, electric counters and meters, electric counting devices, time recording apparatus, timing devices not used as clocks; electrical sealers, namely, electricity shut-off switches for electricity meters; gas control devices, namely, gas meters to monitor and control gas usage; fittings for gas and natural gas, namely, gas meters

Exhibit B

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

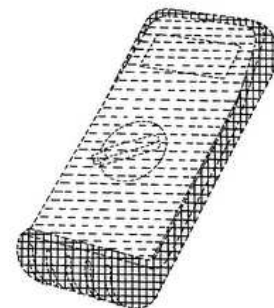
STATUS **DOCUMENTS**

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Generated on: This page was generated by TSDR on 2013-03-28 17:45:59 EDT

Mark:



US Serial Number: 75934005

Application Filing Date: Mar. 03, 2000

US Registration Number: 2796480

Registration Date: Dec. 23, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 23, 2013

Publication Date: Sep. 30, 2003

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Claim:

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the colors dark gray and yellow as applied to the goods. The dotted outline of the goods is intended to show the position of the mark and is not a part of the mark.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Lining and Stippling Statement: The drawing is lined for the colors dark gray and yellow.

Acquired In whole

Distinctiveness Claim:

Design Search Code(s): 15.05.25 - Facsimile machines; Tickertape machines; Ribbons, typewriter; Postage meters

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Electronic test and measuring instruments and devices, and portable electronic test tools, namely, digital multimeters

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 1988

Use in Commerce: 1988

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Fluke Corporation

Owner Address: 6920 Seaway Boulevard
Everett, WASHINGTON 98203
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Heidi L. Sachs

Docket Number: 25445-4063.0

Attorney Primary pctrademarks@perkinscoie.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent Heidi L. Sachs

Name/Address: PERKINS COIE LLP

1201 Third Avenue, Suite 4900

SEATTLE, WASHINGTON 98101
UNITED STATES

Phone: 206-359-8000

Fax: 206-359-9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 23, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 23, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Feb. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 07, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 01, 2011	CASE FILE IN TICRS	
Jul. 01, 2011	CASE FILE IN TICRS	
Jun. 27, 2011	CASE FILE IN TICRS	
Apr. 15, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 15, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 09, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Nov. 06, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	59807
Oct. 27, 2009	TEAS SECTION 8 & 15 RECEIVED	
Aug. 22, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 05, 2004	EXPARTE APPEAL TERMINATED	934005
Dec. 24, 2003	EXPARTE APPEAL TERMINATED	934005
Dec. 23, 2003	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2003	PUBLISHED FOR OPPOSITION	
Sep. 10, 2003	NOTICE OF PUBLICATION	
Jul. 09, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 2003	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Apr. 28, 2003	PAPER RECEIVED	
May 06, 2003	EX PARTE APPEAL-INSTITUTED	934005
May 02, 2003	EXPARTE APPEAL RECEIVED AT TTAB	
Oct. 30, 2002	FINAL REFUSAL MAILED	
Jun. 14, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	

May 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 14, 2001	NON-FINAL ACTION MAILED	
Dec. 04, 2000	ASSIGNED TO EXAMINER	69191
Aug. 11, 2000	ASSIGNED TO EXAMINER	69721
Aug. 03, 2000	ASSIGNED TO EXAMINER	60219

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted

Use: _____

Affidavit of Section 15 - Accepted

Incontestability: _____

Renewal Date: Dec. 23, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 23, 2013

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

Exhibit C

Attention users! The Assignment section in TSDR will not be operational on March 22nd from 1:00 a.m. to 4:00 p.m. Other TSDR functionality will work without interruption. This includes all status sections (other than Assignment) document searches, multi-searches and the document viewer.

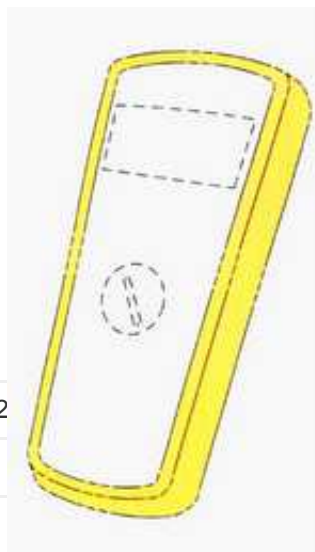
STATUS **DOCUMENTS**

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Mark:



US Serial Number: 85449725

Application Filing Date: Oct. 18, 2012

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 10, 2012

Mark Information

Mark Literal Elements: None

Standard Character No

Claim:

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the color yellow applied to the entire visible three dimensional surface of an outer border portion of the goods. The matter in dotted lines shows the position of the mark and is not part of the mark.

Color Drawing: Yes

Color(s) Claimed: The color(s) yellow is/are claimed as a feature of the mark.

Acquired In whole

Distinctiveness Claim:

Design Search Code(s): 17.07.25 - Geiger counters; Metal detectors (hand-held); Seismograph; Windssock
26.11.02 - Plain single line rectangles; Rectangles (single line)
26.11.21 - Rectangles that are completely or partially shaded

29.03.08 - Yellow or gold (single color used on a portion of the goods)

Related Properties Information

Claimed Ownership of [2796480](#)

US Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Digital multimeters: multimeters; electric meters; voltage meters: ammeters: ohmmeters:thermometers: electronic instruments for measuring temperature; temperature gauges:electrical, metal, optical, and telecommunication cable analyzers: electrical, metal,optical, and telecommunication cable testers; Digital insulation multimeters; network testers; wireless network testers; electrical, metal, optical, and telecommunication cable certification testers; optical fiber testers; optical fiber certification testers

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2005

Use in Commerce: Jan. 01, 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Fluke Corporation

Owner Address: 6920 Seaway Boulevard
Everett, WASHINGTON 98203
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Heidi L. Sachs

Docket Number: 25445-4258.0

Attorney Primary pctrademarks@perkinscoie.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent HEIDI L. SACHS

Name/Address: PERKINS COIE LLP

1201 3RD AVE STE 4800

SEATTLE, WASHINGTON 98101-3099

UNITED STATES

Phone: (206) 359-8000

Fax: (206) 359-9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 10, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Oct. 10, 2012	FINAL REFUSAL E-MAILED	
Oct. 10, 2012	FINAL REFUSAL WRITTEN	78447
Sep. 18, 2012	AMENDMENT FROM APPLICANT ENTERED	66213
Sep. 18, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Sep. 06, 2012	ASSIGNED TO LIE	66213
Aug. 15, 2012	PAPER RECEIVED	
Feb. 09, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2012	NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2012	NON-FINAL ACTION WRITTEN	78447
Feb. 08, 2012	ASSIGNED TO EXAMINER	78447
Feb. 06, 2012	ASSIGNED TO EXAMINER	81860
Oct. 22, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 21, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: RADEMACHER, MARK A

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: TMO LAW OFFICE 112 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 31, 2012

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

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STATUS **DOCUMENTS**

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Print

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Mark:



US Serial Number: 85449701

Application Filing Date: Oct. 18,

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 10, 2012

Mark Information

Mark Literal Elements: None

Standard Character No

Claim:

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the color yellow applied to the entire visible three dimensional surface of an outer border portion of the goods. The matter in dotted lines shows the position of the mark and is not part of the mark.

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Color(s) Claimed: The color(s) yellow is/are claimed as a feature of the mark.

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Goods and Services

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The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Digital multimeters; multimeters; electric meters; voltage meters; ammeters; ohmmeters; calibrators, namely, thermometer calibrators, dry block calibrators, fluid flow calibrators, pressure calibrators, electrical calibrators, process calibrators, and loop calibrators; loop calibration multimeters; digital insulation multimeters; laser distance meters; broadband loop testers; broadband loop analyzers; electrical testers; electrical analyzers; phase rotation meters; power quality analyzers; power quality meters; voltage recorders; power quality recorders; power event recorders

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2005

Use in Commerce: Jan. 01, 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Fluke Corporation

Owner Address: 6920 Seaway Boulevard
Everett, WASHINGTON 98203
UNITED STATES

Legal Entity Type: CORPORATION

State or Country WASHINGTON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Heidi L. Sachs

Docket Number: 25445-4257.0

Attorney Primary pctrademarks@perkinscoie.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent HEIDI L. SACHS

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SEATTLE, WASHINGTON 98101-3099

UNITED STATES

Phone: (206) 359-8000

Fax: (206) 359-9000

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 10, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Oct. 10, 2012	FINAL REFUSAL E-MAILED	
Oct. 10, 2012	FINAL REFUSAL WRITTEN	78447
Sep. 18, 2012	AMENDMENT FROM APPLICANT ENTERED	66213
Sep. 18, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Sep. 06, 2012	ASSIGNED TO LIE	66213
Aug. 17, 2012	PAPER RECEIVED	
Feb. 09, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2012	NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2012	NON-FINAL ACTION WRITTEN	78447
Feb. 08, 2012	ASSIGNED TO EXAMINER	78447
Feb. 06, 2012	ASSIGNED TO EXAMINER	81860
Oct. 22, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 21, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: RADEMACHER, MARK A

Law Office Assigned: LAW OFFICE 112

File Location

Current Location: TMO LAW OFFICE 112 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 31, 2012

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