

Trademark Application of	:	
Kuka Schweissanlagen Roboter GmbH	:	
Serial No. 74/502,721	:	On Petition
Filing Date: March 11, 1994	:	
For: THERMOPULS	:	
Petition Filed: November 15, 1996	:	

Kuka Schweissanlagen Roboter GmbH has petitioned the Commissioner to review the Examining Attorney's refusal to accept a certain proffered amendment to the identification of services for the above-referenced application. Trademark Rules 2.63(b) and 2.146(a)(3), 37 C.F.R. §2.63(b) and 2.146(a)(3), provide authority for the requested review. The petition is denied under Trademark Rule 2.71(b), 37 C.F.R. §2.71(b).

FACTS

Petitioner filed an application for registration of the above-identified mark on March 11, 1994. The application was based upon Sections 1(b) and 44(d) of the Trademark Act, 15 U. S.C. §1051(b) and 1126(d). The original identification of goods and services included the wording "treatment of materials," in International Class 37. On September 2, 1994, the Examining Attorney issued an Office Action stating, among other things, that the wording "treatment of materials" in the recitation of services was indefinite and recommended the wording "metal treatments." The Examining Attorney also requested a certified copy of the foreign registration. In the Petitioner's November 3, 1994 response, the wording "metal treatment" was adopted and a certified copy of German Trademark Registration No. 2,053,984 was submitted.

In the second Office Action dated January 6, 1995, the Examining Attorney reiterated his request for an English translation of the foreign registration. On November 25, 1994, Petitioner submitted the requested document which interpreted the German wording "materialbearbeitung" to mean "metal treatment" in English.¹ The Examining Attorney issued two subsequent Official letters requesting compliance with other outstanding requirements.

The petition is denied. The application file will be returned to the Examining Attorney. Pursuant to Trademark Rule 2.63(b), 37 C.F.R. §2.63(b), Petitioner is granted thirty (30) days from the mailing date of this decision to comply with the requirements set forth in the final Office Action dated May 15, 1996.

¹ The correct translation of "materialbearbeitung" is "material treatment." The error in translation is noted by Petitioner in subsequent correspondence.

Philip G. Hampton, II
Assistant Commissioner
for Trademarks

PGH:NLO:CLB

Date:

Attorney for Petitioner:

Ralph M. Burton, Esq.
BROOKS & KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075