

Note To The File

Serial Number: 88357691
Date: 01/06/2020 8:49 pm
Created by: Aikens, Ron

LIGHTNING

Changed

- Issued Examiner's Amendment and Entered Changes

Contacted Applicant/Atty

- via E-Mail

From: Karineh Khachatourian <karinehk@rimonlaw.com>
Sent: Monday, January 6, 2020 4:50 PM
To: Aikens, Ron <Ron.Aikens@USPTO.GOV>; Nikolaus Woloszczuk <nikolaus.woloszczuk@rimonlaw.com>; docketing@berkeleylights.com; SV Docketing <svdocketing@rimonlaw.com>
Subject: RE: LIGHTNING - s/n 88357691 - Atty. Dkt# R2645-00019 - Attn.: Karineh Khachatourian, Esq.

Berkeley Lights authorizes the amendment proposed below. Thank you.

From: Aikens, Ron <Ron.Aikens@USPTO.GOV>
Sent: Monday, January 6, 2020 7:48 AM
To: Karineh Khachatourian <karinehk@rimonlaw.com>; Nikolaus Woloszczuk <nikolaus.woloszczuk@rimonlaw.com>; docketing@berkeleylights.com; SV Docketing <svdocketing@rimonlaw.com>
Subject: LIGHTNING - s/n 88357691 - Atty. Dkt# R2645-00019 - Attn.: Karineh Khachatourian, Esq.

Greetings

My name is Ron Aikens and I am the Examining Attorney prosecuting US Patent and Trademark Office Application Serial No(s). 88357691 for the trademark **LIGHTNING**. The only issue preventing the application from moving forward is a minor change in the identification of goods: Pursuant to Nice Classification, Eleventh Edition, Version 2019, effective January 1, 2019 (Nice 11-2019), computer software and computer programs must be specified as “downloadable” and/or “recorded” to clarify the nature of the goods. The USPTO requires such specificity in identifying computer software in order for a trademark examining attorney to examine the application properly and make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. See *In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000); TMEP §1402.03(d).

I would therefore like to amend the identification(s) to the following:

International Class 009

Laboratory, scientific, optical and electrical apparatus and instruments, namely, microfluidics platforms comprised of cell visualization and selection hardware and **recorded** software for use with microfluidic chips for analysis, selection and manipulation of biological cells, biological material, and/or chemicals; Laboratory, scientific, optical and electrical apparatus and instruments, namely, microfluidics platforms comprised of cell

visualization and selection hardware and **recorded** software for biological, genetic, chemical, medical and scientific research and analysis, and pharmaceutical development; microscopes for use with microfluidic chips

If you so authorize this amendment to be entered, I will enter the amendment via Examiner' s Amendment, include the information in the file and move the application towards registration. If you prefer that I do not enter the amendment or have further questions before agreeing to the amendment, please contact me. Either way, responding via email to this specific request for an amendment to the identification is appropriate.

Thank you for your attention on this matter.

-Aikens

/Ronald E. Aikens/

US Patent & Trademark Office

Law Office 112

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