

# Note To The File

Serial Number: 88960172  
Date: 02/01/2021 11:50 am  
Created by: Aikens, Ron

KOVER KRACK

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## Changed

- Issued Examiner's Amendment and Entered Changes

## Contacted Applicant/Atty

- via E-Mail

**From:** Amy Wergeles <amy.wergeles@henkel.com>  
**Sent:** Friday, January 29, 2021 8:04 AM  
**To:** Aikens, Ron <Ron.Aikens@USPTO.GOV>  
**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

Add the “and.”

Applicant disclaims exclusive rights to “COVER CRACK” apart from the mark as shown.

Many thanks.

Amy

Amy Span Wergeles

Senior Trademark Counsel

Henkel Corporation

One Henkel Way

Rocky Hill, CT 06067

Phone: (860) 466-7960 - **Please note new telephone number**

[Amy.Wergeles@henkel.com](mailto:Amy.Wergeles@henkel.com)

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e-mail and delete this message and any attachments without retaining a copy.

**From:** Aikens, Ron < [Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV) >  
**Sent:** Thursday, January 28, 2021 6:38 PM  
**To:** Amy Wergeles < [amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com) >  
**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

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So ... last thing: with respect to KOVER KRACK – 88/960172, the disclaimer requested below reads “Applicant disclaims exclusive rights to “COVER” and “CRACK” apart from the mark as shown.” That form will not be acceptable and I will have to issue another Office Action on the issue. We can accept, “Applicant disclaims exclusive rights to “COVER CRACK” apart from the mark as shown.” The disclaimer would be in the correct spelling with the novel spelling carrying the mark on to the register.

I can enter the Examiner’s Amendment with your proposed disclaimer and then issue an Office Action on the matter, or I can enter the Examiner’s amendment with disclaimer that eliminates the “and” between the wording and move if forward.

Which of those two courses of action would you prefer I take?

-Ron

/Ronald E. Aikens/

Trademark Examining Attorney

US Patent & Trademark Office

Law Office 112

[Ron.Aikens@USPTO.gov](mailto:Ron.Aikens@USPTO.gov)

Wk: 571-272-9268

**From:** Amy Wergeles < [amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com) >  
**Sent:** Thursday, January 28, 2021 1:12 PM  
**To:** Aikens, Ron < [Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV) >  
**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

You’re the best. Thank you for all your help!

**From:** Aikens, Ron < [Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV) >  
**Sent:** Thursday, January 28, 2021 1:12 PM  
**To:** Amy Wergeles < [amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com) >  
**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

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attachments

I'll make the request to have such information updated within our division.

-Ron

/Ronald E. Aikens/

Trademark Examining Attorney

US Patent & Trademark Office

Law Office 112

[Ron.Aikens@USPTO.gov](mailto:Ron.Aikens@USPTO.gov)

Wk: 571-272-9268

**From:** Amy Wergeles <[amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com)>

**Sent:** Thursday, January 28, 2021 1:10 PM

**To:** Aikens, Ron <[Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV)>

**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

Again, no rush. Responses aren't due until March.

Any idea how to get them to update the ownership info?

Amy

**From:** Aikens, Ron <[Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV)>

**Sent:** Thursday, January 28, 2021 1:07 PM

**To:** Amy Wergeles <[amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com)>

**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

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By COB today, I will enter the amendments and move the applications forward.

-Ron

/Ronald E. Aikens/

Trademark Examining Attorney

US Patent & Trademark Office

Law Office 112

[Ron.Aikens@USPTO.gov](mailto:Ron.Aikens@USPTO.gov)

Wk: 571-272-9268

**From:** Amy Wergeles <[amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com)>  
**Sent:** Thursday, January 28, 2021 1:05 PM  
**To:** Aikens, Ron <[Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV)>  
**Cc:** Lizette Sayah <[lizette.sayah@henkel.com](mailto:lizette.sayah@henkel.com)>  
**Subject:** RE: [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

I think it worked! In in the WHITE MAGIC record, and the TSDR page now lists me as the Attorney of Record (although it still shows Momentive, not Henkel, as the owner).

Amy

**From:** Aikens, Ron <[Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV)>  
**Sent:** Wednesday, January 27, 2021 11:46 PM  
**To:** Amy Wergeles <[amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com)>  
**Subject:** [EXT] RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

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Not a problem at all. It usually takes 24-48 hours, but I will be vigilant

-Ron

/Ronald E. Aikens/

Trademark Examining Attorney

US Patent & Trademark Office

Law Office 112

[Ron.Aikens@USPTO.gov](mailto:Ron.Aikens@USPTO.gov)

Wk: 571-272-9268

**From:** Amy Wergeles <[amy.wergeles@henkel.com](mailto:amy.wergeles@henkel.com)>  
**Sent:** Wednesday, January 27, 2021 4:52 PM  
**To:** Aikens, Ron <[Ron.Aikens@USPTO.GOV](mailto:Ron.Aikens@USPTO.GOV)>  
**Cc:** Lizette Sayah <[lizette.sayah@henkel.com](mailto:lizette.sayah@henkel.com)>; Trademarks (funct) <[trademarks@henkel.com](mailto:trademarks@henkel.com)>  
**Subject:** RE: Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

Hi Ron. Thanks for taking the time to speak with me this morning.

As you recommended, we filed the Change of Representation form for each of the 4 marks below. I do not see anything (yet) in TSDR; hopefully it will be updated soon.

Once completed, kindly enter the Examiner's Amendments noted below.

Best regards,

Amy

Amy Span Wergeles

Senior Trademark Counsel

Henkel Corporation

One Henkel Way

Rocky Hill, CT 06067

Phone: (860) 466-7960 - **Please note new telephone number**

[Amy.Wergeles@henkel.com](mailto:Amy.Wergeles@henkel.com)

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**From:** Amy Wergeles

**Sent:** Monday, January 25, 2021 12:11 PM

**To:** [Ron.Aikens@uspto.gov](mailto:Ron.Aikens@uspto.gov)

**Cc:** Lizette Sayah - Henkel ( [lizette.sayah@henkel.com](mailto:lizette.sayah@henkel.com) ) < [lizette.sayah@henkel.com](mailto:lizette.sayah@henkel.com) >; Trademarks (funct) < [trademarks@henkel.com](mailto:trademarks@henkel.com) >

**Subject:** Office Actions - Serial Nos. WHITE MAGIC – 88/960227, NCS45 – 88/960204, INFINITY – 88/955774, KOVER KRACK – 88/960172

Dear Mr. Aikens –

I left you a voice message earlier about the outstanding Office Actions against the following applications, all filed in June 2020 by Momentive Performance Materials, Inc.:

WHITE MAGIC – 88/960227

NCS45 – 88/960204

INFINITY – 88/955774

KOVER KRACK – 88/960172

Henkel is now the owner of these applications (see the attached Notice of Recordation) and I am Attorney of Record (see Reel/Frame 7114/0213). However, despite our filings, the PTO's electronic system will not allow me to respond online to the Office Actions. Accordingly, I ask that you enter the following as Examiner's Amendments:

All 4 of the above-referenced applications were filed in IC 17 for “ caulking, caulking compounds, patching compounds, adhesives and sealants for building, construction, and general use.”

In September, you issued Office Actions questioning this ID, and suggested multiple class additions. In response, we ask that the applications remain limited to IC 17, and that ID be revised to read:

“Caulk, caulking compounds, adhesive sealants for building, construction, and general use.”

In addition, you request a disclaimer in SN 88/960172 for KOVER KRACK. Accordingly, please let that application show that “Applicant disclaims exclusive rights to “COVER” and “CRACK” apart from the mark as shown.”)

Finally, if you have any way to see that the TSDR system is updated to reflect our filings, I would greatly appreciate it. We have spent considerable time on the phone with the Trademark Assistance Center to no avail.

Many thanks. Please respond to this email or telephone me at the number below if you have any questions.

Amy

Amy Span Wergeles

Senior Trademark Counsel

Henkel Corporation

One Henkel Way

Rocky Hill, CT 06067

Phone: (860) 466-7960 - **Please note new telephone number**

[Amy.Wergeles@henkel.com](mailto:Amy.Wergeles@henkel.com)

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