

Mark: LITTELFUSE  
Applicant: Littelfuse, Inc.  
Serial No.: 86436025  
Att. Ref.: 1511L0801A

## RESPONSE TO OFFICE ACTION

Applicant respectfully submits the following remarks in response to the Office Action dated February 12, 2015, which required amendments to the identification of goods and services. Because the identification is quite long, for clarity Applicant reprints below the Examining Attorney's remarks with respect to each objected-to term/phrase, followed by Applicant's indented remarks in **bold**.

### Class 9

The wording "mounting devices for fuses" in the identification of goods is indefinite and must be clarified to specify the types of such devices to enable proper classification. *See* TMEP §1402.01. If the goods are specially adapted for fuses, then applicant must indicate this fact and the goods are properly classified in International Class 9. However, items of hardware for general use in mounting are classified other international classes, such as in International Class 6 for "general use metal brackets for mounting fuses" and International Class 20 for "general use non-metal brackets for mounting fuses."

**Applicant respectfully submits that "mounting devices for fuses" is acceptable without stating they are "specially adapted." Applicant drafted this wording based on the following identifications in the ID Manual:**

- **"mounting devices for cameras and monitors" in Class 9**
- **"mounting devices for monitors" in Class 9**
- **"mounting devices for photographic equipment" in Class 9**

The wording "thermal relays" in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this to "electric relays, namely, thermal relays."**

The wording "pilot light units adapted for panel mounting" in the identification of goods is indefinite and must be clarified to enable proper classification of the goods. *See* TMEP §1402.01. Specifically, applicant must describe the primary components and purpose of the "pilot light units."


**Applicant has amended this to "electric pilot lights adapted for panel mounting."**

The wording "automotive flashers" in the identification of goods is indefinite and must be clarified to enable proper classification of the goods. *See* TMEP §1402.01. Specifically, applicant must describe the nature and purpose of the goods.

**Applicant respectfully submits that “automotive flashers” is a generic term for the goods. An automotive flasher is simply the thing that causes light bulbs in cars to flash (e.g., turn signals, hazard lights, etc.).**

The wording “fuse pullers” in the identification of goods is indefinite and must be clarified to specify the nature and/or purpose of the goods to enable proper classification. *See* TMEP §1402.01. If these goods are a non-powered hand tool, they are properly classified in International Class 8.

**Applicant respectfully submits that “fuse pullers” is acceptable in Class 9, as a fuse puller is simply a small object used to pull/extract a fuse. This is the common commercial name for the goods. Below is a photograph of some fuse pullers:**




**Littelfuse**  
Expertise Applied | Answers Delivered

Fuse Pullers

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Pullers



Allows for easy fuse removal and replacement.

Part Number Artikel-Nr.	Description Bezeichnung
165.0020.000_	ATO® / MINI® / MAXI™ Style
00970021_	ATO® / MINI® Style
00970023_	ATO® / MINI® / Glass Style
00970024_	MINI® Style
00970027_	MAXI™ Style
00970053_	JCASE® Style
00970999_	ATO® Style

Series Serien	Pack Size
165.0020.000Z	500
00970021HXNVDL	100
00970021HXNVDL	5000
00970023HXN	100
00970023Z	500
00970024M	1000

The wording “fuse storage containers” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01. General purpose containers for storing fuses are classified according to the material composition of the goods, for example, “general purpose metal storage containers for fuses” are classified in International Class 6 and “general purpose plastic storage containers for fuses for commercial or industrial use” are classified in International Class 20. If the containers are specially adapted for storing fuses, then they are classified in International Class 9.

**Applicant respectfully submits that “fuse storage containers” is acceptable without stating they are “specially adapted.” Applicant drafted this wording based on the fact that “disc storage containers” is acceptable in Class 9 according to the ID Manual, as is, for example, “containers for contact lenses.” If a container is for storing fuses (or discs or contact lenses), it is by definition not a “general purpose” container.**

The wording “diode arrays” in the identification of goods is indefinite and must be clarified to further describe the nature or purpose of the goods. *See* TMEP §1402.01.

**Applicant respectfully submits that “diode arrays” is acceptable, and notes that “diodes” by itself is in the ID Manual. Applicant’s diode arrays are simply an array of diodes.**

The wording “motor protection relays” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to “electric relays, namely, motor protection relays.”**

The wording “control and protection units for electric generators” in the identification of goods is indefinite and must be clarified to further describe the nature and components of the units. *See* TMEP §1402.01.

**Applicant has amended this wording to “electrical controllers for electric generators.”**

The wording “control and monitoring units for diesel and gas engines” in the identification of goods is indefinite and must be clarified to further describe the nature and/or components of the units. *See* TMEP §1402.01.

**Applicant has amended this wording to “electrical controllers for diesel and gas engines.”**

The wording “indicator lights embedded in equipment control panels” in the identification of goods is indefinite and must be amended to specify the types of equipment control panels and to indicate whether the indicator lights are “sold as an integral component” of the panels. *See* TMEP §1402.01.

**Applicant has amended this wording to “indicator lights for use in equipment control panels,” and notes that “indicator lights [for telecommunication apparatus]” and “indicator lights for circuit boards” are acceptable according to the ID Manual.**

The wording “trailing-cable protection device, namely, combination ground-wire monitor and ground-fault relay” and “trailing-cable protection device, namely, parallel path isolator” in the identification of goods is indefinite and must be amended to clarify whether these are electric protection devices. *See* TMEP §1402.01.

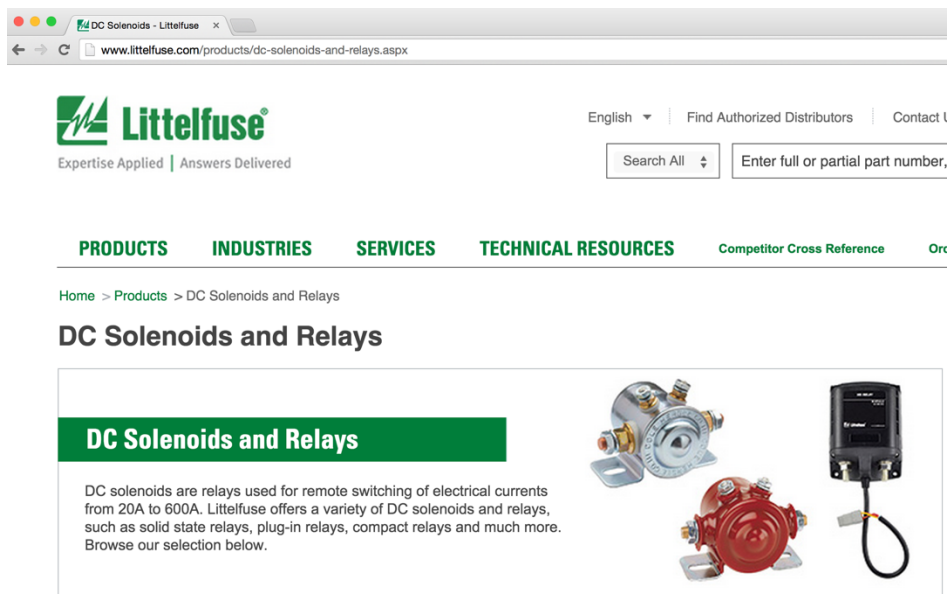
**Applicant respectfully submits this wording is sufficiently definite and advises that these goods are *by their very nature* a type of electric protection device. By analogy, “circuit breakers” is acceptable in Class 9 by itself without the need to explicitly state the circuit breakers are electric protection devices.**

The wording “ground reference modules,” “remote indication and reset assemblies” and “termination assemblies, input modules, and diagnostic assemblies” in the identification of goods is indefinite and must be amended to clarify the nature of the goods. *See* TMEP §1402.01.

**Applicant respectfully points out this wording is not free-standing, but rather preceded by the wording “accessories for electrical relays and controls, namely, . . .,” and thus this wording is sufficiently definite.**

The wording “direct current solenoids” in the identification of goods is indefinite and must be clarified to specify the form of the goods. *See* TMEP §1402.01.

**Applicant does not understand what the Examining Attorney means by “specify the form of the goods.” According to *The American Heritage Dictionary of the English Language*, a solenoid is “an assembly used as a switch, consisting of a coil and a metal core free to slide along the coil axis under the influence of the magnetic field.”<sup>1</sup> Moreover, as shown below, this is a common commercial name for the goods and Applicant respectfully submits that “direct current solenoids” is sufficiently definite.**



The wording “switch houses” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to “electric switch houses.”**

The wording “e-houses, namely, apparatus and instruments for conveying, distributing, transforming, storing, regulating, or controlling electricity, all contained within prefabricated modular buildings and sold as a unit” in the identification of goods is indefinite and must be clarified to specify the primary electrical components of the goods. *See* TMEP §1402.01.

<sup>1</sup> Applicant will formally make this definition of record at a later date if and when it becomes necessary.

**Applicant respectfully advises that in a pre-filing email exchange on September 26, 2014 between the undersigned and Ms. Jennifer Chicoski, the Office's Administrator for Trademark Identification, Classification and Practice, Ms. Chicoski approved this exact wording.**

The wording "portable electric power centers for power distribution, monitoring, and controlling" in the identification of goods is indefinite and must be clarified to specify the primary components of the goods. *See* TMEP §1402.01.

**Applicant respectfully advises that the wording "portable low-to-medium voltage electric power centers for power distribution, monitoring and controlling for use in the mining industry, oil and gas industry, and other industrial applications" has been accepted in Applicant's companion application Serial No. 85964505.<sup>2</sup> Applicant's proposed wording in the present application – "portable electric power centers for power distribution, monitoring, and controlling" – is simply a "cleaned up" version of the language accepted in Serial No. 85964505. That is, Applicant has simply made the following deletions: "portable ~~low-to-medium voltage~~ electric power centers for power distribution, monitoring and controlling ~~for use in the mining industry, oil and gas industry, and other industrial applications.~~" Applicant respectfully submits that deletion of "low-to-medium voltage" and the industries does not serve to render the wording indefinite.**

The wording "aboveground and underground electrical substations" in the identification of goods is indefinite and must be amended to clarify the nature and components of the substations because it is not clear from the identification what these substations consist of and whether they are actually sold as a portable or modular unit. *See* TMEP §1402.01.

**Applicant respectfully submits that "aboveground and underground electrical substations" is sufficiently definite, and attaches three third-party registrations that cover "electrical substations." Specifically, Applicant attaches TSDR printouts for Registration Nos. 4753831, 3400021, and 3328148, with the wording "electrical substations" highlighted in red. Notably, Registration No. 4753831 issued less than two months ago.**

The wording "feeder protection relays" in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to "electric relays, namely, feeder protection relays."**

Applicant has classified "variable frequency drives for large power applications in the oil and gas, marine, metal, and other industries" in International Class 9; however, the proper classification is International Class 7. Therefore, applicant may respond by (1) reclassifying

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<sup>2</sup> That application is presently on appeal as the result of a Section 2(d) refusal, but the examining attorney handling that application has accepted the wording in question.

these goods in the proper international class, or (2) deleting these goods from the application. *See* 37 C.F.R. §§2.86, 6.1; TMEP §§1403.02 *et seq.*

**Applicant has re-classified this wording from Class 9 to Class 7.**

The wording “pump protection relays” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to “electric relays, namely, pump protection relays.”**

The wording “power and voltage monitors” in the identification of goods is indefinite and must be clarified to specify the types of these goods. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable and notes the following are all acceptable according to the ID Manual:**

- “power supplies” in Class 9
- “power controllers” in Class 9
- “voltage monitor modules” in Class 9
- “voltage regulators” in Class 9
- “voltage stabilizers” in Class 9

The wording “electrical equipment, namely, portable dewatering substations for use in the mining industry, oil and gas industry, and other industrial applications” in the identification of goods is indefinite and must be clarified to specify the primary components of the substations. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable by analogy to the acceptability of “electrical substations” (see above).**

The wording “control unit for power distribution in transportation vehicles” in the identification of goods is indefinite and must be clarified to further describe the nature of the control unit. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable and notes the wording “control units for regulating start-up electrical motors” is acceptable according to the ID Manual without describing the nature of the control unit.**

The wording “programmable module for configuration of vehicle power distribution systems” in the identification of goods is indefinite and must be amended to describe the nature of the programmable module. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable and notes the wording “electronic monitors and *monitor modules for monitoring electric current and electrical signals*” and “voltage monitor modules” is acceptable according to the**

**ID Manual. If that wording is acceptable, Applicant does not perceive any reason why its wording “programmable module for configuration of vehicle power distribution systems” should not likewise be acceptable.**

The wording “generator and engine diagnostic apparatus and equipment” in the identification of goods is indefinite and must be clarified to specify the types of these goods. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable because it clearly states the purpose of the apparatus and equipment, namely to diagnose problems in generators and engines. For example, the wording “diagnostic apparatus for testing food” is acceptable according to the ID Manual.**

The wording “steering wheel switches” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to “switches for use in vehicle steering wheels.”**

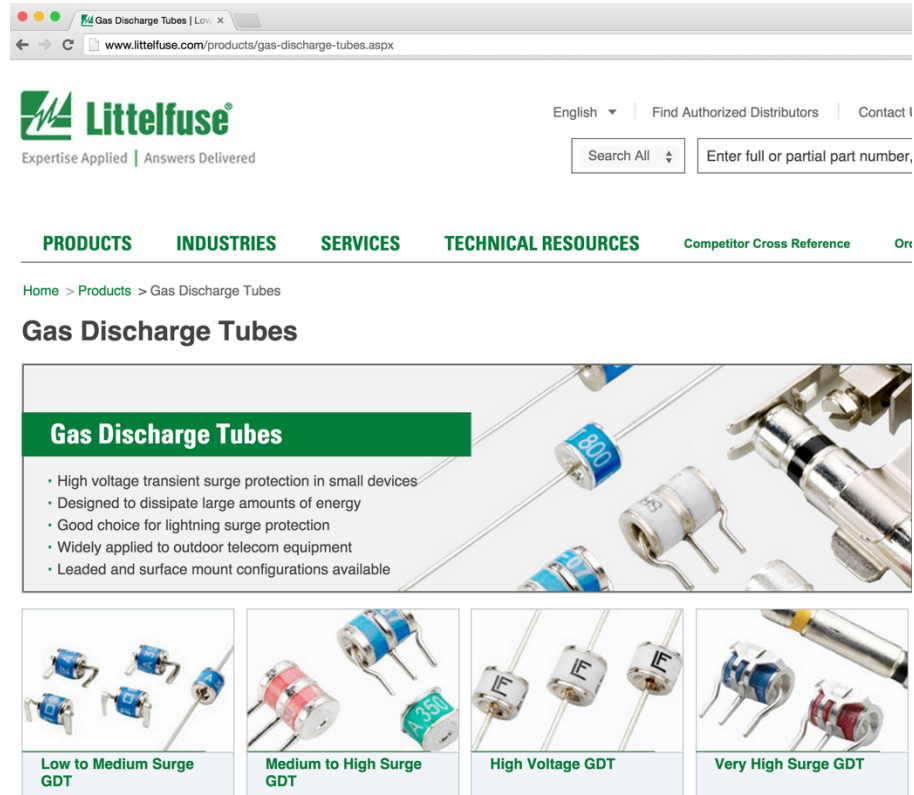
The wording “polymer positive temperature coefficient devices” in the identification of goods is indefinite and must be clarified to specify the types of these goods. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable because it is a common commercial name for the goods, as shown below:**



The wording “gas discharge tubes” in the identification of goods is indefinite and must be clarified to further describe the purpose or nature of the goods. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable because it is a common commercial name for the goods, as shown below:**



The wording “polymeric ESD suppressors” in the identification of goods is indefinite and must be amended to clarify the initialism in the mark. *See* TMEP §1402.01.

**Applicant has amended this wording to “polymeric electrostatic discharge (ESD) suppressors,” which is a common commercial name for the goods.**

The wording “bi-stable relays” in the identification of goods is indefinite and must be clarified to further describe the nature of the goods. *See* TMEP §1402.01.

**Applicant has amended this wording to “electric relays, namely, bi-stable relays.”**

The wording “bi-stable solenoids” in the identification of goods is indefinite and must be clarified to specify the nature and form of the goods. *See* TMEP §1402.01.

**Applicant respectfully submits that this wording is acceptable for the reasons stated above in connection with the acceptability of “direct current solenoids.”**

The wording “ignition switches” in the identification of goods is indefinite and must be clarified to specify the nature of the goods. *See* TMEP §1402.01.



**Applicant has amended this wording to “vehicle ignition switches.”<sup>3</sup>**

The wording “CAN modules” and “smart power modules” in the identification of goods is indefinite and must be clarified to describe the components and purpose of the modules. *See* TMEP §1402.01. Applicant must also clarify the initialism “CAN” in the first clause.

**Applicant has amended the wording “CAN modules” to “electrical controller area network (CAN) modules.” Applicant has also amended the wording “smart power modules” to “smart electrical power distribution modules,” and notes the acceptability of the analogous wording “electrical power distribution units” according to the ID Manual.**

**Class 42**

Applicant has classified “consultation in the field of electrical safety” in International Class 42; however, the proper classification is International Class 45. Therefore, applicant may respond by (1) reclassifying these services in the proper international class or (2) deleting “consultation in the field of electrical safety” from the application. *See* 37 C.F.R. §§2.86, 6.1; TMEP §§1403.02 *et seq.*

**Applicant has re-classified this wording from Class 42 to Class 45.**

Having responded to all outstanding issues, Applicant respectfully requests that the application be approved for publication. The Examining Attorney is invited to contact the undersigned at [mhall@kdbfirm.com](mailto:mhall@kdbfirm.com) with any questions.

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<sup>3</sup> *See, e.g.*, Registration Nos. 4768184 and 4751005, accepting equivalent wording. Applicant acknowledges that mere citation of these third-party registrations does not make them of record. Applicant does not introduce them at this time because Applicant believes the Examining Attorney will accept this amended wording; of course, Applicant will make them of record later if the need arises.