

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Convey-All Industries Inc. CLASSES: 07, 12
APPLICATION NO.: 88/040,758 EXAMINER: Jacquelyn A. Jones
FILING DATE: July 17, 2018 LAW OFFICE: 120
MARK: CONVEY-ALL

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

Dear Sir, Madam:

In Response to the Office Action dated May 9, 2018, (the "Office Action"),
Convey-All Industries Inc. ("Applicant") hereby enters the following response:

I. AMENDMENT TO IDENTIFICATION OF GOODS

In compliance with the Examining Attorney's request, Applicant hereby submits
the amended identifications of goods for Classes 07 and 12:

Conveyors being machines; pneumatic tube conveyors; Grain and seed bin weighing systems comprised of mechanized livestock feeders, elevating work platforms, dust collection and material conveyors being machines, bag-handling machines, automatic bin refillers in the nature of earth augers, scales, and metal supply bins; Conveyors being machines specialized for unloading and processing materials from rail cars; Bulk sand and material handling equipment, namely, portable and stationary sand and gravel screening machines, conveyors being machines, transfer conveyors being machines, troughing conveyors being machines, telescopic conveyors being machines; machines, namely, rock crushers, portable sand processing machines and trommel screeners; lifting work platforms; Bulk sand and material handling equipment, namely, conveyors being machines used for the cleaning, transport, delivery and storage of sand and frac sand in Class 07.

Bulk and commercial seed tender equipment, namely, mounted equipment trailers used in the agricultural field for the transport of bulk seed, fertilizer, grains and pulses, and for a combination of seed storage and delivery system comprised of unloading conveyors, undercarriage and seed hopper bins; agricultural machinery, namely, wheeled trailers containing hopper bins and conveyors used for weighing, transporting and distribution of bulk seed, fertilizer, and harvested grains and pulses; bulk sand and material handling equipment, namely, vehicles comprised of mounted and portable equipment trailers and conveyors used for the cleaning, transport, delivery and storage of sand and frac sand; multipurpose trailers in Class 12.

Applicant submits that it has complied with the Examining Attorney's requests related to the above changes.

II. REQUEST FOR SUSPENSION OF APPLICATION

In the Office Action, the Examining Attorney rejected Applicant's application for CONVEY-ALL, Application No. 88/040,758 ("Applicant's Mark") because of an alleged likelihood of confusion with U.S. Registration Nos. 2,029,965 and 2,033,627 based on Section 2(d) of the Lanham Act.

In addition, the Examining Attorney stated that a Foreign Registration Certificate was not provided with the application and requested a copy of the Foreign Registration Certificate. The Examining Attorney stated, "If the foreign registration is not yet available, applicant should inform the trademark examining attorney that the foreign application is still pending and request that the U.S. application be suspended until a copy of the foreign registration is available. TMEP §§716.02(b), 1003.04(a)."

Applicant hereby requests that this application be suspended pending Applicant's acquisition of the Foreign Registration Certificate. Once the Foreign Registration Certificate is obtained, Applicant will withdraw the suspension of this Application, and address the likelihood of confusion issues raised by the Examining Attorney at that time.

Applicant therefore requests that this application be suspended pending its reception of the Foreign Registration Certificate.

For all of the foregoing reasons, Applicant respectfully requests that Applicant's Mark be placed on suspension.