

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Shape Technologies Group, Inc.

Serial No: 88/150,290

Mark: DELTA

**OFFICE ACTION RESPONSE**

In the Office Action dated January 28, 2019, the Examining Attorney required that the identification of goods be amended on the basis that the identification is indefinite and the nature of the goods is unclear. In addition, the Examining Attorney has requested additional product information about Applicant's goods.

**I. Amendments to the Identification of Goods**

Applicant amends its identification of goods and services as follows:

Class 7: Structural waterjet ~~Waterjet~~ parts for waterjet and abrasive jet cutting machines, namely, nozzles, mixing tubes

Applicant respectfully submits that the term "mixing tubes" is definite and does not require further clarification. The term "mixing tubes" plainly describes a replacement part for waterjet equipment that discharges a high-pressure jet, typically a mixture of abrasives and water and is the common commercial name for such goods. A Google search for the term "waterjet mixing tubes" results numerous results showing use of the phrase "mixing tubes" in connection with the goods identified in the Application by numerous third parties. See **Exhibit A** for true and correct copies of printouts of Google search results for "waterjet mixing tubes" and copies of several third-party websites using the term "mixing tubes" to describe the goods noted in the Application.

This term is not only clear and unambiguous, but has also been treated as such by the USPTO. Specifically, Applicant (and its related entities) owns numerous other trademark registrations containing the term "mixing tubes" in the identification of goods without requiring

additional explanation, including Reg. Nos. 3221314 for INTERNATIONAL WATERJET PARTS; 3210161 for IWP; and 4558667 for SIDEFIRE. The table below includes excerpts of the relevant goods covered by the noted registrations (relevant term “mixing tubes” underlined for ease of reference).

Reg. No.	Mark	Class 7 Goods
3221314	INTERNATIONAL WATERJET PARTS	Components and replacement parts for waterjet and abrasivejet cutting systems; namely orifice assemblies, high pressure water pumps, pump pistons, pump housings, machine part bushings, mixing chambers, <u>mixing tubes</u> , abrasive nozzles, mechanical seals, poppets, splash shields, machine part check valves, machine part water filters, high pressure connectors, abrasivejet cutting heads, bulk abrasive hoppers for ultra high-pressure fluid jet systems, and collets.
3210161	IWP	Components and replacement parts for waterjet and abrasivejet cutting systems; namely orifice assemblies, high pressure water pumps, pump pistons, pump housings, machine part bushings, mixing chambers, <u>mixing tubes</u> , abrasive nozzles, mechanical seals, poppets, splash shields, machine part check valves, machine part water filters, high pressure connectors, abrasivejet cutting heads, bulk abrasive hoppers for ultra high-pressure fluid jet systems, and collets.
4558667	SIDEFIRE	Fluid jet nozzle assemblies for waterjet and abrasive-jet cutting, cleaning and material forming machines; structural parts for waterjet and abrasive-jet cutting, cleaning and material forming machines, namely, cutting head bodies and structural parts thereof, orifice assemblies, orifice mounts and orifices, mixing chambers, mixing tube assemblies, <u>mixing tubes</u> , holding nuts, standoff plates, standoff shoes, carbide feet.

Applicant respectfully submits that, consistent with the treatment of the term “mixing tubes” in the noted registrations, the term “mixing tubes” does not need to be further clarified and that the Applicant’s proposed amendments to the identification goods are acceptable.

## **II. Additional Product Information**

The Examining Attorney has also required that Applicant submit additional product information about Applicant's goods. As stated above, Applicant's goods are replacement parts for waterjet equipment. Specifically, Applicant's goods are nozzles and mixing tubes used in high-pressure waterjet machine systems that focus and produce a high pressure waterjet, typically formed from a combination of abrasives and water. Applicant's goods are used in various industries in connection with industrial tools for cutting and treating a variety of materials. Applicant's goods are sold to businesses and manufacturers through standard B2B trade channels. Applicant has provided images of Applicant's goods as well as product information, attached hereto as **Exhibit B**

### **CONCLUSION**

Based on the foregoing, Applicant has resolved any ambiguity in its identification of goods through the noted amendments and has provided the additional product information requested by the Examining Attorney. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the rejection and allow Applicant's mark to proceed to publication.