

Applicant: CVC Technologies, Inc.  
Mark: CVC and design  
Ser. No.: 88363854

## **RESPONSE TO OFFICE ACTION**

On June 17, 2019, the Examining Attorney issued an office action with respect to the application of CVC Technologies, Inc. (“Applicant”) for the mark CVC and design (“Mark”). Applicant hereby responds to said office action as follows:

### **I. Amendment to Identification of Goods.**

Applicant agrees to amend and clarify its identification of goods and adopt the following:

“Class 7: Auto liquid filling machines, auto capping machines, pressure sensitive labeling machines, cartoning machines, tablets and capsules packaging machine by way of count not weight, blister packing machines, desiccant insertion machines, cotton insertion machines, bottle unscrambling machines

Class 42: Packaging Integration Services in the nature of mechanically and electrically connecting individual packaging machines with various functions, and from various sources together into a single turnkey packaging line.”

### **II. Classification of Goods.**

The Examining Attorney previously proposed a revised identification of “tablet counting machines” for Applicant’s use, if accurate, and singled this item as the only one among Applicant’s goods which should be classified in international class 9.

However, Applicant submits that its goods are more precisely described as “tablets and capsules packaging machine by way of count not weight” and belonging under international class 7. International class 7 covers a wide assortment of machines under its heading:

“Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.”

(*See*, Exhibit A, Nice Classification – 11<sup>th</sup> Edition, Class 7, attached hereto.) International class 7 specifically includes “packaging machines” and “packing machines” (basic nos. 070499 and 070294, respectively). (*Id.*)

Response to Office Action

Applicant: CVC Technologies, Inc.  
Mark: CVC and design  
Ser. No.: 88363854  
Page: 2

By contrast, international class 9 covers apparatus and instruments of a more advanced or sophisticated nature under the heading:

“Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus.”

(See, Exhibit B, Nice Classification – 11<sup>th</sup> Edition, Class 9, attached hereto.) These include, for example, scales and microscopes (basic nos. 090074 and 090193, respectively). (*Id.*)

When comparing the types of the machines or instruments found under international class 7 with those found under international class 9, it is apparent that Applicant’s tablets and capsules packaging machine more closely resembles class 7 machinery, as a type of packaging or packing machine, rather than class 9 apparatus. Applicant’s tablets and capsules packaging machine is not an apparatus or instrument for measuring, signalling, detecting, testing, inspecting, or the like as seems to be the case for many international class 9 pieces of equipment.

Similarly described tablet packaging machines in third party registrations have also classified been classified under international class 7. Examples of these third party registrations include, without limitation, the following (*see also*, Exhibits C-G attached hereto):

MARK	U.S. REG. NO.	IDENTIFICATION OF GOODS
IVERS-LEE [Exhibit C]	0507595 [cancelled due to failure to maintain]	“MACHINERY FOR HANDLING PACKAGING MATERIAL AND FOR PRODUCING AND FABRICATING PACKAGES AND WRAPPINGS- NAMELY, TABLET PACKAGING MACHINES...”
JVM and design [Exhibit D]	3023048	“Medical devices, namely, prescribed medication packaging machines, prescribed medication distributing and packaging machines, tablet packaging machines, tablet distribution and packaging machines,...”
ATDPS and design	3991509	“...automatic rotary tablet packing machine for use in hospitals, clinics and pharmacies, which partition tablets according to a doctor's prescription; automatic

Response to Office Action

Applicant: CVC Technologies, Inc.

Mark: CVC and design

Ser. No.: 88363854

Page: 3

[Exhibit E]		tablet partition machine for use in hospitals, clinics and pharmacies, namely, for use in partition of tablet by doctor's prescription for administration to a patient”
SANYO and design	4097653	“...tablet packing machines and apparatus...”
[Exhibit F]	[cancelled due to failure to maintain]	
UHC and design	3197985	“...packaging machines for packaging powders, tablets or pills for storage or shipment...”
[Exhibit G]	[cancelled due to failure to maintain]	

Based on Applicant’s identification of goods, as amended in Section 1 above, Applicant submits that its application properly covers only two (2) distinct classes of goods such that the filing fee submitted at the time of its application filing is sufficient.

**III. Conclusion.**

Based upon the foregoing, Applicant respectfully requests that its application, as amended, be approved for registration.

Respectfully submitted,

CHANG & COTÉ, LLP

/Audrey L. Khoo/

Attorneys for Applicant,  
CVC Technologies, Inc.