

REMARKS:

Applicant has carefully reviewed the Office Action mailed on April 18, 2019 and thanks the Examining Attorney for his helpful comments in the Office Action. Applicant provides the following response to the objections raised therein.

At the outset, Applicant acknowledges and gratefully appreciates the Examining Attorney's finding that no similar registered or pending mark has been found in a search of the Patent and Trademark Office records which would bar registration of Applicant's mark under Trademark Act Section 2(d), 15 U.S.C. §1052(d).

Furthermore, the undersigned attorney, Christian Bodner, representing Applicant, also appreciates the courtesy of the Examining Attorney in allowing the undersigned attorney to confer with him about the Office Action and his objections to the identifications of goods and services. The conference took place on September 30, 2019.

Requirement for Acceptable Identification and Classification of Goods and Services

The Examining Attorney has objected to the identifications of goods and services submitted with the application as being indefinite. In this regard, the Examining Attorney contends that the identifications of goods and services are too broad and that the exact nature of the goods and services is not clear.

More specifically, with respect to the identification of goods for International Class 010, the Examining Attorney contends that the phrases "spinal plates", "biodegradable implants" and "parts and accessories for all the aforesaid goods, so far as included in class 10" are indefinite and requires that the nature of such goods be clarified. Also with respect to Class 010, the Examining Attorney contends that the wording "surgical implants", "implants for osteosynthesis" and "implants for the cervical spine" are overly broad and could include goods in other classes. In particular, the Examining Attorney contends that the aforementioned phrases could include both implants comprising living tissue, which the Examining Attorney believes should be classified in International Class 005, and implants comprising artificial material, which the Examining Attorney believes would properly be classified in International Class 010.

With respect to the identification of services for International Class 044, the Examining Attorney contends that the phrase "advice and information relating to the abovementioned services, in so far as included in Class 44" is indefinite and must be clarified because the nature of the services is unclear. In this regard, the Examining Attorney requires that Applicant delete the aforementioned phrase or further specify the nature or type of such services.

On Page 2 of the Office Action, the Examining Attorney kindly provides his suggested amendments to the identifications of goods and services which may overcome the objections thereto. The Examining Attorney's helpful suggestions are acknowledged and gratefully appreciated. Additionally, Applicant thanks the Examining Attorney for further conferring with the undersigned attorney to address his objections to the identifications of goods and services.

Applicant has amended the identifications of goods and services in accordance with the Examining Attorney's helpful suggestions and the further amendments agreed upon between the undersigned attorney and the Examining Attorney on September 30, 2019.

Entry of the amendments to the identifications of goods and services is respectfully requested.

Requirement for Copy of Foreign Registration to Perfect §44(e) Basis

The Examining Attorney kindly requires that Applicant provide a copy of the foreign registration from Applicant's country of origin to perfect Applicant's claim of priority under §44(e). Applicant hereby amends the basis of the application to claim priority under Section 44(e) to Applicant's corresponding European Trademark Registration No. 018004520, which was registered on May 17, 2019. A certified copy of the foreign registration from Applicant's country of origin to perfect Applicant's claim of priority under §44(e) is submitted herewith. Entry of the certified copy of the European registration is respectfully solicited.

Conclusion

Applicant has amended the identifications of goods and services to address the Examining Attorney's concerns in accordance with the Examining Attorney's helpful suggestions. The amendments to the identifications of goods and services do not include any goods and services which were not within the scope of goods and services set forth in the original application and are, therefore, in accordance with 37 C.F.R. §2.71(a).

Additionally, Applicant has submitted a certified copy of the foreign registration from Applicant's country of origin to perfect Applicant's claim of priority under §44(e), as required by the Examining Attorney.

If the Examining Attorney has any questions or suggestions which would help expedite prosecution of this application to a favorable conclusion, Applicant kindly requests that the Examining Attorney contact the undersigned attorney at the telephone number provided herein.

If any fees are due, please charge our Deposit No. 502335 for such sum.