

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

John S. Yard
Trademark Examining Attorney
Law Office 115

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In the Matter of the Application of :
Carl Zeiss 3D Automation GmbH :
For the Registration of a :
Trademark: ProMax :
Serial No. 88/322,553 :
Filed: March 1, 2019 :

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

Sir:

Applicant responds to Trademark Examining Attorney John S. Yard's Office Action sent May 11, 2019.

1.

Applicant submits that its identification of goods is proper: "coordinate measuring machines and their parts; styli for coordinate measuring machines; styli racks and their parts for coordinate measuring machines." Applicant's parent, Carl Zeiss AG, owns 18 subsisting U.S. registrations for goods including "coordinate measuring machines and parts thereof." For example:

<u>Mark</u>	<u>Reg.No.</u>	<u>Reg. Date</u>
CARBOTAN	5089790	November 29, 2016
AIMAX	4716498	April 7, 2015
ROTOS	4716393	April 7, 2015
ULTERA	4666281	January 6, 2015
XENOS	4658852	December 23, 2014
FALCONEYE	4402717	September 17, 2013.

For essentially the same reason, "styli racks and their parts for coordinate measuring machines" is a proper identification. See, e.g., third party Reg. No. 4303265 for goods including "metal racks and their parts for the storage of goods." A TESS database search for goods including "racks and parts thereof" turned up nine live registrations.

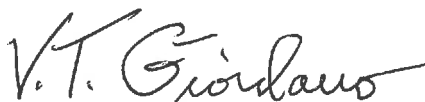
2.

Applicant submits herewith a copy of the German Registration No. 30093866, dated March 12, 2001, expiring on December 31, 2020 (with English translation) upon which the present application is, in part, based. Also submitted is a printout from the German Patent and Trademark Office website showing the renewal and current expiration date of German Registration No. 30093866. Contingent upon the approval of this application for publication in the Official Gazette, Applicant withdraws its Section 1(b) filing basis.

For the foregoing reasons, Applicant respectfully requests that its application be approved for publication.

Respectfully,

VON MALTITZ, DERENBERG, KUNIN,
JANSSEN & GIORDANO

By 

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