

Response to Office Action for Serial No. 88/470,474

Gecko Robotics, Inc. (“Applicant”) has applied to register the mark GR in Class 37 for “industrial inspection services; consultation in the field of maintenance and repair of industrial equipment” and the Serial Number for such application is 88/470,474 (“Application”).

The Examining Attorney has acknowledged that “consultation in the field of maintenance and repair of industrial equipment” is an acceptable description in Class 37 and has requested further specification of “industrial inspection services.” Applicant hereby amends “industrial inspection services” in Class 37 to “Inspection of the structural integrity of industrial equipment, namely, industrial facilities, industrial plants and industrial machinery, to determine whether such industrial equipment needs maintenance, repair or restoration” in Class 42 (“Amended Services”) and respectfully submits that the Amended Services are acceptable as drafted, without the necessity of further specification.

Generally, a description of services will be considered acceptable if it:

- Describes the services so that an English speaker could understand what the services are, even if the grammar or phrasing is not optimal;
- Meets the standards (not necessarily the language) set forth in the ID Manual;
- Is not a class heading; and
- Is in the correct class


Deference should be given to the language set forth by the applicant in the original application. TMEP §1402.01(a).

Applicant’s Amended Services meet the above criteria for an acceptable identification of services. Such description is in the correct class, is not the class heading, describes the services so that an English speaker could understand what they are, and meets the standards set forth in the ID Manual.

The US PTO has accepted descriptions of inspection services in Class 42 without exclusionary language relating to types of inspection services that may fall into other classes. This suggests that the US PTO recognizes descriptions of inspection services in Class 42, such as Applicant’s Amended Services, to be acceptable without further specification or explanation. A sample list of registrations that contain Class 42 services including inspection services is set forth below. *See* Exhibit A for the TSDR printouts for each registration.

Mark	Status	Services	Registration Number	Registrant
MEC-FIT	Registered	<p>42 - Scientific and technological services, namely, ultrasonic, visual, saturation, partial saturation, magnetic flux leakage and remote field eddy current testing services, pipeline structural integrity testing and inspection services and development of apparatus and methods for inspecting the condition and integrity of pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; design of pipeline testing apparatus and apparatus for testing for cracks, faults, damage and corrosion in pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; industrial analysis relating to engineering of pipeline installations and engineering research services; design and development of computer hardware and software for testing the integrity of and inspecting and identifying faults, damage, cracks and corrosion in pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; inspection, surveying, analyzing and testing services relating to the condition and integrity of pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; industrial inspection services relating to pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; structural integrity inspection, surveying and testing services for oil and gas installations; inspection, surveying and testing services for offshore riser installations; testing of integrity of pipelines and offshore apparatus and installations; pipeline inspection services; eddy current testing services; structural integrity inspection services using electromagnetic instruments; visual inspection services of pipelines, storage tanks, pressure vessels, subsea structures, risers, flexible risers, heat exchange and boiler tubes; consultancy and advisory services relating to the aforesaid services</p>	4661384	Innospection Limited

Mark	Status	Services	Registration Number	Registrant
MOVEPLAN	Registered	42 - Interior design services, namely, space planning services; remote on-line computer data backup services for third parties; computer services, namely, remote management of the information technology systems and computer files of others; home inspection services for home repair and restoration; home and building inspection services for the purpose of creating building contents inventories and reports relating to the same; home and building inspection services for the purpose of assessing the condition of buildings and their contents and preparation of reports relating to the same ; information, consultancy and advisory services relating to the aforesaid; interior design services including space planning, furniture selection, material and surface selection; consultation in the field of ergonomics, namely, designing workplace facilities and equipment to optimize efficiency and safety; computer disaster recovery planning; Monitoring of computer systems for security purposes	5826674	Moveplan Limited
GUIDEPOINT	Registered	42 - providing temporary use of non-downloadable software and online platforms for database management for use in the fields of insurance, reinsurance, risk management, risk analysis, risk transfer, financial instruments, financial services and asset management, for calculating new replacement values of buildings and contents for insurance and reinsurance purposes, as costing tools for project insurance and reinsurance underwriting, for accounting purposes for use in the insurance, reinsurance, risk management, risk analysis and risk transfer fields, for processing and providing claims advice, premium and claim closing, and statements of account and acknowledgments in the insurance and reinsurance fields; inspections of buildings for insurance underwriting purposes; inspection of industrial production plants, power plants, and industrial machinery for insurance underwriting and risk mitigation purposes ; consultancy, information and advisory services relating to all the foregoing	5758534	Chubb INA Holdings Inc.

Mark	Status	Services	Registration Number	Registrant
VERITANK	Registered	42 - inspection services for inspecting above ground storage tanks	5992095	Square Robot, Inc.
	Registered	42 - Consulting services for others in the field of design, planning, and implementation project management for engineering of oil and gas pipelines, terminals and other energy related projects; construction drafting services for pipelines, terminals and other energy-related projects; inspection services for pipelines, terminals and other energy-related projects ; engineering services for pipelines, terminals and other energy-related projects; construction engineering services for pipelines, terminals, and other energy related projects	5972715	Gulf Interstate Engineering Company

In addition to a request for further specification of “industrial inspection services,” the Examining Attorney requests substitute specimens of use for each class. Applicant respectfully submits that the original specimen submitted with the Application is acceptable for both classes, as it contains the mark and mentions the specific types of services being offered. However, Applicant submits a substitute specimen for each class that contains additional screenshots from the “Read More” tab under the “Boiler Inspection” section of the original specimen to further demonstrate the consultation services (e.g. “Inspection report with repair recommendations made available immediately”).

The Amended Services are sufficiently specific, as set forth above and the substitute specimens show a direct association between the mark and the services in each class. Therefore, Applicant respectfully requests acceptance of the Amended Services and substitute specimens and that the Application be approved for publication.