

U.S. Trademark Application No. 79/279,359  
International Registration No. 1516055  
Mark: FCWAVE in Classes 7 and 9  
Seed IP Ref: 130109.225US

### Remarks

In an Office Action mailed April 16, 2020, the Examining Attorney objects to the goods listings in Classes 7 and 9. In response to the objection in Class 7, the applicant herein deletes the objectionable goods, rendering the issue moot.

In Class 9, the Examining Attorney objects to the term “membrane electrode assemblies” and requires further clarification. Applicant respectfully asserts that the term “Membrane electrode assembly” (also known as an MEA) is a known term-of-art in the fuel cell industry and marketplace and, as such, need not be further specified. Evidence in support of this can be seen in all of the following registrations (attached):

U.S. Reg. No. 3788200 for the mark FCGEN  
U.S. Reg. No. 3794169 for the mark FCVELOCITY  
U.S. Reg. No. 3564968 for the mark POWERED BY BALLARD  
U.S. Reg. No. 3081524 for the mark BALLARD  
U.S. Reg. No. 2210129 the mark BALLARD (stylized)  
U.S. Reg. No. 2411636 for the mark POWER TO CHANGE THE WORLD

All of these registrations recite the term “membrane electrode assemblies” without further specification. Please also refer to the following industry definitions and marketplace descriptions:

<https://www.energy.gov/eere/fuelcells/parts-fuel-cell>  
[https://en.wikipedia.org/wiki/Membrane\\_electrode\\_assembly](https://en.wikipedia.org/wiki/Membrane_electrode_assembly)  
<https://www.fuelcellstore.com/fuel-cell-components/membrane-electrode-assembly>  
<https://www.sciencedirect.com/topics/engineering/membrane-electrode-assembly>  
<https://www.fuelcellsetc.com/store/Membrane-Electrode-Assembly>

Applicant asserts that the industry and marketplace recognize the term “membrane electrode assembly” as a term of art and a distinct product. As such, applicant requests that the Examining Attorney reconsider and withdraw the requirement that applicant provide further specificity.

If any questions remain, the Examining Attorney is invited to contact Applicant’s counsel, Kevin S. Costanza, by telephone at 206.622.4900 or by e-mail at USTM.docketing@SeedIP.com.