

The specimen has been rejected as not being acceptable because the Examiner states that the specimen does not show use in the specific classes. The Examiner states that the goods are listed as roll-out carts and attaches images that show what is allegedly typically a roll-out cart. The Examiner further states that the specimen show roll waste receptacles in class 012.

Applicant has performed an Internet search attached as Exhibit A that shows goods similar to the goods shown in the specimen as that are called “roll-out carts.” This is a term of art in the industry. Exhibits B to N also show or describes examples of roll-out carts that similar to the goods shown in Applicant’s specimen that are sold by other companies as well as offered by cities and towns to their residents. Roll-out carts are the common commercial name for the goods shown in Applicant’s specimen.

Applicant has amended the goods to recite “trash cans and recycling bins with wheels.” This is not an expansion of the goods as “roll-out carts” is a term of art in the industry. The revised goods with the new identification are within the scope of “roll-out carts” as this is the term used in the industry for the goods.

The Examiner has indicated that these goods belong in international classification 021. Applicant authorizes the examiner to amend the classification number to 021.