

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the matter of

Strauss Medizintechnik, LLC

Examiner: Giancarlo Castro

U.S. Serial No.: 85/901,715

Law Office 110

Filed: April 11, 2013

Mark: STRAUSS SURGICAL

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

Sir:

This is in response to the Office Action of August 1, 2013. After careful consideration and correspondence with applicant, counsel responds as follows.

AMENDMENT

Please enter the following statements to the application record:

THE TERM "STRAUSS" HAS BECOME DISTINCTIVE OF THE GOODS/SERVICES AS EVIDENCED BY OWNERSHIP OF U.S. REGISTRATION NO. 3,552,330 FOR THE MARK STRAUSS OPTIKS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM "SURGICAL" APART FROM THE MARK AS SHOWN.

REMARKS

Submitted concurrently herewith is applicant's Amendment to Allege Use with Declaration and supporting specimens. An as-filed copy is enclosed for the convenience of the Examining Attorney.

The Examining Attorney had initially refused registration under Section 2(e)(4) of the Trademark Act noting that the primary significance of the mark is that "STRAUSS" is a surname. At this time, applicant requests that the Examining Attorney consider registration of

the STRAUSS SURGICAL mark under Section 2(f) of the Trademark Act based on applicant's prior Registration No. 3,552,330 for the mark STRAUSS OPTIKS. Applicant has incorporated an appropriate statement to the application record.

As requested by the Examining Attorney, applicant has entered a disclaimer of the term "SURGICAL" apart from the mark as shown.

It is believed that applicant's mark should be allowed to proceed to publication for opposition purposes at the earliest possible date. If any further amendments are required, the Examining Attorney should contact the undersigned at his earliest convenience.

Respectfully submitted,

Strauss Medizintechnik, LLC



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Dated: September 23, 2013.

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AMENDMENT TO ALLEGE USE UNDER 37 CFR 2.76 WITH DECLARATION

Applicant requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et seq., as amended). One specimen showing the mark as used in commerce is submitted with this statement.

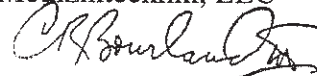
Applicant is using, or using through a related company, the mark in commerce for the following goods/services listed in the application:

10: Surgical apparatus and instruments for medical, dental or veterinary use.

The mark was first used on the goods specified in Int. Class 10 at least as early as 4/12/13; The mark was first used in commerce on the goods specified in Int. Cl. 10 at least as early as 4/12/13.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Amendment to Allege Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark sought to be registered; the trademark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Strauss Medizintechnik, LLC



Charles R. Bourland

President

Date: 8/20/13





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