

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Trademark application of Paul Maguire and Stephen Maguire

Serial No.: 76/099,391

Filed: July 28, 2000

Mark: WEB POLITICS

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:  
: Law Office 111  
:  
: Trademark Examining Attorney  
: Darshini Satchi  
:

TRADEMARK TRIAL AND APPEAL BOARD  
03 OCT 10 PM 9:54

**RESPONSE TO OUTSTANDING OBJECTIONS AND REQUEST TO SHIFT TO THE SUPPLEMENTAL REGISTER**

**BOX RESPONSE - FEE**  
Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

TMEO  
LAW OFFICE 111  
OCT 10 1:11:50  
RECEIVED

Sir:

This is submitted in response to a paper bearing a mailing date of March 20, 2002 (Action No. 2) in which the examining attorney reacted to a paper styled "Response" and dated August 20, 2001 which had been submitted requesting reconsideration of a refusal dated February 16, 2001.

Applicants have, in a separate paper, filed a Notice of Appeal. In addition, there is submitted concurrently herewith an Amendment to Allege Use.

In applicants' paper of 16 August 2001, applicants' counsel represented that an inquiry was being made of the applicants regarding availability of additional information, advertisements and promotional materials regarding the services to be offered under the mark. In that respect, the amendment to allege

use submitted concurrently herewith has attached to it a number of pieces of

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materials, namely, screen shots from the website of a company which qualifies as a related company to the applicants, evidencing use of the mark. Applicants believe that these materials will be helpful to the examining attorney in evaluating the registrability of the mark and will demonstrate to the examining attorney that the mark for which registration is sought is not descriptive of the services being rendered under the mark and for which registration of the mark is sought.

Also on the paper of 16 August 2001, applicants' undersigned counsel noted his belief that the applicants are joint applicants and that inquiry would be made to the applicants on this issue. Inquiry having been made, undersigned counsel for the applicants notes that the applicants are joint applicants and that the application should go forward in the names of Paul Maguire and Stephen Maguire who are, incidentally, son and father.

Respecting the examining attorney's requirement as set forth in the paper dated March 20, 2002 for the applicants to clarify and reclassify the recitation of services into three international classes, applicants acquiesce to that requirement and request that the current recitation of services in the application be stricken and replaced by the following three class recitation of services suggested by the examining attorney in the paper dated March 20, 2002:

**International Class 35: Promotional services, namely, the dissemination of political advertising via direct electronic mailings.**

**International Class 38: Providing on-line chat rooms and bulletin boards for transmission of messages among computer users concerning politics; broadcasting promotional political programs via a global computer network.**

**International Class 42: Conducting on-line and interactive public opinion poll surveys in the field of politics; computer services, namely, creating and maintaining web sites for others; computer consultation in the field of web site creation; providing an on-line computer database in the field of political information.**

Applicants respectfully submit that the foregoing recitation of services, as suggested by the examining attorney, serves to clarify or limit the prior identification of services for which registration of the mark is sought and does not make any addition to the recitation of services for which registration of the mark is sought.

Respecting of the stated requirement for a multiple class application to list the services by international class with the classes being listed in ascending numerical order, applicants have done that, as appears immediately above.

Regarding the requirement for submission of a filing fee for each international class of services not covered by the fee already paid, please charge applicants' undersigned counsel's deposit account no. 50-1943 in the amount of two additional class fees to cover the two additional classes. A duplicate copy of this paper is enclosed to facilitate such charging.

Applicants again traverse the examining attorney's objection to the application on the grounds that the mark is merely descriptive of the services for which registration is sought and request reconsideration of that objection.

Without prejudice to applicants' traverse and in an effort to move this application forward towards registration of this mark, please shift this application to seek registration of this mark on the supplemental register. In that regard, applicants note that the amendment to allege use submitted herewith set forth dates of use

of the mark initially and in interstate commerce. Since the only substantive objection to the application has been the descriptiveness issue raised by the examining attorney, applicants respectfully submit that with this response to outstanding objections and request to shift to the supplemental register, the application is in form for allowance and subsequent registration of the mark on the supplemental register.

Applicants respectfully submit that when the foregoing as considered together with the Amendment to Allege Use being tendered concurrently herewith, it will be manifestly clear that all outstanding requirements regarding this application have been satisfied and that the application is now in form for registration of the mark.

For the convenience of the examining attorney and to expedite the examining process, this response is being filed not only by mail with a copy accompanying the motion for remand of the application from the Trademark Trial and Appeal Board to the examining attorney, but also by e-mail directly to the examining attorney's offices.

Respectfully submitted,

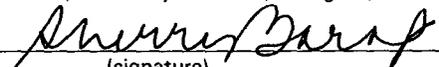
Date: 20 SEPTEMBER 2002

  
/Charles N. Quinn/  
Attorney for Applicants

FOX, ROTHSCHILD, O'BRIEN & FRANKEL  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
Tel: (215) 299-2135  
Fax: (215) 299-2150

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
(signature)

BY: Sherry BARAGA

DATE: Sept 20, 2002

**CERTIFICATE OF TRANSMISSION  
UNDER 37 C.F.R. 1.6 AND 1.8**

I hereby certify that this correspondence is being transmitted by e-mail on the date set forth below to the United States Patent and Trademark Office at ecom101@USPTO.gov.

BY: /CHARLES N. QUINN/  
Attorney for Applicant

Date: 20 SEPT 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK EXAMINING OPERATION**

In re: Trademark application of  
Paul Maguire and Stephen Maguire  
Serial No.: 76/099,391  
Filed: July 28, 2000  
Mark: WEB POLITICS

Trademark Attorney  
D. Satchi  
Law Office 111

**AMENDMENT TO ALLEGE USE UNDER 37 C.F.R. § 2.76**

Box: ITU FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

Applicants Paul Maguire and Stephen Maguire request registration of the above-identified trademark in the U.S. 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). Three (3) screen shot specimens from an internet home page of a corporation which qualifies as a "related company" to the applicants, showing the mark as used in commerce, are submitted with this amendment for each of the three classes in which registration is sought.

Applicants Paul Maguire and Stephen Maguire, through a related company, are using the mark in commerce in connection with the following services: promotional services, namely, the dissemination of political advertising

via direct electronic mailings in International Class 35; providing on-line chat rooms and bulletin boards for transmission of messages among computer users concerning politics; and broadcasting promotional political programs via a global computer network in International Class 38; and conducting on-line and interactive political opinion poll surveys in the field of politics; consumer services, namely the creating and maintaining web sites for others; computer consultation in the field of web site creation and providing an on-line computer database in the field of political information in International Class 42.

The mark was first used at least as early as March 19, 2002 in connection with the offering and rendering of the services for which registration of the mark is sought in International Class 35. The mark was first used in interstate commerce in the United States at least as early as March 19, 2002 in the course of offering and rendering the services for which registration of the mark is sought in International Class 35.

The mark was first used at least as early as March 19, 2002 in connection with the offering and rendering of the services for which registration of the mark is sought in International Class 38. The mark was first used in interstate commerce in the United States at least as early as March 19, 2002 in the course of offering and rendering the services for which registration of the mark is sought in International Class 38.

The mark was first used at least as early as March 19, 2002 in connection with the offering and rendering of the services for which registration of the mark

is sought in International Class 42. The mark was first used in interstate commerce in the United States at least as early as March 19, 2002 in the course of offering and rendering the services for which registration of the mark is sought in International Class 42.

The mark is used by having the mark appear on web pages of the web site of a related company; it is via these web pages that the services, for which the mark is sought to be registered, are offered and, to some extent, rendered.

I, Charles N. Quinn hereby declare that I am the attorney for the applicants Paul Maguire and Stephen Maguire in connection with the above-identified pending U.S. trademark registration application, that I am admitted to practice in good standing to the Bar of the Supreme Court of the Commonwealth of Pennsylvania pursuant to registration number 17,603 and am admitted in good standing to practice in patent matters in the United States Patent and Trademark office pursuant to registration number 27,223, that I am a partner in the firm of Fox, Rothschild, O'Brien & Frankel, LLP, having my principal place of business at 2000 Market Street, 10th Floor, Philadelphia, Pennsylvania 19103, and that I am authorized to executed this Amendment to Allege Use on behalf of the applicants Paul Maguire and Stephen Maguire.

I, the undersigned Charles N. Quinn, further state on my own behalf and on behalf of the applicants Paul Maguire and Stephen Maguire that the facts set forth in this Amendment to Allege Use are true, that all statements made of my knowledge are true, and that all statements made on my information and belief

are believed to be true, and further that I realize that willful false statements and the like so made in this Amendment to Allege Use are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application for registration of the mark WEB POLITICS and/or the validity or enforceability of any registration of the mark WEB POLITICS resulting therefrom.

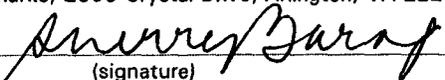
Date: 19 SEPTEMBER  
2002

  
CHARLES N. QUINN  
Attorney for Applicants

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CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)

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(signature)

BY: Sherry BARAGA

DATE: Sept 20, 2002

**SPECIMENS**

**Mark: WEB POLITICS**

**Classes: 35, 38 and 42**

**Applicant: Paul Maguire and Stephen Maguire**



Navigation

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An appeaser is one who feeds a crocodile -- hoping it will eat him last.

Sir Winston Churchill  
British Prime Minister

POLLS

Poll Question

At Tecumseh High School in Oklahoma City, students must pass a drug test before they can be in after-school activities, like choir, basketball and chess club. Today, the U.S. Supreme Court hears from student Lindsay Earls who sued, calling the policy an unreasonable search. Do you agree with the school's drug-testing policy?

Latest Activity

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COMMENTARY

Commentary

American business is taking it on the chin these days. From Enron and Arthur Andersen to K Mart and Global Crossing, people are angry at corporate America.

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FREEDOM DIGEST

Freedom Digest - Weekly Feature

- Privacy: Surveillance Grows after 9/11
- Privacy: Going, Going, Gone?
- Campaign Finance Reform: Marching as One
- Campaign Finance Reform: Virginia is for Mudslinging
- Search & Seizure: The Bobby Who Shagged Me
- Eminent Domain: Apples, Terrorists & Oranges
- Privacy & Security: Smart Cards - Dumb Result
- Individualism: The New Feminism
- Law: Americans with Disabilities Act
- Political Correctness: Mascots
- Second Amendment Rights: Shooting it out in the States

[Full Story Here](#)

JOKE OF THE DAY

President Bush meets Mexican President Vincente Fox in Monterrey, Mexico this week. He wants to loosen the borders and

grant amnesty. If George W. Bush were any more pro-Mexican,  
candy would come out of him whenever you hit him with a stick.

Argus Hamilton  
Comedian



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Never mistake motion for action.

Ernest Hemingway  
Author

**POLLS**

**Poll Question**

Issues

- Abortion
- Affirmative Action
- Animal Rights
- Campaign Reform
- Education
- Energy
- Environment
- Federal Taxes
- Free Enterprise
- Free Speech
- Gun Control
- Health Care
- Internet
- Privacy
- Property Rights
- Social Security
- Terrorism
- U.S. Constitution
- War on Drugs
- Welfare

A federal court ruled the government may ban the sale of sexually explicit magazines and videos on military bases. Do you agree or disagree with this ban?

[Vote Here](#)

**COMMENTARY**

**Commentary**

**10:30am - Regulating Commerce: Caught Dead to Rights**  
A funeral business monopoly bites the dust.

[Full Story Here](#)

**12:01am - Founding Fathers: Racists & Sexists?**  
The Rev. Jesse Jackson dismisses the Declaration of Independence and the Constitution. Is he on to something?

[Full Story Here](#)

**FREEDOM DIGEST**

**Freedom Digest - Weekly Feature**

Free Markets: Fat Chance?  
First Amendment: Tattooing Freedom  
Health Care: Prescription Drugs

[Full Story Here](#)

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**JOKE OF THE DAY**

- Polls
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- About TIP

A U.S. spy plane busted an al-Qaeda leader by tracking a pizza delivery to his hideout in the Philippines. This would happen in Southeast Asia. Within the hour, Henry Kissinger took credit and declared that the Domino Theory was right all along.

Argus Hamilton  
Comedian

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size: **AAA**

**ISSUES**  
Affirmative Action

Search

**Affirmative Action**

**Overview**

- Is Affirmative Action a powerful mechanism to equalize opportunity in society?
- Or has Affirmative Action evolved into preferential group rights that distort guarantees of individual freedom?

**Analysis**

**The History of Affirmative Action**  
**Freedom, Liberty and Group Preferences**

**Commentaries**

- Sep. 16, 2002 **Diversity**: The Faculty Fails
- Sep. 16, 2002 **Affirmative Action**: Color My World
- Aug. 30, 2002 **Talking Heads**: Black & White Issues
- Aug. 08, 2002 **Affirmative Action**: Quotas vs. Goals
- Jul. 25, 2002 **Science and Engineering Applicants**: Favoring One Sex
- Jul. 19, 2002 **Affirmative Action**: Sitting on Their Big White Duffs
- Jun. 03, 2002 **Racial Profiling**: Espionage?
- May. 15, 2002 **Affirmative Action**: More on the Wolverines
- May. 14, 2002 **Affirmative Action**: Diversity vs. Merit
- May. 13, 2002 **Affirmative Action**: Doubting Thomas
- May. 09, 2002 **Thomas Jefferson**: A Legacy in Black and White
- May. 08, 2002 **Affirmative Action**: Reparations for Slavery
- May. 02, 2002 **Race Relations**: Reparations for Slavery
- Apr. 26, 2002 **Affirmative Action**: No Gray Areas

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- Apr. 25, 2002** **Affirmative Action:** No Tiger in Their Tank
- Apr. 16, 2002** **Affirmative Action:** Just Look at the Numbers
- Jan. 09, 2002** **Affirmative Action:** Thinking Outside the Racial Box
- Oct. 30, 2001** **Affirmative Action:** Minority Contractors
- Aug. 23, 2001** **Affirmative Action:** Don't Be Shy
- Jul. 25, 2001** **Affirmative Action:** Color Blind?
- Nov. 22, 2000** **Affirmative Action:** A Landmark Decision Soon?

**Freedom Digest**

- Feb. 22, 2002** **Affirmative Action:** Californians for Quotas
- May. 31, 2002** **Affirmative Action:** Wolverine Quotas
- Feb. 22, 2002** **Affirmative Action:** Let it Be
- Apr. 12, 2002** **Affirmative Action:** A System of Merit
- Apr. 12, 2002** **Affirmative Action:** Reverse Preferences
- Mar. 08, 2002** **Affirmative Action:** Group Preferences
- Jun. 21, 2002** **Affirmative Action:** Lawyers being Lawyers
- Apr. 05, 2002** **Affirmative Action:** Racial Profiling
- Mar. 08, 2002** **Affirmative Action:** Unintended Consequences
- Mar. 29, 2002** **Affirmative Action:** Disadvantaged Whites
- Mar. 29, 2002** **Affirmative Action:** Dropping Victimology
- Mar. 15, 2002** **Individualism:** The New Feminism

**Additional Resources****Poll Questions****User Poll Questions****Reference Library** - Links to other sites on Affirmative Action**Questions & Answers****The Proof** - Examples supporting our position**JOKE OF THE DAY**

A U.S. spy plane busted an al-Qaeda leader by tracking a pizza delivery to his hideout in the Philippines. This would happen in Southeast Asia. Within the hour, Henry Kissinger took credit and declared that the Domino Theory was right all along.

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