

UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO: 76/226904

APPLICANT: Laureate Learning Systems, Inc.

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MARK: LAUREATE

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CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RE: Serial Number 76/226904

The Office has reassigned this application to the undersigned examining attorney.

The FINAL refusal to register the applicant's mark under Trademark Act Section 2(d) is maintained.

In addition to the arguments and evidence already in the record, the examining attorney submits the attached evidence from the applicant's website. That evidence helps make clear the close relationship between the applicant's goods and the registrant's goods and services.

Specifically, the examining attorney notes the statement on the opening page that "Laureate programs are used world-wide in homes, *schools*, hospitals and clinics" (emphasis added). In the "Frequently Asked Questions / Questions from Administrators" section of the applicant's website, it states "Laureate software provides a cost-effective solution for *schools* and districts . . ." and "students can receive services right in their own *classrooms*" (emphasis added). These statements make clear that the applicant's goods are used in schools. The registrant, it will be recalled, operates schools. Thus, a student could be sitting in the registrant's LAUREATE school, using the applicant's LAUREATE software. It defies credulity to suggest that this would not result in confusion as to the source of those services and goods.

The examining attorney also notes the statement in the "Frequently Asked Questions / Questions from Special Educators" section of the applicant's website that "If you are interested in learning more about the theoretical and research bases of Laureate programs, we have monographs available

for most of our program series.” Later in that same section the applicant states “Our Sentence Master monograph is available free of charge and includes a placement procedure for determining which of the four levels of the program is appropriate for a particular student.” These statements make clear that the applicant offers written materials explaining the educational theories underlying its software and written materials for assisting educators in choosing the right software for a particular student. The registration, it will be recalled, includes “educational books containing . . . discourse of the nature of learning and on the instruction of others with learning problems.” Thus, a teacher could encounter the registrant’s LAUREATE book on the nature of learning and the instruction of others, sitting on the library shelf next to the applicant’s LAUREATE monograph on the theoretical and research bases of educational software. Surely that teacher could be forgiven for being confused as to whether these materials originated from the same source.

Finally, at the end of the “Frequently Asked Questions / Questions from Educators” section of the applicant’s website, it states “We offer packages customized for: Birth to Three, Preschool Essential Language, *HeadStart*, Title I and *Remedial* Reading, English as a Second Language, Autism/PDD, and Visual Impairments” (emphasis added). This statement is notable for the following reason. In its appeal brief, the applicant discusses “remedial” education, as typified by the federal Headstart program, and notes that this is the field of the registrant’s goods and services. The applicant attempts to distinguish this from the education of “Persons with Diagnosed Disabilities,” for whom the applicant’s goods are intended. This discussion culminates on page 10 of its brief, where the applicant declares “Appellant’s goods do *not* address the needs of slow learners who require *remedial* education” (emphasis added). Leaving the question of the applicant’s candor aside, the examining attorney simply notes that, according to its own website, the applicant offers computer programs in, *inter alia*, the very same field as the registrant offers books and educational services. The likelihood of confusion among such goods and services, all bearing the identical mark, is obvious.

For the foregoing reasons and based on the attached evidence, as well as the arguments and evidence already of record, the FINAL refusal to register the applicant’s mark under Trademark Act Section 2(d) is maintained.

The applicant’s file will now be returned to the Trademark Trial and Appeal Board for resumption of the applicant’s appeal.

/James A. Rauen/
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How to respond to this Office Action:

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FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.



Laureate
LEARNING SYSTEMS

Founded in 1982 by two speech-language pathologists, Laureate Learning Systems publishes computer software for children and adults with disabilities.

Laureate's programs are appropriate for a wide range of people from those with severe-profound developmental disabilities to mild language-learning disabilities.

Professionals **Parents**

Laureate's programs are appropriate for: Early Intervention • Autism • Pervasive Developmental Disorder (PDD) • Developmental Disabilities • Language-Learning Disabilities • Title I • English as a Second Language (ESL) • Aphasia and Traumatic Brain Injury • Reading Difficulties • Speech and Voice Training • Down Syndrome • Hearing Impairments • Language Delays • Language Disorders • Learning Disabilities • Reading Disabilities • Speech Disorders • Voice Disorders
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Download Laureate's newest catalog as a pdf file (2.6 meg) Click here.

LOOK WHAT'S NEW!

First Categories Sterling Edition

Creature Chorus Sterling Edition

Simple Sentence Structure Sterling Edition

SPELL Spelling Performance Evaluation for Language and Literacy

Hardware Solutions Go Talk Jelly Bean Switch USB Switch Interface

Elementary Language and Literacy Package



Welcome to Laureate Learning Systems

We have programs that train cause and effect, turn-taking, early vocabulary, syntax, cognitive concepts, auditory processing, and reading.

Laureate programs are used world-wide in homes, schools, hospitals, and clinics.

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Birth to Package

Prescho Essential Language

Elementary Language Reading

English Second (ESL) Package

Speech Pathology Package

Adolescent Development Disability Package

Adult Aphasia/ Brain Injury Package

Complete Needs Solution

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Company Profile

Since its inception in 1982, Laureate has been dedicated to publishing innovative software of the highest quality, specifically designed to improve the lives of children and adults with special needs. Laureate's multimedia programs combine superior instructional design with digital speech, engaging graphics, and amusing animation. They are noted for their integrity and effectiveness in clinical settings. Over the years, Laureate has received national recognition and many awards, including those from the Council for Exceptional Children, Johns Hopkins National Search, and the Software Publishers Association.

Laureate's team of professionals is led by the company's founders, **Dr. Mary Sweig Wilson** and **Mr. Bernard J. Fox**. These pioneering speech-language pathologists were among the first to recognize the important contributions computer technology could make to the lives of individuals with special needs. In 1980, Wilson and Fox completed research which demonstrated that microcomputer-based language intervention programs could provide an excellent means to supplement the efforts of clinicians, teachers, and parents who work with children with language disorders, and could provide a highly cost-efficient delivery system for effective individualized language intervention. Two years later, they founded Laureate Learning Systems, and thereby began to realize their common dream of expanding the use of technology to assist people with disabilities. To date, Laureate has produced more than 60 software titles and has materials available for the five most common computer platforms in special education and clinical settings: Windows, Macintosh, DOS, Apple IIgs, and Apple IIe. All Laureate software is designed by professional clinicians and incorporates treatment strategies derived from contemporary theory and research.

Headquartered in Winooski, Vermont, Laureate has experienced significant growth since its founding in 1982. Laureate now employs 24 people, including curriculum designers, computer programmers, computer artists and animators, and customer support personnel. Laureate's "next generation" of software for language intervention is currently being developed with the assistance of grants awarded by the National Institute of Child Health and Human Development (NICHD) and the National Institute on Deafness and Other Communication Disorders (NIDCD) totaling nearly 1.8 million dollars. This "next generation" of software combines a curriculum informed by recent developments in linguistic theory, sound and visual elements designed to take advantage of advances in computer technology, and an artificial intelligence component inspired by Laureate's association with the National Aeronautics and Space Administration (NASA) Software

Technology Branch at the Johnson Space Center.

Laureate software follows a Linguistic Hierarchy which outlines seven stages of language development from birth to adulthood. Students can easily move from one program to the next as they meet their goals.

More information and a free catalog.

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Frequently Asked Questions

Questions from Special Educators

Laureate Learning Systems has been publishing award-winning talking software for special education since 1982. All of our programs are authored by clinical experts who understand the needs of children with disabilities. Laureate offers over 80 programs specifically designed to teach critical language, cognitive, and reading skills to students with a wide variety of special needs. Here are the answers to some questions we frequently receive from special educators....

Q. How can Laureate software benefit my students?

A. Laureate software provides the consistent, supportive environment that students with special learning challenges require to achieve success. Our programs are designed to be used independently, so students can receive individualized language and reading instruction in their own classrooms five days a week. Not only will your students meet their IEP goals more quickly and efficiently, they'll build confidence, independence, and self-esteem.

Q. Are Laureate programs theory and research based?

A. All Laureate programs are based on current linguistic and learning theory. The instructional techniques utilized in the software have proven clinical effectiveness in intervention with students who have disabilities. If you are interested in learning more about the theoretical and research bases of Laureate programs, we have monographs available for most of our program series.

Q. Does your software offer an integrated approach to learning?

A. Laureate's programs are organized into a Linguistic Hierarchy that outlines seven stages of language development. We have programs for students functioning in each of these stages, from cause & effect to mastery of advanced category concepts and irregular verbs forms. Because the software is integrated, students can move easily from one program to the next as they meet their goals.

Q. Do Laureate programs come with a student management system?

A. Laureate software has a built-in management system that makes it easy for you to track student performance. All of our instructional programs include data collection and a performance summary that can be saved or printed out. Data can be imported into a word processor making it easier to generate reports as well. And the management system is integrated across programs. No matter how many programs a student is using, a single student log is maintained.

Q. How can I incorporate Laureate programs into my students' IEPs and IFSPs?

A. Laureate's direct instruction programs come with sample Goals and Objectives that can be written into a student's individualized program. With these Goals and Objectives, you'll see how to integrate computer-delivered services into a student's plan.

Q. How early can students use Laureate programs?

A. Laureate has software that can meet the needs of even the youngest and/or most severely handicapped children. Our cause & effect Creature Games are designed for students functioning below six months of age. High-quality natural sounding speech, colorful graphics, and amusing animation captivate, encourage, and instruct the user...and no reading is required. All of our programs are easily accessible with a single switch, touchscreen, keyboard, or mouse.

Q. Do you have anything for students who are experiencing reading failure?

A. The Sentence Master is Laureate's revolutionary approach to reading intervention for students at risk of reading failure. Authored by Dr. Marion Blank, whose approach is recognized worldwide, The Sentence Master systematically provides instruction to turn the non-reader into a successful reader. The program focuses special attention on non-content words (articles, pronouns, prepositions, etc.) and word endings (such as "s," "ed," and "ing"). By truly teaching this small set of non-content words, The Sentence Master enables a reader to instantly decode over half of any page of text that he or she will ever encounter. Our Sentence Master monograph is available free of charge and includes a placement procedure for determining which of the four levels of the program is appropriate for a particular student.

Q. I work with preschool and elementary students learning English as as Second Language. Do you have programs that can help them gain basic oral English competence and learn to read?

A. For children who need to learn basic English syntax, we recommend Micro-LADS. Natural sounding speech improves your students' listening and speaking skills, while optional text encourages beginning reading. Because Micro-LADS is designed to be used independently, students can

receive individualized language instruction in their own classrooms five days a week.

The Sentence Master is an ideal reading program for children learning English as a Second Language. The Sentence Master will help your students learn the essential structures of the English language. Each level of the program presents increasingly complex sentence patterns that have been carefully selected to represent ideas that are central to understanding any coherent text. For students learning English as a Second Language, The Sentence Master eliminates frustration and ensures success.

Q. Can you offer suggestions for software appropriate for the various students I serve?

A. Laureate's Linguistic Hierarchy can help you identify programs appropriate for students at various functioning levels. We have also put together packages at special savings for various students. We offer packages customized for: Birth to Three, Preschool Essential Language, HeadStart, Title I and Remedial Reading, English as a Second Language, Autism/PDD, and Visual Impairments.

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Frequently Asked Questions

Questions from Administrators

Laureate Learning Systems has been publishing research-based award-winning software for special education since 1982. All of our programs are authored by clinical experts who understand the unique needs of students with disabilities. Laureate offers over 80 programs specifically designed to teach critical cognitive, language, and reading skills to students with a wide variety of special needs. Here are answers to some of the questions administrators frequently ask us.

Q. I have parents asking for more individual language intervention services for their children. Can Laureate software help me meet this need cost effectively?

A. Laureate software provides a cost-effective solution for schools and districts looking to increase the number of language and reading intervention sessions students receive without hiring additional special educators and speech-language pathologists. Our programs are designed to be used independently, so your students can receive services right in their own classrooms. Even students with the most severe disabilities can use Laureate's programs with the assistance of an aide. This means your students can receive quality individualized language services five days a week. By enabling speech-language pathologists to prescribe more language intervention services, Laureate software helps students meet their IEP goals more quickly and efficiently.

Q. Can Laureate software make it easier for my special educators and speech-language pathologists to document student performance?

A. Accountability requires data to document performance. All Laureate programs collect and report data that can be used to document performance. Your special educators and speech-language pathologists can use Laureate software for alternative assessments as well as documentation of student performance for individual portfolios. Laureate's all-new Sterling Edition programs have enhanced data collection, analysis, and reporting capabilities that significantly ease the documentation burden.

Q. Do any of your programs utilize expert systems to automatically deliver instruction so my special education professionals don't have to spend time giving detailed instructions on software use in the classroom?

A. Laureate's all new Sterling Editions language intervention programs come with an automatic instructional delivery system called Optimized Intervention®. The system is extremely easy to use. Simply choose the student's name, the program, and click on GO. The system begins with probe testing to determine where to begin training. Once training begins, Optimized Intervention automatically adjusts instructional delivery based on student responses. Optimized Intervention collects trial-by-trial student data and the Sterling Administration System provides built-in analysis and reporting capabilities. Delivering individualized language intervention sessions couldn't be more cost-effective.

Q. We've seen an alarming increase in the number of students with autism. Do you have any programs that can meet the unique needs of these exceptional learners?

A. Students with autism have been successfully using Laureate's software for over twenty years. We currently offer a Two-Level Autism/PDD Package of programs especially chosen to meet the language needs of your students. Level 1 takes students from cause-and-effect to beginning word combinations while Level 2 ranges from early syntax to basic language mastery. If you're looking for an effective reading program for this population, try The Sentence Master authored by Dr. Marion Blank. This revolutionary approach systematically provides instruction to turn the non-reader into a successful reader.

Q. Does Laureate have software to address literacy issues in Early Essential Education programs?

A. Research has demonstrated the importance of building oral language abilities as a basis for emergent literacy. Combining print with pictures helps children begin the process of associating graphemes and phonemes. Starting with our earliest vocabulary development programs, text accompanies picture presentations. We have put together a "Preschool Essential Language & Emergent Literacy Package" consisting of programs to build vocabulary, develop syntax, and encourage emergent literacy skills. These programs will help your students develop the language abilities they need to achieve school success.

Q. Do you have software for students with severe/profound disabilities?

A. Starting with cause and effect games designed for students functioning below six months of age, Laureate has software that can meet the needs of students with the most severe disabilities. High-quality natural sounding speech, colorful graphics, and engaging animation captivate, encourage, and instruct users...and no reading is required. All of our programs are easily accessible through a single switch, touch sensitive screen, keyboard, or mouse. Laureate software provides the consistent, supportive environment that learners with special challenges require to achieve success.

success.

Q. Does your software offer an integrated research-based approach to language learning?

A. Laureate's programs are organized into a linguistic hierarchy which outlines seven stages of language development. Over 80 research-based software titles help students with language and cognitive impairments master critical language skills. Because the software is integrated, students can move easily from one program to the next as they meet their goals.

Q. Do you have anything for students who are having problems learning to read?

A. For students with weak oral language and reading skills, Laureate has put together a specially priced "Elementary Language and Literacy Package" of software that will meet the cognitive, language, and reading needs of your elementary students with identified disabilities as well as your disadvantaged learners. These research-based programs will provide your students with the skills they need for academic success.

Q. We have kindergarten and elementary school students learning English as a Second Language. Do you have programs that can help them gain basic oral English competence?

A. Laureate offers special pricing on the "English as a Second Language (ESL) Package" of language development software. This package includes programs to train English word order and sentence structures, vocabulary (including irregular verbs), and following directions.

Q. Can your software help make inclusion work in our district?

A. Because Laureate software is designed to be used independently, students can receive individualized language and reading instruction in their own classrooms. Not only will your students reach their educational goals, they'll build their confidence, independence, and self-esteem.

Q. How can I use instructional technology to better address the learning needs of all the special education students I'm responsible for?

A. Laureate has put together a "Complete Special Education Software Solutions Package" that offers a range of programs at special savings to you. The programs included in this package are appropriate for students whose disabilities range from severe/profound to mild. This package covers cause and effect, vocabulary development, categorization, syntax mastery, concept development, and reading instruction.

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