

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76640129
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;">In the instant Office Action, dated May 15, 2006, the Examining Attorney maintained her refusal to register Applicant's mark HEDGE SELECT on the basis of descriptiveness under the Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).</p> <p style="text-align: center;">Although Applicant respectfully disagrees with the Examiner's position and does not believe that its mark HEDGE SELECT is descriptive of the class 36 and class 42 services covered in the Application, Applicant requests that this Application be amended to seek registration on the Supplemental Register. Applicant submits herewith the attached Amendment to Allege Use filed electronically today, under 37 C.F.R. 2.76, along with specimens demonstrating Applicant's use of the mark HEDGE SELECT with the class 36 and class 42 services described in the Application. Applicant respectfully requests that the Examining Attorney review and accept such Amendment prior to her consideration of this Response.</p> <p style="text-align: center;">In the event that the Amendment to Allege Use is denied or the request to transfer the Application to the Supplemental Register is rejected, Applicant respectfully requests that the final refusal be reconsidered in accordance with the record as it exists on the date of the filing of this Response. In light of the fact that the Examining Attorney will be unable to review this request prior to the six month statutory deadline, Applicant is filing a Notice of Appeal simultaneously with the filing of this Response.</p>	

In view of the foregoing, it is respectfully submitted that the Application to register HEDGE SELECT is now in condition for approval on the Supplemental Register and such action is earnestly requested.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL
PDF FILE

http://teasgate/ROA/2006/11/15/20061115181638125991-76640129-001_001/evi_1981821544-165603413_._HEDGESELECToar.pdf

CONVERTED
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(8 pages)

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DESCRIPTION OF EVIDENCE FILE

Amendment to Allege Use for the application for the mark HEDGE SELECT

SIGNATURE SECTION

RESPONSE SIGNATURE

/Michael Maoz/

SIGNATORY NAME

Michael Maoz, Esq.

SIGNATORY POSITION

Attorney for Applicant

SIGNATURE DATE

11/15/2006

FILING INFORMATION SECTION

SUBMIT DATE

Wed Nov 15 18:16:38 EST 2006

USPTO/ROA-198.182.154.4-2

TEAS STAMP

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PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **76640129** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

In the instant Office Action, dated May 15, 2006, the Examining Attorney maintained her refusal to register Applicant's mark HEDGE SELECT on the basis of descriptiveness under the Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1).

Although Applicant respectfully disagrees with the Examiner's position and does not believe that its mark HEDGE SELECT is descriptive of the class 36 and class 42 services covered in the Application, Applicant requests that this Application be amended to seek registration on the Supplemental Register. Applicant submits herewith the attached Amendment to Allege Use filed electronically today, under 37 C.F.R. 2.76, along with specimens demonstrating Applicant's use of the mark HEDGE SELECT with the class 36 and class 42 services described in the Application. Applicant respectfully requests that the Examining Attorney review and accept such Amendment prior to her consideration of this Response.

In the event that the Amendment to Allege Use is denied or the request to transfer the Application to the Supplemental Register is rejected, Applicant respectfully requests that the final refusal be reconsidered in accordance with the record as it exists on the date of the filing of this Response. In light of the fact that the Examining Attorney will be unable to review this request prior to the six month statutory deadline, Applicant is filing a Notice of Appeal simultaneously with the filing of

this Response.

In view of the foregoing, it is respectfully submitted that the Application to register HEDGE SELECT is now in condition for approval on the Supplemental Register and such action is earnestly requested.

Evidence

Evidence in the nature of Amendment to Allege Use for the application for the mark HEDGE SELECT has been attached.

Original PDF file:

http://teasgate/ROA/2006/11/15/20061115181638125991-76640129-001_001/evi_1981821544-165603413_._HEDGESELECToar.pdf

Converted PDF file(s) (8 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Response Signature

Signature: /Michael Maoz/ Date: 11/15/2006

Signatory's Name: Michael Maoz, Esq.

Signatory's Position: Attorney for Applicant

Serial Number: 76640129

Internet Transmission Date: Wed Nov 15 18:16:38 EST 2006

TEAS Stamp: USPTO/ROA-198.182.154.4-2006111518163812

5991-76640129-340ddad27c3e8fe4b5eb1f80fb

c783a370-N/A-N/A-20061115165603413431

Maoz, Michael

From: teas@uspto.gov

Sent: Wednesday, November 15, 2006 5:05 PM

To: Maoz, Michael

Subject: Received Your Trademark/Service Mark Allegation of Use Form for serial number 76640129

We have received your Trademark/Service Mark Amendment to Allege Use form below.

To the Commissioner for Trademarks:

MARK: HEDGE SELECT

SERIAL NUMBER: 76640129

The applicant, The Bear Stearns Companies Inc., residing at 383 Madison Avenue, New York, New York United States 10179, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class: 036, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 09/30/2005, and first used in commerce at least as early as 09/30/2005, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Webpage and brochure/presentation materials.

For International Class: 042, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 09/30/2005, and first used in commerce at least as early as 09/30/2005, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Webpage and brochure/presentation materials.

The applicant hereby appoints Michael Maoz to submit this Trademark/Service Mark Amendment to Allege Use on behalf of the applicant. The attorney docket/reference number is 58844/172.

A fee payment in the amount of \$200 has been submitted with the form, representing payment for 2 classes.

Declaration Signature

Signatory's Name: Jeffrey Lipman

11/15/2006

Signatory's Position: Assistant Secretary, Senior Managing Director

TEAS XML SUBMISSION

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11/15/2006

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(15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered,
and is using the mark in commerce on or in connection with the goods/services identified above, as
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Thank you,

The TEAS support team

Wed Nov 15 17:05:12 EST 2006

STAMP: USPTO/AAU-198.182.154.4-20061115170511550624-76640129-340f26b946c80adb157c6c1625fd94d6b3c-DA-546-20061115165615154312

PTO Form 1553 (Rev 9/2005)

OMB No. 0651-0054 (Exp. 11/30/2008)

Trademark/Service Mark Amendment to Allege Use

Serial Number: 76640129

Webpage and brochure/presentation materials

Specimen:SPN0-1981821544-165615154_ _HEDGESELECT_1.JPG

11/15/2006

The screenshot shows a web browser window displaying the HedgeSelect website. At the top right is a navigation menu with links: Home, About Us, Hedge Select, Hedge Select Policy, Hedge Select Agreement, USA Military, Internal Scan Warning, and Hedge Select. Below the menu is a header section with the HedgeSelect logo and a background image of a classical building. The main content area features a large heading: "Welcome to the HedgeSelect Client Website". Below this, there is a paragraph of text: "You will find a directory and report in order to access the Hedge Select website. Hedge Select is a secure and safe environment for your information." This is followed by a list of services: "Hedge Select will provide you with the following services: Hedge Select's Hedge Fund of Funds Group" and "Hedge Select's Hedge Fund of Funds Group". To the right of the text are two images: a magnifying glass over a document and a close-up of a building's architectural details. At the bottom of the page, there is a footer with the text: "Hedge Select - Home | HedgeSelect.com | Internal Scan Warning".

Specimen:SPN0-1981821544-165615154_HEDGESELECT_2.JPG

http://ctas.uspto.gov/au/xsl.service?xsl=specimen

11/15/2006

Book No. _____

HedgeSelectSM

The Open Architecture Platform for
Hedge Fund Investing

CONFIDENTIAL COMMUNICATION: This communication is intended solely for investors and prospective investors who have been pre-qualified by Bear Stearns Asset Management Inc. ("BSAM") and should therefore not be reproduced or redistributed. This information is being presented in conjunction with the HedgeSelectSM Program, which is a fee-based investment advisory program sponsored by BSAM, a registered investment adviser, through which investors may seek access to alternative investment vehicles and certain consulting services. Securities are offered and sold by Bear, Stearns & Co. Inc., a registered broker/dealer.

HedgeSelectSM

10/06

Specimen: SPNO-1981821544-165615154_HEDGESELECT_3.JPG

<http://ctas.uspto.gov/oa/ksil.service?ksil=specimen>

11/15/2006

Asset Management

BEAR
STEARNS

What is HedgeSelect?

HedgeSelect is an open architecture platform that allows qualified investors to create a customized portfolio of hedge funds with potential cost benefits, enhanced risk management capabilities and streamlined documentation and reporting.

PTO Form 1553 (Rev 5/2006)

OMB No. 0651-0054 (Exp. 11/30/2008)

Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

The table below presents the data as entered.

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REQUEST TO DIVIDE	NO
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USPTO-GENERATED IMAGE	YES
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OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Mary B. Aversano
DOCKET NUMBER	58844/172
ATTORNEY SECTION (proposed)	
NAME	Michael Maoz
DOCKET NUMBER	58844/172
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	036
GOODS AND/OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	09/30/2005
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TOTAL AMOUNT	200
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SIGNATORY FILE	<u>Signature</u>
SIGNATORY NAME	Jeffrey Lipman
SIGNATORY POSITION	Assistant Secretary, Senior Managing Director
FILING INFORMATION	
SUBMIT DATE	Wed Nov 15 17:05:11 EST 2006
TEAS STAMP	USPTO/AAU-198.182.154.4-2 0061115170511550624-76640 129-340f26b946c80adb157c6 c1625fd94d6b3c-DA-546-200 61115165615154312

PTO Form 1553 (Rev 5/2006)

OMB No. 0651-0054 (Exp. 11/30/2008)

**Trademark/Service Mark Amendment to Allege Use
(15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

MARK: HEDGE SELECT
SERIAL NUMBER: 76640129

The applicant, The Bear Stearns Companies Inc., residing at 383 Madison Avenue, New York, New York United States 10179, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class: 036, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 09/30/2005, and first used in commerce at least as early as 09/30/2005, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Webpage and brochure/presentation materials.

Specimen-1

Specimen-2

Specimen-3

For International Class: 042, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 09/30/2005, and first used in commerce at least as early as 09/30/2005, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Webpage and brochure/presentation materials.

Specimen-1

Specimen-2

Specimen-3

The applicant hereby appoints Michael Maoz to submit this Trademark/Service Mark Amendment to Allege Use on behalf of the applicant. The attorney docket/reference number is 58844/172.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for 2 classes.

Declaration

Signatory's Name: Jeffrey Lipman
Signatory's Position: Assistant Secretary, Senior Managing Director
Signatory File Signature

RAM Sale Number: 546
RAM Accounting Date: 11/16/2006

Serial Number: 76640129
Internet Transmission Date: Wed Nov 15 17:05:11 EST 2006
TEAS Stamp: USPTO/AAU-198.182.154.4-2006111517051155
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[Go Back](#)