
To: Brightree LLC (msiavage@siavagelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77679685 - BRIGHTBILL - N/A
Sent: 7/27/2010 9:09:52 PM
Sent As: ECOM101@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 77679685

MARK: BRIGHTBILL

77679685

CORRESPONDENT ADDRESS:

DAVID M. LILENFELD
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2964 PEACHTREE ROAD SUITE 720
ATLANTA, GA 30305

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: Brightree LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

msiavage@siavagelaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 30 DAYS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/27/2010

Status

This Office action is in response to applicant's communication filed on June 3, 2010.

The refusal to register the mark under Section 2(e)(4) has been withdrawn.

The requirement for an accurate identification of goods and services is continued and maintained for the reasons set forth below.

Identification of Services

The identification of services is indefinite and must be clarified because the wording, “***and wireless applications such as mobile computers and mobile devices*** for use by delivery technicians, clinicians, and sales representatives, all of the foregoing in the field of home healthcare” is vague because it references software applications in Class 042 as well as computers and mobile devices in Class 009. See TMEP §1402.01. The identification of services must be clarified to indicate the purpose or function of the software, as suggested below.

Alternatively, applicant may also amend the identification of services to clarify that the software is being provided specifically for use with wireless devices, e.g. “Application service provider (ASP), namely, providing software for use in electronic billing, online procurement and electronic commerce, on-line security and privacy, medical records management, report generation, data and database management, customer relationship management, contract management and administration, rehabilitation management and home infusion therapy ***for use with wireless applications*** by delivery technicians, clinicians, and sales representatives, all of the foregoing in the field of home healthcare.”

The Office requires a degree of particularity necessary to identify clearly goods and/or services covered by a mark. See *In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007). Descriptions of goods and services in applications must be specific, explicit, clear and concise. TMEP §1402.01; see *In re Cardinal Labs., Inc.*, 149 USPQ 709, 711 (TTAB 1966); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm’r Pats. 1954).

Applicant may adopt the following identification, if accurate:

Application service provider (ASP), namely, providing software for use in electronic billing, online procurement and electronic commerce, on-line security and privacy, medical records management, report generation, data and database management, customer relationship management, contract management and administration, rehabilitation management, home infusion therapy, and {***specify purpose or function of software e.g. communications software, computer graphics software, medical imaging software, etc.***} ***for wireless applications*** such as mobile computers and mobile devices for use by delivery technicians, clinicians, and sales representatives, all of the foregoing in the field of home healthcare; Providing temporary use of on-line non-downloadable software for use in electronic billing, online procurement and electronic commerce, on-line security and privacy, medical records management, report generation, data and database management, customer relationship management, contract management and administration, rehabilitation management, home infusion therapy, and {***specify purpose or function of software e.g. communications software, computer graphics software, medical imaging software, etc.***} ***for wireless applications*** for mobile devices and mobile computers for use by delivery technicians, clinicians, and sales representatives, all of the foregoing in the field of home healthcare; data automation and collection service using proprietary software to evaluate, analyze and collect service data, in Class 042.

An applicant may amend an identification of services only to clarify or limit the services; adding to or

broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

/Saima Makhdoom/
Attorney
Law Office 101
U.S. Patent and Trademark Office
Telephone: (571) 272-8802
Facsimile: (571) 273-8802

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/cTEASpageE.htm>.

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Attachments:

**IMPORTANT NOTICE REGARDING YOUR TRADEMARK
APPLICATION**

Your trademark application (Serial No. 77679685) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on 7/27/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77679685&doc_type=OOA&)
http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77679685&doc_type=OOA&

OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 7/27/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) [Response to Office Action form](#). If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.