

From: Swain, Michele

Sent: 3/14/2016 4:39:43 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 78095659 - SQRAT - N/A - SU - Request for Reconsideration Denied - Return to TTAB

\*\*\*\*\*

Attachment Information:

Count: 9

Files: streaming-1.jpg, streaming-2.jpg, streaming-3.jpg, merchdis1-1.jpg, merchdis1-2.jpg, merchdis1-3.jpg, merchandis-1.jpg, merchandis-2.jpg, 78095659.doc

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

**U.S. APPLICATION SERIAL NO.** 78095659

**MARK:** SQRAT



**CORRESPONDENT ADDRESS:**

DAVID A EINHORN

BAKER HOSTETLER

45 ROCKEFELLER PLZ FL 11

NEW YORK, NY 10111-0230

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Silberstein, Ivy

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

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

bhipdocket@bakerlaw.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 3/14/2016

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated March 26, 2015 are maintained and continue to be final: failure to function as a service mark refusal and substitute specimen requirement. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

#### **IDENTIFICATION OF SERVICES**

The proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application, as amended on August 26, 2002, and does not present a new issue. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.*, 1402.07. Once an applicant amends the identification of goods and/or services in a manner that is acceptable, the amendment replaces all previous identifications and restricts the scope of the goods and/or services to that of the amended language. Further amendments that would add to or expand the scope of the recited goods or services, as amended, will not be permitted. 37 C.F.R. §2.71(a); *In re Swen Sonic Corp.*, 21 USPQ2d 1794 (TTAB 1991); *In re M.V Et Associes*, 21 USPQ2d 1628 (Comm'r Pats. 1991).

An acceptable identification of services is required in an application. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.01. An applicant may only amend an identification to clarify or limit the services, but not to add to or broaden the scope of the services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Scope is generally determined by the ordinary meaning of the wording in the identification. TMEP §1402.07(a).

The application, as amended, identifies the services as follows:

“Merchandising of movies and television programs” in Class 35.

However, the proposed amendment identifies the services as follows:

“Streaming of video material” in Class 38.

This proposed amendment is beyond the scope of the current identification. "Streaming" is defined as "the process of supplying data, audio, etc in real time over the internet." "Merchandising" is "the promotion of merchandise sales, as by coordinating production and marketing and developing advertising, display, and sales strategies." See attached dictionary evidence. The proposed amendment is outside the scope of the amended identification because the streaming of video is unrelated to promoting the sale of goods. The attached Internet evidence describes "merchandising" as follows:

Merchandising activities may include display techniques, free samples, on-the-spot demonstration, pricing, shelf talkers, special offers, and other point-of-sale methods. According to American Marketing Association, merchandising encompasses "planning involved in marketing the right merchandise or service at the right place, at the right time, in the right quantities, and at the right price.

<http://www.businessdictionary.com/definition/merchandising.html#ixzz42tBDeQLS>

Based on the foregoing, the proposed amendment, is not acceptable. See 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.01.

As applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

/Michele-Lynn Swain/

Michele-Lynn Swain

Examining Attorney

Law Office 116

571-272-9232

[michele.swain@uspto.gov](mailto:michele.swain@uspto.gov)

This site uses cookies to improve your browsing experience. For more information see our [privacy policy](#).

Close message x



- Dictionaries >
- Thesaurus >
- Translator >
- Scrabble >
- Word Lovers' blog >
- New >

Join our newsletter / Submit a word | Sign in

English > English for Learners > French > German > Spanish > Italian > Chinese >

# English Dictionary

Pioneers in dictionary publishing since 1819

English Dictionary

British English  American English

Browse the English Dictionary (A-Z)

MultiSoft APIs will change your industry. Find out how

J.CREW

IN STORES & ONLINE:

25% OFF your purchase

SHOP

Home > English Dictionary > streaming

Your search found: [streaming](#) / [stream](#) / [stream examples](#) / [Translations](#)

## Definitions of streaming

### streaming (stri:mɪŋ)

► Definitions

noun

- the process of supplying data, audio, etc. in real time over the internet ⇒ Other new media sites held links to the sites where video streaming of the demonstrations was available. ⇒ a US-based portal that offers live streaming of over 300 channels from around the world
- (British) the grouping or division of schoolchildren in streams ⇒ proposals to reintroduce streaming into state schools. ⇒ the headmaster who dared to introduce streaming of pupils in first and second year. ⇒ There's no streaming at St Benedict's school.

adjective

- (of the eyes or nose) running copiously because of a cold etc
- (of a cold) involving the constant exudation of mucus

Word Frequency

### 4 Stages to a Heart Attack



4 Signs  
The Cardiac Killer

Do you need to know 'kwf' to be 'kwf'?

Do you need to know 'kwf to be 'kwf'?

Lucy Mangan reviews your February word submissions

Join the Collins community



## stream (stri:m)

### ► Definitions

#### noun

1. a small river; brook
2. any steady flow of water or other fluid
3. something that resembles a stream in moving continuously in a line or particular direction
4. a rapid or unbroken flow of speech, etc. → *a stream of abuse*
5. a flow of money into a business → *a revenue stream*
6. (*British*) any of several parallel classes of schoolchildren, or divisions of children within a class, grouped together because of similar ability
7. See [go with the stream](#)
8. See [off stream](#)
9. See [on stream](#)

#### verb

10. to emit or be emitted in a continuous flow → *his nose streamed blood*
11. (*intransitive*) to move in unbroken succession, as a crowd of people, vehicles, etc.
12. (*intransitive*) to float freely or with a waving motion → *bunting streamed in the wind*
13. (*transitive*) to unfurl (a flag, etc)
14. (*intransitive*) to move causing a trail of light, condensed gas, etc, as a jet aircraft
15. *when used, often foll by for (mining)* to wash (earth, gravel, etc) in running water in prospecting (for gold, etc), to expose the particles of ore or metal
16. (*British, education*) to group or divide (children) in streams
17. to transfer (esp audio or video data) in a continuous flow

### Derived Forms **streamlet** noun

**stream like** adjective



#### Join our newsletter

All the latest wordy news, linguistic insights, offers and more.

New on the Scrabble blog



#### Train like a Scrabble Champion

Allan Simmons' 5 tips on learning words.

Follow us for Word of the Day

► **Word Origin**

Old English, related to Old Frisian *strām*, Old Norse *straumur*, Old High German *stroum*, Greek *rheuma*

► **Synonyms**

[View thesaurus entry](#)

- **river** brook creek (US), burn (Scotts/A), beck, tributary, bayou, rivulet, rill, freshet
- **flow** current, rush, run, course, drift, surge, tide, torrent, outpouring, tideway
- **succession** series, flood, chain, battery, volley, avalanche, barrage, torrent
- **group** grouping, set, class, division, grade, category
- **flow** run, pour, course, issue, flood, shed, spill, emit, glide, cascade, gush, spout
- **rush** fly, speed, tear, flood, pour
- **float** fly, flap, flutter, walt, swing

► **Example Sentences Including 'streaming'**

Tashko was already on his feet, blood streaming down the side of his face.  
**Jack Higgins** THE KEYS OF HELL (2002)  
The cloud deck was rendered into a thousand tattered black banners, streaming overhead.  
**Terman, Douglas** CORMORANT  
Behind the streaming car window, the pale disc of his wife's face swam like an exotic fish in a tank.  
**Fraser, Anthea** PRETTY MAIDS ALL IN A ROW



Comments

[Log in](#) to comment on this word.



The AMERICAN HERITAGE dictionary of the English Language

Search

**HOW TO USE THE DICTIONARY**

Learn what the dictionary tells you about words.

**GET STARTED NOW!**

Some compound words (like bus rapid transit, dog waste, or identity theft) don't appear on the drop-down list when you enter them into the search window. If a compound term doesn't appear in the drop-down list, by entering the term into the search window and then hit the search button (instead of the "enter" key). Alternatively, begin searches for compound terms with a quotation mark.

**THE USAGE PANEL**

For more information...

**PURCHASE THE DICTIONARY**

The online searchable American Heritage Dictionary includes definitions, pronunciations, etymologies, and feature notes. You can purchase the dictionary as an iOS or an Android app—or buy the deluxe printed edition.

**INDO-EUROPEAN & SEMITIC ROOTS APPENDICES**

Thousands of entries in the dictionary include etymologies that trace their roots back to reconstructed proto-languages. You can obtain more information about these forms in our online appendices:

**INDO-EUROPEAN ROOTS SEMITIC ROOTS**

Additional information is...

The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists, diplomats, and others in occupations requiring mastery of language. The Panelists are surveyed annually to gauge the acceptability of particular usages and grammatical constructions.

**THE PANELISTS**

**NEED HELP SOLVING A CROSSWORD PUZZLE?**

Go to our Crossword Puzzle Solver and type in the letters that you know, and the Solver will produce a list of possible solutions.

**INTERESTED IN DICTIONARIES?**

Check out the Dictionary Society of North America at <http://www.dictionariesociety.com>

Additional information is available in an expanded form in our Dictionary of Indo-European Roots.

**OPEN DICTIONARY PROJECT**

Share your ideas for new words and new meanings of old words!  
**START SHARING NOW!**

**THE 100 WORDS\***

See word lists from the best-selling 100 Words Series!  
**FIND OUT MORE!**

**mer-cha·dis·ing** also **mer-cha·diz·ing** (mûr chən-dīzīng) Share: Tweet

n.

1. The promotion of merchandise sales, as by coordinating production and marketing and developing advertising, display, and sales strategies.
2. The sale of merchandise in connection with an established brand, such as a sports team or a film.

The American Heritage® Dictionary of the English Language, Fifth Edition copyright ©2015 by Houghton Mifflin Harcourt Publishing Company. All rights reserved.

**The American Heritage Dictionary Blog**

Check out our blog, updated regularly, for new words and revised definitions, interesting images from the 5th edition, discussions of usage, and more.

Most Recent posts:

**Buttoning Up the English Language**

**Trademarking Language**  
Wash your mouth out with soap!  
Lovers of Dictionaries: Read This!

**American Heritage Dictionary Products**



The American Heritage Dictionary, 5th Edition

The American Heritage Dictionary of Idioms

The American Heritage Reader's Thesaurus

Curious George's Dictionary

The American Heritage Children's Dictionary

Have a promotional code? →

GET YOUR FREE APP!

Put the entire dictionary at your fingertips—anywhere, anytime!

BUY THE iOS or ANDROID



This website is best viewed in Chrome, Firefox, Microsoft Edge, or Safari.

BusinessDictionary.com  
Over 20,000 Terms. Clear. Concise. Comprehensive.

Home Community Articles Browse By Subject Most Popular Terms of the Day Find a Job

Enter a word or phrase... **SEARCH**

## merchandising <sup>41</sup>

**Definition**

The activity of promoting the sale of goods at retail.

Merchandising activities may include display techniques, free samples, on-the-spot demonstration, pricing, shelf talkers, special offers, and other point-of-sale methods. According to American Marketing Association, merchandising encompasses "planning involved in marketing the right merchandise or service at the right place, at the right time, in the right quantities, and at the right price."

**Use merchandising in a sentence**

The plan that our team has put together for pricing and structure is the best approach for **merchandising** our new line of products.

22 people found this helpful

**Nearby Terms**

- mercantile risk
- mercantilism
- merchandise
- merchandise bro...
- merchandise con...
- merchandise exp...
- merchandise inv...
- merchandisers
- merchandising
- merchandising a...
- merchandising b...
- merchandising d...
- merchandising s...
- merchant
- merchant account...
- merchant account...
- merchant bank

**Have a question about merchandising? Ask for help in the Community**

[submit here](#)

**Popular 'Advertising, Marketing, & Sales' Terms**

- marketing
- marketing concept
- distribution channel
- marketing strategy
- product
- receiving
- marketing mix
- market orientation
- market equilibrium
- customer

Email Print Cite Link

**Related Terms**

- deep assortment
- advertising allowance
- sales promotion
- Mazur plan
- department store
- business-to-consumer strategy (B2C strategy)
- price leader
- full service merchant wholesaler
- promotion mix
- comparison shopper

• If you have a good **merchandising** department you should be able to do a good job promoting your product to perspective customers.

23 people found this helpful

• When you are trying to market your product you must be sure to use good **merchandising** techniques to draw in as many customers as you can.

19 people found this helpful

Show more usage examples...

**Mentioned in these terms**

- automatic merchandising
- merchandising service
- merchandising business
- mass merchandising
- merchandising allowance
- merchandising director
- visual merchandising
- scrambled merchandising

**Related Videos**



Sports Direct CEO Simon Anholt on Competitive Advantage



Virtual Closet App Posthomic Unveils New PoshMatch



How Home Depot Prepares For Hurricane Sandy

Search for another term

Browse by Letter: # A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Resources  
Community  
Tips  
Articles  
Videos  
Browse by subject  
More Resources

Company  
About us  
Contact Us  
Advertise with Us  
Add a Dictionary to your Site  
Careers

Download our App



Copyright © 2016 WebFinance, Inc. All Rights Reserved.  
Unauthorized duplication, in whole or in part, is strictly prohibited.  
Privacy Policy, Disclaimer and Copyright