

PTO Form 1957 (Rev 5/2006)

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

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78463336
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 101
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>Applicant respectfully responds to the Final Refusal with this request for reconsideration, as follows:</p> <p>Applicant requests that the Examining Attorney reconsider the Final Refusal in view of the further narrowed description of Class 9 goods; the previously presented arguments, and the additional argument set for the below.</p> <p>As stated above, Applicant has proposed a further amendment to the description of the Class 9 goods so as to further distinguish Applicant's goods from those if the cited Registrations (cited marks).</p> <p>Applicant additionally points out that whether or not the common term, "SIMPLE", is believed or determined to be the dominant feature of the mark, that does not necessarily mean that the combined mark cannot be sufficiently distinguishable. Applicant's mark in its entirety needs to be compared to the cited marks rather than primarily focusing on a comparison of the separate words within Applicant's combined mark to the cited marks. That is the case even if the additional word (OFFICE) is considered to be somewhat descriptive.</p> <p>In this case, SIMPLE OFFICE provides an impression that differs from SIMPLE. SIMPLE by itself is much more likely to bring to mind that the products sold under that mark are "simple" to figure out and operate, whereas SIMPLE OFFICE brings to mind products that help to organize an office and make it more efficient.</p> <p>Applicant has filed a Notice of Appeal with the Trial and Trademark Appeal Board.</p> <p>Applicant, again, respectfully requests that the Examining Attorney enter the proposed Class 9 description and withdraw the Final Refusal.</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(current)</b>	
<b>INTERNATIONAL CLASS</b>	009

DESCRIPTION	
Technology products, namely, computer hardware, routers, and instructional manuals sold as a unit therewith	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	
INTERNATIONAL CLASS	009
DESCRIPTION	
Technology products, namely, computer hardware and software and routers, in the field of office automation and computer network security, and instructional manuals sold as a unit therewith	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (038)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (042)(no change)</b>	
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/kap/
SIGNATORY NAME	Kathleen A. Pasulka
SIGNATORY POSITION	Attorney for Applicant
SIGNATURE DATE	05/15/2006
RESPONSE SIGNATURE	/kap/
SIGNATORY NAME	Kathleen A. Pasulka
SIGNATORY POSITION	Attorney for Applicant
SIGNATURE DATE	05/15/2006
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon May 15 17:09:45 EDT 2006
TEAS STAMP	USPTO/ROA-209.242.145.130 -20060515170945966339-784 63336-3329731b6f39914ea1e 359d985b69136ee-N/A-N/A-2 0060515170156537280

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## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78463336** has been amended as follows:

#### **Argument(s)**

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

Applicant respectfully responds to the Final Refusal with this request for reconsideration, as follows:

Applicant requests that the Examining Attorney reconsider the Final Refusal in view of the further narrowed description of Class 9 goods; the previously presented arguments, and the additional argument set for the below.

As stated above, Applicant has proposed a further amendment to the description of the Class 9 goods so as to further distinguish Applicant's goods from those of the cited Registrations (cited marks).

Applicant additionally points out that whether or not the common term, "SIMPLE", is believed or determined to be the dominant feature of the mark, that does not necessarily mean that the combined mark cannot be sufficiently distinguishable. Applicant's mark in its entirety needs to be compared to the cited marks rather than primarily focusing on a comparison of the separate words within Applicant's combined mark to the cited marks. That is the case even if the additional word (OFFICE) is considered to be somewhat descriptive.

In this case, SIMPLE OFFICE provides an impression that differs from SIMPLE. SIMPLE by itself is much more likely to bring to mind that the products sold under that mark are "simple" to figure out and operate, whereas SIMPLE OFFICE brings to mind products that help to organize an office and make it more efficient.

Applicant has filed a Notice of Appeal with the Trial and Trademark Appeal Board.

Applicant, again, respectfully requests that the Examining Attorney enter the proposed Class 9 description and withdraw the Final Refusal.

### **Classification and Listing of Goods/Services**

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 009 for Technology products, namely, computer hardware, routers, and instructional manuals sold as a unit therewith

Original Filing Basis: 1(b).

Proposed: Class 009 for Technology products, namely, computer hardware and software and routers, in the field of office automation and computer network security, and instructional manuals sold as a unit therewith

### **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the

applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /kap/ Date: 05/15/2006  
Signatory's Name: Kathleen A. Pasulka  
Signatory's Position: Attorney for Applicant

#### **Response Signature**

Signature: /kap/ Date: 05/15/2006  
Signatory's Name: Kathleen A. Pasulka  
Signatory's Position: Attorney for Applicant

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85b69136ee-N/A-N/A-20060515170156537280