

To: Europäische Patentorganisation (bgrahn@oppenheimer.com)

Subject: U.S. TRADEMARK APPLICATION NO. 79128458 - PATSTAT - 22426-2033

Sent: 10/8/2015 6:16:37 PM

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Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
[Attachment - 12](#)
[Attachment - 13](#)
[Attachment - 14](#)
[Attachment - 15](#)
[Attachment - 16](#)
[Attachment - 17](#)
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[Attachment - 68](#)
[Attachment - 69](#)
[Attachment - 70](#)
[Attachment - 71](#)
[Attachment - 72](#)
[Attachment - 73](#)
[Attachment - 74](#)
[Attachment - 75](#)

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

U.S. APPLICATION SERIAL NO. 79128458

MARK: PATSTAT

79128458

CORRESPONDENT ADDRESS:

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APPLICANT: Europäische Patentorganisation

CORRESPONDENT'S REFERENCE/DOCKET NO :

22426-2033

CORRESPONDENT E-MAIL ADDRESS:

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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 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 10/8/2015

THIS IS A FINAL ACTION.

INTERNATIONAL REGISTRATION NO. 1155898

INTRODUCTION TO SUBSEQUENT FINAL OFFICE ACTION

This Final Office Action is written in response to applicant's "Response to Office Action" (hereinafter "Response") dated September 16, 2015.

In her last Office Action, the examining attorney raised the following refusal(s), requirement(s) and/or advisories: Amendment to the entity/citizenship information; Insufficient claim of acquired distinctiveness; final Section 2(e)(1) refusal; final Section 2(d) refusal.

In its Response, applicant amended its entity/citizenship information and provided additional evidence to support its Section 2(f) claim of acquired distinctiveness. In light of applicant's response and the amendments contained therein, the Section 2(e)(1) refusal has been withdrawn and the requirement for an

acceptable entity/citizenship has been satisfied. TMEP §§713.02, 714.04. Applicant also provided arguments against the Section 2(d) refusal. After careful consideration these arguments have been deemed unpersuasive. For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No(s). 4240553. See 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

FINAL: SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4240553. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registration.

Introduction to Section 2(d) Analysis

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *Syndicat Des Proprietaires Viticulteurs De Chateaufort-Du-Pape v. Pasquier DesVignes*, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); see TMEP §1207.01. When comparing the marks, they are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. See *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial

impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

When comparing the parties’ marks, the question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b) Thus, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L’Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b). Additionally, matter that is descriptive of or generic is less significant or less dominant in relation to other wording in a mark. *See In re Chatam Int’l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004); *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009).

In this particular case, applicant’s mark is “PATSTAT” claimed in standard characters.

Registrant’s mark is “PATSTATS.ORG” claimed in standard characters.

The first step in comparing the marks requires an evaluation of the commercial impression of the marks. While the parties’ marks are compared in their entireties, it is important to note that one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). . Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat’l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751. Various factors are considered in determining the dominant element of a compound mark. For example, consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions).Therefore, this first element is given the greatest weight in a Section 2(d) analysis.

In applying this analysis to both the applicant’s and registrant’s marks, it is clear that applicant’s mark is similar in commercial impression to the registrant’s mark. In this case, not only do applicant’s and registrant’s marks begin with identical first elements, the second elements of the marks are also highly similar, varying only by a terminal letter “s.” Put another way, it appears that applicant has merely deleted the portion of the registrant’s mark that indicates pluralization and identifies a generic top level domain. The mere deletion of wording from a registered mark is often insufficient to overcome a likelihood of confusion. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257 (Fed. Cir. 2010); *In re Optica Int’l* , 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(b)(ii)-(iii). Applicant’s mark does

not create a distinct commercial impression because it contains the same common wording as the registered mark, and there is no other wording to distinguish it from the registered mark. Therefore, as applicant's mark is completely incorporated within the registrant's mark, the marks share identical dominant terms, and the registrant's mark contains no other elements to distinguish it from the registrant's mark, applicant's mark is highly similar in commercial impression to the registrant's mark.

Applicant's mark is also considered similar in sound to the registrant's mark. Here, applicant's mark and registrant's mark are highly similar in sound as the applicant's mark is completely incorporated within the registrant's marks. Thus, every time registrant's mark is pronounced, every element of applicant's mark is also pronounced and in the same order as the elements comprising registrant's mark. Therefore, the marks are inherently similar in sound when pronounced. Please note that the TTAB has held that similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar, and that slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); *In re Viterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012); TMEP §1207.01(b)(iv).

Finally, applicant's mark is also considered confusingly similar in appearance to the registrant's mark. Marks can be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii). In this case, the marks contain the highly similar elements "PATSTAT" and "PATSTATS." Therefore, as highly similar terms appear in both applicant's and registrant's marks, applicant's mark is also considered confusingly similar in appearance to the registrant's mark.

Comparison of the Goods and Services

Applicant's and registrant's goods and services are compared to determine whether they are similar or commercially related or travel in the same trade channels. It is important to note that the goods and services of the parties need not be identical or even competitive to find a likelihood of confusion. See *Online Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i). The respective goods and/or services need only be "related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

In this case, applicant's identified goods and services are, "Downloadable electronic data files and

databases containing information about patents and utility models, namely, publications, registration status, information, texts, drawings and pictures; data files and databases recorded on data carriers containing information about patents and utility models, namely, publications, registration status, information, texts, drawings and pictures; none of the foregoing including information in the field of patent law litigation statistics;” “Services consisting of the compilation and systemization of data pertaining to patent data in computer databases, particularly publications, registration status, information, texts, drawings and pictures concerning patents and utility models in computer databases; providing an online searchable database pertaining to patent data, particularly publications, registration status, information, texts, drawings and pictures concerning patents and utility models; none of the foregoing including information in the field of patent law litigation statistics;” “Transfer of data by telecommunications, in particular transfer of data containing publications, texts, information, registration status, drawings and pictures concerning patent and utility models, excluding information in the field of patent law litigation statistics;” and “Development and rental of computer software; providing search engines for data bases pertaining to patent data, particularly publications, registration status, information, texts, drawings and pictures concerning patents and utility models, excluding information in the field of patent law litigation statistics; Providing internet search engines.”

Registrant’s identified services are, “Providing on-line information in the field of patent law litigation statistics.”

Applicant’s goods and services are related to the registrant’s services in that they both engage in the provision of patent-related statistics. Additionally, as the attached internet evidence demonstrates, these goods and services are not only related, but are found in similar trade channels and commonly emanate from a single source. For example, Patexia.com and RPX provide on-line information in the field of patent law litigation statistics as well as provide and transfer compiled patent statistics held in databases containing general patent information including publications, registration status, and general information, that can be accessed and searched online. <https://www.patexia.com/ip-research/lawsuits>, <https://www.patexia.com/ip-research>; https://search.rpxcorp.com/users/sign_in. Also, the attached evidence from the USPTO website and the Michigan Law Library website demonstrate that patent information, statistics, and case law can all be found at the same online source. *See*, <http://libguides.law.umich.edu/c.php?g=38140>, <http://www.uspto.gov/patents-application-process/search-patents>, <http://www.uspto.gov/patents-maintaining-patent/patent-litigation/resources>; *see also*, <https://lexmachina.com/patent-case-trends-business-litigation/>. Moreover, it is not uncommon for general patent information and related litigation information to emanate from a single source. For example, Twin Dolphin online software provides “highly quality and up-to-date” patent data that includes general patent information as well litigation information. *See*, <https://app.twindolphinsoftware.com/content/reports>, <https://app.twindolphinsoftware.com/demo>. This evidence establishes that the same entities commonly manufacture, produce, and provide the parties’ relevant goods and services and markets them under the same mark. Therefore, applicant’s and registrant’s goods and services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Evidence obtained from the Internet may be used to support a determination under Section 2(d) that goods and/or services are related. *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007). The Internet has become integral to daily life in the United States, with Census Bureau data showing approximately three-quarters of American households used the Internet in 2013 to engage in personal communications, to obtain news, information, and entertainment, and to do banking and shopping. *See In re Nieves & Nieves*

LLC, 113 USPQ2d 1639, 1642 (TTAB 2015) (taking judicial notice of the following two official government publications: (1) Thom File & Camille Ryan, U.S. Census Bureau, Am. Cmty. Survey Reports ACS-28, *Computer & Internet Use in the United States: 2013* (2014), available at <http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf>, and (2) The Nat'l Telecomms. & Info. Admin. & Econ. & Statistics Admin., *Exploring the Digital Nation: America's Emerging Online Experience* (2013), available at http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_-_americas_emerging_online_experience.pdf). Thus, the widespread use of the Internet in the United States suggests that Internet evidence may be probative of public perception in trademark examination.

The trademark examining attorney has also attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and services as those of both applicant and registrant in this case. This evidence shows that the goods and services listed therein- namely, applicant's and registrant's goods and services, as identified above - are of a kind that may emanate from a single source under a single mark. See *In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

As this attached internet evidence and third-party registrations demonstrate, applicant's and registrant's goods and services are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009). Thus, as applicant's and registrant's goods and services are commercially related and travel in the same trade channels, the goods and services would be encountered by the same consumers under circumstances such that offering them under similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source.

Therefore, in light of the foregoing, applicant's mark is similar in sound, appearance and commercial impression to the registrant's mark, and applicant's goods and services are related to the registrant's services. As such, a likelihood of confusion exists between the applicant's and registrant's marks. Consequently, registration is denied for the applied for mark. This refusal is herein made final.

Applicant's Arguments Against the Refusal

Applicant argues that the trade channels of the goods and services are dissimilar. With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)). Absent restrictions in an application and/or registration, the identified goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and services travel in all normal channels of trade, and are available to the same class of purchasers. Therefore, applicant's argument is unpersuasive.

Applicant notes in particular that "[r]egistrant's mark consists of twice as many syllables as Applicant's

mark.” The fact that registrant’s mark has more syllables than the applicant’s mark is not determinative as to whether the marks are dissimilar or similar in sound. In this case, the first and dominant element of the marks – PAT- are identical, the second elements of the marks are nearly identical – STAT and STATS - varying only by a terminal “s”. Thus, while registrant’s mark may contain the letter “s” and a non-source identifying top level domain at the end of its mark, it cannot be ignored that applicant’s mark is nearly identical to the first – and therefore dominant elements - of the registrant’s mark.

Applicant argues that the marks are dissimilar. For the reasons previously discussed above, the examining attorney finds this argument unpersuasive. Additionally, it should be noted that applicant’s mark is nearly identical to the registrant’s mark. While registrant’s mark does contain the element, “.ORG”, the Court of Appeals for the Federal Circuit has stated that, as a general rule, the addition of a gTLD does not add source-indicating significance except in “unique” or “exceptional” circumstances. *In re Oppedahl & Larsen LLP*, 373 F.3d 1171, 1175-77, 71 USPQ2d 1370, 1372-74 (Fed. Cir. 2004). Thus, in considering the near inconsequential presence “.ORG.”, registrant’s mark appears to be the pluralization of applicant’s mark. Please note that an applied-for mark that are the singular or plural form of a registered mark is essentially identical in sound, appearance, meaning, and commercial impression, and thus the marks are confusingly similar. *Weider Publ’ns, LLC v. D & D Beauty Care Co.*, 109 USPQ2d 1347, 1355 (TTAB 2014) (finding the singular and plural forms of SHAPE to be essentially the same mark) (citing *Wilson v. Delaunay*, 245 F.2d 877, 878, 114 USPQ 339, 341 (C.C.P.A. 1957) (finding no material difference between the singular and plural forms of ZOMBIE such that the marks were considered the same mark); *In re Pix of Am., Inc.*, 225 USPQ 691, 692 (TTAB 1985) (noting that the pluralization of NEWPORT is “almost totally insignificant” in terms of likelihood of confusion among purchasers); *In re Sarjanian*, 136 USPQ 307, 308 (TTAB 1962) (finding no material difference between the singular and plural forms of RED DEVIL)). As the applicant has merely pluralized the registrant’s mark and added the generic top level domain “.ORG” to the registered mark, there is no denying that the marks are highly similar in commercial impression, sound and appearance. Thus, in addition to the rea

Applicant argues that the registered mark is “entitled to only very narrow trademark protection” because it registered under Section 2(f). The Court of Appeals for the Federal Circuit and the Trademark Trial and Appeal Board have recognized that marks deemed merely descriptive are still entitled to protection against the registration by a subsequent user of a similar mark for closely related goods and/or services. TMEP §1207.01(b)(ix); see *King Candy Co. v. Eunice King’s Kitchen, Inc.*, 496 F.2d 1400, 1401, 182 USPQ 108, 109 (C.C.P.A. 1974) (likelihood of confusion is “to be avoided, as much between ‘weak’ marks as between ‘strong’ marks, or as between a ‘weak’ and ‘strong mark’”); *In re Colonial Stores, Inc.*, 216 USPQ 793, 795 (TTAB 1982) (“even weak marks are entitled to protection against registration of similar marks”). This protection extends to marks registered on the Supplemental Register. TMEP §1207.01(b)(ix); see, e.g., *In re Clorox Co.*, 578 F.2d 305, 307-08, 198 USPQ 337, 340 (C.C.P.A. 1978); *In re Hunke & Jochheim*, 185 USPQ 188, 189 (TTAB 1975). As applicant’s mark is highly similar to the registered mark, and applicant’s goods and services are highly similar to the registrant’s services, the registrant’s mark is still entitled to protection in this instance.

Applicant argues that the users of its goods are highly sophisticated and that, when combined with the price of applicant’s goods and services, they are unlikely to be confused as to the sources of the goods and services. This argument is unpersuasive. First, the fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); see, e.g., *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011). In this case, it is likely that the knowledgeable, skilled researchers capable of analyzing applicant’s patent statistical data will be the same ones would be interested in registrant’s patent statistical data. The attached and above

referenced evidence demonstrates this every occurrence as they provide both general patent statistics and patent statistics related to litigation and legal topics.

Applicant also argues that because its goods and services are expensive and the registrant's services are not expensive, consumers will not suffer confusion. This argument is unpersuasive as consumers are accustomed to providers of expensive database search engines providing free or lower cost versions of the same product. *See e.g.*,

http://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/;
<https://www.sandiego.edu/law/library/services/lexis-westlaw-bloomberg.php>,
<http://myshingle.com/2005/01/articles/legal-research-and-writing/westlaw-is-free-in-some-places-but-why-not-everywhere/>.

Applicant argues that the limitations that were added to the identification of goods and services “make it clear that its goods and services are not related to the Registrant’s patent litigation information services.” This argument is unpersuasive. Applicant’s newly added limitation is “excluding information in the field of patent law litigation statistics.” However, many clauses in the identification are still broadly worded- “Downloadable electronic data files and databases containing information about patents and utility models, namely, ...information...; data files and databases recorded on data carriers containing information about patents and utility models, namely, information...” in Class 9; “Services consisting of the compilation and systemization of data pertaining to patent data in computer databases, particularly...information...concerning patents...in computer databases; providing an online searchable database pertaining to patent data, particularly ...information...patents ” in Class 35; “Transfer of data by telecommunications, in particular transfer of data containing... information, ... concerning patents ” in Class 38; “providing search engines for data bases pertaining to patent data, particularly ...information... concerning patents” in Class 42. Thus, even though applicant’s goods and services may not be providing information in the very narrow and specific field of “patent law litigation statistics,” applicant can still provide information about any other aspect of patent law or patent litigation.

Applicant has argued that the applicant is a governmental entity and therefore confusion between the source of the goods and services is unlikely. However, because applicant is a governmental entity, it is likely that consumers will conclude that the registrant’s patent statistics emanate from the applicant. The Trademark Act not only guards against the misimpression that the senior user is the source of the junior user’s goods and/or services, but it also protects against “reverse confusion,” that is, the junior user is the source of the senior user’s goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993); *Fisons Horticulture, Inc. v. Vigoro Indust., Inc.*, 30 F.3d 466, 474-75, 31 USPQ2d 1592, 1597-98 (3d Cir. 1994); *Banff, Ltd. v. Federated Dep’t Stores, Inc.*, 841 F.2d 486, 490-91, 6 USPQ2d 1187, 1190-91 (2d Cir. 1988).

Finally, please note that where the goods and/or services of an applicant and registrant are “similar in kind and/or closely related,” the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services and that the greater degree of similarity between the applied-for mark and the registered mark, the lesser the degree of similarity between the goods and/or services of the respective parties that is required to support a finding of likelihood of confusion. *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009); *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); *see Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

RESPONSE TO FINAL OFFICE ACTION

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

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U.S. Patent & Trademark Office
phone: (571) 272-1951
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All informal e-mail communications relevant to this application will be placed in the official application record.

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.

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- [Information Quality Guidelines](#)

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• Related Suits

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- [Patexia](#) (offers information about patents, lawsuits and statistics)
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- **Additional Legal Resources**

Patent infringement can present complex legal issues, and information about legal aid, legal background, cases, statutes, and regulations can be helpful in determining how to respond to a demand or infringement suit. There are free resources online that can provide the public information about legal issues related to patents and legal services, including how to seek the services of an attorney. The USPTO does not provide legal advice to the public, and these links do not constitute legal advice.

[Electronic Frontier Foundation](#) (legal services and referrals, through a "Cooperating Attorney" list)

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[Justia](#) (online legal research tool offering links to cases, law and regulations)

[Legal Information Institute](#) (free online legal research tool offering links to federal, state, and international law, regulations, and procedural rules, as well as other legal information)

[Practical Law](#) (online legal research tool offering links to cases, law and regulations)

- **Law School Clinics**

As stated above in the "Additional Legal Resources" section, additional information about legal aid, legal background, cases, statutes, and regulations can be helpful in determining how to respond to a demand or infringement suit. Some law school clinical programs offer free or reduced cost services that can provide the public information about legal issues related to patents and legal services, including how to seek the assistance of an attorney. The USPTO does not provide legal advice to the public, and these links do not constitute legal advice.

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- [USPTO Budget and Performance](#)
- [Freedom of Information Act](#)
- [Information Quality Guidelines](#)

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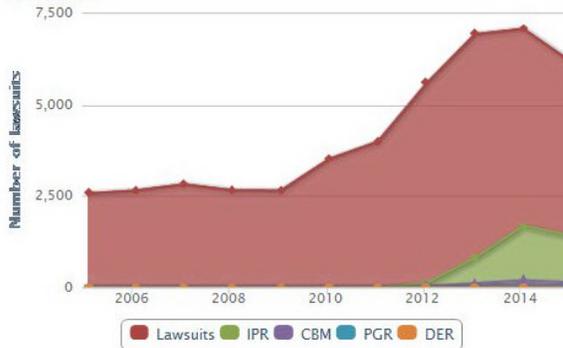
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Patent Search Criteria

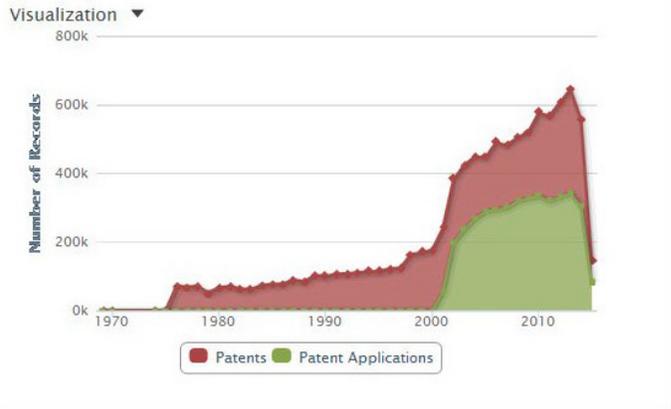
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n.

1. A numerical piece of information.
2. A calculated numerical value (such as the sample mean) that characterizes some aspect of a sample set of data, and that is often meant to estimate the true value of a corresponding parameter (such as the population mean) in an underlying population.
3. One viewed solely as a piece of statistical or numerical information: got laid off and became another statistic in the slumping economy.

[Ultimately from New Latin *statisticus*, of statecraft; see *STATISTICS*.]

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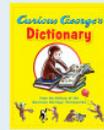
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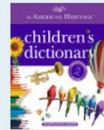
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Patent Case Trends and the Business of Litigation

February 5, 2015 by Brian Howard

In the last post, I covered the final 2014 filing statistics – a low November and an uptick in December that was unable to make up for the slow months since June, leaving 2014 down 18% from 2013.

Here, let's look more closely at these trends, how they're calculated, and what they mean for your business. In particular, I explore the effects of such events as the AIA, the availability of PTAB, and the *Alice v. CLS Bank* decision, and how those events are represented in different metrics.

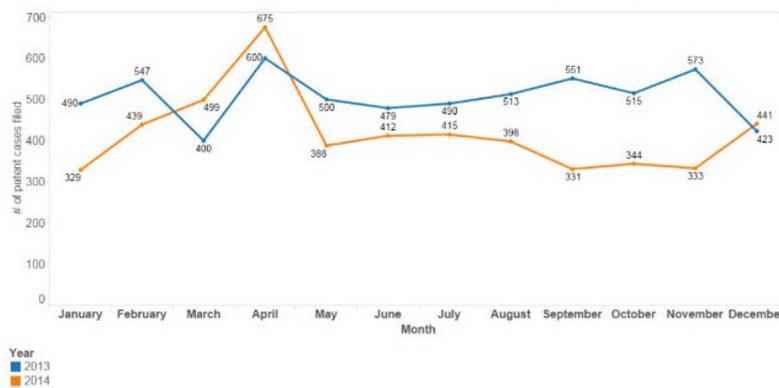


Fig. 1: 2013 (in blue) compared to 2014 (in orange) patent case filings, monthly

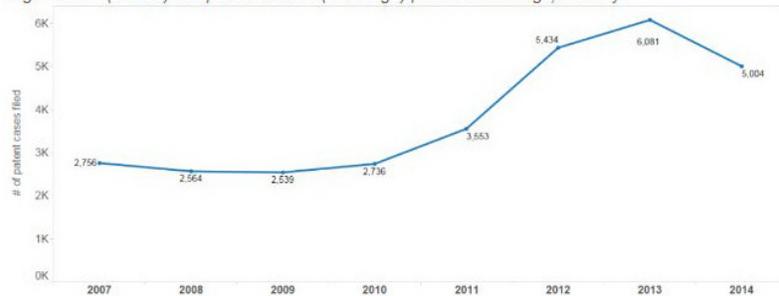


Fig. 2: New patent case filings, yearly, 2007-2014

From a historical perspective, 2014 is the first year of decrease following about 4 years of increase in patent litigation case filings. The increase coincides with the Americans Invent Act (AIA), which became effective in September 2011 and limited to the number of defendants a plaintiff could sue in a single case.

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a single case.

Beyond the AIA anti-joinder rules, there are at least two other changes to the landscape in recent years: the availability of the review procedures at the Patent Trial and Appeal Board (PTAB) of the USPTO, and [the Supreme Court's decision of the Alice v. CLS Bank case](#) in June of 2014. The Alice case dealt with patentable subject matter, the Court invalidated claims of a software patent as too abstract, and many wondered what effect it would have on patent litigation.

This post digs deeper on two questions related to these events and the rise and fall of patent case filings. The first question probes how well the metric of "patent cases filed" relates to the business of litigation, and whether there are better things to measure the present and future workload of the court system (and its practitioners).

Secondly, I ask what these other metrics can tell us about how the system has changed in response to events like the AIA, PTAB, and the *Alice v. CLS Bank* decision, and where it might be going.

With district court patent litigation filings remaining at lower levels not seen since 2010-2011, and PTAB petitions on the rise, legal analytics can provide the tools to recognize these shifts and harness them to your benefit.

I. Patent Cases Filed and the effects of the AIA

As a metric for the business of litigation, the number of patent cases filed is a basic indicator. However, the AIA's anti-joinder rules make case filing rates from before its enactment in 2011 incomparable with those from afterwards. For example, the AIA's restriction on suing multiple defendants in the same case means that a plaintiff would have to file more patent cases in 2014 than it would have in 2010 to sue the same number of defendants.

Looking at the number of cases filed from 2007 through 2014, there's a huge increase around the time the AIA became effective in September 2011.

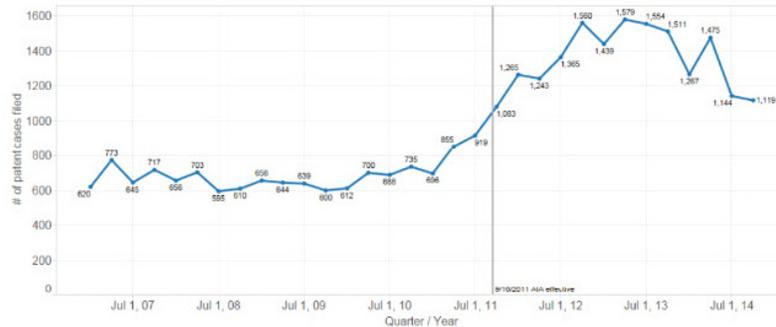


Fig. 3: Patent cases filed, quarterly, 2007-2014

How much of this increase in cases filed was caused by the AIA? And what does that tell us about the low filing numbers of recent months?

In order to understand the increase in litigation and what happens afterwards, it helps to count litigation in a way that is not affected by the AIA's change of rules. As I have suggested in [past posts](#), one such technique is **counting each defendant in a case separately**, I call this counting

defendant-case pairs. Thus Plaintiff P suing A, B, and C in one case before the AIA would count the same as 3 pairs of P suing A, B, and C separately in different cases after the AIA.

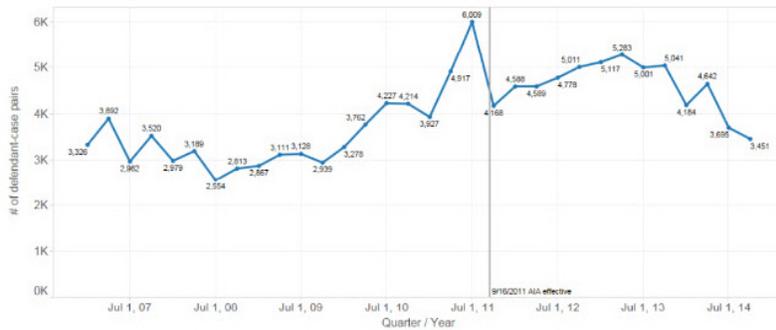


Figure 4: Defendant-case pairs, quarterly, 2007-2014

Aside from the [previously discussed](#) spike immediately before the AIA became active, Figure 4 (defendant-case pairs), compared to Figure 3 (cases filed), shows a less dramatic rise, both prior to the AIA between 2008 and 2011, and after the AIA's effective date from 2011 to mid 2013. **Measured by defendant-case pairs, the AIA did not dramatically reduce patent case filings, as the quarters from late 2011 to mid 2013 follow a consistent trajectory those from 2009 to early 2011.**

This data also shows that **litigation dropped in the last half of 2014 to a level more commensurate with 2009 and 2010** than Figure 3 (case filings alone) would suggest, since Figure 3 is subject to the case-filing-inflation of the AIA.

For practitioners and other participants in the court system, this contraction suggests that there are fewer patent cases, with greater competition by outside counsel over those cases, resulting in more leverage for inside counsel choosing firms.

II. Quantifying district court litigation to compare with PTAB

In addition to changing the joinder rules, the AIA introduced a new forum: the Patent Trial and Appeal Board (PTAB). Through the new Inter Partes Review (IPR) and Covered Business Method review (CBM) mechanisms, the PTAB allows potential patent defendants to litigate the validity of a patent on an expedited schedule and with less expense than a district court case; the PTAB does not rule on patent infringement.

We're excited at Lex Machina for the upcoming release of our PTAB features, and this seems like a good opportunity to preview some of the data behind those features. Figures 5 and 6 below show the new filings for Covered Business Method (CBM) and Inter Parties (IPR) reviews – the two dominant forms of review at the PTAB.

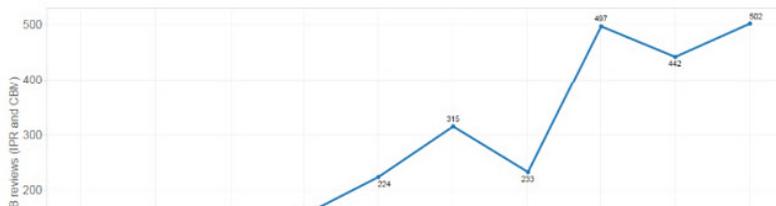




Fig. 5: PTAB IPR and CBM reviews, quarterly, 2011-2014

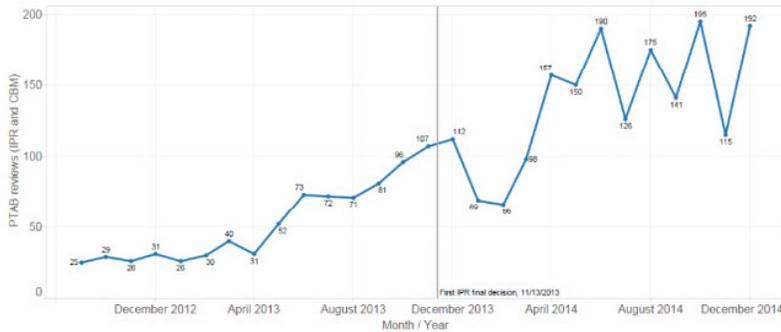


Fig. 6: PTAB IPR and CBM reviews, monthly, 2011-2014

These two figures show that usage of the IPR and CBM reviews has rapidly gained steam since they became available in September 2012. Although the second half of 2014 was uneven month-over-month, in aggregate the PTAB has not seen the same drop-off as district court litigation over the same period.

While counting district court litigation as defendant-case pairs (Fig. 4) accounts for the effects of the AIA, comparing it with PTAB reviews requires a further adjustment. Because PTAB reviews pertain to a single patent, below I've multiply counted each defendant-case pair, once for each asserted patent, so I'm essentially counting by unique combinations of patent, defendant, and case — patent-defendant-case combos for short.

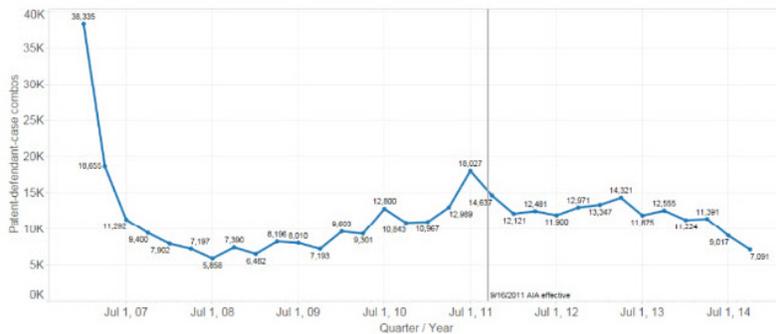


Fig. 7: Patent-defendant-case combos, quarterly, 2007-2014



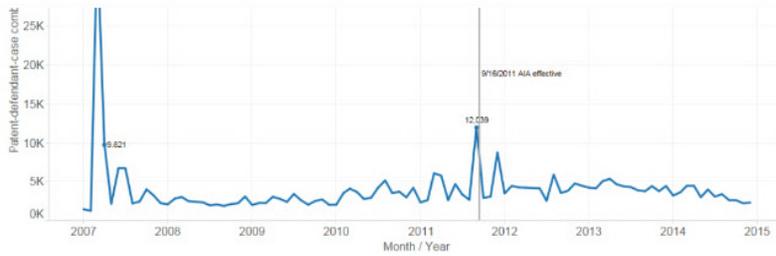


Fig. 8: Patent-defendant-case combos, monthly, 2007-2014

As an aside, the enormous 2007 spike, more clear in the month-by-month view of Figure 8, was driven by the large number of asserted patents per case (and the large number of cases) in the [Ronald A. Katz](#) litigation. A second spike, immediately prior to the effective date of the AIA in late 2011, correlates with patent holders' last chance to sue large numbers of defendants in a single case.



Fig. 9: Comparing PTAB reviews to patent-defendant-case combos, quarterly, 2012-2014

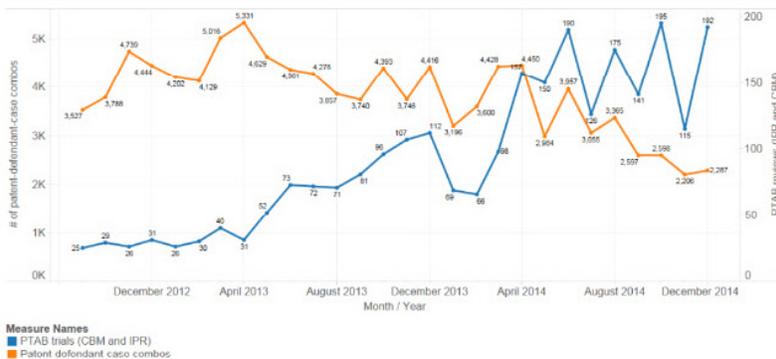


Fig. 10: Comparing PTAB reviews to patent-defendant-case combos, monthly, 2011-2014

This graphic compares PTAB trials (in blue) with patent-defendant-case tuples (in orange). Note that the purpose of Figures 9 and 10 is to show the relative movement of the two, not their absolute

relationship. As the separate vertical scales indicate, there are significantly more patent infringement cases than PTAB reviews.

Because PTAB trials generally occur between two parties and over a single patent, this methodology allows a more direct and accurate comparison of PTAB filing rates with U.S. District Court filings rates.

PTAB filings rose sharply between February and June 2014 and remained relatively high for the duration of the year, correlating with the district court litigation tail off beginning in April 2014. **Although the PTAB and district courts are not strict alternatives to each other (in the sense that district court actions are generally filed by the patent-rights-holder, while PTAB proceedings are instigated by the would-be accused), the correlation between PTAB's rise and the district court's lag seems too strong to ignore.**

The surge in PTAB proceedings, especially at a time when business in the district courts is contracting, marks an important shift for practitioners. Counsel contemplating action in the new forum will need greater insight into the timing and success of PTAB reviews (as well as the unfamiliar and largely untested administrative judges presiding over them).

III. Case termination metrics and the *Alice v. CLS Bank* decision

As an alternative to case filing rates, some suggest looking at case terminations or the number of pending cases per month as a better metric for measuring the business of litigation (in particular, Jason Rantanen of Patently O, [here](#) and [here](#)).

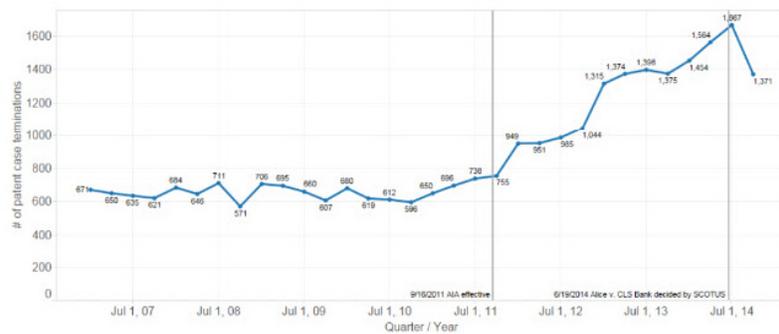


Fig. 11: Cases terminated, quarterly, 2007-2014

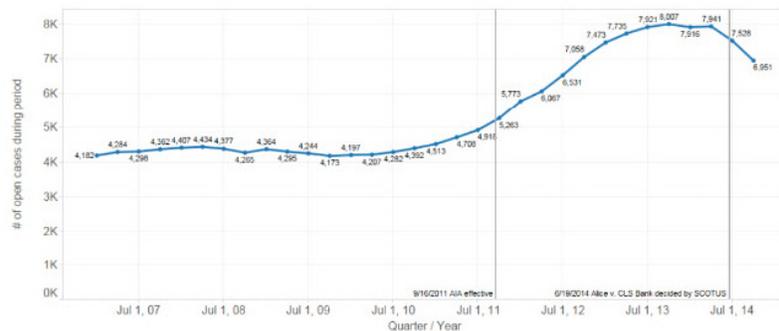


Fig. 12: Cases pending, quarterly, 2007-2014

While these additional metrics can be revealing in some circumstances, new case filings have several advantages over them for measuring the basic business of litigation. First, new case data is forward looking – a newly filed case will likely generate work for lawyers, courts and judges over coming weeks and years – and thus a better predictor of the future workload on the system. New case data also provides better data because case terminations are to some extent a function of the timing of case filings from much earlier. Moreover, termination timing can be constrained by contested outcomes and procedural rules that distribute settlement opportunities (and leverage) unevenly over the case calendar. The raw data for case terminations is also less precise: a judge may issue a dispositive ruling, but post-judgment proceedings over costs, fees, appeal, new trials, and such may cause the case termination date reported by PACER to lag behind the dispositive ruling. Measuring the number of cases currently pending in the court system, since it includes case termination, suffers from these same drawbacks.

Many have asked about quantifying the impact of the *Alice v. CLS Bank* decision decided by the Supreme Court on June 19, 2014. In *Alice*, the Court held a patent invalid for being too abstract, triggering fears that other similar patents may be held invalid. While the *Alice* decision does come at the start of a run of slow months for case filings, it does not correlate with a sudden mass exodus of cases from the system.

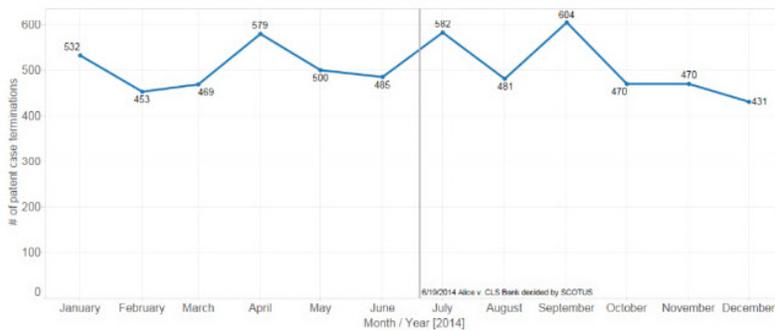


Fig. 13: Cases terminated, monthly, 2014 only

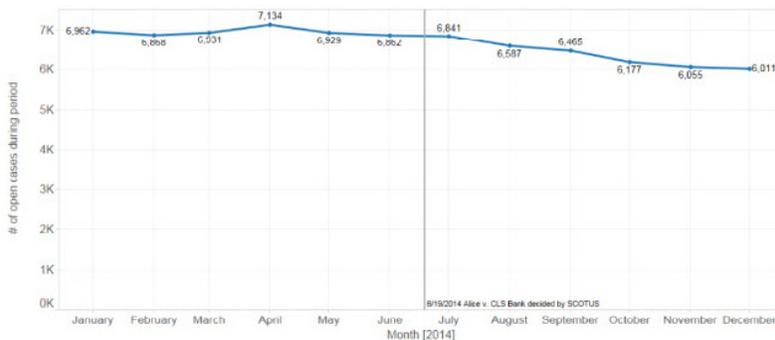


Fig. 14: Cases pending, monthly, 2014 only

Indeed, while district courts invalidated more than double the number of patents under § 101 in the second half of 2014 than in the entire previous year, these decisions represent a very small number

second half of 2014 than in the entire previous year, those decisions represent a very small number of cases relative to the volume of litigation in the system.



Fig. 15: Patents invalidated under 35 U.S.C. § 101 (patentable subject matter), by quarter of the invalidating order, 2012-2014

While the various possible causes of the district court litigation slow-down, including the *Alice* decision, the rise of PTAB reviews, among other developments (e.g. the *Highmark/Octane* case decided by the Supreme Court in April 2014, relating to attorneys fees) remain difficult to precisely weigh, it's clear after six months of lackluster business that the landscape is shifting. Patent litigation work is decreasing, and what remains is becoming defrayed between the new PTAB and district courts. Against the contracting number of district court cases and the unfamiliarity of PTAB, the only thing that's certain is the need to remain informed.

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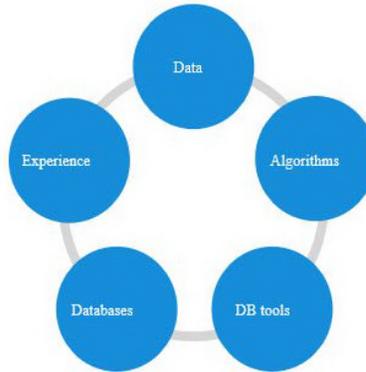
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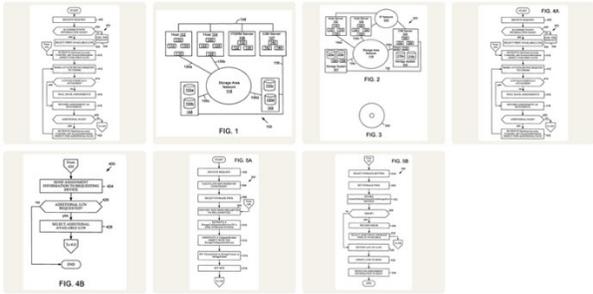
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(4) STANDARD CHARACTER MARK

Owner

THOMSON REUTERS CANADA LIMITED CORPORATION CANADA 333 BAY STREET SUITE
400 MAILBOX 11 TORONTO CANADA M5H 2R2

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software, namely, CD-ROMs providing databases featuring
scientific and patent information for use by the chemical and
engineering industry. First Use: 1966/00/00. First Use In Commerce:
1966/00/00.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information
services, namely, providing scientific and patent information to the
technology industry; and providing access to an interactive computer
database in the field of scientific and patent information for use by
the technology industry. First Use: 1951/00/00. First Use In
Commerce: 1951/00/00.

Prior Registration(s)

2651440;2754008;2848345;AND OTHERS

Print: Oct 8, 2015

76580699

Filing Date

2004/03/12

Examining Attorney

AYALA, LOURDES

Attorney of Record

Alexandre A. Montagu

DERWENT

DESIGN MARK

Serial Number

77050711

Status

PARTIAL SECTION 8 & 15 ACCEPTED AND ACKNOWLEDGED

Word Mark

SCIENCEDAILY YOUR SOURCE FOR THE LATEST RESEARCH NEWS

Standard Character Mark

No

Registration Number

3465161

Date Registered

2008/07/15

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Science Daily, LLC LIMITED LIABILITY COMPANY MARYLAND 14904 Talking Rock Court North Potomac MARYLAND 20878

Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 009. US 021 023 026 036 038. G & S: [Downloadable video recordings and audio recordings in the fields of health, science, history, business, finance, news, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping]. First Use: 2005/01/00. First Use In Commerce: 2005/01/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Online retail store services and online mail order services featuring books, music, videotapes, audiocassettes, compact discs, digital video discs, video games, software, downloadable pre-recorded music and video, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, apparel, office products and accessories, pet supplies, sporting goods, motor vehicles and accessories, scooters and bicycles, computers and computer accessories, computerized devices, gourmet food, household electronic appliances, applied electronic machines and apparatus, devices, laboratory equipment and supplies, science fair materials and science kits, photography instruments, musical instruments and fittings thereof, photographs, stationery, jewelry and watches, horological instruments and parts thereof, telescopes, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, cosmetics, paints, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, furniture, fabric, indoor ornaments of textile, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; Providing on-line information in the fields of employment, recruitment, careers, personal issues related to careers and work life, job resources, job listings, and resumes; Providing on-line employment placement services, namely, resume matching services via a global computer network; Providing online advertising of the goods and services of others by placing advertisements and promotional displays in an electronic online web site accessed through a global computer network; Promoting goods and services of others by placing advertisements and promotional displays in an electronic online web site accessed through a global computer network. First Use: 1998/00/00. First Use In Commerce: 1998/00/00.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Telecommunications services, namely, electronic organization and transmission of text, audio, video, images, computer software and multimedia data via computer and other communications networks; chat room services; broadcasting services and provision of telecommunications access to video and audio content provided via video-on-demand service via the internet; streaming of video material over the internet; and webcasting services in the fields of health, science, history, business, finance, news, current events, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration,

chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping and to content providers who provide reference materials and information in a wide variety of fields; providing electronic data transmission containing articles, text, audio, video, games, and files with web links in the fields of health, science, history, business, finance, news, current events, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping; making web feeds available to provide a summary of recently added content in the fields of health, science, business, finance, history, news, weather, sports, current events, art, entertainment and shopping, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, medicine, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, nanotechnology, electricity, aviation, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, science fair information, entertainment and shopping. First Use: 1995/00/00. First Use In Commerce: 1995/00/00.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Providing newsletters via email and online publications in the fields of health, science, history, business, finance, news, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, aviation, nanotechnology, electricity,

engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping; publication of electronic magazines and newspapers; arranging of contests; entertainment services, namely, providing online computer games. First Use: 1995/00/00. First Use In Commerce: 1995/00/00.

Description of Mark

The mark consists of black background with the word "science" in blue; the word "Daily" in red; a gray underline; and the words "Your source for the latest research news" in white.

Colors Claimed

The color(s) black, white, gray, blue and red is/are claimed as a feature of the mark.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2006/11/26

Examining Attorney

ABRAMS, JACQUELINE A.

Attorney of Record

Brett Garner, Esq.

ScienceDaily

Your source for the latest research news

DESIGN MARK

Serial Number

77151045

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

PATENTSTREAM

Standard Character Mark

Yes

Registration Number

3447768

Date Registered

2008/06/17

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Innovation Asset Group, Inc. CORPORATION OREGON 1800 Blankenship Road
#375 West Linn OREGON 97068

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
computer software that retrieves patent information from remote patent
databases. First Use: 2006/12/15. First Use In Commerce: 2006/12/15.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer
services, namely, acting as an application service provider in the
field of knowledge management to host computer application software
for retrieving patent information and data from remote databases.
First Use: 2006/12/15. First Use In Commerce: 2006/12/15.

Filing Date

2007/04/06

Examining Attorney

MILTON, PRISCILLA

Print: Oct 8, 2015

77151045

Attorney of Record

David S. D'Ascenzo

PATENTSTREAM

Print: Oct 8, 2015

77595987

DESIGN MARK

Serial Number

77595987

Status

PARTIAL SECTION 8 & 15 ACCEPTED AND ACKNOWLEDGED

Word Mark

YOUR SOURCE FOR THE LATEST RESEARCH NEWS

Standard Character Mark

Yes

Registration Number

3646424

Date Registered

2009/06/30

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Science Daily, LLC LIMITED LIABILITY COMPANY MARYLAND 14904 Talking
Rock Court North Potomac MARYLAND 20878

Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 009. US 021 023 026 036
038. G & S: [Downloadable video recordings and audio recordings in
the fields of health, science, history, business, finance, news,
weather, sports, current events, science fair information, art, health
care, medical conditions, medical diseases, medical treatments,
nutrition, pharmaceuticals, personal care, psychology, sociology,
political science, medicine, biology, agriculture, ecology,
biotechnology, evolution, microbiology, botany, zoology, earth
science, global warming, environmental issues, environmental science,
natural disasters, climate, astronomy, cosmology, space exploration,
chemistry, energy technology, aviation, nanotechnology, electricity,
engineering, virtual reality, robotics, physics, quantum physics,
computers, photography, software, computer science, computer modeling,
artificial intelligence, mathematics, paleobiology, paleontology,
ruins, anthropology, archeology, patent information, entertainment and
shopping]. First Use: 2005/01/00. First Use In Commerce:
2005/01/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Online retail store services and online mail order services featuring books, music, videotapes, audiocassettes, compact discs, digital video discs, video games, software, downloadable pre-recorded music and video, floppy discs and CD-Roms, printed matters, phonographs, recorded music, toys, apparel, office products and accessories, pet supplies, sporting goods, motor vehicles and accessories, scooters and bicycles, computers and computer accessories, computerized devices, gourmet food, household electronic appliances, applied electronic machines and apparatus, devices, laboratory equipment and supplies, science fair materials and science kits, photography instruments, musical instruments and fittings thereof, photographs, stationery, jewelry and watches, horological instruments and parts thereof, telescopes, measuring instruments, physical and chemical instruments, chemicals, soaps, perfumery, cosmetics, paints, preservatives, leather, imitation leather, bags and their substitutes, umbrellas, furniture, fabric, indoor ornaments of textile, plants, pharmaceuticals, lights, irons and steels, pots, tableware, heaters, cosmetic utensils, yarns and thread for textile use, kitchen and household utensils, games and playthings, electronic publications and greeting cards; Providing on-line information in the fields of employment, recruitment, careers, personal issues related to careers and work life, job resources, job listings, and resumes; Providing on-line employment placement services, namely, resume matching services via a global computer network; Providing online advertising of the goods and services of others by placing advertisements and promotional displays in an electronic online web site accessed through a global computer network; Promoting goods and services of others by placing advertisements and promotional displays in an electronic online web site accessed through a global computer network. First Use: 1998/00/00. First Use In Commerce: 1998/00/00.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Telecommunications services, namely, electronic organization and transmission of text, audio, video, images, computer software and multimedia data via computer and other communications networks; chat room services; broadcasting services and provision of telecommunications access to video and audio content provided via video-on-demand service via the internet; streaming of video material over the internet; and webcasting services in the fields of health, science, history, business, finance, news, current events, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration,

chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping and to content providers who provide reference materials and information in a wide variety of fields; providing electronic data transmission containing articles, text, audio, video, games, and files with web links in the fields of health, science, history, business, finance, news, current events, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping; Making web feeds available to provide a summary of recently added content in the fields of health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, medicine, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, nanotechnology, electricity, aviation, engineering, virtual reality, robotics, physics, quantum physics, computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, science fair information, entertainment and shopping. First Use: 1995/00/00. First Use In Commerce: 1995/00/00.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Providing newsletters via email and online publications, namely, news articles, newspapers, book reviews, magazines, and reference materials, all in the fields of health, science, history, business, finance, news, weather, sports, current events, science fair information, art, health care, medical conditions, medical diseases, medical treatments, nutrition, pharmaceuticals, personal care, psychology, sociology, political science, medicine, biology, agriculture, ecology, biotechnology, evolution, microbiology, botany, zoology, earth science, global warming, environmental issues, environmental science, natural disasters, climate, astronomy, cosmology, space exploration, chemistry, energy technology, aviation, nanotechnology, electricity, engineering, virtual reality, robotics, physics, quantum physics,

computers, photography, software, computer science, computer modeling, artificial intelligence, mathematics, paleobiology, paleontology, ruins, anthropology, archeology, patent information, entertainment and shopping; Publication of electronic magazines and newspapers; Arranging of contests; Entertainment services, namely, providing online computer games. First Use: 1995/00/00. First Use In Commerce: 1995/00/00.

Prior Registration(s)

3465161;3506987;3506988

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2008/10/20

Examining Attorney

HALL, ALLISON

Attorney of Record

Brett Garner, Esq.

YOUR SOURCE FOR THE LATEST
RESEARCH NEWS

DESIGN MARK

Serial Number

78017953

Status

REGISTERED AND RENEWED

Word Mark

PATENT MATRIX

Standard Character Mark

No

Registration Number

2854865

Date Registered

2004/06/15

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Glasgow, JiNan INDIVIDUAL UNITED STATES PO Box 52546 Raleigh NORTH CAROLINA 27717

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Legal services relating to patents; providing a website on global computer networks featuring information in the field of patents. First Use: 1999/12/15. First Use In Commerce: 1999/12/15.

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software used to educate users about the legal aspects of patents, and to provide users with automated assistance in drafting patent applications, diagramming patent claims, diagramming issued patent claims, and patent mapping, namely, evaluating and assessing the scope of patent claims for both individual patents and groups of patents. First Use: 2001/08/31. First Use In Commerce: 2001/08/31.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely, diagrams, charts, tables, outlines,

and symbols, namely, character representations and illustrations, all of the foregoing featuring legal information about patents, namely, substantive information and templates that may be used to draft patent applications and related documents. First Use: 2000/07/19. First Use In Commerce: 2000/07/19.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PATENT" APART FROM THE MARK AS SHOWN.

Filing Date

2000/07/22

Examining Attorney

GARTNER, JOHN

Attorney of Record

Glasgow, JiNan

PATENT MATRIX

DESIGN MARK

Serial Number

85098872

Status

REGISTERED

Word Mark

WHY SEEK WHEN YOU CAN FIND

Standard Character Mark

Yes

Registration Number

4242461

Date Registered

2012/11/13

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CPA Global Patent Research Limited LIMITED LIABILITY COMPANY JERSEY
Liberation House, Castle Street St. Helier JERSEY JE11BL

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Database management software for creating searchable databases in the
field of intellectual property. First Use: 2010/09/00. First Use In
Commerce: 2010/09/00.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Compilation
of information into computer databases in the field of intellectual
property. First Use: 2010/09/00. First Use In Commerce: 2010/09/00.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Providing
access to databases. First Use: 2010/09/00. First Use In Commerce:
2010/09/00.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer

services, namely, providing online search engines for obtaining data from journals and other scientific and technical publications; Consulting services in the field of assisting users in searching of computer databases. First Use: 2010/09/00. First Use In Commerce: 2010/09/00.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Providing an online searchable database in the field of patents and patent applications; providing a web site featuring information about patents and patent applications. First Use: 2010/09/00. First Use In Commerce: 2010/09/00.

Filing Date

2010/08/03

Examining Attorney

GUSTASON, ANNE E.

Attorney of Record

Ronald E. Shapiro

WHY SEEK WHEN YOU CAN FIND

DESIGN MARK

Serial Number

85251450

Status

REGISTERED

Word Mark

QUESTEL

Standard Character Mark

Yes

Registration Number

4066227

Date Registered

2011/12/06

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Questel-Orbit, Inc. CORPORATION DELAWARE 1725 Duke Street Suite 530
Alexandria VIRGINIA 22314

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Downloadable computer software for docketing intellectual property
deadlines, tracking intellectual property documents, document
management, invoice management, case management, creating business
reports in the field of intellectual property, and for providing
periodic updates of information on changes to intellectual property
laws in the US and foreign countries for use in managing intellectual
property portfolios online; Downloadable computer software featuring
user-defined templates based on official forms for registering and
maintaining US and foreign trademarks, patents, domain names and
designs. First Use: 1994/12/31. First Use In Commerce: 1994/12/31.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.
G & S: Manuals in the field of intellectual property search
strategies for obtaining user-defined information from online
databases; pamphlets in the field of intellectual property; reference

books and manuals in the field of computer hardware, peripherals and computer programs in the field of intellectual property. First Use: 1994/12/31. First Use In Commerce: 1994/12/31.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: On-line ordering services featuring documents in the field of intellectual property; business information services, namely, management of databases in the field of intellectual property; providing business intelligence research services in the field of intellectual property; online retail store services featuring computer software for trademark and patent portfolio management; computerized database management services in the field of intellectual property; business research in user-defined fields of technology and providing business intelligence and alerts as to changes in those fields; expert evaluations and reports relating to business matters in the field of intellectual property. First Use: 1994/12/31. First Use In Commerce: 1994/12/31.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Translation services, namely, instant computer generated online translations of US and foreign patents and published patent applications and registered and pending trademarks. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Public document retrieval services; computer technology support services, namely, help desk services; authentication of intellectual property documents; domain name search services, namely, conducting online computerized searches for the availability of domain names. First Use: 1994/12/31. First Use In Commerce: 1994/12/31.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Intellectual property consultation services, namely, providing research, analysis, planning, reporting, and information concerning intellectual property and intellectual property rights, providing patent prior art research services, novelty assessment, validity assessment, legal status reviews, freedom-to-operate searches, citation analysis, patent mapping, patent and technology landscaping, identification of non-infringing product scopes, patent portfolio analysis, competitive IP intelligence, inventor tracking, claim charting, patent to product lineages, patent preparation and examination response preparation services, patentability and patent claims analyses, patent portfolio analyses, trademark searching, analysis and registration services, preparation of legal and technical documents, licensing of intellectual property, consultation providing links to the web sites of others featuring information in the field of intellectual property; legal document preparation and research services in the field of intellectual property; providing online computer databases and online

searchable databases in the field of intellectual property; providing an online searchable database in the field of patent applications and registrations; intellectual property watch services; providing a website featuring databases for tracking the ownership and legal status of trademarks and patents; Providing an interactive website featuring information on the legal status of registered patents and published patent applications; Providing an interactive website featuring current information in the field of intellectual property in the form of intelligence on competitors, partners, infringers, and activity in user-defined types and areas of technology in the field of intellectual property; legal services; Providing patent and trademark searches; providing an on-line searchable database featuring scientific publications in the field of intellectual property; Providing an Internet news portal featuring links to news stories and articles concerning developments in the field intellectual property; Providing an Internet website portal offering information in the field of intellectual property; Providing an Internet website portal featuring links to searchable patent databases within the US and foreign government patent offices. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

Filing Date

2011/02/25

Examining Attorney

PARKER, JUSTINE D.

Attorney of Record

Stephen L. Humphrey

QUESTEL

DESIGN MARK

Serial Number

85378716

Status

REGISTERED

Word Mark

GTX360

Standard Character Mark

No

Registration Number

4289757

Date Registered

2013/02/12

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

GTX360 LLC LIMITED LIABILITY COMPANY DELAWARE 1173 Pittsford-Victor Road, Suite 250 Pittsford NEW YORK 14534

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Web-based data tool, namely, downloadable computer software for searching and filtering multiple data sources to produce targeted results, the data sources including publically accessible databases, subscription-based databases, and data that is aggregated from technology companies, technology product release documents, technology subject matter databases, industry technical journals, patent searching databases, government open databases, and U.S. Universities and Colleges. First Use: 2011/08/01. First Use In Commerce: 2011/08/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely, providing an interactive website featuring non-downloadable software for searching and filtering multiple data sources to produce targeted results, the data sources including publically accessible databases, subscription-based databases, and

data that is aggregated from technology companies, technology product release documents, technology subject matter databases, industry technical journals, patent searching databases, government open databases, and U.S. Universities and Colleges; product development services for others. First Use: 2011/08/01. First Use In Commerce: 2011/08/01.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Litigation support services. First Use: 2011/08/01. First Use In Commerce: 2011/08/01.

Description of Mark

The mark consists of a logo including a blue ring having three green leaf-shaped objects positioned within the ring, wherein the three leaf-shaped objects are generally positioned in a triangular fashion. The ring is indented in three locations along its inner circumference, each indentation configured in a shape that matches a tip of a corresponding leaf-shaped object; the words "GTX360" are positioned to the right of the logo, wherein the "GTX" is blue and the "360" is green.

Colors Claimed

The color(s) blue and green is/are claimed as a feature of the mark.

Filing Date

2011/07/22

Examining Attorney

BENMAMAN, ALICE

Attorney of Record

Dennis B. Danella



DESIGN MARK

Serial Number

85437161

Status

REGISTERED

Word Mark

PATSTATS.ORG

Standard Character Mark

Yes

Registration Number

4240553

Date Registered

2012/11/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

University of Houston state university TEXAS Prof. Janicke 100 Law
Center Houston TEXAS 772046060

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Providing
on-line information in the field of patent law litigation statistics.
First Use: 2000/06/15. First Use In Commerce: 2000/06/15.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2011/10/01

Examining Attorney

DELANEY, ZHALEH

Attorney of Record

Prof. Paul M. Janicke

patstats.org

Print: Oct 8, 2015

85458556

DESIGN MARK

Serial Number

85458556

Status

REGISTERED

Word Mark

THE CONTENT AGENCY

Standard Character Mark

Yes

Registration Number

4239438

Date Registered

2012/11/06

Type of Mark

TRADEMARK; SERVICE MARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Tsunami Capital Group, Inc. CORPORATION CALIFORNIA Suite 220 3858 W.
Carson Street Torrance CALIFORNIA 90503

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software platforms for the acquisition, tracking, development
and distribution of intellectual property and digital content;
computer software that provides real-time, integrated business
management intelligence by combining information from various
databases and presenting it in an easy-to-understand user interface;
computer software to enable the transmission of photographs, video and
other digital content to mobile telephones, wireless networks and the
Internet; advertising and content server, namely, a computer server
for storing advertisements and other content and delivering
advertisements and other content to websites, wireless networks, and
mobile devices; computer application software for mobile phones,
portable media players, handheld computers, namely, software for use
in database management, use in electronic storage of data, use in
delivery of content, use in tracking of intellectual property, and use
in tracking of consumer behavior; computer database management
software for use in personalizing the delivery of digital content and

communications; computer e-commerce software to allow users to perform electronic business transactions via a global computer network; computer programs for searching remotely for content on computers and computer networks; computer software for wireless content delivery; computer software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files; computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Talent agency services, fashion talent agency services, art talent agency services, music talent agency services, entertainment talent agency services, literary agency services, talent agency services, namely, representation of all types of professional athletes and creative talent; business marketing consulting services for others in the field of sports, fashion, art, music and entertainment, namely, arranging for development of businesses, business strategies, concepts and brands, promotional campaigns for businesses, production of promotional campaigns for businesses, promotional audio and video infomercials, videotapes, video discs and audio visual recordings, conducting marketing studies, marketing research, product merchandising, promotional materials preparations for others and promotional marketing of third-party television programs, motion pictures, television and motion picture scripts, on-line and other digital content in the nature of webisodes and entertainment content transmitted via wireless communication devices, music, videograms, books and magazines, live stage performances, multimedia productions, other live entertainment events and athletic events; content preparation relating to sports, fashion, art, music, and entertainment for TV, retail stores, and the Internet, namely, marketing services in the nature of promoting various third parties' goods and services together as new products and applications; brand positioning services, namely, marketing services in the nature of marketing branded merchandise in media and promoting branded merchandise with creative talent; marketing services, namely, creating corporate and brand identity for others; direct marketing advertising services; customer relationship management services; advertising and publicity services, namely, promoting the goods, services, brand identity, and commercial information and news of third parties through print, audio, video, digital and on-line media; advertising consultation; commercial consultancy; marketing consulting, sponsorship consulting relating to arranging for sponsors to affiliate their goods and services with fashion designers, artists, professional athletes, sporting events, musicians, tours, talent, motion pictures, television programs, on-line media and entertainment content transmitted via wireless

communication devices; sales promotion and public relations consulting services; marketing and promotional services for retail, residential, commercial, recreational or leisure facilities owned by others; business consultation and business development services in the nature of business development consulting services and providing start-up support for businesses of others for commercial enterprises; market research; business advisory services; business consulting, namely, recommending key strategic partnerships to companies; strategic business planning; strategic business consulting services; personal appearance booking agency relating to fashion, artistic, musical, athletic, entertainment, location based entertainment, live stage show and multi-media productions and events, namely, arranging personal appearances by persons working in the field of fashion, art, film, theater, music, television, entertainment or sport; market research and business marketing consulting services concerning the popularity, familiarity, appeal, business value relevance to brand image, and likely influence on consumer purchasing behavior of digital content, digital media, fashion, art, music, entertainment, sports and other celebrity events; providing the foregoing information by means of an internet website; marketing and promotion services for others in the nature of providing advertising and marketing services in connection with digital content, digital media, fashion, art, music, entertainment, sports and other celebrity events, and promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with digital content, digital media, fashion, art, music, entertainment, sports and other celebrity events; product placement services, namely, promoting the goods of others by distributing advertising materials through a variety of methods featuring digital content, digital media, fashion, art, music, entertainment, sports and other celebrity events; and business marketing consulting in the field of entertainment marketing, sponsorships and product placement; advertisement via mobile phone networks; advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; dissemination of advertising for others via public and private wireless networks for display on mobile devices; mobile retail store services featuring sports, fashion, art, music and entertainment related products and services; providing internet auction services via mobile applications, wireless networks, and internet websites; providing on-line consumer information concerning sports, fashion, art, music and entertainment; commercial administration of the licensing of the goods and services of others; Business services, namely, assisting the owners of intellectual property and intangible assets in finding investors; business services, namely, structuring, optimizing and change management consulting related to corporate in-house intellectual property departments and intellectual property asset management programs; consulting services in the field of managing intellectual properties; providing a database featuring intellectual and industrial property

rights available for possible acquisition; providing electronic tracking of intellectual and industrial property assets to others. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Intellectual property venture fund management services; intellectual property venture fund development and formation services for others; intellectual property valuation services; advising others concerning investments in intellectual property assets and intangible business assets, both directly and indirectly through other entities; consulting on the subject of intellectual property valuation; financial consulting services, namely, advising others regarding intellectual property investments; financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device, wireless network or internet website at a point of sale; financial consultation in the nature of assisting third parties with financial and strategic initiatives and obtaining financing; investment and financial asset advisory services; financial analysis services; financial research services; capital investment services; insurance and financial information and consultancy services; insurance consultancy services, namely, providing advice in the field of property and casualty insurance; insurance services in the nature of loss control management for others; financing services, namely, financing of television programs, motion pictures, television and motion picture scripts, webisodes transmitted via wireless communication devices, music, videograms, books and magazines, live stage performances, multi-media productions, other live entertainment events and athletic events. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Mobile media services in the nature of electronic transmission of sports, fashion, art, music and entertainment media content; streaming of digital data, graphical images and video material on mobile devices, the Internet and other electronic media; transmission of sound, video and information from web cams, video cameras or mobile phones, all featuring live or recorded materials; wireless communications services, namely, transmission of graphics to mobile telephones. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment services, namely, pre-recorded video, pre-recorded music, and graphics presented to mobile communications devices via a global computer network and wireless networks; entertainment services, namely, providing images and text featuring sports, fashion, art, music and entertainment stories and pictures on-line and in mobile wireless form; education and entertainment services, namely, providing motivational, educational, comedic and theatrical lecturers and

speakers to persons and organizations conducting conferences and lecture series relating to a variety of topics, including sports, fashion, entertainment, the arts, literature, the media, business, economic and political affairs, health and sciences, contemporary events, sports, motivational speaking and topics of general interest; theatrical booking agency services relating to sports, fashion, artistic, musical, athletic, entertainment, location based entertainment, live stage show and multi-media productions and events; computer services, namely, providing an on-line newsletter in the field of sports, fashion, art, music and entertainment; educational services in the nature of conducting seminars, workshops, and conferences in the field of sports and fashion, art, music and entertainment; production and distribution of motion pictures, television, and digital entertainment. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, in the fields of branding, intellectual property, advertising, marketing and consumer behavior; product development consultation. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Licensing of intellectual property; cartoon character licensing; consulting in the field of intellectual property licensing; licensing of computer software; licensing of software for management of intellectual property; patent licensing; intellectual property watch services; providing information about intellectual and industrial property rights; providing on-line information in the field of intellectual property. First Use: 2012/05/01. First Use In Commerce: 2012/05/01.

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Lexis

For summer 2014, Lexis offers students unlimited use of Lexis Advance for any research purpose, educational or commercial/job related. No additional steps are necessary for access besides registering your Lexis Advance ID (please contact the LRC reference desk if you need an ID).

Full access to Lexis for students graduating in May 2014 will automatically continue through the end of July. Through the [Lexis Law School Graduate Program](#), all graduating students can apply for free extended access to Lexis Advance through the end of December 2014. Graduates conducting verifiable 501(c)(3) public interest work may instead sign up for the [Lexis ASPIRE Program](#), which will permit job-related access to Lexis Advance for the duration of the public interest work, even if beyond December.

Westlaw

Westlaw passwords will automatically remain active over the summer for a limited number of hours of research each month. Students can get full access over the summer if they have a valid educational need under one of the following provisions:

- Summer School
- School-Related Research Assignment
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If one of the above describes your summer activities, please apply to extend your full access at Westlaw's [Password Extension page](#). If you take no action, your account will remain active but limited in the number of hours for June and July. Live Chat on WestlawNext will remain active throughout the summer.

Graduating students can extend access while studying for the bar by [registering for Westlaw's Grad Program](#). Registered graduates will retain access to Westlaw through November if graduating in May, or through June if graduating in December. Please note that this extension will be limited in the number of hours allowed. All graduates will also automatically retain access to a number of career-related databases for 18 months following graduation.

Bloomberg Law

[Bloomberg Law](#) accounts remain fully active over the summer for registered law students, including access for research conducted during summer employment (please contact the LRC reference desk if you need an ID).

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Westlaw is Free in Some Places – But Why Not Everywhere?

JANUARY 19, 2005 BY CAROLYN ELEFANT

4 COMMENTS



AJ Levy of <http://www.outoftheboxlawyering.com> lists a bunch of [libraries in several states \(AK, MN, NV, NJ, NY, OH, TX and WA\)](#) where you can access Westlaw for free. I was happy to learn about this resource though clearly, it's cheaper for me to sign up for Westlaw on a per-search basis than to travel to New York to get it for free. But even more, my same burning question remains:

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basic than to travel to New York to get it for free. But even more, my same burning question remains: why aren't LEXIS and Westlaw free in every single law library in the country? It's not as if paying customers (like large law firms) will give up their LEXIS service because it's free at a law school library. Most lawyers enjoy the convenience of LEXIS on their desktop too much to travel to get it free. The only people who'd benefit from free LEXIS and Westlaw are attorneys who don't have the service to begin with – and the reason they don't is because they can't afford it.

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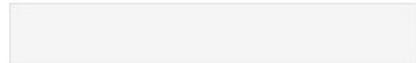
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Carolyn,
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Jrichard1952

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Subject: U.S. TRADEMARK APPLICATION NO. 79128458 - PATSTAT - 22426-2033
Sent: 10/8/2015 6:16:39 PM
Sent As: ECOM113@USPTO.GOV
Attachments:

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**IMPORTANT NOTICE REGARDING YOUR
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USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
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Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **10/8/2015** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

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