From: Singh, Tejbir

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To: TTAB EFiling

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Subject: U.S. TRADEMARK APPLICATION NO. 79144674 - LIXOFT - CAB-TM050WO - Request for Reconsideration Denied - Return to TTAB

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

U.S. APPLICATION SERIAL NO. 79144674

MARK: LIXOFT

CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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

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APPLICANT: LIXOFT

CORRESPONDENT'S REFERENCE/DOCKET NO:

CAB-TM050WO

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/22/2015

INTERNATIONAL REGISTRATION NO. 1197156

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated

10/27/14 are maintained and continue to be final: Identification – Class 42. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

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

The wording "Engineering services in the nature of technical project study for the computer-assisted design and development of drugs, medical devices and biotechnologies, in the fields of modeling, simulation, statistics, scientific computing and data analysis;" and "technical consulting and support services, namely, administration, operation and troubleshooting for the computer-assisted design and development of drugs, medical devices and biotechnologies, in the fields of modeling, simulation, statistics, scientific computing and data analysis" remains unacceptable.

The "technical project study" remains indefinite despite the "engineering" modifying wording. The actual service being provided remains unclear. Applicant indicates that the study is for the "computer-assisted design and development of drugs medical devices and biotechnologies," and applicant then includes broad and indefinite subject matter and fields. It is unclear what service applicant is actually providing. Thus, this wording remains indefinite and unacceptable.

The "technical consulting and support services, namely, administration, operation and troubleshooting for the computer-assisted design and development of…" also remains indefinite. The specific type of administration, operation, and troubleshooting must be more clearly indicated, and the precise subject matter of the service must be indicated. Applicant has instead included the broad and indefinite wording "for the computer-assisted design and development of drugs, medical devices and biotechnologies, in the fields of modeling, simulation, statistics, scientific computing and data analysis." This wording does not sufficiently convey the type of administration, operation, or troubleshooting, and the source or field of the services remains unclear.

Accordingly, the request is denied.

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

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

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