

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	79146448
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 118
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>In the Office Action, the Examining Attorney accepted the modifications to the specification of goods and the description of the mark. The Examining Attorney requested additional information relative to the nature of the goods themselves, which Applicant previously noted are not cosmetic apparatus for eyebrows.</p> <p>While the specific goods are not yet in use, Applicant notes that the goods may relate to an under-the-skin implant and attaches an article relating to other implants used by a company in Sweden for building access and operating copier machines, as well as some of Applicant's materials showing proposed use of some of its goods. As such goods relate to a new technology, there is limited third-party information available. The implants would allow for communication between it and an external device and the surgical and communication goods would be used in connection therewith. Applicant additionally notes that the specification of goods has been accepted, indicating that the goods are sufficiently clear on their face. Finally, Applicant notes that its companion application for COMPLANT of U.S. Reg. No. 4718550 for the same goods has matured to registration, confirming the Office's acceptance that the nature of the goods is clear.</p> <p>Applicant trusts that this additional information, and the responses below, are sufficient to address the information request and to permit the present application to be approved for publication.</p> <p>In response to the specific additional questions raised in the Office Action, Applicant responds as follows:</p> <p>-Are any of the goods to be used on or for eyebrows?</p> <p>No. The implants and surgical goods are not yet in use, but are destined to be inserted under the skin of the body, possibly in the head or forehead.</p> <p>-Are any of the "surgical implants comprising artificial material; endoprostheses; dermatoplastic instruments, namely, for use in surgery; medical apparatus and instruments for use in surgery" to be used on or for eyebrows?</p> <p>No. The implants and surgical goods are not yet in use, but are destined to be inserted under the skin of the body, possibly in the head or forehead.</p> <p>-What does "BROW" mean when used in connection with the goods?</p>	

“Brow” in the overall mark is subject to trademark significance; Applicant notes that “brow” may be a reference to the head or forehead.

-What does “I BROW” mean when used in connection with the goods?

The designation I BROW has no meaning in the trade or industry or as applied to the goods, and is subject only to trademark significance.

While Applicant believes the application is in condition for publication, Applicant has filed a Notice of Appeal as a precaution. Any questions may be directed to counsel for Applicant at 248-430-5771.

## EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
JPG FILE(S)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\464\79146448\xml12\RFR0005.JPG</a>
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	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\464\79146448\xml12\RFR0008.JPG</a>
ORIGINAL PDF FILE	<a href="#">evi_806522492-20150617053542012953 . 1 Article - Office puts chips under staff s skin - BBC News.pdf</a>
CONVERTED PDF FILE(S) (3 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\464\79146448\xml12\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\464\79146448\xml12\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\464\79146448\xml12\RFR0004.JPG</a>
DESCRIPTION OF EVIDENCE FILE	BBC Article Materials indicating proposed use

## SIGNATURE SECTION

RESPONSE SIGNATURE	/MMLO/
SIGNATORY'S NAME	Mary Margaret L. O'Donnell
SIGNATORY'S POSITION	Attorney of Record MI Bar Member
SIGNATORY'S PHONE NUMBER	2484305771
DATE SIGNED	06/17/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

## FILING INFORMATION SECTION

<b>SUBMIT DATE</b>	Wed Jun 17 05:58:23 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-80.65.224.92-20 150617055823170307-791464 48-530c151267aac170bd89b 0b615ec8de0dec27bae7f6d63 becee02c52e3194d7f34-N/A- N/A-20150617053542012953

PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

### **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **79146448** has been amended as follows:

#### **ARGUMENT(S)**

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

In the Office Action, the Examining Attorney accepted the modifications to the specification of goods and the description of the mark. The Examining Attorney requested additional information relative to the nature of the goods themselves, which Applicant previously noted are not cosmetic apparatus for eyebrows.

While the specific goods are not yet in use, Applicant notes that the goods may relate to an under-the-skin implant and attaches an article relating to other implants used by a company in Sweden for building access and operating copier machines, as well as some of Applicant's materials showing proposed use of some of its goods. As such goods relate to a new technology, there is limited third-party information available. The implants would allow for communication between it and an external device and the surgical and communication goods would be used in connection therewith. Applicant additionally notes that the specification of goods has been accepted, indicating that the goods are sufficiently clear on their face. Finally, Applicant notes that its companion application for COMPLANT of U.S. Reg. No. 4718550 for the same goods has matured to registration, confirming the Office's acceptance that the nature of the goods is clear.

Applicant trusts that this additional information, and the responses below, are sufficient to address the information request and to permit the present application to be approved for publication.

In response to the specific additional questions raised in the Office Action, Applicant responds as follows:

-Are any of the goods to be used on or for eyebrows?

No. The implants and surgical goods are not yet in use, but are destined to be inserted under the skin of the body, possibly in the head or forehead.

-Are any of the "surgical implants comprising artificial material; endoprostheses; dermatoplastic

instruments, namely, for use in surgery; medical apparatus and instruments for use in surgery” to be used on or for eyebrows?

No. The implants and surgical goods are not yet in use, but are destined to be inserted under the skin of the body, possibly in the head or forehead.

-What does “BROW” mean when used in connection with the goods?

“Brow” in the overall mark is subject to trademark significance; Applicant notes that “brow” may be a reference to the head or forehead.

-What does “I BROW” mean when used in connection with the goods?

The designation I BROW has no meaning in the trade or industry or as applied to the goods, and is subject only to trademark significance.

While Applicant believes the application is in condition for publication, Applicant has filed a Notice of Appeal as a precaution. Any questions may be directed to counsel for Applicant at 248-430-5771.

#### **EVIDENCE**

Evidence in the nature of BBC Article Materials indicating proposed use has been attached.

#### **JPG file(s):**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

#### **Original PDF file:**

[evi\\_806522492-20150617053542012953\\_1\\_Article - Office puts chips under staff s skin - BBC News.pdf](#)

#### **Converted PDF file(s) ( 3 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

#### **SIGNATURE(S)**

#### **Request for Reconsideration Signature**

Signature: /MMLLO/ Date: 06/17/2015

Signatory's Name: Mary Margaret L. O'Donnell

Signatory's Position: Attorney of Record MI Bar Member

Signatory's Phone Number: 2484305771

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to

withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79146448

Internet Transmission Date: Wed Jun 17 05:58:23 EDT 2015

TEAS Stamp: USPTO/RFR-80.65.224.92-20150617055823170

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ec8de0dec27bae7f6d63becee02c52e3194d7f34

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Technology

# Office puts chips under staff's skin



Rory Cellan-Jones

Technology correspondent

29 January 2015 | Technology |

The chip allows employees to open doors and use the photocopier without a traditional pass card

**Want to gain entry to your office, get on a bus, or perhaps buy a sandwich? We're all getting used to swiping a card to do all**

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**When Big Data becomes**

**these things. But at Epicenter, a new hi-tech office block in Sweden, they are trying a different approach - a chip under the skin.**

Felicio de Costa, whose company is one of the tenants, arrives at the front door and holds his hand against it to gain entry. Inside he does the same thing to get into the office space he rents, and he can also wave his hand to operate the photocopier.

That's all because he has a tiny RFID (radio-frequency identification) chip, about the size of a grain of rice, implanted in his hand. Soon, others among the 700 people expected to occupy the complex will also be offered the chance to be chipped. Along with access to doors and photocopiers, they're promised further services in the longer run, including the ability to pay in the cafe with a touch of a hand.

On the day of the building's official opening, the developer's chief executive was, himself, chipped live on stage. And I decided that if was to get to grips with this technology, I had to bite the bullet - and get chipped too.

The whole process is being organised by a Swedish bio-hacking group which was **profiled** by my colleague Jane Wakefield recently. One of its members, a rather fearsome looking tattooist, inserted my chip.

First, he massaged the skin between my thumb and index finger and rubbed in some disinfectant. Then he told me to take a deep breath while he inserted the chip. There was a moment of pain - not much worse than any injection - and then he stuck a plaster over my hand.

Before trying my chip out, I wanted to know more about the thinking behind it. Hannes Sjoblad, whose electronic business card is on his own chip and can be accessed with a swipe of a smartphone, has the title chief disruption officer at the development. I asked him whether people really wanted to get this intimate with technology.

"We already interact with technology all the time," he told me. "Today it's a bit messy - we need pin codes and passwords. Wouldn't it be easy to

**Big Brother**

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just touch with your hand? That's really intuitive."

When I tested my chip, I found that it was not all that intuitive - I had to twist my hand into an unnatural position to make the photocopier work. And while some of the people around the building were looking forward to being chipped, others were distinctly dubious. "Absolutely not," said one young man when I asked him if he'd sign up. An older woman was more positive about the potential of the technology but saw little point in being chipped just to get through a door.

But Hannes Sjoblad says he and the Swedish Biohacking Group have another objective - preparing us all for the day when others want to chip us. "We want to be able to understand this technology before big corporates and big government come to us and say everyone should get chipped - the tax authority chip, the Google or Facebook chip." Then, he says, we'll all be able to question the way the technology is implemented from a position of much greater knowledge.

I've returned to Britain with a slightly sore hand - and a chip still under my skin which has my contact details on it. Not that useful, but no doubt more sophisticated chips will soon replace wearable technology like fitness bands or payment devices, and we will get used to being augmented. All sorts of things are possible - whether it becomes culturally acceptable to insert technology beneath our skin is another matter.

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