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Subject: U.S. TRADEMARK APPLICATION NO. 85561168 - DEEP WEB INTELLIGENCE - 4335.14US01 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 5

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Files: RDDW1-1.jpg, RDDW1-2.jpg, RDDW1-3.jpg, RDDW2-01.jpg, RDDW2-02.jpg, 85561168.doc

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

U.S. APPLICATION SERIAL NO. 85561168

MARK: DEEP WEB INTELLIGENCE

CORRESPONDENT ADDRESS:

TYE BIASCO

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4800 80TH SOUTH 8TH ST 4800 IDS CTR

MINNEAPOLIS, MN 55402

GENERAL TRADEMARK INFORMATION:

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

APPLICANT: BrightPlanet Corporation II, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

4335.14US01

CORRESPONDENT E-MAIL ADDRESS:

trademark@ptslaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/29/2013

This Office action is in response to applicant's Request for Reconsideration filed on August 26, 2013. 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. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The Section 2(d) likelihood of confusion refusal made final in the Office action dated February 26, 2013, is **maintained** and **continues** to be **FINAL**. *See* TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

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

The applicant argues that the goods and services of the two parties "may be complementary or related," but they are exclusive parts of the Internet. Specifically, the applicant states that its goods and services are limited to the "deep web," and the registrant's goods are limited to "relational databases."

Again, it should be noted that the goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line 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)); *Gen. Mills Inc. v. Fage Dairy Processing Indus. SA*, 100 USPQ2d 1584, 1597 (TTAB 2011); TMEP §1207.01(a)(i). In this case, the fact that the goods and services of the two parties are "complementary or related" goods and services is enough to find a likelihood of confusion.

Further, despite the applicant's assertions to the contrary, it seems clear that much of the content that is contained on the portion of the Internet known as the "deep web" is actually contained in "relational databases." As evidence of this, the examining attorney refers to the attached Internet evidence consisting of web site excerpts and articles that confirms this assertion. Accordingly, it is clear that relational databases appear on both the "surface web" and the "deep web." See the four (4) representative web excerpt attached.

Evidence obtained from the Internet may be used to support a determination under Trademark Act 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).

In addition, the applicant argues that the two marks are not distinctive because there are purportedly hundreds of marks containing the term "WEB" in International Class 9. However, with the exception of two registrations, the applicant has submitted a list of registrations obtained from the USPTO database. However, the mere submission of a list of registrations does not make such registrations part of the record. *In re Promo Ink*, 78 USPQ2d 1301, 1304 (TTAB 2006); TBMP §1208.02; TMEP §710.03. To make third party registrations part of the record, an applicant must submit copies of the registrations, or the complete electronic equivalent from the USPTO's automated systems, prior to appeal. *In re Jump Designs LLC*, 80 USPQ2d 1370, 1372-73 (TTAB 2006); *In re Ruffin Gaming*, 66 USPQ2d, 1924, 1925 n.3 (TTAB 2002); TBMP §1208.02; TMEP §710.03.

In this case, the two properly submitted registrations (i.e., **THE SOCIAL WEB BROWSER** - Reg. No. 3642023 and **WEB BROWSER** & design – Reg. No. 4303507) are of no evidentiary value because the goods and services of the two parties are entirely different on the face of the registrations (i.e., "computer software and on-line blogs" vs. "television receivers"). Also, the examining attorney does not dispute that the term "WEB" is highly descriptive. However, in the case the two marks share the wording "WEB INTELLIGENCE," and the term "intelligence is not descriptive for the listed goods and services. Therefore, the overall commercial impression of the two marks is highly similar.

Finally, the applicant argues that the buyers of the goods and services are sophisticated. However, 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.*, *Imagineering Inc. v. Van Klassens Inc.*, 53 F.3d 1260, 1265, 34 USPQ2d 1526, 1530 (Fed. Cir. 1995); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011).

Accordingly, for the reason noted above, and discussed in the previous Office actions, the Section 2(d) likelihood of confusion refusal based on Reg. No. 2285994 made final in the Office action dated February 26, 2013, is **maintained** and **continues** to be **FINAL**.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c). However, because the applicant has already filed a timely notice of appeal with the Board on August, 26, 2013, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If the applicant has any questions or needs assistance with the present application, please telephone the assigned examining attorney.

/Jeffery C. Coward/

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Uncovering the Deep Web: Transferring Relational Database Content and Metadata to OWL Ontologies

Damir Jurić, Marko Banek, Zoran Skočir

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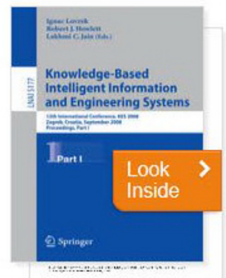

Abstract

Organizing the publicly available Web content into highly systematized domain ontologies is a necessary step in the evolvement of the Semantic Web. A large portion of that content called the deep Web is stored in relational databases and it is not accessible to Web search engines. Incorporation of the deep Web data results in domain ontologies richer both in content and in semantic relations. In this paper we introduce a framework for an automatic mapping of relational database metadata and content to domain ontologies written in OWL. Relational constructs: relations, attributes and primary-foreign key associations are translated to OWL classes, datatype properties and object properties. Database tuples become ontology instances. In order to define reference points for integration with other ontologies the constructed ontologies are further enriched with additional semantics from the WordNet lexical database using word sense disambiguation mechanisms. A software implementation of the approach has been developed and evaluated on case study examples.

- Related Content
- Supplementary Material (0)
- References (18)
- About this Chapter

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A System for Relational Keyword Search Over Deep Web Data Sources

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ABSTRACT

Increasingly, many data sources appear as online databases, hidden behind query forms, thus forming what is referred to as the deep web. It is desirable to have a tool that can provide keyword search functionality on such data sources. However, to provide such functionality, we need to address the following challenges. First, we only know query schemas of deep web data sources and the real content of the back-end databases is hidden in web servers. Second, in most cases, no single database can provide all desired data, and many relationships between keywords of interest can only be derived by querying across multiple deep web data sources. Third, deep web data sources are often inter-dependent on each other. This implies that multiple data sources need to be queried in an intelligent order. Fourth, unlike most traditional databases, there is much data redundancy in deep web data sources. On one hand, we can take advantage of such data redundancy to generate multiple valid query plans for a single query. But, at the same time, data source selection

search tools in traditional databases [14, 13, 17, 9, 22, 1, 2]. Most of this work represents traditional databases as graphs, with nodes in the graphs being the data tuples in each relational table, and edges being the foreign key relationship between the tuples. With this representation, graph search algorithms can be used to perform the keyword search.

A parallel trend in data dissemination involves online data sources that are hidden behind query forms, thus forming what is referred to as the deep web [10]. As compared to the surface web, where the HTML pages are static and data is stored as document files, deep web data is stored in databases. Dynamic HTML pages are generated only after a user submits a query by filling an online form. Thus, standard search engines like Google are not able to crawl to these web-sites. At the same time, manually submitting online queries to numerous query forms, keeping track of the obtained results, and combining them together is a tedious and error-prone process.

Many challenges are associated in querying the deep web.

a single query. But, at the same time, data source selection and ranking become challenging problems.

This paper considers answering keyword search queries in the context of a deep web integration system. We have developed a bidirectional query planning algorithm which is can generate multiple valid query answering plans based on a multi-source inter-dependence hyper-graph model. We also have designed a domain ontology to support data source selection and query answering plan ranking. To the best of our knowledge, our work is the first to address the problem of answering such queries based on a dependence model, while also considering data source selection, on deep web data sources.

Our experiments show that our bidirectional query planning algorithm can generate query answering plans with high relevance score and low execution time and our ontology based data source ranking strategy is effective. For most cases, our algorithm can also generate query answering plans that are as good as the optimal plans generated by an exhaustive algorithm, while taking significantly less time. The quality of results produced by our implementation were evaluated by a collaborating biologist, who found that the answer extracted to be correct and complete.

1. INTRODUCTION

Keyword search is a very popular information discovery method and much recent research has focused on it. Recently, there have been several efforts on developing keyword

First, for deep web data sources, we only know the query schemas, and not the contents of the back-end databases. Second, most deep web data sources are inter-dependent, furthermore, many of the inter-dependencies are multi-source, i.e., the output results from multiple data sources are needed for querying a particular data source. Thus, for a given user query, a set of data sources may need to be queried in an intelligent order to retrieve all the desired information. Third, there can be data redundancy across deep web data sources. A data source selection and ranking strategy is essential for the system.

In this paper, we consider the following scenario. We have multiple correlated online data sources, each of which has one or more query forms. A submitted query using these forms triggers a query on the back-end database. We want our system to support two types of keyword search queries: 1) Keyword-Attributes Search, where a user may submit an entity name and one or more attributes, and would like to search based on attributes of interest for the entity, and 2) Keyword-Keyword Relationship Search, where a user submits multiple entity names from a domain, and wants to know possible relationships among these names.

We will use the following two motivating examples to explain these types of queries:

Motivating Example 1: Keyword-Attributes Search:
Suppose we have a keyword query, Q1={ERCC6,NSYNSNP, ORTH BLAST}. This keyword query has the following intention: given a gene name ERCC6, we want to find all the

non-synonymous SNPs located in this gene and the BLAST results between this gene and its orthologous genes of non-human mammals. (We will address the semantic issues of the query in Section 2) To answer this query, we need to first query on an SNP database such as dbSNP to find out all non-synonymous SNPs. Then, we use a gene database, such as Entrez Gene, to obtain the encoded protein in human species and other orthologous species. After that, we search a sequence database to find the sequences. Finally, we use the sequences to do an alignment using an alignment database such as Entrez BLAST. From this example, we see that there is a clear query path guiding the search. The query path is determined by the multi-source dependence among the data sources.

Motivating Example 2: Keyword-Keyword Relationship Search Suppose we have a keyword query, Q2={MSMB, RET}. This query means that given two gene names MSMB and RET, a user wants to know what kind of a relation is present between these two genes. Our system needs to determine that the two genes can be connected by a chromosome

hidden data table containing a column named Gene Name, then Gene Name is an attribute for our discussion.

Entity Set ES: ES contains all entity names in the studied domain. An entity name is an instantiation of an attribute. For example, ERCC6 is the name of a particular gene, and we know that Gene Name is an attribute, so ERCC6 is an entity name.

A query Q is formally defined as $Q = \{t_1, t_2, \ldots, t_n\}$, where $\{t_1, t_2, \ldots, t_m\} \in ES$, and $\{t_{m+1}, t_{m+2}, \ldots, t_n\} \in AS$, $n \geq m$. If $m = 1$ and $n - m > 0$, query Q has one entity name and multiple attributes of interest. This type of query is the keyword-attributes query. If $m > 0$ and $n = m$, query Q has multiple entity names. This type of query is the keyword-keyword relationship query. In our current system, we only support these two types of keyword queries.

It should be noted that semantics is an important issue in keyword search. Semantics are used to determine the scope or type of a keyword and the intention of the query. In our problem, the type of a keyword is determined by a domain