

## Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field  | Entered        |
|--|----------------|
| <b>SERIAL NUMBER</b>   | 85829620       |
| <b>LAW OFFICE ASSIGNED</b>   | LAW OFFICE 104 |
| <b>MARK SECTION (no change)</b>  |                |
| <b>ARGUMENT(S)</b>   |                |
| <b>Remarks:</b>  |                |
| <p>In a December 11, 2013 Office Action, the Examining Attorney maintained the refusal to register the mark MYROOMS for services related to providing online non-downloadable social media software and related interactive hosting services under Section 2(d) on the grounds that it is confusingly similar to Registration No. 4,323,700 for HP MYROOM registered by Hewlett-Packard Development Company for “computer communications software for audio calling, video calling, instant messaging chat and desktop screen sharing” (hereinafter referred to as “web conferencing software”).</p> <p>Applicant submits that differences between its online non-downloadable social media software and related interactive hosting services and the cited Registrant’s web conferencing software are sufficient to prevent consumer confusion, particularly given differences in the marks and the relatively weak nature of the cited registration.</p> <p>As previously submitted, Applicant is developing online non-downloadable social media software and related interactive hosting services that feature customizable virtual three-dimensional environments for users to upload, post, display, stream and manage social media content. An example three-dimensional environment providing user access to various popular social media networks (e.g., Facebook, Twitter, Pinterest) is filed herewith as Exhibit A. Applicant’s services will allow users to, among other things, aggregate their social networks to easily connect, share and engage their social network peers. Generally, Applicant is providing “social media” related services and has amended its identification of services to make this explicitly clear.</p> <p>In contrast, the cited registration is for computer communications software for audio calling, video calling, instant messaging chat and desktop screen sharing or “web conferencing software” more generally. A service brief available from <a href="https://www.myroom.hp.com/documents/HPMyRoomServiceBrief.pdf">https://www.myroom.hp.com/documents/HPMyRoomServiceBrief.pdf</a> which describes Registrant’s conferencing software is filed herewith as Exhibit B. As an example, the cited registrant’s downloadable software enables users to deliver highly professional, high quality audio and collaborative web conferencing meetings with colleagues and customers. The cited registrant is not providing social media services, but rather downloadable web conferencing software primarily for business purposes.</p> <p>Applicant submits that differences between its online non-downloadable social media software and related interactive hosting services and the cited Registrant’s web conferencing software are sufficient to prevent consumer confusion, particularly in light of differences in the marks.</p> <p>Notably, the HP portion of the cited registration is the leading portion that is first to be seen and heard by consumers and therefore likely to be perceived as the dominant portion. This is particularly the case given the coexistence of other registrations for communication software that include MY and/or ROOM, as discussed further below. The leading HP portion of the cited mark as well as the trailing “S” in Applicant’s mark readily distinguishes the marks in terms of sight, sound, meaning and commercial impression. These differences in the marks are sufficient to prevent consumer confusion, particularly when considering the differences between Applicant’s social media related services and the cited Registrant’s web conferencing</p> |                |

software discussed above.

Moreover, the TMEP instructs that “if the examining attorney finds registrations that appear to be owned by more than one registrant, he or she should consider the extent to which dilution may indicate that there is no likelihood of confusion.” TMEP § 1207.01(d)(x). Here, a search of the federal register found multiple active ROOM registrations for various communication software owned by different parties, including one that also includes MY, as listed below:

| <u>Registration No.</u> | <u>Mark</u>        | <u>Owner</u>                     |
|-------------------------|--------------------|----------------------------------|
| 3,282,876               | <b>WEBROOM</b>     | L2 Technology, LLC               |
| 3,585,193               | <b>VROOM</b>       | Blackboard Collaborate, Inc.     |
| 3,891,327               | <b>VUROOM</b>      | Vivu, Inc.                       |
| 3,987,877               | <b>MYDROOMS</b>    | Data Room Services GmbH & Co. Kg |
| 4,362,537               | <b>E-BOARDROOM</b> | IQM2 Inc.                        |

Corresponding TESS Records are attached as Exhibit C. Notably, the MYDROOMS registration is likely to be perceived by consumers as “my D rooms” (“D” being short for data) for communication goods and services similar to the cited registrant.

These registrations show that the HP MYROOM mark is fairly weak and entitled to a narrower scope of protection. Consumers are and can be expected to continue to differentiate between the cited Registration and other coexisting “ROOM” marks for conferencing and related communication software and are unlikely to be confused by Applicant’s use of MYROOMS for social media services featuring three-dimensional customizable environments – services that are quite distinct from the cited Registrant’s conferencing software (as discussed above).

Again, HP MYROOM for web conferencing software coexists with MYDROOMS (likely perceived as “my D rooms”) for communication software (i.e., “computer software for accessing, viewing, printing, managing, processing and storing data and documents respectively...for communication in digital or virtual data rooms via data communication networks”). Accordingly, Applicant’s use of MYROOMS for highly distinguishable social media services featuring three-dimensional customizable user-interface environments can likewise coexist without confusion. Applicant therefore requests reconsideration and withdrawal of the Section 2(d) refusal.

In view of the above, Applicant believes its application is now in condition for publication. If questions remain, the Examining Attorney is invited to contact Applicant's counsel, Jared M. Barrett, by email at JaredB.docketing@SeedIP.com or by telephone at (206) 622-4900.

## EVIDENCE SECTION

### EVIDENCE FILE NAME(S)

|  |  |
|--|--|
| <b>ORIGINAL PDF FILE</b>                   | <a href="#">evi_38100227210-132518994_ . Exhibit A.pdf</a>                     |
| <b>CONVERTED PDF FILE(S)</b><br>(1 page)   | <a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0002.JPG</a> |
| <b>ORIGINAL PDF FILE</b>                   | <a href="#">evi_38100227210-132518994_ . Exhibit B.pdf</a>                     |
| <b>CONVERTED PDF FILE(S)</b><br>(2 pages)  | <a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0003.JPG</a> |
|  | <a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0004.JPG</a> |
| <b>ORIGINAL PDF FILE</b>                   | <a href="#">evi_38100227210-132518994_ . Exhibit C.pdf</a>                     |
| <b>CONVERTED PDF FILE(S)</b><br>(10 pages) | <a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0005.JPG</a> |

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|   | <a href="\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0011.JPG">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0011.JPG</a> |
|   | <a href="\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0012.JPG">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0012.JPG</a> |
|   | <a href="\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0013.JPG">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0013.JPG</a> |
|   | <a href="\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0014.JPG">\\TICRS\EXPORT16\IMAGEOUT16\858\296\85829620\xml10\RFR0014.JPG</a> |
| <b>DESCRIPTION OF EVIDENCE FILE</b>   | Exhibits A-C  |
| <b>GOODS AND/OR SERVICES SECTION (current)</b>  |   |
| <b>INTERNATIONAL CLASS</b>  | 042   |
| <b>DESCRIPTION</b>  |   |
| <p>providing online non-downloadable software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; distributed computing platform as a service featuring online non-downloadable software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; computer services, namely, interactive hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment</p> |   |
| <b>FILING BASIS</b>   | Section 1(b)  |
| <b>GOODS AND/OR SERVICES SECTION (proposed)</b>   |   |
| <b>INTERNATIONAL CLASS</b>  | 042   |
| <b>TRACKED TEXT DESCRIPTION</b>   |   |
| <del>providing online non-downloadable software featuring technology that allows users to upload, post,</del>   |   |

~~display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable social media software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; distributed computing platform as a service featuring online non-downloadable software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; distributed computing platform as a service featuring online non-downloadable social media software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; computer services, namely, interactive hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment; computer services, namely, interactive social media hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment~~

#### **FINAL DESCRIPTION**

providing online non-downloadable social media software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; distributed computing platform as a service featuring online non-

downloadable social media software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; computer services, namely, interactive social media hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment

|                                       |  |
|---------------------------------------|--|
| <b>FILING BASIS</b>                   | Section 1(b)   |
| <b>SIGNATURE SECTION</b>              |  |
| <b>RESPONSE SIGNATURE</b>             | /Jared M. Barrett/   |
| <b>SIGNATORY'S NAME</b>               | Jared M. Barrett   |
| <b>SIGNATORY'S POSITION</b>           | Attorney for Applicant, Washington State Bar Member  |
| <b>SIGNATORY'S PHONE NUMBER</b>       | 206-622-4900   |
| <b>DATE SIGNED</b>                    | 06/11/2014   |
| <b>AUTHORIZED SIGNATORY</b>           | YES  |
| <b>CONCURRENT APPEAL NOTICE FILED</b> | YES  |
| <b>FILING INFORMATION SECTION</b>     |  |
| <b>SUBMIT DATE</b>                    | Wed Jun 11 14:46:04 EDT 2014   |
| <b>TEAS STAMP</b>                     | USPTO/RFR-38.100.227.210-20140611144604168167-85829620-500952a774f3d722313cc8187cef214be6ed8ef09812c437c65b6ec0868117cd-N/A-N/A-20140611132518994527 |

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

Application serial no. **85829620** has been amended as follows:

**ARGUMENT(S)**

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

**Remarks:**

In a December 11, 2013 Office Action, the Examining Attorney maintained the refusal to register the mark MYROOMS for services related to providing online non-downloadable social media software and related interactive hosting services under Section 2(d) on the grounds that it is confusingly similar to Registration No. 4,323,700 for HP MYROOM registered by Hewlett-Packard Development Company for “computer communications software for audio calling, video calling, instant messaging chat and desktop screen sharing” (hereinafter referred to as “web conferencing software”).

Applicant submits that differences between its online non-downloadable social media software and related interactive hosting services and the cited Registrant’s web conferencing software are sufficient to prevent consumer confusion, particularly given differences in the marks and the relatively weak nature of the cited registration.

As previously submitted, Applicant is developing online non-downloadable social media software and related interactive hosting services that feature customizable virtual three-dimensional environments for users to upload, post, display, stream and manage social media content. An example three-dimensional environment providing user access to various popular social media networks (e.g., Facebook, Twitter, Pinterest) is filed herewith as Exhibit A. Applicant’s services will allow users to, among other things, aggregate their social networks to easily connect, share and engage their social network peers. Generally, Applicant is providing “social media” related services and has amended its identification of services to make this explicitly clear.

In contrast, the cited registration is for computer communications software for audio calling, video calling, instant messaging chat and desktop screen sharing or “web conferencing software” more generally. A service brief available from <https://www.myroom.hp.com/documents/HPMyRoomServiceBrief.pdf> which describes Registrant’s conferencing software is filed herewith as Exhibit B. As an example, the cited registrant’s downloadable software enables users to deliver highly professional, high quality audio and collaborative web conferencing meetings with colleagues and customers. The cited registrant is not providing social media services, but rather downloadable web conferencing software primarily for business purposes.

Applicant submits that differences between its online non-downloadable social media software and related interactive hosting services and the cited Registrant’s web conferencing software are sufficient to prevent consumer confusion, particularly in light of differences in the marks.

Notably, the HP portion of the cited registration is the leading portion that is first to be seen and heard by consumers and therefore likely to be perceived as the dominant portion. This is particularly the case given the coexistence of other registrations for communication software that include MY and/or ROOM, as discussed further below. The leading HP portion of the cited mark as well as the trailing “S” in Applicant’s mark readily distinguishes the marks in terms of sight, sound, meaning and commercial impression. These differences in the marks are sufficient to prevent consumer confusion, particularly when considering the differences between Applicant’s social media related services and the cited Registrant’s web conferencing software discussed above.

Moreover, the TMEP instructs that “if the examining attorney finds registrations that appear to be owned by more than one registrant, he or she should consider the extent to which dilution may indicate that there is no likelihood of confusion.” TMEP § 1207.01(d)(x). Here, a search of the federal register found multiple active ROOM registrations for various communication software owned by different parties, including one that also includes MY, as listed below:

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| 3,585,193               | <b>VROOM</b>       | Blackboard Collaborate, Inc.     |
| 3,891,327               | <b>VUROOM</b>      | Vivu, Inc.                       |
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| 4,362,537               | <b>E-BOARDROOM</b> | IQM2 Inc.                        |

Corresponding TESS Records are attached as Exhibit C. Notably, the MYDROOMS registration is likely to be perceived by consumers as “my D rooms” (“D” being short for data) for communication goods and services similar to the cited registrant.

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customizable environments – services that are quite distinct from the cited Registrant’s conferencing software (as discussed above).

Again, HP MYROOM for web conferencing software coexists with MYROOMS (likely perceived as “my D rooms”) for communication software (i.e., “computer software for accessing, viewing, printing, managing, processing and storing data and documents respectively...for communication in digital or virtual data rooms via data communication networks”). Accordingly, Applicant’s use of MYROOMS for highly distinguishable social media services featuring three-dimensional customizable user-interface environments can likewise coexist without confusion. Applicant therefore requests reconsideration and withdrawal of the Section 2(d) refusal.

In view of the above, Applicant believes its application is now in condition for publication. If questions remain, the Examining Attorney is invited to contact Applicant's counsel, Jared M. Barrett, by email at JaredB.docketing@SeedIP.com or by telephone at (206) 622-4900.

## **EVIDENCE**

Evidence in the nature of Exhibits A-C has been attached.

### **Original PDF file:**

[evi\\_38100227210-132518994 . Exhibit A.pdf](#)

**Converted PDF file(s)** (1 page)

[Evidence-1](#)

### **Original PDF file:**

[evi\\_38100227210-132518994 . Exhibit B.pdf](#)

**Converted PDF file(s)** (2 pages)

[Evidence-1](#)

[Evidence-2](#)

### **Original PDF file:**

[evi\\_38100227210-132518994 . Exhibit C.pdf](#)

**Converted PDF file(s)** (10 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for providing online non-downloadable software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; distributed computing platform as a

service featuring online non-downloadable software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; computer services, namely, interactive hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:**

**Tracked Text Description:** ~~providing online non-downloadable software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes;~~ providing online non-downloadable social media software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; ~~providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes;~~ providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; ~~providing online non-downloadable software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment;~~ providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; ~~distributed computing platform as a service featuring online non-downloadable software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment;~~ distributed computing platform as a service featuring online non-downloadable social media software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; ~~computer services, namely, interactive hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment;~~ computer services, namely, interactive social media hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment

Class 042 for providing online non-downloadable social media software featuring technology that allows users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for social networking purposes; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs and videos for sharing with others for entertainment and social networking purposes; providing online non-downloadable social media software featuring technology that generates and displays a virtual three-dimensional environment for users to upload, post, display, stream and manage their online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for purposes of promoting, marketing, and advertising to users of social networks in the virtual three-dimensional environment; distributed computing platform as a service featuring online non-downloadable social media software in a distributed computing environment allowing users to upload, post, display and stream online digital content, photographs and videos for sharing with others for entertainment and social networking purposes in a virtual three-dimensional environment; computer services, namely, interactive social media hosting services which allow users to upload, post, display and stream online digital content, photographs, videos, virtual products, services, coupons, promotions for sharing with others for entertainment and social networking purposes and for promotion, marketing, and advertising to users of social networks in a virtual three-dimensional environment

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

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

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

Signature: /Jared M. Barrett/ Date: 06/11/2014

Signatory's Name: Jared M. Barrett

Signatory's Position: Attorney for Applicant, Washington State Bar Member

Signatory's Phone Number: 206-622-4900

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: 85829620

Internet Transmission Date: Wed Jun 11 14:46:04 EDT 2014

TEAS Stamp: USPTO/RFR-38.100.227.210-201406111446041

68167-85829620-500952a774f3d722313cc8187

cef214be6ed8ef09812c437c65b6ec0868117cd-

N/A-N/A-20140611132518994527

Exhibit A – Example User-Interface Environment for Aggregating Social Networks



## Service brief

# Collaborate with colleagues and partners

## HP MyRoom



### Your online meeting place:

- Meet colleagues and partners face to face through video
- Stay in touch using IM chat or voice in your chosen language
- See what they see with screen sharing

### Secure and reliable

HP MyRoom interactions are safe on the Internet via AES 256-bit SSL encryption. This means that your conversations stay private. There's no need to remember your contacts' different screen names or log-on identities because you add contacts based on their email addresses, so you always know who you are talking to. With the presenter/participant distinction you are in control of the meeting. Promote someone to presenter if you need to provide them more functionality. MyRoom is optimized to work efficiently from low-bandwidth access points.

### Come together anytime in HP MyRoom

Whether your colleagues and partners are across the street or around the world, you can make a great first impression with HP MyRoom. HP MyRoom lets you hold face-to-face meetings with anyone in your own online room. You can schedule an event with one or more people in your own room, even with those without an HP MyRoom account. During the meeting you can send instant messages, do a webcam chat, or a PC audio chat, and even share what you're seeing on your screen—all in one simple, easy-to-use tool.

Collaborating globally in real time in 18 different languages has never been simpler. HP MyRoom features the SpeechTrans<sup>1</sup> translator making global meetings even easier. With one touch of the finger, a SpeechTrans enabled MyRoom meeting can be started in seconds, providing participants with instant communication in their chosen language.

### Shared content available around the clock

Upload Microsoft<sup>®</sup> PowerPoint or graphics to the room and share them during a meeting. Documents are persistent and stay in the room until you delete them. Create content instantly by snapping live images from your web or document camera, or from desktop sharing. Move content easily between the cloud and MyRoom via drag and drop file integration with [box.com](http://box.com).

Keep everyone focused on your ideas by using the pointer tool. Choose from 3: laser, arrow, or profile picture pointer. The profile picture pointer is really useful when multiple users are pointing to items in the room at the same time.

<sup>1</sup> Launched in 2010, SpeechTrans offers accurate multilingual language translation software. SpeechTrans' apps can be used as your personal portable interpreter.

Need a room for more than 4 people?  
Contact [education.hp.com/contact.htm](http://education.hp.com/contact.htm)

| HP MyRoom feature/function                                 | Premium  |
|--|--|
| Application share  |                       |
| Audio through the PC                                       |                       |
| Create room for shared content                             |                       |
| File transfer  |                       |
| Instant message/Text chat                                  |                       |
| Video chat   |                       |
| View profile (see user profile, phone number, and company) |                       |
| Box integration  |                       |
| Leave audio message for contact                            |                       |
| Leave video message for contact                            |                       |
| Maximum number of users in a single session                | 4  |
| Number of rooms per user                                   | 2  |
| Event scheduling   |                       |
| Presenter/Participant distinction                          |                       |
| Participant handouts                                       |                       |
| Presenter note taking feature                              |                       |
| Whiteboard and annotation tools                            |                       |
| SpeechTrans translation service                            |  (additional charge) |

HP MyRoom is available on Windows®, Mac, and Linux platforms.

## Can't meet at the same time?

Not a problem. With HP MyRoom, if a colleague or partner is not available, you can leave them an audio or video message in the room or chat. The message stays till they return and sign into their account.

## Let them see what you see

With one click your colleagues and partners can see what you see on your computer display via desktop sharing. You decide what they see

and you can also pass control of your desktop to another enabling remote assistance. Additionally, multiple users can share their desktop at the same time. Collaborate on digital projects or easily guide a colleague through navigating a new application. With the typed notes feature, you can even take the meeting minutes—and share as a handout in the room before the meeting finishes.

**Learn more at**  
[myroom.hp.com/Support/Requirements](http://myroom.hp.com/Support/Requirements)  
[myroom.hp.com](http://myroom.hp.com)

**Sign up for updates**  
[hp.com/go/getupdated](http://hp.com/go/getupdated)



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4AA4-3540ENW, April 2013





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# WebRoom

|                                    |  |
|------------------------------------|--|
| <b>Word Mark</b>                   | WEBROOM  |
| <b>Goods and Services</b>          | IC 009. US 021 023 026 036 038. G & S: Computer software for use in generating and exchanging documents for business process automation; communications software for connecting computer network users for the purpose of online business collaboration; computer software for offering, hosting, and delivering online conferences, meetings, virtual classrooms, demonstrations, tours, presentations, and discussions. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20040601<br><br>IC 042. US 100 101. G & S: Computer services, namely, designing, creating, maintaining, hosting, and implementing web sites for others. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20040601 |
| <b>Standard Characters Claimed</b> |  |
| <b>Mark Drawing Code</b>           | (4) STANDARD CHARACTER MARK  |
| <b>Serial Number</b>               | 78864190   |
| <b>Filing Date</b>                 | April 18, 2006   |
| <b>Current Basis</b>               | 1A   |
| <b>Original Filing Basis</b>       | 1A   |
| <b>Published for Opposition</b>    | June 5, 2007   |
| <b>Registration Number</b>         | <b>3282876</b>   |
| <b>Registration Date</b>           | August 21, 2007  |
| <b>Owner</b>                       | (REGISTRANT) Learn.com, Inc. CORPORATION DELAWARE 14001 NW 4th Street Sunrise  |

Trademark Electronic Search System (TESS)

FLORIDA 33325

(LAST LISTED OWNER) L2 TECHNOLOGY, LLC LIMITED LIABILITY COMPANY DELAWARE  
2711 CENTERVILLE ROAD SUITE 400 WILMINGTON DELAWARE 19808

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** William H. Brewster  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# VROOM

|  |  |
|--|--|
| <b>Word Mark</b>                                     | VROOM  |
| <b>Goods and Services</b>                            | IC 009. US 021 023 026 036 038. G & S: OPERATING SOFTWARE THAT CREATES A VIRTUAL CLASS, LEARNING SETTING OR CONFERENCE SETTING OVER THE INTERNET AND PERMITS THE REAL TIME INTERACTION OF PARTICIPANTS OVER THE INTERNET<br><br>IC 041. US 100 101 107. G & S: EDUCATION SERVICES, NAMELY, THE DELIVERY OF ON-LINE HOMEWORK HELP AND ON-LINE TUTORIALS USING A VIRTUAL CLASS ROOM SETTING OVER THE INTERNET<br><br>IC 042. US 100 101. G & S: HOSTING SERVICES, NAMELY, HOSTING THE SOFTWARE THAT PROVIDES VIRTUAL CLASS ROOM, LEARNING SETTINGS OR CONFERENCE SETTINGS OVER THE INTERNET AND PERMITS THE REAL TIME INTERACTION OF PARTICIPANTS OVER THE INTERNET; COMPUTER CONSULTING SERVICES, NAMELY, THE INSTALLATION, SUPPORT AND MAINTENANCE OF THE OPERATING SOFTWARE THAT CREATES A VIRTUAL CLASS ROOM OR LEARNING SETTING OVER THE INTERNET AND PERMITS THE REAL TIME INTERACTION OF PARTICIPANTS OVER THE INTERNET |
| <b>Standard Characters Claimed</b>                   |  |
| <b>Mark Drawing Code</b>                             | (4) STANDARD CHARACTER MARK  |
| <b>Trademark Search Facility Classification Code</b> | LETS-1 V A single letter, multiples of a single letter or in combination with a design   |
| <b>Serial Number</b>                                 | 77076367   |
| <b>Filing Date</b>                                   | January 4, 2007  |

Trademark Electronic Search System (TESS)

**Current Basis** 44E  
**Original Filing Basis** 1B;44D  
**Published for Opposition** September 30, 2008  
**Registration Number** **3585193**  
**Registration Date** March 10, 2009  
**Owner** (REGISTRANT) ELLUMINATE, INC. CORPORATION CANADA #304, 3016 - 5TH AVENUE N.E. CALGARY CANADA T2A6K4  
  
(LAST LISTED OWNER) BLACKBOARD COLLABORATE, INC. CORPORATION DELAWARE 650 MASSACHUSETTS AVENUE, N.W. 6TH FLOOR WASHINGTON D.C. 20001  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Rebecca E. McDougall  
**Priority Date** December 19, 2006  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# vuroom

|  |   |
|--|---|
| <b>Word Mark</b>                                     | VUROOM  |
| <b>Goods and Services</b>                            | IC 009. US 021 023 026 036 038. G & S: Operating software that creates an environment for instant collaboration via any combination of video, chat, and audio over the internet and permits real-time interaction of participants over the internet. FIRST USE: 20100120. FIRST USE IN COMMERCE: 20100120 |
| <b>Standard Characters Claimed</b>                   |   |
| <b>Mark Drawing Code</b>                             | (4) STANDARD CHARACTER MARK   |
| <b>Trademark Search Facility Classification Code</b> | LETS-2 VU Two letters or combinations of multiples of two letters   |
| <b>Serial Number</b>                                 | 77909618  |
| <b>Filing Date</b>                                   | January 12, 2010  |
| <b>Current Basis</b>                                 | 1A  |
| <b>Original Filing Basis</b>                         | 1B  |
| <b>Published for Opposition</b>                      | May 25, 2010  |
| <b>Registration Number</b>                           | <b>3891327</b>  |
| <b>Registration Date</b>                             | December 14, 2010   |
| <b>Owner</b>   | (REGISTRANT) Vivu, Inc. CORPORATION DELAWARE 440 N. Wolfe Rd., Sunnyvale CALIFORNIA 94085   |

Trademark Electronic Search System (TESS)

**Attorney of Record** Michael Toback  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# myDROOMS

**Word Mark** MYDROOMS

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software, stored on digital media or downloadable from the Internet, for accessing, viewing, printing, managing, processing and storing data and documents respectively, for conversion of documents into standard format, for providing and managing digital or virtual data rooms and for communication in digital or virtual data rooms via data communication networks

IC 035. US 100 101 102. G & S: computerized file management; systematization and compilation of data into computer data bases; reproduction of documents; business organization consultancy; business organizational consultancy in due-diligence examinations

IC 038. US 100 101 104. G & S: telecommunication access services; providing multiple-user access to the computer programs of others by means of global computer information networks; communications by computer terminals; telecommunications routing and junction services; connection of Internet domains and e-mail addresses in computer networks, namely, data communication by electronic mail; providing user access to computer programs in data networks, namely, providing multiple user access to proprietary collections of information by means of global computer information networks; Internet service provider, namely, providing multiple user dial-up and dedicated access to information on the Internet; providing Internet platforms and Internet portals, namely, Internet service provider; Internet forums, namely, providing Internet chat rooms; computer aided transmission of messages and images; telecommunications by computer terminals, namely, electronic transmission of data and documents via computer terminals; secure transmission of document data via the Internet in connection with providing virtual data rooms; providing user access to data in the form of digitized documents in computer databases by means of global computer network; providing electronic bulletin boards for transmission of messages among users in the field of general interest

IC 042. US 100 101. G & S: conversion of data or documents from physical to electronic media; recovery of computer data; programming, updating, installation and rental of computer software and communication software; data conversion of computer programs and data, not physical conversion

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 79079226

**Filing Date** August 17, 2009

## Trademark Electronic Search System (TESS)

**Current Basis** 66A  
**Original Filing Basis** 66A  
**Published for Opposition** April 19, 2011  
**Registration Number** 3987877  
**International Registration Number** 1029726  
**Registration Date** July 5, 2011  
**Owner** (REGISTRANT) Data Room Services GmbH & Co. KG Limited partnership with a limited liability company FED REP GERMANY Eschersheimer Landstraße 6 60322 Frankfurt FED REP GERMANY  
**Attorney of Record** Jill M. Pietrini, Esq.  
**Priority Date** February 19, 2009  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# e-Boardroom

|   |  |
|---|--|
| <b>Word Mark</b>                        | E-BOARDROOM  |
| <b>Goods and Services</b>               | IC 009. US 021 023 026 036 038. G & S: computer software for facilitating and conducting online meetings and conferences; computer software providing for the transmission of data, the organization and display of documents, online voting, and video and audio communication and conferencing. FIRST USE: 20070815. FIRST USE IN COMMERCE: 20070815 |
| <b>Standard Characters Claimed</b>      |  |
| <b>Mark Drawing Code</b>                | (4) STANDARD CHARACTER MARK  |
| <b>Serial Number</b>                    | 85647413   |
| <b>Filing Date</b>                      | June 8, 2012   |
| <b>Current Basis</b>                    | 1A   |
| <b>Original Filing Basis</b>            | 1A   |
| <b>Date Amended to Current Register</b> | March 29, 2013   |
| <b>Registration Number</b>              | <b>4362537</b>   |
| <b>Registration Date</b>                | July 2, 2013   |
| <b>Owner</b>                            | (REGISTRANT) IQM2 Inc. CORPORATION DELAWARE 90-D Raynor Avenue Ronkonkoma NEW YORK 11779   |
| <b>Attorney of Record</b>               | Eryn Y. Deblois  |
| <b>Type of Mark Register</b>            | TRADEMARK<br>SUPPLEMENTAL  |

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Indicator

LIVE

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