

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85841961
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_1622221524-20150122123621496938_.AMPLIFY_Request_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\858\419\85841961\xml8\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\858\419\85841961\xml8\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\858\419\85841961\xml8\RFR0004.JPG
DESCRIPTION OF EVIDENCE FILE	Argument attached.
GOODS AND/OR SERVICES SECTION (class deleted)	
GOODS AND/OR SERVICES SECTION (class added) Original Class (009)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Cloud computing featuring software for use in analyzing, processing, validating, and tracking energy efficiency incentive programs.	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/JLE/
SIGNATORY'S NAME	Jennifer L. Elgin
SIGNATORY'S POSITION	Attorney of record, DC Bar member

SIGNATORY'S PHONE NUMBER	202-719-7453
DATE SIGNED	01/22/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jan 22 12:44:38 EST 2015
TEAS STAMP	USPTO/RFR-162.222.152.4-2 0150122124438931664-85841 961-530cd6d9851344b10da17 f043f271a48e4e6f1ec1d7804 d2c2446f8f699ac648330-N/A -N/A-20150122123621496938

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. **85841961** has been amended as follows:

EVIDENCE

Evidence in the nature of Argument attached. has been attached.

Original PDF file:

[evi_1622221524-20150122123621496938 . AMPLIFY Request for Reconsideration.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 009 for Computer software for use in connection with energy efficiency programs, including for use in data mining and client relationship management (CRM) functions in International Class 9

Applicant hereby adds the following class of goods/services to the application:

New: Class 042 (Original Class: 009) for Cloud computing featuring software for use in analyzing, processing, validating, and tracking energy efficiency incentive programs.

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: /JLE/ Date: 01/22/2015

Signatory's Name: Jennifer L. Elgin

Signatory's Position: Attorney of record, DC Bar member

Signatory's Phone Number: 202-719-7453

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: 85841961

Internet Transmission Date: Thu Jan 22 12:44:38 EST 2015

TEAS Stamp: USPTO/RFR-162.222.152.4-2015012212443893

1664-85841961-530cd6d9851344b10da17f043f

271a48e4e6f1ec1d7804d2c2446f8f699ac64833

0-N/A-N/A-20150122123621496938

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
	:	
Leidos, Inc.	:	Examiner: J. Beverly
	:	
Ser. No.: 85/841,961	:	Law Office: 115
	:	
Mark: AMPLIFY	:	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

AMENDMENT AND REQUEST FOR RECONSIDERATION

This Amendment and Request for Reconsideration is in response to the examiner's Office Action of Jul. 22, 2014, relating to the captioned application. A Notice of Appeal is being filed simultaneously with this Request.

I. PRELIMINARY STATEMENT

The examiner maintains and makes final the refusal to register Applicant's mark under Section 2(d) of the Trademark Act in the belief that the mark is confusingly similar to the mark contained in U.S. Registration No. 4,149,340 - AMPLIFY. Applicant submits that on the basis of the proposed Amendment, specified below, this Request for Reconsideration and the arguments and evidence submitted in response to the examiner's first Office Action, incorporated herein by reference, the record in this case establishes that confusion is not likely to occur through concurrent use and registration of Applicant's mark and the cited reference.

II. AMENDMENT

In response to Examiner's refusal of the identification, Applicant proposes the following amendment:

Cloud computing featuring software for use in analyzing, processing, validating, and tracking energy efficiency incentive programs.

Applicant proposes that the application be re-classified in International Class 042, and submits that the identification falls within the scope of the identification in the application as filed.

III. ARGUMENT

The examiner has refused registration of the subject mark in light of Reg. No. 4,149,340 – AMPLIFY – for, “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,” in International Class 9; and “Business management consultancy as well as development of processes for the analysis and the implementation of strategy plans and management projects” in International Class 35. Applicant disagrees that the marks are likely to be confused.

Applicant's online portal enables potential users of energy efficiency programs (such as businesses seeking to install energy-efficient equipment) to quickly calculate likely energy savings and incentive amounts, apply for rebates, and track these applications. The services are not related to the goods and services protected by the '340 registration, and are not likely to be confused as a result.

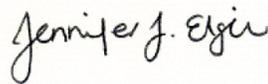
IV. CONCLUSION

Applicant submits that the differences between the services claimed in Applicant's application, as amended, and the goods and services protected by the cited mark obviate a finding of likelihood of confusion. It is therefore requested that the examiner reconsider her position in this matter, withdraw the stated refusal and pass Applicant's mark to publication in the Official Gazette. Should the examiner maintain her position, it is requested that the captioned application be returned to the Trademark Trial and Appeal Board for submission of Applicant's appeal brief.

Dated: January 22, 2015

Respectfully submitted,

LEIDOS, INC.

By: 

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