

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85848873
LAW OFFICE ASSIGNED	LAW OFFICE 118
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant is submitting a set of substitute specimen consisting of a webcast and a production of a informational and entertainment program from the Applicant.</p> <p>If this is not deemed sufficient in support of a 1(a) basis, the Applicant will amend to a 1(b) basis in class 41 and consents to an Examiner's Amendment in that regard.</p>	
GOODS AND/OR SERVICES SECTION (035)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
<p>Education and entertainment services, namely, providing a web site featuring photographic, audio, video and prose training presentations in the field of computer and network security, privacy and personal data protection and protecting confidential information; Education and entertainment services, namely, providing podcasts in the field of computer and network security, privacy and personal data protection and protecting confidential information; education and entertainment services, namely, providing webcasts in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; on-line journals, namely, blogs featuring computer and network security, privacy and personal data protection and protecting confidential information; providing on-line magazines in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; entertainment and education services, namely, providing a website featuring pre-recorded non-downloadable videos and audio clips in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; production of radio and television informational and entertainment programs; consulting services in the field of professional and educational testing; educational services, namely, developing courses of instruction and training courses in the field of business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing courses of instruction and training courses in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy</p>	

and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing continuing education courses for professionals in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2012
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2012

GOODS AND/OR SERVICES SECTION (041)(proposed)

INTERNATIONAL CLASS	041
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DESCRIPTION

Education and entertainment services, namely, providing a web site featuring photographic, audio, video and prose training presentations in the field of computer and network security, privacy and personal data protection and protecting confidential information; Education and entertainment services, namely, providing podcasts in the field of computer and network security, privacy and personal data protection and protecting confidential information; education and entertainment services, namely, providing webcasts in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; on-line journals, namely, blogs featuring computer and network security, privacy and personal data protection and protecting confidential information; providing on-line magazines in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; entertainment and education services, namely, providing a website featuring pre-recorded non-downloadable videos and audio clips in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; production of radio and television informational and entertainment programs; consulting services in the field of professional and educational testing; educational services, namely, developing courses of instruction and training courses in the field of business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing courses of instruction and training courses in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing continuing education courses for professionals in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/31/2012
FIRST USE IN COMMERCE DATE	At least as early as 07/31/2012

STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\858\488\85848873\xml11\RFR0002.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\858\488\85848873\xml11\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\858\488\85848873\xml11\RFR0005.JPG
SPECIMEN DESCRIPTION	a capture of a webcast and a production of a informational and entertainment program from the Applicant as displayed and including in each a close-up of the video material (in freeze frame)
GOODS AND/OR SERVICES SECTION (042)(no change)	
GOODS AND/OR SERVICES SECTION (045)(no change)	
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	KEVIN OLIVEIRA ODIN, FELDMAN & PITTLEMAN, P.C. 1775 WIEHLE AVE STE 400 RESTON Virginia (VA) US 20190-5159
NEW CORRESPONDENCE SECTION	
NAME	Kevin Oliveira
FIRM NAME	ODIN, FELDMAN & PITTLEMAN, P.C.
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	53805.012
STREET	1775 WIEHLE AVE STE 400
CITY	RESTON
STATE	Virginia

ZIP/POSTAL CODE	20190-5159
COUNTRY	United States
PHONE	(703) 218-2138
FAX	(703) 218-2160
EMAIL	kevin.oliveira@ofplaw.com;sue.williams@ofplaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/James Wiggins/
SIGNATORY'S NAME	James Wiggins
SIGNATORY'S POSITION	Member
SIGNATORY'S PHONE NUMBER	c/o Attorney of record at (703) 218-2138
DATE SIGNED	06/24/2014
RESPONSE SIGNATURE	/Kevin Oliveira/
SIGNATORY'S NAME	Kevin Oliveira
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
SIGNATORY'S PHONE NUMBER	(703) 218-2138
DATE SIGNED	06/24/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 24 12:05:10 EDT 2014
TEAS STAMP	USPTO/RFR-98.191.72.77-20 140624120510415789-858488 73-5009635a8cf0b5a69916dc 73e2f47fce87227d04ea47941 807ac7b5512872ef4f-N/A-N/ A-20140624120203100114

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **85848873** has been amended as follows:

ARGUMENT(S)

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

Applicant is submitting a set of substitute specimen consisting of a webcast and a production of a informational and entertainment program from the Applicant.

If this is not deemed sufficient in support of a 1(a) basis, the Applicant will amend to a 1(b) basis in class 41 and consents to an Examiner's Amendment in that regard.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 041 for Education and entertainment services, namely, providing a web site featuring photographic, audio, video and prose training presentations in the field of computer and network security, privacy and personal data protection and protecting confidential information; Education and entertainment services, namely, providing podcasts in the field of computer and network security, privacy and personal data protection and protecting confidential information; education and entertainment services, namely, providing webcasts in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; on-line journals, namely, blogs featuring computer and network security, privacy and personal data protection and protecting confidential information; providing on-line magazines in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; entertainment and education services, namely, providing a website featuring pre-recorded non-downloadable videos and audio clips in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; production of radio and television informational and entertainment programs; consulting services in the field of professional and educational testing; educational services, namely, developing courses of instruction and training courses in the field of business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing courses of instruction and training courses in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing continuing education courses for professionals in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2012 and first used in commerce at least as early as 07/31/2012, and is now in use in

such commerce.

Proposed: Class 041 for Education and entertainment services, namely, providing a web site featuring photographic, audio, video and prose training presentations in the field of computer and network security, privacy and personal data protection and protecting confidential information; Education and entertainment services, namely, providing podcasts in the field of computer and network security, privacy and personal data protection and protecting confidential information; education and entertainment services, namely, providing webcasts in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; on-line journals, namely, blogs featuring computer and network security, privacy and personal data protection and protecting confidential information; providing on-line magazines in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; entertainment and education services, namely, providing a website featuring pre-recorded non-downloadable videos and audio clips in the field of field of computer and network security, privacy and personal data protection and protecting confidential information; production of radio and television informational and entertainment programs; consulting services in the field of professional and educational testing; educational services, namely, developing courses of instruction and training courses in the field of business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing courses of instruction and training courses in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto; educational services, namely, developing continuing education courses for professionals in the field of creating standards and practices for business ethics and conforming to legal and regulatory standards and requirements in the areas of anti-corruption, privacy and personal data protection, protecting confidential information, conducting internal business compliance investigations, and due diligence, and consulting related thereto

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/31/2012 and first used in commerce at least as early as 07/31/2012, and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 041. The specimen(s) submitted consists of a capture of a webcast and a production of a informational and entertainment program from the Applicant as displayed and including in each a close-up of the video material (in freeze frame).

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"***[for an application based on Section 1(b) Intent-to-Use].*

[Specimen File 1](#)

[Specimen File 2](#)

[Specimen File 3](#)

[Specimen File 4](#)

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

KEVIN OLIVEIRA
ODIN, FELDMAN & PITTLEMAN, P.C.
1775 WIEHLE AVE STE 400
RESTON
Virginia (VA)
US
20190-5159

Proposed:

Kevin Oliveira of ODIN, FELDMAN & PITTLEMAN, P.C., having an address of
1775 WIEHLE AVE STE 400 RESTON, Virginia 20190-5159

United States

kevin.oliveira@ofplaw.com;sue.williams@ofplaw.com

(703) 218-2138

(703) 218-2160

The attorney docket/reference number is 53805.012.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be

likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /James Wiggins/ Date: 06/24/2014

Signatory's Name: James Wiggins

Signatory's Position: Member

Signatory's Phone Number: c/o Attorney of record at (703) 218-2138

Request for Reconsideration Signature

Signature: /Kevin Oliveira/ Date: 06/24/2014

Signatory's Name: Kevin Oliveira

Signatory's Position: Attorney of record, Virginia bar member

Signatory's Phone Number: (703) 218-2138

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.

Mailing Address: Kevin Oliveira
ODIN, FELDMAN & PITTLEMAN, P.C.
1775 WIEHLE AVE STE 400
RESTON, Virginia 20190-5159

Serial Number: 85848873

Internet Transmission Date: Tue Jun 24 12:05:10 EDT 2014

TEAS Stamp: USPTO/RFR-98.191.72.77-20140624120510415

789-85848873-5009635a8cf0b5a69916dc73e2f

47fce87227d04ea47941807ac7b5512872ef4f-N

/A-N/A-20140624120203100114







Evaluating the Federal Agency Professional (FAP) Certification

Dr. Thomas J. ...
Senior ...
Federal ...

An Interview with Jim Wiggins on Cybersecurity Training

