

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85882685
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 103
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="http://tmng-al.uspto.gov/resting2/api/img/85882685/large">http://tmng-al.uspto.gov/resting2/api/img/85882685/large</a>
<b>LITERAL ELEMENT</b>	WEATHER DOG
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
<p>Applicant acknowledges the withdrawal of the descriptiveness refusal, under Trademark Act Section 2(e)(1), with respect to Classes 12, 18 and 25, and thanks the Examiner for her consideration.</p> <p>Applicant has deleted Classes 28 and 41 from the application.</p> <p>Applicant respectfully requests reconsideration of the refusal with respect to the goods in Class 9, as amended. In the appropriate section of this Request for Reconsideration, Applicant has submitted a disclaimer of the term WEATHER for Class 9 <u>only</u>. In light of the amended identification of goods in Class 9, Applicant requests that the disclaimer of the term DOG for Class 9 be withdrawn. Applicant submitted a disclaimer of the term DOG in the mark, for those products and services specifically involving dogs or animals, as required by the Examiner. As amended, the term DOG is not descriptive of the downloadable software or computer application software identified in Class 9.</p> <p>In response to the Examiner's request for information concerning the goods in the application, Applicant notes that the descriptiveness refusal has been withdrawn for Classes 12, 18 and 25, and that Classes 28 and 41 have been deleted. Accordingly, Applicant attaches information regarding the types of goods listed in Class 9. Attached is a printout from a website that offers access to computer application software for providing weather information and weather entertainment. The nature, purpose and channels of trade for Applicant's goods, likewise, is information provided via the Internet, as demonstrated in the attachment.</p>	

Applicant respectfully submits that it has complied fully with the Examiner's requirements made final, and respectfully requests that the application be passed to publication in the Official Gazette of the U.S. Trademark Office.

**EVIDENCE SECTION**

**EVIDENCE FILE NAME(S)**

<b>ORIGINAL PDF FILE</b>	<a href="#">evi_711254634-20151026150534232187_.P406_Examples_of_Weather_Apps_151026.PDF</a>
<b>CONVERTED PDF FILE(S) (5 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\826\85882685\xml15\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\826\85882685\xml15\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\826\85882685\xml15\RFR0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\826\85882685\xml15\RFR0005.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\858\826\85882685\xml15\RFR0006.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	information regarding the types of goods listed in Class 9

**GOODS AND/OR SERVICES SECTION (009)(current)**

<b>INTERNATIONAL CLASS</b>	009
----------------------------	-----

**DESCRIPTION**

Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults; downloadable electronic books in the fields of weather, meteorology, science, animals

<b>FILING BASIS</b>	Section 1(b)
---------------------	--------------

**GOODS AND/OR SERVICES SECTION (009)(proposed)**

<b>INTERNATIONAL CLASS</b>	009
----------------------------	-----

**TRACKED TEXT DESCRIPTION**

Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults; ~~downloadable electronic books in the fields of weather, meteorology, science, animals~~

**FINAL DESCRIPTION**

Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults

<b>FILING BASIS</b>	Section 1(b)
---------------------	--------------

<b>GOODS AND/OR SERVICES SECTION (018)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (025)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (028)(class deleted)</b>	
<b>GOODS AND/OR SERVICES SECTION (012)(class added)Original Class (028)</b>	
<b>INTERNATIONAL CLASS</b>	012
<b>DESCRIPTION</b>	Bicycles for use in storm chasing
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(class deleted)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use WEATHER in Class 009 only apart from the mark as shown.
<b>MISCELLANEOUS STATEMENT</b>	Applicant respectfully requests that the disclaimer of the term DOG with respect to goods in Class 9 be withdrawn. Applicant has submitted a disclaimer of the term WEATHER for Class 9 only. In submitting this disclaimer, Applicant does not waive any of the common law rights accrued in the term through its use in commerce.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/audra kemp/
<b>SIGNATORY'S NAME</b>	Audra Kemp
<b>SIGNATORY'S POSITION</b>	Associate Attorney, Collen IP, NY State Bar member
<b>DATE SIGNED</b>	10/26/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon Oct 26 15:54:07 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-71.125.46.34-20 151026155407387421-858826 85-540b49c2cb3d2fdbdafd8d f13d1d6081d2d6f472121c539 b84f6e0c87d573ef8-N/A-N/A -20151026150534232187

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

Application serial no. **85882685** WEATHER DOG(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/85882685/large>) has been amended as follows:

### **ARGUMENT(S)**

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

Applicant acknowledges the withdrawal of the descriptiveness refusal, under Trademark Act Section 2(e)(1), with respect to Classes 12, 18 and 25, and thanks the Examiner for her consideration.

Applicant has deleted Classes 28 and 41 from the application.

Applicant respectfully requests reconsideration of the refusal with respect to the goods in Class 9, as amended. In the appropriate section of this Request for Reconsideration, Applicant has submitted a disclaimer of the term WEATHER for Class 9 only. In light of the amended identification of goods in Class 9, Applicant requests that the disclaimer of the term DOG for Class 9 be withdrawn. Applicant submitted a disclaimer of the term DOG in the mark, for those products and services specifically involving dogs or animals, as required by the Examiner. As amended, the term DOG is not descriptive of the downloadable software or computer application software identified in Class 9.

In response to the Examiner's request for information concerning the goods in the application, Applicant notes that the descriptiveness refusal has been withdrawn for Classes 12, 18 and 25, and that Classes 28 and 41 have been deleted. Accordingly, Applicant attaches information regarding the types of goods listed in Class 9. Attached is a printout from a website that offers access to computer application software for providing weather information and weather entertainment. The nature, purpose and channels of trade for Applicant's goods, likewise, is information provided via the Internet, as demonstrated in the attachment.

Applicant respectfully submits that it has complied fully with the Examiner's requirements made final, and respectfully requests that the application be passed to publication in the Official Gazette of the U.S. Trademark Office.

### **EVIDENCE**

Evidence in the nature of information regarding the types of goods listed in Class 9 has been attached.

**Original PDF file:**

[evi\\_711254634-20151026150534232187\\_.P406\\_Examples\\_of\\_Weather\\_Apps\\_151026.PDF](#)

**Converted PDF file(s) ( 5 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

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

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

Class 028 for Toy stuffed animals; modeled plastic toy figurines; molded plastic toy figures, molded plastic toy animals and molded plastic toy weather and meteorology accessories and instruments; toy weather and meteorology accessories and instruments; science toys related to weather and meteorology, namely, weather dolls and plush toys that tell the weather, toy weather balloons, toy weather satellites, toy storm chaser cars, toy binoculars, toy hurricane hunter plane, playing cards, storm chaser bicycles, karaoke games, climate change games; board games; toy weather craft kits for making toy weather instruments comprising thermometers, anemometers that measure wind, rain gauges (udometers), barometers to measure weather pressure, weather vanes, weather play stations, weather telescopes; toy paper dolls; toys for domestic pets; educational toys for teaching and testing knowledge relating to weather and meteorology; electronic learning toys; toy construction sets; puzzles; toy model hobby craft kits for constructing toy model weather instruments in the nature of model hurricane hunters, weather vanes, anemometers that measure wind, rain gauges (udometers), barometers, thermometers; toy telescopes; toys, namely, kites and accessories for kites

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

Class 041 for Entertainment in the nature of presentation of live performance shows, dog shows, science shows, children's shows; Entertainment services, namely, the provision of continuing programs, movies, and shows featuring weather, science, animation, and dogs, delivered by television, radio, satellite, and Internet; Entertainment services, namely, providing on-going television programs in the field of entertainment, namely, in the field of weather, science, education, children's show, dog's show, animation; Entertainment services in the nature of creation, development, and production of films, animation or animated films, and television programs and movies; Entertainment services in the nature of multimedia content development and production for mobile applications, games for smartphones and tablet computers, online games, console games, social network games, web based and digital content, virtual worlds, webisodes, mobisodes, e-books, television programs, motion pictures, direct-to-home DVD and VOD; Entertainment services, namely, providing a website featuring games and puzzles, webisodes featuring weather, weather phenomenon, weather terms/vocabulary, weather safety, world weather, climate change, sustainability, via a global computer network; Entertainment services, namely, providing ongoing television programs featuring weather, weather phenomenon, weather terms/vocabulary, weather safety, world weather, climate change, sustainability, also accessible by means of mobile wireless devices; Providing on-line non-downloadable e-books in the field of weather, meteorology, science, animals; Providing on-line class room appearances, campfire appearances, classes, chats, workshops, seminars in the field of weather for children; Entertainment services, namely, providing online electronic games; Entertainment services, namely, providing temporary use of non-downloadable interactive games, electronic games and video games; Entertainment services, namely, providing ongoing television programs in the field of children's entertainment via a global computer network

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

**Current:** Class 009 for Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults; downloadable electronic books in the fields of weather, meteorology, science, animals  
Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the

application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults; ~~downloadable electronic books in the fields of weather, meteorology, science, animals~~

Class 009 for Downloadable software in the nature of a mobile application for providing weather information and weather entertainment for children and adults; computer application software for mobile phones, namely, software for providing weather information and weather entertainment for children and adults

**Filing Basis: Section 1(b), Intent to Use:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

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

**New:** Class 012 (Original Class: 028 ) for Bicycles for use in storm chasing

**Filing Basis: Section 1(b), Intent to Use:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## **ADDITIONAL STATEMENTS**

### **Disclaimer**

No claim is made to the exclusive right to use WEATHER in Class 009 only apart from the mark as shown.

### **Miscellaneous Statement**

Applicant respectfully requests that the disclaimer of the term DOG with respect to goods in Class 9 be withdrawn. Applicant has submitted a disclaimer of the term WEATHER for Class 9 only. In submitting this disclaimer, Applicant does not waive any of the common law rights accrued in the term through its use in commerce.

## **SIGNATURE(S)**

### **Request for Reconsideration Signature**

Signature: /audra kemp/ Date: 10/26/2015

Signatory's Name: Audra Kemp

Signatory's Position: Associate Attorney, Collen IP, NY State Bar member

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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: 85882685

Internet Transmission Date: Mon Oct 26 15:54:07 EDT 2015

TEAS Stamp: USPTO/RFR-71.125.46.34-20151026155407387

421-85882685-540b49c2cb3d2fdbdafd8df13d1

d6081d2d6f472121c539b84f6e0c87d573ef8-N/

A-N/A-20151026150534232187



## Kids Activities, Family Travel & Fun Ways to Learn

Act by 11/7 to get Fios 50 Mbps Internet, Phone & Custom TV for **\$79.99**mo for 2 yrs. + taxes, equip. charges, FDV & other fees w/ 2-yr. agmt. [Get started >](#)

HOME GUIDES RESOURCES ABOUT US ADVERTISE

VISIT OUR BLOG [Book Lists](#) [Outdoor Fun](#) [Explore Science](#) [Life Skills for Kids](#) [Fall Activities](#) [Email this Site](#)

Home Categories Tags   Login



# 6 Wonderful Weather Apps for Kids

Posted by **Jacque Fisher** on April 17 in **Gadgets & Technology**  
[Subscribe to this entry](#) [Print](#) [Bookmark](#)

Tell me if this sound familiar to you --

Me: *You're not wearing that to school?!*

Kid: *Mom, you said it was going to get warm.*

Me (as I pull a jacket from the closet): *Yes, GOING to get – it's still 40 right now.*

Kid: *But it's my favorite \_\_\_\_\_ (tank top, flip flops, shorts, skirt – why is it never anything warm?)*

Me: *Honey, just put on a sweatshirt or jacket so you don't freeze at morning recess, PLEASE!*

Yea – it's a weekly conversation in our house especially once Spring hits. One day it's 73 and then next day there's snow again.



Free Printable **HOBBY LOBBY COUPONS**

Take 40% off - Save on Fall crafts & décor!

[Get Coupons!](#)

shopathome

### Reader Favorites

[18 Free Fall Scavenger Hunts](#)

# 6 Wonderful Weather Apps for Toddlers to Teens



## Fun Ways to Learn with Weather Apps

The weather is a tricky thing for kids to master – well, not the weather exactly as much as the CHANGES in the weather.

My daughter's newest fascination is the weather in Greece -- she's all into greek mythology and the gods right now. She's set an app on her iPod to tell her what the weather is here and what it's like in Greece (*not that we plan to go anytime soon but she must be wondering how the children of the gods dress for school*).

Our Discover and Explore topic this week is (*you guessed it*) **Weather Activities**.

**The weather impacts our lives every day and it's important for kids to learn all about Mother Nature, how to dress and what to do in case of a storm or bad weather. It's also a great way to introduce them to some fun science!**

There are some really cool weather apps for kids that encourage them to become a junior meteorologist – in fact, they may have a better shot at predicting the weather than some of the professionals with these :)

I've included links to each of the app's websites so you can read the user reviews too (I always find those helpful).

### For Younger Kids

#### Kid Weather

One of our favorites because of it's kid-friendly graphics and detailed information, Kid Weather is a true weather app! It was designed by a 6-year-old and his dad who is a meteorologist). Kids will learn about daily weather conditions, the science of weather and fun facts. *iPhone, iPad, iPod, Android*

#### Stella & Sam

Kids can learn about fun things to do for various weather with these book-inspired game apps. Follow along with Stella & Sam as they explore activities for a Rainy Day, head out to play in the snow and more! Young children will see how the characters dress and interact with the weather. *iPhone, iPad, iPod*

#### Art & Science of Leaf Rubbings



## THE ART & SCIENCE OF Leaf Rubbings

#### 31 Free Halloween Printables

Season & Weather

A great app that's currently free, Seasons is for kids ages 3 - 6 years. It offers games for kids to play so they can learn about what to wear and appropriate activities for different weather days. It's a great basic weather science app that adjusts to your child's knowledge of the weather. **iPhone, iPad**

**For Older Kids**

Kids Discover Extreme Weather

An amazing educational app for ages 7 - 12, Extreme Weather shares tons of information about tornadoes, lightning, hurricanes, climate change and big weather conditions. It includes great videos, 3D models, games, and interactive activities. **iPad**

Swackett

Love this app because it's got a sense of humor! It's a fun app for teens & families with current weather, suggestions on what to wear, an actual temp and a 'feels like' temp and some cool extras. They also have a fun Swackett Jr. app for kids ages 9 - 11 years. **iPhone, iPad, Android**

WeatherWise

Also for the older crowd, this stunningly beautiful app includes some gorgeous artwork with each forecast. Different themes are displayed for night and day which include some famous places from around the world. The illustrations might actually inspire your teenager to CHECK the weather before walking out the door. **iPhone, iPad, Android**

**Weather Activities for Kids**

What great weather activities do you have to share this week? Be sure to link them below and visit some others to find great projects to do with the kids!

Visit our Co-hosts for more fun activities too!

[Fantastic Fun & Learning](#) \*\* [Buddy & Buddy](#)



Please read the following guidelines for sharing:

- Share family-friendly posts related to the weekly topic -- kids activities, crafts, recipes, nature outings, printables, etc.
- By linking up, you are giving me permission to share your post including one photo in our weekly feature post and on social media channels.
- Visit 2-3 other posts that have linked up, find some new ideas & meet new friends!
- If you'd like, grab a button for your post -- we love to share and want to find lots of great activities to highlight for you!
- Each of the host blogs will feature some of the outstanding posts the week following the linky!



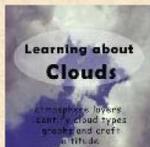
1. How to make fog in a bottle.



2. Rainy Day Nursery Rhymes



3. Rainy Day Rhythm Games



4. Learning about Clouds



Leaf Hunt (free printable cards)



Finding Free e-books Online





[5. Exploring the Water Cycle](#)



[6. Exploring rain, hail and snow](#)



[7. 5 Ways to Explore Air and Wind](#)



[8. Make a Wind Vane](#)



[9. Mr. Gumpy Motor Car Weather Activities](#)



[10. Learning about Seasons](#)



[11. Rainbow Puddle Splash](#)



[12. Montessori-Inspired Weather Unit](#)



[13. Montessori-Inspired April Showers Activities](#)



[14. Weather Unit for Preschoolers Part 1](#)



[15. Weather Unit for Preschoolers Part 2](#)



[16. Preschool Wind Study Round Up](#)



[17. Wind Science Exploration Table](#)



[18. What Can the Wind Do?](#)



[19. 2 Simple Wind Science Activities](#)



[20. Tornadoes & Weather Jar](#)

This linky list is now closed.

[Linky Tools](#) | [Linky Blog 2013](#)

[◀ Going Green: Books & Websites...](#)

[Kids Garden Art: Colorful Pour P... ▶](#)

[Comments](#) [LiveFyre](#) [Disqus Comments](#) [Facebook Comments](#)

No comments made yet. Be the first to submit a comment

Leave your comment

Guest October 26

If you would like to register, please fill in the username and name field

Username (required for registrations)

Username

Name

E-mail  Website

Automatically register me as a user of this site

Subscribe to this entry (Please fill in your email address to subscribe to blog updates.)

No post has been created yet.

---

[Contact Us](#) | [Copyright](#) | [Privacy Policy](#) | [Sitemap](#) | [Terms of Use](#) |



Copyright ©2014 KC Edventures, LLC All Rights Reserved.