

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85893831
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/85893831/large
LITERAL ELEMENT	ZEITMARKET
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment services, namely, providing online computer games and electronic games, and recording and displaying audio, visual, and data content, all provided via the Internet and via cloud computing platforms	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
Entertainment services, namely, providing online computer games and electronic games, and recording and displaying audio, visual, and data content, all provided via the Internet and via cloud computing platforms; Providing a website featuring non-downloadable videos on business and commercial transactions via the Internet and cloud computing environments	
FINAL DESCRIPTION	
Providing a website featuring non-downloadable videos on business and commercial transactions via the Internet and cloud computing environments	
FILING BASIS	Section 1(b)

GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing for the purpose of creating an online community for registered users to participate in discussions, get feedback from their peers, and form virtual communities, for the purposes of conducting consumer-driven transactions; providing virtual computer systems and virtual computer environments through cloud computing	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
Computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing for the purpose of creating an online community for registered users to participate in discussions, get feedback from their peers, and form virtual communities, for the purposes of conducting consumer-driven transactions; Providing virtual computer systems and virtual computer environments through cloud computing	
FINAL DESCRIPTION	
Providing virtual computer systems and virtual computer environments through cloud computing	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/sm mulholland/
SIGNATORY'S NAME	Susan M. Mulholland
SIGNATORY'S POSITION	Attorney for Applicant/MA bar member
SIGNATORY'S PHONE NUMBER	617.350.6800
DATE SIGNED	07/30/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 30 10:18:30 EDT 2015
TEAS STAMP	USPTO/RFR-38.113.7.195-20 150730101830760489-858938 31-540707351c14624ada8c6d 54458b8d8ff81fa8c86d6d3e6 5ad663eca53cf3a5e-N/A-N/A -20150730101242918838

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To the Commissioner for Trademarks:

Application serial no. **85893831** ZEITMARKET(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/85893831/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 041 for Entertainment services, namely, providing online computer games and electronic games, and recording and displaying audio, visual, and data content, all provided via the Internet and via cloud computing platforms

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: ~~Entertainment services, namely, providing online computer games and electronic games, and recording and displaying audio, visual, and data content, all provided via the Internet and via cloud computing platforms;~~ Providing a website featuring non-downloadable videos on business and commercial transactions via the Internet and cloud computing environments

Class 041 for Providing a website featuring non-downloadable videos on business and commercial transactions via the Internet and cloud computing environments

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

Current: Class 042 for Computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing for the purpose of creating an online community for registered users to participate in discussions, get feedback from their peers, and form virtual communities, for the purposes of conducting consumer-driven transactions; providing virtual computer systems and virtual computer environments through cloud computing

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: ~~Computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing for the purpose of creating an online community for registered users to participate in discussions, get feedback from their peers, and form virtual communities, for the purposes of conducting consumer-driven transactions;~~ Providing virtual computer systems and virtual computer environments through cloud computing

Class 042 for Providing virtual computer systems and virtual computer environments through cloud computing

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.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /sm mulholland/ Date: 07/30/2015

Signatory's Name: Susan M. Mulholland
Signatory's Position: Attorney for Applicant/MA bar member

Signatory's Phone Number: 617.350.6800

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: 85893831
Internet Transmission Date: Thu Jul 30 10:18:30 EDT 2015
TEAS Stamp: USPTO/RFR-38.113.7.195-20150730101830760
489-85893831-540707351c14624ada8c6d54458
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A-N/A-20150730101242918838