PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86154795
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Telecommunications consultation; providing information about telecommunications; telecommunications benchmarking services for telecommunications; telecommunications benchmarking services, namely, providing information relating to the performance of telecommunications equipment providers, wireless tower operators and mobile device manufacturers; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	038
TRACKED TEXT DESCRIPTION	
Telecommunications consultation; providing information about telecommunications; ~~telecommunications benchmarking services for telecommunications~~; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; ~~telecommunications benchmarking services, namely, providing information relating to the performance of telecommunications equipment providers, wireless tower operators and mobile device manufacturers~~; providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance and coverage of wireless networks; providing information to consumers, businesses, wireless telecommunications providers, telecommunications equipment providers, wireless tower operators, and mobile device manufacturers about the performance and coverage of wireless networks and the performance of mobile devices; ~~providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries~~	

FINAL DESCRIPTION	
Telecommunications consultation; providing information about telecommunications; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance and coverage of wireless networks; providing information to consumers, businesses, wireless telecommunications providers, telecommunications equipment providers, wireless tower operators, and mobile device manufacturers about the performance and coverage of wireless networks and the performance of mobile devices	
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Please see response text attached.
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-66192178162-20150501175631929027_._ROOTSCORE_Cl._38_OAR.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\861\547\86154795\xml9\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\861\547\86154795\xml9\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\861\547\86154795\xml9\RFR0004.JPG
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Alexander Montgomery/
SIGNATORY'S NAME	Alexander M. Montgomery
SIGNATORY'S POSITION	Associate Attorney, Perkins Coie LLP, Washington State Bar Member
DATE SIGNED	05/01/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 01 18:05:00 EDT 2015
TEAS STAMP	USPTO/RFR-66.192.178.162-20150501180500700901-86154795-530b37fb5d852d612506a9ef53f91df7d28e5a9a6cdd9f76f944210ebf834b113-N/A-N/A-20150501175631929027

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. **86154795** 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 038 for Telecommunications consultation; providing information about telecommunications; telecommunications benchmarking services for telecommunications; telecommunications benchmarking services, namely, providing information relating to the performance of telecommunications equipment providers, wireless tower operators and mobile device manufacturers; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries
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: Telecommunications consultation; providing information about telecommunications; ~~telecommunications benchmarking services for telecommunications~~; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; ~~telecommunications benchmarking services, namely, providing information relating to the performance of telecommunications equipment providers, wireless tower operators and mobile device manufacturers~~; providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance and coverage of wireless networks; providing information to consumers, businesses, wireless telecommunications providers, telecommunications equipment providers, wireless tower operators, and mobile device manufacturers about the performance and coverage of wireless networks and the performance of mobile devices; ~~providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries~~

Class 038 for Telecommunications consultation; providing information about telecommunications; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance and coverage of wireless networks; providing information to consumers, businesses, wireless telecommunications providers, telecommunications equipment providers, wireless tower operators, and mobile device manufacturers about the performance and coverage of wireless networks and the performance of mobile devices
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)).

ADDITIONAL STATEMENTS
Miscellaneous Statement
Please see response text attached.

Original PDF file:
mis-66192178162-20150501175631929027_._ROOTSCORE_Cl._38_OAR.pdf
Converted PDF file(s) (3 pages)
Miscellaneous File1
Miscellaneous File2
Miscellaneous File3

SIGNATURE(S)
Request for Reconsideration Signature
Signature: /Alexander Montgomery/ Date: 05/01/2015
Signatory's Name: Alexander M. Montgomery
Signatory's Position: Associate Attorney, Perkins Coie LLP, Washington 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 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: 86154795
Internet Transmission Date: Fri May 01 18:05:00 EDT 2015
TEAS Stamp: USPTO/RFR-66.192.178.162-201505011805007
00901-86154795-530b37fb5d852d612506a9ef5
3f91df7d28e5a9a6cdd9f76f944210ebf834b113
-N/A-N/A-20150501175631929027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Root Wireless, Inc.	LAW OFFICE 110
Serial No.:	86/154,795	Examining Attorney: Ellen J.G. Perkins
Filed:	December 30, 2013	
Mark:	ROOTSCORE	RESPONSE TO FINAL OFFICE ACTION
Class:	38	

This correspondence ("Response") is filed in response to the Final Office Action issued on November 1, 2014 ("Action") refusing registration of the ROOTSCORE trademark ("Mark") as set forth in U.S. Application No. 86/154,795 ("Application") by Root Wireless, Inc. ("Applicant"). In the Action, the Examining Attorney requested that Applicant further clarify its description of services.

Applicant has responded to the Examining Attorney's inquiries and requests and has amended its Application as set forth in this Response. Applicant respectfully requests that its amended Application be approved for publication.

I. Description of Services

At the request of the Examining Attorney, Applicant hereby amends its identifications in Class 38 to clarify the nature of Applicant's goods. Additions are **bolded** below; items requested to be deleted and moved to Applicant's co-pending applications specified below are in ~~*italicized strikethrough.*~~

> Class 38: Telecommunications consultation; providing information about telecommunications; ~~*telecommunications benchmarking services for telecommunications;*~~ ~~*telecommunications benchmarking services, namely, providing information relating to the performance of telecommunications equipment providers, wireless tower operators and mobile device manufacturers;*~~ telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; ~~*providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries*~~

II. Discussion

Transfer of Services to Companion Application Pursuant to T.M.E.P. §1402.08

The Examining Attorney requests that Applicant clarify and reclassify the following items in Class 38:

> Providing a website featuring **business** information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries; telecommunications benchmarking services for telecommunications **namely _____ (applicant must indicate the specific services being offered, i.e. providing business information and business data analysis)** in International Class 35.

Applicant accepts the Examining Attorney's proposal to reclassify the above items in Class 35 with the following clarifying amendments:

> *Providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries* ***for consumers, businesses, government, and media;*** *telecommunications benchmarking services for telecommunications****, namely providing business and consumer information and business and consumer data analysis;***

Together, the two amended items above should read as follows:

> Class 35: Providing a website featuring information in the fields of telecommunications equipment providers, wireless tower operators and mobile device industries for consumers, businesses, government, and media; telecommunications benchmarking services for telecommunications, namely providing business and consumer information and business and consumer data analysis

In accordance with the Examining Attorney's request, Applicant respectfully requests that these items as amended by the Applicant be moved from the Class 38 description above to Applicant's co-pending application for the ROOTSCORE mark in Class 35 (Ser. No. 86/154,786) pursuant to T.M.E.P. § 1402.08.

Transfer of Services From Companion Application Pursuant to TMEP §1402.08

In the Final Office Action issued on November 2, 2014 for Applicant's co-pending application for the ROOTSCORE mark in Class 35 (Ser. No. 86/154,786), the Examining Attorney requested that Applicant reclassify the following item in Class 38:

> providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance of wireless networks; providing information to consumers, telecommunications equipment providers and wireless tower operators about the performance of wireless networks;

Applicant accepts the Examining Attorney's proposal to reclassify the above items in Class 38 with the following clarifying amendments:

> providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance **and coverage** of wireless networks; providing information to consumers**, businesses**, **wireless telecommunications providers,** telecommunications equipment providers**,** ~~and~~ wireless tower operators**, and mobile device manufacturers** about the performance **and coverage** of wireless networks **and the performance of mobile devices**;

In accordance with the Examining Attorney's request, Applicant respectfully requests that these items as amended by the Applicant be moved from Applicant's co-pending application for the ROOTSCORE mark in Class 35 (Ser. No. 86/154,786) to Applicant's Application for the ROOTSCORE mark in Class 38 (Ser. No. 86/154,795) pursuant to T.M.E.P. § 1402.08.

Final Description of Applicant's Services in Class 38

After moving and amending the two items noted above to Applicant's co-pending application for the ROOTSCORE mark in Class 35 (Ser. No. 86/154,786), the final description of services in Class 38 should read as follows:

> Class 38: Telecommunications consultation; providing information about telecommunications; telecommunications benchmarking services, namely, providing wireless telecommunications information relating to network coverage and performance; providing an online website that provides data and information in the field of benchmarking, namely providing telecommunication information relating to network performance and coverage of wireless networks; providing information to consumers, businesses, wireless telecommunications providers, telecommunications equipment providers, wireless tower operators, and mobile device manufacturers about the performance and coverage of wireless networks and the performance of mobile devices;

III. Conclusion

The Applicant believes all of the proposed amendments in this Reponse clarify and narrow - and do not broaden - the covered services and that Applicant has addressed all outstanding issues raised by the Examiner in the Office Action. The Applicant therefore respectfully requests that the Application be passed on to publication. Should any questions remain with respect to the above, please contact Jason Howell or Alexander Montgomery.
DATED: May 1, 2015.