

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86334119
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86334119/large
LITERAL ELEMENT	CONTEXCONTROL
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.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_6915198238-20151130120954461329_._CONTEXCONTROL.OAR.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\341\86334119\xml9\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\341\86334119\xml9\RFR0003.JPG
SIGNATURE SECTION	
RESPONSE SIGNATURE	/James F. Struthers/
SIGNATORY'S NAME	James F. Struthers
SIGNATORY'S POSITION	Attorney of Record, TX Bar Member
SIGNATORY'S PHONE NUMBER	214 206-4300

DATE SIGNED	11/30/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Nov 30 12:12:08 EST 2015
TEAS STAMP	USPTO/RFR-XX.XX.XXX.XXX-2 0151130121208526899-86334 119-5403472537df6a133e9ab e746037dacd7372ab329644cd 8b3749227329c9655-N/A-N/A -20151130120954461329

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. **86334119** CONTEXCONTROL(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86334119/large>) has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section

EVIDENCE

Original PDF file:

[evi_6915198238-20151130120954461329_.CONTEXCONTROL.OAR.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /James F. Struthers/ Date: 11/30/2015

Signatory's Name: James F. Struthers

Signatory's Position: Attorney of Record, TX Bar Member

Signatory's Phone Number: 214 206-4300

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: 86334119

Internet Transmission Date: Mon Nov 30 12:12:08 EST 2015

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XXX-2015113012120852

6899-86334119-5403472537df6a133e9abe7460

37dacd7372ab329644cd8b3749227329c9655-N/

A-N/A-20151130120954461329

Remarks

This is in response to the office action dated May 30, 2015. This action makes final a refusal based on the identification of goods and services. However the refusal presented does not correspond to the present identification of goods and services for this application (or any previous ID's). Applicant believes the Examining Attorney may have inadvertently based this office action on Applicant's co-pending Application Serial No. 86334114 for CONTEXMAP which has a materially different ID. Since the objections and recommendations in this office action do not align with the ID in this application, Applicant requests a fresh office action that corresponds to the present identification or, if there are no remaining objections, approval for publication.

In the alternative, should the finality of this action be maintained even though Applicant lacks notice of the Examining Attorney's objections applicable to this ID, Applicant requests entry of the proposed amendments noted below and respectfully submits that the application is in condition for publication and allowance.

Amendment (in the alternative)

IC 009

~~Software-Computer software~~ for network management; ~~computer~~ software for communications and computer networks, ~~software-software~~-based networks solutions and media networking solutions, namely, software for administration of computer local area networks and software for provisioning, configuring, managing and controlling software-defined computer and communications networks; ~~computer~~ software for encryption and data protection; software to improve calculation efficiency, acceleration, arrangement, deployment and management of communications systems, computing systems, servers, networks and networks based on software and switches; computer software for control, management, monitoring, reporting and analysis of issues and information concerning computer networks, ~~and related~~ databases, usage patterns, end user data, subscriber data, anomalies and potential faults; computer hardware for network management, namely, computer networking hardware components and computer and telecommunications switches for transmitting and receiving communications over all types of systems for communications and for computer networks; computer hardware to improve calculation efficiency, acceleration, arrangement, deployment and management of communications systems, computing systems, servers, networks, networks based on software and switches

IC 035

Business information services; providing consumer information relating to computer software products, and software services, hardware, and computer networks; advertising services; business management;

business administration; marketing services; online information services, namely the provision of business and strategic planning information respecting high technology, communications, ~~and~~ information technology; ~~computer networking services~~; database management, namely, managing computerized databases, electronic files and data; providing services for collection, processing, ~~and~~ business analysis ~~and presentation~~ of consumption data and use data with respect to computer and telecommunications networks ~~and related services~~; business and marketing consultancy, advisory and information services; retail ~~online distribution and sale of~~ stores and online retail stores featuring software, software applications, hardware, and communication networks, for others; optimization and acceleration services for communication networks, namely, consulting services in the ~~field~~ field of search engine optimization, web site optimization and web site traffic optimization; online retail distribution and sale of software, applications, hardware, communication networks and related services, for others

IC 038

Communications services over computer networks, namely, electronic transmission of data and documents among users of computer networks; communication services based on software, namely, electronic transmission of data and documents among users of computer networks; electronic data transmission services between networked computer systems; communication via fiber optic networks

IC 042

Design, testing, research, consultancy and technological services relating to computing, computer networks, software and communication networks, namely, design and testing of new products for others; networking services based on software; industrial research and analysis services; programming of computer software and applications for others in the field of computing and communication systems and networks; design and implementation of software, software applications, communication networks and related components and features, for others; programming of computer software and applications for networked computing and communication systems; design of new products, components and features for others; software design, development of software, and software programming, for others; research in the field of computer software and communication networks, for others; consultancy services relating to communication networks, software and applications; maintenance, installation and repair of computer software; computer and communication networks diagnostic services; consultancy services in the field of selection, implementation and use of software, communication networks, applications and computer systems; electronic storage and electronic retrieval of documents, data, files, images, audio and video, for others