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Subject: U.S. TRADEMARK APPLICATION NO. 86353102 - PRECISION GUIDED SELLING - TI-BD-TM-09 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 4

Attachment Information:

Count: 18

Files: ccgroup-1.jpg, ccgroup-2.jpg, ccsalet-1.jpg, ccsalet-2.jpg, ccsalet-3.jpg, rav-1.jpg, rav-2.jpg, ravtr.jpg, valuforw-1.jpg, valuforw-2.jpg, vfst-1.jpg, vfst-2.jpg, vfsales-1.jpg, vfsales-2.jpg, vfsales-3.jpg, jkt-1.jpg, jkt-2.jpg, 86353102.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86353102

MARK: PRECISION GUIDED SELLING



CORRESPONDENT ADDRESS:

DAVID A. GOTTARDO

DAVID A. GOTTARDO, ATTORNEY AT LAW

PO BOX 64

GRAFTON, WI 53024-0064

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: THINK! INC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

TI-BD-TM-09

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated June 4,

2015 are maintained and continue to be final: refusal of the mark under Section 2(d) of the Trademark Act. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues.

Through the Request for Reconsideration, applicant presents the same arguments presented in prior responses concerning alleged weakness of the wording in the cited registration. The examining attorney respectfully disagrees for the reasons set forth in the Final Office action dated June 4, 2015. The evidence and arguments set forth in the Final Office action dated June 4, 2015 are incorporated herein by reference.

Applicant also argues that the evidence of record does not support the finding that the services of the parties are related and travel in the same channels of trade. The examining attorney respectfully disagrees and submits that the cumulative evidence of record supports the finding that the services of the parties are related.

Nevertheless, additional evidence is enclosed, which supports the finding that the services of the parties are related and travel in the same channels of trade. A sample of this evidence is outlined below:

- 1) Evidence from http://www.conferencecentergroup.com/improve_your_business/index.cfm?fuseaction=cor_av&artID=6606 advertising marketing analysis services as well as business training services in the field of sales method and improvement all originating from the same source. A screen shot of the marketing analysis services from this website was previously provided with the November 17, 2014 Office action at page 13. This evidence includes the marketing analysis services as well as the advertising for the sales training services.
- 2) Evidence from <https://www.ravingconsulting.com/services/training/> advertising marketing analysis services as well as business training services in the field of sales all originating from the same source.
- 3) Evidence from <http://valueforward.com/marketing-analysis/> and <http://valueforward.com/sales-training/> advertising marketing analysis services as well as business training services in the field of sales improvement all originating from the same source.

- 4) Evidence from <http://www.itkemerly.com/services.htm> advertising marketing analysis services as well as business training services in the field of sales improvement all originating from the same source.
- 5) Evidence from <http://www.team-edi.com/sales-marketing/> advertising marketing analysis services as well as business training services in the field of sales improvement.
- 6) Evidence from <http://www.thecxogroup.com/intro-marketingadvisement.htm> and <http://www.thecxogroup.com/srv-training.htm#sales-training> advertising marketing analysis services as well as business training services in the field of sales methods and sales improvement all originating from the same source. For example, the advertising indicates “We perform a comprehensive review and analysis of your entire marketing area and provide detailed recommendations and an action plan on what you need to do differently to exceed your marketing goals and take your marketing ROI to the next level.” In addition, the advertising includes “sales training seminars” and “marketing seminars” to help businesses improve their sales.
- 7) Evidence from <http://www.amsiweb.com/about.html> advertising a “360 marketing analysis” services as well as “Sales training, CSR training as needed” all with the goal of “maximizing brand equity, enhancing sales performance and driving profitability for corporations, financial institutions, and member organizations. We work hand-in-hand with our clients to research, design and implement customized, real-world strategic marketing plans and processes that produce results.”
- 8) Evidence from <http://businessgrowthgroup.com/products-services/> advertising marketing analysis services as well as business training services in the field of sales all originating from the same source.

The examining attorney also encloses additional third party registrations from the USPTO’s X-Search database consisting of third-party marks registered for use in connection with the same or similar services as those of both applicant and registrant in this case. This evidence shows that the services listed therein, namely marketing analysis services as well as business training services in the fields of sales and marketing including marketing analysis, are of a kind that may emanate from a single source under a single mark. See *In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

As indicated in TMEP §715.03, “Regardless of whether an applicant submits new evidence with a request for reconsideration, the examining attorney may introduce additional evidence directed to the issue(s) for which reconsideration is sought. TBMP §1207.04; see *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1200–01 (TTAB 2009); *In re Giger*, 78 USPQ2d 1405, 1406–07 (TTAB 2006).”

Further, applicant argues that proper analysis of the evidence was not provided in the Final Office action. The examining attorney respectfully disagrees as the Final Office action includes an explanation of the refusal including an analysis of the evidence.

Finally, applicant argues that the Final Office action dated June 4, 2015 was premature. Specifically, applicant indicates:

“Final action is appropriate when a clear issue has been developed between the examining attorney and the applicant, i.e., the examining attorney has previously raised all outstanding issues and the applicant has had an opportunity to respond to them. TMEP 714.03. In view of the examining attorney’s unsupported exhibits, namely the aforementioned web sites and registrations attached to the final action without any underlying argument or explanation, applicant respectfully submits that such exhibits raise issues to which applicant has not yet had the opportunity to respond.

Applicant, while the application remains pending before the examining attorney, TMEP 714.06, thus respectfully requests that she issue a new action providing arguments underlying the exhibits and/or otherwise explaining them and making them properly of record within the present application.”

The examining attorney respectfully disagrees and submits that the June 4, 2015 Final Office action was not premature since a clear issue has developed between the examining attorney and the applicant, the examining attorney has previously raised all outstanding issues and the applicant has had an opportunity to respond to them.

Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Linda M. Estrada/

Trademark Examining Attorney

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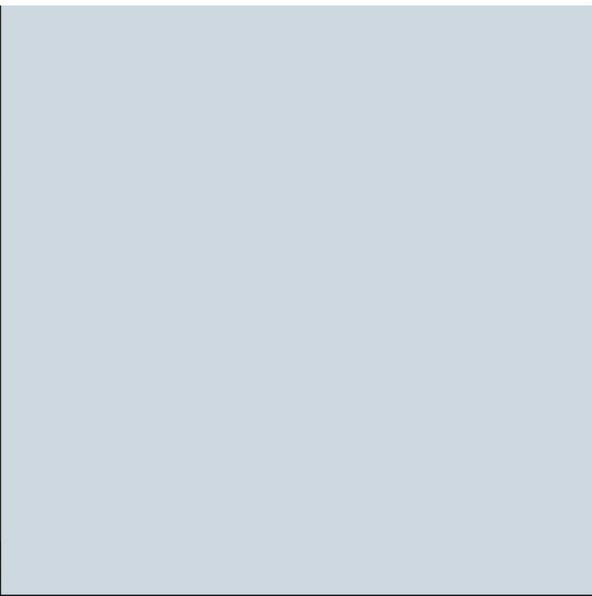
Sales & Marketing Analysis

The sales and marketing analysis (to include departmental audits) is separated into several elements. First, we conduct a "micro-analysis" of the sales process; site inspection, outbound contact, account follow-up, and rate reduction metrics are examined. Then a top to bottom marketing review including web metrics with a SEO analysis is completed. We evaluate the advertising "spend", direct marketing output and the various distribution channels. Marketing communications, promotions, conversion efficiencies and competitor share are also reviewed.



When we're finished, you get a marketing and sales plan crafted to boost revenues immediately. We even "train your sales team" with content that has been continually refined and redeveloped during more than 25 years of success.

- Operations Analysis
- Operator Review & Selection
- Sales & Marketing Analysis
- Management Contract Analysis/Negotiation
- Asset Management
- Capital Expense Planning
- Strategic Planning
- Sales Training
- Facilities Improvement
 - Space Programming
 - A/V Tech Planning
- FF&E Specs & Purchasing
- Improve Customer Satisfaction
 - Guest Satisfaction Improvement



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BUSINESS IMPROVEMENT

Sales Training

If your sales training hasn't changed dramatically during the last year, then it's likely that your team is not operating at peak performance.

The facts are clear; your sales team is selling in an environment of fewer meetings, increased competition and more negotiations. The skills necessary to survive and thrive have changed.



We constantly monitor the group sales business and adjust our sales training content to provide solutions that are effective and topical. Our intellectual property is gauged to the existing economic conditions that you face right now

Consulting Services	-- and not to conditions that governed prior to this challenging recession.
BUSINESS IMPROVEMENT	
Operations Analysis	For more than 25 years, we have been changing the behaviors of sales teams throughout the U.S. and in Europe. Our training is effective because the one tenet that never changes is our unwavering approach to "prime, prompt and test." After all, any training that is not tested is simply a nice speech.
Operator Review & Selection	We have recently created the Six Competencies™ -- in response to the challenges group salespeople face, the six elements of direct sales that are required of every sales team.
Sales & Marketing Analysis	Here they are:
Management Contract Analysis/Negotiation	Effective Prospecting: A salesperson must be able to contact new potential customers, determine their potential value, and, if qualified, gain the following information: Type of meetings planned in the past and next year, properties utilized, site selection criteria.
Asset Management	Comprehensive Knowledge of their Property (ies) and Competitors: A sales person must be able to effectively communicate at least five (non-rate related) unique property elements. (Determined by knowledge of competitor deficiencies)
Capital Expense Planning	Conduct a Compelling Site Inspection: A salesperson must be able to conduct a site inspection that results in the prospective customer understanding the superiority of their property to host the particular meeting as compared to other properties under consideration.
Strategic Planning	Effective Questioning Skills: Salespeople must be able to extract and create customer needs that can only be met by their property..
Sales Training	Assess and Create Actions: The salesperson must be able to assess the client's progress in the property selection process. and create measurable and observable customer actions toward selecting their property.
Facilities Improvement	
Space Programming	
A/V Tech Planning	
FF&E Specs & Purchasing	
Improve Customer Satisfaction	
Guest Satisfaction Improvement	

Reduce Rate Reductions: The sales person must be able to confirm bookings without resorting to multiple negotiations, which result in several rate reductions...

Directors of Sales and/or Marketing have just as much to learn as salespeople and we have specific content for them as well. Selling and managing a high performing sales team are specific skills that need to be learned by every Director of Sales and/or Marketing. In fact, we offer a variety of multi-day courses, which train conference center Sales Managers, Directors of Sales, and Directors of Marketing in all aspects of the meeting sales process. In fact, we offer a course for Directors and General Managers, which teaches the "METRICS OF MANAGING SALES TEAMS".

Sales staff effectiveness can either grow or shrink a conference center's business. A knowledgeable and skilled sales team is essential to compete for revenue. Our goal is to get your team to drive revenue - consistently and successfully and get the financial results you want to achieve. Our proprietary methodologies and materials work - and the results are immediate revenue improvement.

Raving Bet Raving Knows.™

Training

Set your property apart by providing exceptional guest service and skills training in every department. Raving customizes our programs for your property. Give your management and frontline staff all the skills they need; help your casino host and player development team drive revenue; and provide your management with a clear measurement tool.

Host and Player Development & Guest Service

- Watch Steve Browne Video from **Order Takers? or Revenue Drivers! Realigning Host Duties to Drive Revenue session at the Player Development Summit 2011. [Click here.](#)**
- Custom Guest Service Design Program
- Guest Service Skills Training
- Host & Player Development Skills & Sales Training
- Database Tools & Skills for the Casino Host
- Slot Ambassador Program
- Bilingual Programs
- Sales & Skills Training
- Train the Trainer

- Train the Trainer
- Host Skills for the Pit
 - The R&R Club
 - The Year of Service

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- Promotion Planning & Analysis
- Player Loyalty Incentives
- Executive Placement
- Marketing Assessments & Planning
- Online Gaming



- Custom Guest Service
- Host & Player Development
- Slot Ambassador
- Bilingual Programs
- Sales & Skills Training
- Train the Trainer
- Host Skills for the Pit
- Online Casino Ad Exp



- Industry Tradeshow Partnerships
- Conference Sponsorships
- Access Marketing Services

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MARKETING ANALYSIS

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If you cannot link your marketing and brand programs to increased revenue, you might as well reduce your marketing budget and hire more salespeople and let them hunt for new business.

To help companies grow their top line revenues and operational profits while maximizing marketing ROI, it is important for executive teams to build a strategic marketing approach targeted at prospects who buy.

During our Marketing Analysis program, our team will review all aspects of your marketing and communication devices and provide recommendations on how to improve your messaging and communication to convey your company's value to prospects.

This program is delivered as part of our 360° Success Program designed to review and analyze sales, strategy and marketing as it relates to each department and the success of your company, but it can also be delivered as a stand-alone engagement designed to identify and improve the function of your marketing efforts.

To receive more information or a proposal for Marketing Analysis, contact us today at (770) 632-7647 or complete the form below and one of our consultants will contact you.



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TECHNOLOGY SALES TRAINING

HOME TECHNOLOGY SALES TRAINING

Depending on what product or service you sell, your investment in hiring a salesperson is usually a one-year commitment. By the time you hire, train, and monitor the person's sales success, you usually burn 6-8 months of your fiscal budget selling time. If you let the person go, you start the whole process over. The way to maximize your investment (the sales team) is to minimize mistakes, accelerate the revenue-capture process, and reduce sales costs by thoroughly training them when they are first hired and continually training during their employment.

TECHNOLOGY SALES TRAINING

At the Value Forward Group, we offer a broad range of education and learning programs designed to help technology sales team members learn specific skills to help them build a knowledge center of methods and techniques needed to increase their sales quota success. Our education process is focused on sales team learning – not just sales training.

Our sales team education approach is designed to help you and your team "become peers in the boardroom, instead of vendors waiting in the hallway®." Through specific copyrighted Value Forward techniques and methods, we teach your team how to put your business value in front of them so prospects see your company as a strategic advisor and take action steps to buy -- creating a go-to market plan that is scalable.

Technology sales education programs must increase both new business from existing customers and new business from new prospects. In today's economy, prospects are not loyal and existing customers are barely loyal. So, lead generation and sales success must be tied to a premeditated plan of engagement that induces buyers to buy. These programs need to teach IT salespeople how to work with prospects to build trust and to induce them to take transaction steps to buy within the sales team's sales quota timeline.

We call this the 3T Sales Method™ of sales success.



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We call this the 3T Sales Method™ of sales success.

1. Trust
2. Transaction
3. Timeline

Using the Value Forward 3T Sales Method, we help you win more and lose less.

Our workshops are custom fitted based on your needs and are offered in 1-day, 2-day and annual retainer options based on your team's needs and your corporate objectives.

Our subjects include:

- How to cold call management, set up appointments and create value that prospects understand
- How to give an executive briefing, white board presentation or webinar that communicates your value and induces a prospect to buy
- Key account and target account sales development and how to set up a pursuit sales team
- How to use storytelling as an advanced selling tool
- How to negotiate with C-level executives and close more deals
- How to hire the right salespeople and increase their productivity
- How to develop and implement an IT reseller/channel program successfully
- How to improve your sales team's time management and increase their sales efficiency
- How to increase your tradeshow success and increase qualified lead generation

For more information, please contact us at (770) 632-7647.

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1

Sales Training: How to Sell to Executives

2

Sales and Marketing Management by Metrics Training

3

Message Development: Build Buyer Conversations and Value Messaging That Sells

4

IT Sales & Marketing Success Strategy Development and Go-To-Market Plans



SALES MANAGEMENT

HOME SALES MANAGEMENT

SALES MANAGEMENT ADVISEMENT

Increasing Sales and Marketing Team ROI

As sales team members cost rises, sales management must continuously invest in sales team member skills training to maximize their sales quota capture success and time management efficiency.

Managing sales teams correctly requires a detailed process that motivates, measures, and drives team member performance. Simultaneously, through our detailed success models, metrics, sales forecasting, scorecards and training approaches, we help growth-directed firms thrive.

We offer a broad range of sales management advisory and training programs that can be personalized base on your needs.

Our sales management programs include:

- Sales management model assessment



RECENT ARTICLES

IT SALES PROCESS DEVELOPMENT

IT SALES RELATIONSHIPS START AFTER THE 2ND SALE

BETTER MESSAGING & BRAND CONTENT CLOSES IT DEALS

TAKE THE 2016 REVENUE CAPTURE SUCCESS TEST

- Sales management team training
- Sales management team assessment
- Sales management program design

Sales Force Effectiveness

Sales team members are business assets that must be invested in and managed through a planned process. Business success models must be focused on building a scalable process that can be measured.

Value Forward sales force effectiveness programs include:

- Sales plan development
- Go-to-market sales strategy development
- Sales process analysis and development
- How to calculate IT sales quotas correctly
- How to manage sales teams by metrics not emotion
- Sales force design and compensation development

Compensation Plans

Quite often, our clients ask us "what is a fair compensation plan for executives and salespeople."

Of course, there are many factors that play into this calculation including what kind of IT products/services that are being sold, the average sales price of the technology or professional service, gross margins of the business, whether the company is a startup or a Fortune 1000 player, and what the market comparisons are for the same job.



SUCCESS TEST

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- 4 [IT Sales & Marketing Success](#)

Compensation for sales teams is always a political, social, and economic challenge for sales management. It is a common assumption held by most salespeople that they are overworked and underpaid. Yet, in today's economy many salespeople are often not paid based on the work ethic they commit to or the business results they produce.

Selling, in its truest form, is a result-based employment opportunity that should pay based on success, not the anticipation of success. In the real world, since compensation inflation is rampant in many industries, sales management must learn to work with the available pool of sales candidates and modify their approach to sales to increase their potential for success. This is even more relevant today due to the fact that many companies must hire the best salesperson at the time of the open requisition and business need, not necessarily the best salesperson available in the candidate pool.

For more information to build a sales management program that drives revenue, please contact us at (770) 632-7647.





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OUR SERVICES

Sales Strategy & Performance – One of the best tools for assessing your current situation is to conduct a comprehensive sales and marketing audit of the entire sales and marketing program. This review enables us to accurately assess the sales team, marketing plan and collateral, competitive positioning within the market place, pricing, concessions and sales incentives, lead generation and management, sales metrics and reporting tools as well as the overall sales culture. As a result of this review it will be clear where the problems exist and enable us to prioritize an approach for addressing the highest impact areas first as part of your personalized strategic sales plan. These services can include:

- Sales & Marketing Analysis
- Revenue Improvement Plan
- Lead Generation & Management
- Competitive & Market Analysis

Sales Staff Development – Essential to all high performance sales teams is the quality of individual sales team members. We can work alongside you in the recruiting and interviewing process to ensure that you hire the right candidate, assess your current sales team to identify sales training needs, and then design and implement the training to improve sales

your current sales team to identify sales training needs, and then design and implement the training to improve sales performance.

- Sales Team & Candidate Assessments
- Leadership Coaching
- Sales Team Training
- Mystery Shopping

Sales Process & Systems – The key to creating lasting results in sales performance requires a strategic plan with measurable actions and disciplined behaviors on a consistent basis. JT Kemerly & Associates works with you to evaluate your sales system and processes to identify problems and provide a turnaround solution plan. These processes and systems can include the evaluation and redesign of:

- Sales Metrics & Key Performance Indicators
- Inquiry to Move-In Expectations & Standards
- Sales Compensation & Incentives
- Overall Customer Experience

SITEMAP

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CONTACT

Email
info@jtkemerly.com
Office (815) 556-8761
Cell (630) 464-2858

"There is no magic wand or silver bullet when it comes to sales excellence. It takes a strategic plan with measurable actions and disciplined behaviors on a consistent basis to achieve enduring sales success."

