From: Hiser, Charles

Sent: 12/16/2015 6:44:01 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86359908 - ICON SPORTSWIRE - N/A - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 12

Files: icons11.jpg, icons10.jpg, icons9.jpg, icons8.jpg, icons7.jpg, icons6.jpg, icons5.jpg, icons4.jpg, icons3.jpg, icons2.jpg, icons1.jpg, 86359908.doc

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

**U.S. APPLICATION SERIAL NO.** 86359908

**MARK:** ICON SPORTSWIRE

**CORRESPONDENT ADDRESS:**

MATTHEW H SWYERS

THE TRADEMARK COMPANY

344 MAPLE AVE W STE 151

VIENNA, VA 22180-5612

**GENERAL TRADEMARK INFORMATION:**

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

VIEW YOUR APPLICATION FILE

**APPLICANT:** XML Team Solutions, LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

admin@thetrademarkcompany.com

# REQUEST FOR RECONSIDERATION DENIED

**ISSUE/MAILING DATE: 12/16/2015**

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 May 26, 2015 are maintained and continue to be final: Sections 1, 2, 3 and 45 Refusal. *See* TMEP

§§715.03(a)(ii)(B), 715.04(a). The following requirement and refusal made final in the Office action are obviated/satisfied: disclaimer requirement, specimen mentions services. *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. The applicant's applied for services are not sufficiently separate and qualitatively different from applicant's principal activity, being a photo wire service. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. 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).

/Charles H Hiser IV/

Examining Attorney

Law Office 112

(571) 272-7526

charles.hiser@uspto.gov

# FREQUENTLY ASKED QUESTIONS

- What is The Associated Press?
- Who owns The Associated Press?
- Who are AP's members?
- Who hears or reads news from The Associated Press?
- What are AP's news values and principles?
- Where can I find AP stories and other content?
- Is AP content available to companies other than news organizations?

  > Over the past decade, AP has also sold a selection of its text, photo, audio and video reports to corporations, private companies, government agencies and other organizations that place a premium on having accurate, reliable information delivered to them quickly and directly. Many of these customers use AP content solely as a source of information, while others redistribute AP content under strict agreements.
  >
  > AP imagery and video are purchased by book publishers, documentary producers and others, while some of AP's photographers can be hired for events, press releases, product launches and other occasions.

- How do I send a correction or letter to the editor?
- Where can I send a press release?
- How do I contact a reporter or editor?
- How do I get permission to reprint an Associated Press story or photo?
- How can I become a member of The Associated Press and receive AP services?

# Does The Post rely too much on wire services?

64

By Patrick B. Pexton February 17, 2012

Long before there was Twitter, there was the Associated Press. For more than 160 years, sometimes in snippets even shorter than 140 characters, AP news bulletins have gone out via couriers and telegraph, wire and teletype, satellites and Internet to thousands of newsrooms, which relay the news to readers, listeners and viewers in all corners of the globe.

Indeed, AP, and other news services such as Reuters and Agence France-Press, act, as AP says, as the "backbone" of the world's information system. None of us in this business could do our jobs properly without them.

From time to time I get comments from readers who say something like, "The Post didn't adequately cover this crisis or that event. All you had was a wire report and a wire photo, and I had to hunt for that online or find it deep on an inside pages of the paper."

Well, with The Post continuing to downsize, you'll be seeing more stories and photos from the wire services, especially from AP, which is The Post's biggest

**PA Images is the UK's leading image provider, bringing together the world's best daily news photography.**

Trusted to capture all key events, we tell great stories and bring exclusive photographic content to the market in multiple formats for multiple platforms.

We belong to the UK and Ireland's national news agency and are trusted by the highest profile public figures in the country. Historic links with key British institutions have resulted in continuous exclusive content, tailor-made to suit your requirements.

**Royalty:**
We have established relationships with Buckingham Palace and Clarence House, enabling us to deliver first-class public and personal photos.

Our images are widely used, appearing 24/7 in the world's leading media, both in print and via multiple platforms.

**Archive News:**
PA Images offers a database of more than 12 million images online, supported by an unrivalled archive that dates back to the 1860s. Here you will find a unique insight into British history and major news events.

**International News:**
With a global network of more than 60 partner agencies including AP, DPA, AAP and Demotix, alongside our award winning photography team, we can deliver the content to meet your needs.

You will also have access to the extensive AP photo archive, one of the world's largest, which includes more than 50 million pictures.

**Commission Photography**
The Press Association can fulfil your assignment photography brief in the UK and around the world.

To find out more around the services we offer please get in touch now.

NEWS PICTURES FROM REUTERS

# Pictures

Award-winning news pictures, updated 24/7

Reuters network of 600 award-winning photojournalists distributes more than 1,600 new pictures each day, covering news, sports, features, business, entertainment and lifestyle.

We provide:

- Live pictures as news breaks
- Searchable archive of more than 13 million images
- Comprehensive coverage of all major sports events
- All red-carpet events
- Regional feeds
- Thematic selections and feeds
- Daily packages
- Slideshow galleries
- Highly curated pictures on the wire and archive

Find out more about Reuters Pictures

# Reuters News Picture Service

The essential source for live news imagery from every corner of the globe

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A view shows the Costa Concordia cruise ship that ran aground off the west coast of Italy, at Giglio island January 15, 2012.

**Description:**

The events that shape the world are captured every day by Reuters. The Reuters News Pictures Service offers you an essential source of comprehensive news imagery from every corner of the globe, around-the-clock. Our flagship pictures service is ideal for publishers who need to know exactly what is happening in the world. Images of the biggest stories as they break make it a vital editorial resource for the world's media as well as government and corporate organisations. Our network of over 600 photographers uses local knowledge and global presence to provide unsurpassed coverage. With the highest quality control and tight

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# Technical Specifications

| | |
|---|---|
| Delivery | Via Content Downloader, FTP, Media Express, RSS, Satellite, Web Services |
| Updates | 24 hours a day, 7 days a week |
| Optional add-on access | Archive of over 6 million images and daily packages on the Reuters Pictures web site. Choice of pay per use and subscription options. |

## Related Products

### Reuters World News Service

Our core television product covering every major international news event. Our on-the-ground crews work with 200 Reuters bureaus globally to quickly deliver trustworthy journalism and high quality news video to the world's broadcasters.

### Reuters Essential Video Archive

Reuters Essential Video Archive (REVA) provides instant, online access to thousands of pre-paid, rights-cleared, ready-to-publish videos of some of the world's most dramatic and highly acclaimed video footage ever captured.

### Reuters Pictures

Reuters Pictures offers direct access to over 1,600 new pictures per day plus an archive of over 7 million images spanning a broad range of topics. Browse packages of the day's top stories, thematic selections, keyworded collections and archive material.

# PHOTOS

The Associated Press delivers more than 3,000 photos a day from journalists recording news as it happens around the world. For more than a century, AP has captured the greatest moments in history, breaking news, sports, politics and entertainment. AP's photography has won numerous awards, including 31 photo Pulitzers, the most of any news organization.

## AP Images

AP Images is the world's largest collection of historical and contemporary photos. AP Images provides instant access to AP's iconic photos and adds new content every minute of every day from every corner of the world, making it an essential source of photos, creative imagery and graphics for professional image buyers and commercial customers. Whether your needs are for editorial, commercial, creative or personal use, AP Images has the content and expert sales team to fulfill your image requirements.

For professional licensing use, contact AP Images.

EDITORIAL

PHOTOGRAPHER COLLECTIONS

Icon Sportswire



## ABOUT ICON SPORTSWIRE

Icon Sportswire is a photojournalist wire service that is among the premiere players in the industry, with photos regularly appearing in major national and international publications such as Sports Illustrated, The New York Times, Time Magazine, Wall Street Journal, AOL, Yahoo, Sporting News, Newsweek, ESPN the Magazine and countless others; as well as in books, web sites, major advertising campaigns and elsewhere. Our daily coverage of sport makes us a primary resource of sports images for thousands of websites, newspapers and magazines every day.

Icon Sportswire provides an unparalleled level of personalized service. Our staff creates unique strategies for all of our clients--from small Web operations to multi-million dollar organizations---to ensure they can immediately access the imagery they need.

We maintain an archive of millions of photographs, including a historical archive of iconic figures like Jim Thorpe, Babe Ruth and Lou Gehrig - even Frank Sinatra - to current sporting events around the world.

If for some reason we don't have an image you need, we will find it for you.

Icon photographers regularly cover all major sporting events worldwide, including:

- NFL
- MLB
- NBA
- NHL
- NCAA men's and women's sports
- Top high school sports
- NASCAR, IRL, F1, NHRA
- PGA, LPGA, Champions Tour, European Tour
- MLS, European and International Soccer, World Cup
- Olympics
- And more...

We are poised for virtually any editorial or advertorial assignment internationally. Among our ranks are award-winning photographers with a broad range of photographic specialties, from athlete portraiture to space shuttle launches.

Additionally, Icon Sportswire photographers are available for hire to cover corporate events or private outings. If it involves photography, we can almost certainly provide you with what you need.

---

### Additional Services

**Photo Research**
Having trouble finding the right image or a subject within our vast image database? Our staff is thoroughly versed in our image content and specializes in finding the right picture for your project. If you need it, we'll find it.

**Assignment Photography**
Icon Sportswire photographers are available for editorial assignment work, bringing a unique vision and unsurpassed quality to your next project. With hundreds of photographers around the world, we'll find a photographer to fit your request.

**Event Requests**
Have a specific request from a particular event, an Icon Sportswire photographer will capture the content that fits your needs.

**Commissioned Assignment**
For Commissioned assignments of subjects or events, we will exclusively commission a photographer to capture your photographic needs.

**Corporate Assignment**
If you are a team, university, venue, sponsor or event organizer in need of photography services, Icon Sportswire can provide you an end-to-end photographic solution that captures the images and delivers them directly to you or via our image platform. Individual game or event or season-long services are available.

**Content Syndication**
Icon Sportswire represents image collections from foreign photo services, newspapers, and the historical content of renowned photographers. If you are looking to syndicate your current or historical content, contact us for consultation as to of how our assignment and syndication services can help you distribute and monetize your content.

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# Wire services

276 PAGES ON THIS WIKI

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**Wire services** provide news reports to media outlets, and are also called **news agencies**, **news cooperatives**, and **news services**.

Wire services prepare hard-news articles, features, and other material to be used by media outlets, with little or no editing needed. Some wire services also send photos, infographics and broadcast reports.

The service charges for access to their material. Some also charge for separate items.

The form of the wire service is not uniform. Corporate models may simply sell their service while cooperatives of news outlets share their articles with other members. Press release wire services charge creators of content to distribute their news. Government-operated, nonprofit, and alternative media networks are other forms of wire services.

International wire services:

- Agence France-Presse
- All Headline News (AHN)
- ANP (The Netherlands)
- ANSA (Italy)
- Associated Press (USA)

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AdChoices



Dictionary

# wire service

SAVE POPULARITY

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?! QUIZ

: a news organization that sends news stories to many newspapers, magazines, etc.

From Septon to Smallclothes: The real history behind 10 Game of Thrones words »

Full Definition of WIRE SERVICE

: a news agency that sends out syndicated news copy to subscribers by wire or by satellite transmission

See wire service defined for English-language learners

See wire service defined for kids

ADVERTISEMENT

Word of the Day DECEMBER 15, 2015

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Words at Play

Microaggression: Words

Icon photographers regularly cover all major sporting events worldwide, including:

- NFL
- MLB
- NBA
- NHL
- NCAA men's and women's sports
- Top high school sports
- NASCAR, IRL, F1, NHRA
- PGA, LPGA, Champions Tour, European Tour
- MLS, European and International Soccer, World Cup
- Olympics
- And more...

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## Additional Services

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**Player Portraits**
Updated headshot photos and action shots of all players in top leagues. Offered as a feed from our sister editorial division, The Sports Forecaster, who selects the photos and keeps them current.

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## Leading the way

Founded in 1999 by former Getty veterans, Icon Sportswire has been at the forefront of the monumental transition from film to digital photography. In 2000, it was an Icon Sportswire photographer who during the Super Bowl who took the first digital photograph ever to run as a double-page spread in Sports Illustrated (read Poynter's coverage of that landmark event here: http://www.poynter.org/uncategorized/1507/si-rallies-with-genuine-fractals-after-super-bowl-fumble/).

We use custom-designed technology to store our imagery, and our Web site is styled to be simple, user-friendly and efficient, giving you a high-speed avenue to find and download the photo you need.

We're a forward-thinking organization with our fingers on the pulse of the constantly evolving world of media. Rather than just rolling with the punches, we anticipate changes in the industry and adapt to meet the needs of those we work with. A decision to partner with Icon Sportswire is a decision to remain that much more on the cutting edge.

We are constantly interested in your feedback and are ready to answer further questions you may have about our company. Please don't hesitate to direct questions or comments to info (at) iconsportswire.com.

Thank you for visiting our site and for your interest in our organization and our work. We look forward to meeting your photographic needs!

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BROWSE OUR PHOTOS