

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86605244
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86605244/large
LITERAL ELEMENT	FOLCS FILM FESTIVAL
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)	
<p>Applicant is submitting this request for reconsideration in connection with the Final Office Action sent February 10, 2016. The Final Office Action has been carefully reviewed, and every effort has been made to put the application in immediate condition for publication. Applicant has adopted the Examining Attorney's proposed description of services for classes 35, 38, and 45. Applicant has largely adopted the language proposed by the Examining Attorney for classes 9 and 41, but, based on feedback from the Examining Attorney, Applicant has moved the language from class 9 to class 41 and more specifically described the types of videos and podcasts provided by Applicant as "streaming" videos and podcasts. Applicant is cancelling class 9 and is not adding the new class 44 proposed by the Examining Attorney. Applicant respectfully requests reconsideration and withdrawal of the outstanding refusal to register the mark based on the forgoing. To preserve Applicant's rights, Applicant is concurrently submitting a Notice of Appeal with respect to class 41, but the Examining Attorney is respectfully requested to contact Applicant's attorney Todd Schneider if any issues remain with the present application.</p>	
GOODS AND/OR SERVICES SECTION (009)(class deleted)	
GOODS AND/OR SERVICES SECTION (035)(class added)Original Class (009)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Providing a website featuring information in the field of politics, economics, government affairs, public policy, and business information	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (038)(no change)	
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041

TRACKED TEXT DESCRIPTION	
Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs; providing a website featuring entertainment information ; providing a website featuring information in the field of art ; providing streaming videos and podcasts in the field of the law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs	
FINAL DESCRIPTION	
Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs; providing a website featuring entertainment information; providing a website featuring information in the field of art; providing streaming videos and podcasts in the field of the law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (045)(current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Providing information on a website in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (045)(proposed)	
INTERNATIONAL CLASS	045
TRACKED TEXT DESCRIPTION	
Providing information on a website in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs; Providing a website featuring information in the field of law, social justice, and human rights	
FINAL DESCRIPTION	
Providing a website featuring information in the field of law, social justice, and human rights	
FILING BASIS	Section 1(b)
PAYMENT SECTION	
TOTAL FEES DUE	The filing Attorney has elected not to submit a fee payment for the class(es), believing no fee payment is required under the <i>Trademark Rules of Practice</i> .
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Todd Schneider/
SIGNATORY'S NAME	Todd M. Schneider
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	8584583000
DATE SIGNED	08/05/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO

FILING INFORMATION SECTION	
SUBMIT DATE	Fri Aug 05 14:55:47 EDT 2016
TEAS STAMP	USPTO/RFR-XXX.XX.XX.XX-20 160805145547106897-866052 44-5502ef82852f83cd72dfa2 62a2f1c30c807ee55e5af03fb 680aff2f6999b8918-N/A-N/A -20160805145448135342

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86605244** FOLCS FILM FESTIVAL(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86605244/large>) has been amended as follows:

ARGUMENT(S)

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

Applicant is submitting this request for reconsideration in connection with the Final Office Action sent February 10, 2016. The Final Office Action has been carefully reviewed, and every effort has been made to put the application in immediate condition for publication. Applicant has adopted the Examining Attorney's proposed description of services for classes 35, 38, and 45. Applicant has largely adopted the language proposed by the Examining Attorney for classes 9 and 41, but, based on feedback from the Examining Attorney, Applicant has moved the language from class 9 to class 41 and more specifically described the types of videos and podcasts provided by Applicant as "streaming" videos and podcasts. Applicant is cancelling class 9 and is not adding the new class 44 proposed by the Examining Attorney. Applicant respectfully requests reconsideration and withdrawal of the outstanding refusal to register the mark based on the forgoing. To preserve Applicant's rights, Applicant is concurrently submitting a Notice of Appeal with respect to class 41, but the Examining Attorney is respectfully requested to contact Applicant's attorney Todd Schneider if any issues remain with the present application.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 009 for Downloadable video recordings and podcasts, software applications, and non-downloadable digital media, in the field of the law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs

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

Current: Class 041 for Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs

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: Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education

seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs; [providing a website featuring entertainment information](#); [providing a website featuring information in the field of art](#); [providing streaming videos and podcasts in the field of the law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs](#)

Class 041 for Arranging and conducting educational seminars, conferences, workshops, lectures, continuing legal education seminars, and providing webcasts, all in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs; providing a website featuring entertainment information; providing a website featuring information in the field of art; providing streaming videos and podcasts in the field of the law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs

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 045 for Providing information on a website in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs

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: ~~Providing information on a website in the fields of law and justice, morality and moral justice, human rights, politics, government, public policy, economics, culture, entertainment, arts, the humanities, civil society, global issues, health, the environment, social issues, cultural issues, gender issues, and business and corporate affairs;~~ [Providing a website featuring information in the field of law, social justice, and human rights](#)

Class 045 for Providing a website featuring information in the field of law, social justice, and human rights

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 hereby adds the following class of goods/services to the application:

New: Class 035 (Original Class: 009) for Providing a website featuring information in the field of politics, economics, government affairs, public policy, and business information

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.

I hereby elect to by-pass any fee edit for an added class(es), because I believe the original fee payment was sufficient. I understand that the examining attorney could still, upon later review, require a fee payment.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Todd Schneider/ Date: 08/05/2016

Signatory's Name: Todd M. Schneider

Signatory's Position: Attorney of record, California bar member

Signatory's Phone Number: 8584583000

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 not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86605244

Internet Transmission Date: Fri Aug 05 14:55:47 EDT 2016

TEAS Stamp: USPTO/RFR-XXX.XX.XX.XX-20160805145547106

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