

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86751763
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86751763/large
LITERAL ELEMENT	IMAGINE WHAT'S NEXT
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 argument text attached in PDF format, this time with exhibit attached.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_642333131-20160902130307890375 . Request for Reconsideration.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml13\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml13\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml13\RFR0004.JPG
ORIGINAL PDF FILE	evi_642333131-20160902130307890375 . Exhibit A.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml13\RFR0005.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml13\RFR0007.JPG
DESCRIPTION OF EVIDENCE FILE	Request for Reconsideration, with Exhibit A
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Kevin A. Thompson/
SIGNATORY'S NAME	Kevin A. Thompson
SIGNATORY'S POSITION	Attorney of record, Illinois bar member
SIGNATORY'S PHONE NUMBER	312 427 1300
DATE SIGNED	09/02/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES

FILING INFORMATION SECTION	
SUBMIT DATE	Fri Sep 02 13:04:59 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.X.XXX-20 160902130459417106-867517 63-5508b9cd22728227d747ae ecfb980fbced2e792dbd5b9ac 141c11f95b6b67c45e2-N/A-N /A-20160902130307890375

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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. **86751763** IMAGINE WHAT'S NEXT(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86751763/large>) has been amended as follows:

ARGUMENT(S)

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

Please see the argument text attached in PDF format, this time with exhibit attached.

EVIDENCE

Evidence in the nature of Request for Reconsideration, with Exhibit A has been attached.

Original PDF file:

[evi_642333131-20160902130307890375_. Request for Reconsideration.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_642333131-20160902130307890375_. Exhibit A.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Kevin A. Thompson/ Date: 09/02/2016

Signatory's Name: Kevin A. Thompson

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

Signatory's Phone Number: 312 427 1300

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: 86751763

Internet Transmission Date: Fri Sep 02 13:04:59 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.X.XXX-20160902130459417

106-86751763-5508b9cd22728227d747aeecfb9

80fbced2e792dbd5b9ac141c11f95b6b67c45e2-

N/A-N/A-20160902130307890375

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: IMAGINE WHAT'S NEXT
Applicant: Association of Equipment Manufacturers
Serial No.: 86751763
Examiner: Sandra Snabb, Law Office 120

REQUEST FOR RECONSIDERATION

In response to the Office Action dated March 4, 2016, Applicant requests that the Examiner reconsider the Section 2(d) refusal because the Examiner has not taken into proper account the differences in trade channels.

Applicant's services are limited to trade shows in the construction, concrete, and the construction aggregates industries. The Registrant is a marketing and advertising company, while Applicant, the Association of Equipment Manufacturers, is an industry association merely putting on a trade show for its industry. Applicant is not involved *at all* in the brand concept and development services, or advertisement services, conducted by the Registrant for others.

The webpages provided by the Examiner in the Office Action are not enough to show relatedness. Altitude Marketing is another advertising agency that happens to mention that its clients might want to consider attending a trade show, but does not put on trade shows as a service. The website page for United GES, an advertising agency, shows that it assists its clients in designing booths and other materials for distribution at trade shows, but does not actually put on trade shows. The <sojevents.com> website is for a small events company that recommends to its clients that they attend trade shows, and offers some advice in helping its clients start a small tradeshow-like event if one does not already exist in its industry, but <sojevents.com> does not offer large scale tradeshow management, like Applicant provides, as a service to its customers.

To get a better idea of the differences between these trade channels for these companies, attached as Exhibit A is the “About the Show” page for CONEXPO-CON/AGG 2017, found at <http://www.conexpoconagg.com/visit/about-the-show/>. The show is held every three years. Every major construction industry is represented among its 2,500+ exhibitors in Las Vegas, Nevada, spread across over 2,500,000 square feet. The 2017 show will have over 140 education sessions including asphalt, aggregates, concrete, earthmoving, lifting, mining, utilities and more. The “Who Attends” section of the page shows that construction contractors, dealers & distributors, service providers, construction engineers, producers and other professionals across the construction, concrete, and construction aggregates industries regularly attend the show. 63% of its attendees are contractors, and the next largest group, at 17%, are dealers and distributors in the industry.

These are nothing like the services provided by the advertising and marketing agencies, or the small event company, <sojevents.com>, which the Examiner focused on in the website examples. They are also nothing like the advertising or marketing services provided by the Registrant.

When these trade channels differences are properly taken into account, the differences in meaning between the marks, the visual differences between the marks, and the phonetic differences between the marks become even more differentiating.

Applicant would consider amending its description of services to make it clearer that its services have nothing **whatsoever** to do with the services provided by the Registrant. Applicant would consent to remand to the Examiner for consideration whether such an amendment would be of assistance in confirming the differences in trade channels.

Applicant incorporates by reference its Response to Office Action dated February 11, 2016, in which Applicant cited case law in support of its position. For all these reasons, Applicant requests that the Examiner reconsider the Section 2(d) refusal.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: IMAGINE WHAT'S NEXT
Applicant: Association of Equipment Manufacturers
Serial No.: 86751763
Examiner: Sandra Snabb, Law Office 120

EXHIBIT A



SHOW ALERTS

REQUEST INFORMATION

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LAS VEGAS, NV
MARCH 7-11, 2017

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About the Show

Imagine What's Next.

CONEXPO-CON/AGG – Where every major construction industry is represented amongst 2,500+ exhibitors over 2,500,000 square feet and more than 140 education sessions including asphalt, aggregates, concrete, earthmoving, lifting, mining, utilities and more.

LAS VEGAS, NEVADA – MARCH 7-11, 2017



WHAT'S NEW FOR 2017

- The Tech Experience: Visit the new 75,000+ square foot **Tech Experience** at CONEXPO-CON/AGG 2017, see the future of the construction industry, and uncover how your business can become more profitable and more efficient
- **Nearly 700 new exhibitors**
- New **Badge-Pack** that includes:
 - Free Las Vegas Monorail multi-day pass
 - Free deluxe coach bus to and from the show to most hotels
 - Access to seven different halls/lots for CONEXPO-CON/AGG and IFPE on all 5 show days
 - Discounts at various Las Vegas bars and restaurants
 - Entry to the new **Tech Experience**
- New technology that helps you keep track of exhibitors you visited and who you want to follow-up most with
- New **education** including tracks on technology, business management, workforce development, and more
- **CONEXPO-CON/AGG Radio** - Join CONEXPO-CON/AGG Radio each Tuesday at 10 a.m. central to look at the future of equipment technology through the eyes of the construction market
- **NASCAR Ultimate Experience packages**

Show Hours*

Tuesday, March 7 - Friday, March 10
Exhibits 9 a.m. to 5 p.m.

Saturday, March 11
Exhibits 9 a.m. to 3 p.m.

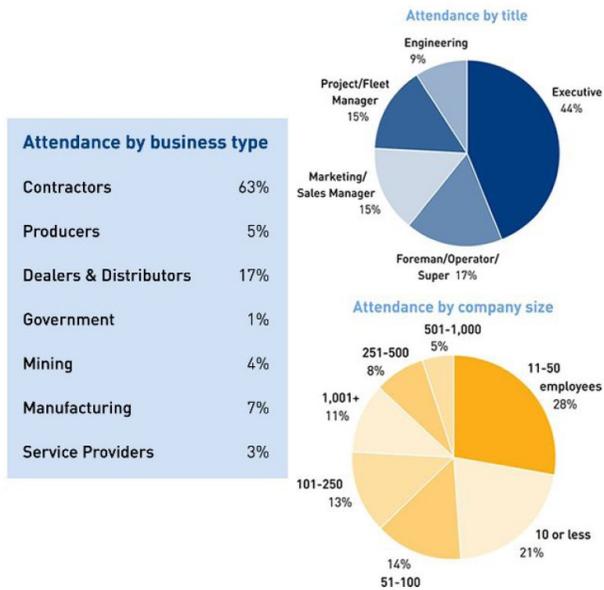
* Times are Pacific Standard Time (PST).

Who Exhibits

Decrease downtime and increase efficiencies with new products and technologies from over 2,400 exhibitors in all major construction industries including asphalt, aggregates, concrete, earthmoving, lifting, mining, utilities and more. [See who's exhibiting.](#)

Who Attends

From contractors to dealers & distributors, service providers, engineers and producers, CONEXPO-CON/AGG brings construction professionals from across all disciplines. No other show's attendees represent more sectors of the construction industry than CONEXPO-CON/AGG.



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About the Show
Event Fact Sheet
Who's Exhibiting

Las Vegas, NV

March 7-11, 2017

Las Vegas Convention Center

3150 Paradise Rd
Las Vegas, NV 89109

Show Hours

Tuesday, March 7th - Friday, March 10th
9am to 5 pm PST
Saturday, March 11th
9am to 3 pm PST

Register Now