

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86751763
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 120
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/86751763/large
<b>LITERAL ELEMENT</b>	IMAGINE WHAT'S NEXT
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Please see the argument text attached in PDF format.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_642333131-20160902125522256704 . Request for Reconsideration.pdf</a>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml12\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml12\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\867\517\86751763\xml12\RFR0004.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Argument text
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Kevin A. Thompson/
<b>SIGNATORY'S NAME</b>	Kevin A. Thompson
<b>SIGNATORY'S POSITION</b>	Attorney of record, Illinois bar member
<b>SIGNATORY'S PHONE NUMBER</b>	312 427 1300
<b>DATE SIGNED</b>	09/02/2016
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Sep 02 12:57:42 EDT 2016
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.X.XXX-20 160902125742267761-867517 63-550c75af9edc03abf96f2e 98e260e6cfb61048d1f8fe078

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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.

#### EVIDENCE

Evidence in the nature of Argument text has been attached.

#### Original PDF file:

[evi\\_642333131-20160902125522256704\\_-\\_Request\\_for\\_Reconsideration.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 12:57:42 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.X.XXX-20160902125742267

761-86751763-550c75af9edc03abf96f2e98e26

0e6cfb61048d1f8fe078cf174b6fa6f66682-N/A

-N/A-20160902125522256704

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.