

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	86923315
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 120
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/86923315/large
<b>LITERAL ELEMENT</b>	COMING TO A HEADSET NEAR YOU
<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>GOODS AND/OR SERVICES SECTION (009)(current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
software and hardware for virtual reality film, games, and other forms of media, namely, mixed reality and augmented reality	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>TRACKED TEXT DESCRIPTION</b>	
<del>software and hardware for virtual reality film, games, and other forms of media, namely, mixed reality and augmented reality; Software and hardware for virtual reality film, games, and other forms of media, namely, virtual reality, mixed reality, and augmented reality for generating, processing, transmitting, and playing spacial sound used in connection with devices such as a virtual reality headset, glasses overlay, or headphones</del>	
<b>FINAL DESCRIPTION</b>	
Software and hardware for virtual reality film, games, and other forms of media, namely, virtual reality, mixed reality, and augmented reality for generating, processing, transmitting, and playing spacial sound used in connection with devices such as a virtual reality headset, glasses overlay, or headphones	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(class deleted)</b>	
<b>GOODS AND/OR SERVICES SECTION (042)(class added)Original Class (041)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	
Virtual reality sound services, and three-dimensional spatial sound services for film games, and other forms of media, namely, production of music and sound recordings	
<b>FILING BASIS</b>	Section 1(b)
<b>SIGNATURE SECTION</b>	

RESPONSE SIGNATURE	/KristinBKosinski/
SIGNATORY'S NAME	Kristin B. Kosinski
SIGNATORY'S POSITION	Attorney of Record, California Bar Member, Reg. No. 45,599
SIGNATORY'S PHONE NUMBER	310-979-9190
DATE SIGNED	09/01/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Sep 01 13:56:00 EDT 2016
TEAS STAMP	USPTO/RFR-XXX.XXX.X.XXX-2 0160901135600984951-86923 315-550a0c2159c01a2d7ce5a 8ebdf2c5c8b1d67f4bd78f61f 260d69930abbf68d1-N/A-N/A -20160901135509371988

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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. **86923315** COMING TO A HEADSET NEAR YOU(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86923315/large>) has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Class 041 for production of music and sound recordings, namely, music studio services, virtual reality sound services, and three-dimensional spatial sound services for film games, and other forms of media

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

**Current:** Class 009 for software and hardware for virtual reality film, games, and other forms of media, namely, mixed reality and augmented reality

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:** ~~software and hardware for virtual reality film, games, and other forms of media, namely, mixed reality and augmented reality;~~ [Software and hardware for virtual reality film, games, and other forms of media, namely, virtual reality, mixed reality, and augmented reality for generating, processing, transmitting, and playing spacial sound used in connection with devices such as a virtual reality headset, glasses overlay, or headphones](#)

Class 009 for Software and hardware for virtual reality film, games, and other forms of media, namely, virtual reality, mixed reality, and augmented reality for generating, processing, transmitting, and playing spacial sound used in connection with devices such as a virtual reality headset, glasses overlay, or headphones

**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 042 (Original Class: 041 ) for Virtual reality sound services, and three-dimensional spatial sound services for film games, and other forms of media, namely, production of music and sound recordings

**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.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /KristinBKosinski/ Date: 09/01/2016

Signatory's Name: Kristin B. Kosinski

Signatory's Position: Attorney of Record, California Bar Member, Reg. No. 45,599

Signatory's Phone Number: 310-979-9190

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: 86923315

Internet Transmission Date: Thu Sep 01 13:56:00 EDT 2016

TEAS Stamp: USPTO/RFR-XXX.XXX.X.XXX-2016090113560098

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