

**United States Patent and Trademark Office
Trademark Trial and Appeal Board**

Our Ref: 1092-029.001

A.J. Boggs & Company

Petitioner

Trademark: 911.NET

Registration No. 2551269

v.

Cancellation No. 040559

Intrado Inc.

Registrant

United States Patent and Trademark Office
Trademark Trial and Appeal Board
BOX TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF RELIANCE

Pursuant to 37 CFR §2.122(e) and TBMP Section 704 et.seq., Defendant submits the following:

1. Certified Title Copy of U.S. Trademark Registration No. 2,204,802
2. Certified Copy of Trademark File Wrapper and Contents for U.S. Application
Serial No. 78/078,405.

EXPRESS MAILING CERTIFICATION

"Express Mail" mailing label number : EV098570786US
Date of Deposit : June 22, 2004

I hereby certify that this **Notice of Reliance** and any attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks 2900 Crystal Drive Arlington, VA 22202-3513.

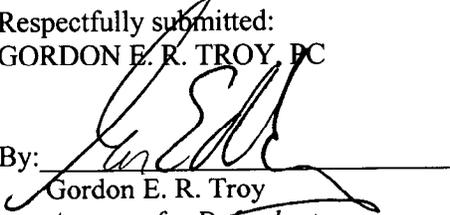
Certificate of Service

The undersigned hereby certifies that a copy of the foregoing **Notice of Reliance** has been served on counsel for Plaintiff by depositing same with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

Howard & Howard Attorneys, PC
Jeffrey A. Sadowski, Esq.
29400 Woodward Avenue, Suite 101
Bloomfield Hills, MI 48304-5151

on June 22, 2004.

Respectfully submitted:
GORDON E. R. TROY, PC

By: 

Gordon E. R. Troy
Attorney for Defendant
PO Box 368
Charlotte, VT 05445
(802) 425-9060 Phone
(802) 425-9061 Fax

GORDON E. R. TROY, PC

TTAB

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GTROY@WEBTM.COM
<http://www.webtm.com>

Attorney at Law
3333 Lake Road
PO Box 368
Charlotte, VT 05445

Assistant to the
Vermont, Illinois,
New York, and
District of Columbia

*Practice Exclusively in the area of Intellectual Property Law
and Information Technology Matters*

June 22, 2004

United States Patent and Trademark Office
Trademark Trial and Appeal Board
BOX TTAB
2900 Crystal Drive
Arlington, VA 22202-3513



Re: A.J. Boggs & Company v. Intrado Inc.
Trademark: 911.NET
Registration No. 2551269
Cancellation No. 040559

06-23-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

Our Ref : 1092-029.001 Serial No: 75898002

Dear Trademark Trial and Appeal Board:

Kindly acknowledge and confirm receipt of the enclosed
Notice of Reliance and 1. Certified Title Copy of U.S. Trademark Registration No. 2,204,802 &
2. Certified Copy of Trademark File Wrapper and Contents for U.S. Application Serial No.
78/078,405.
by stamping and returning the self addressed stamped post card.

EXPRESS MAILING CERTIFICATION

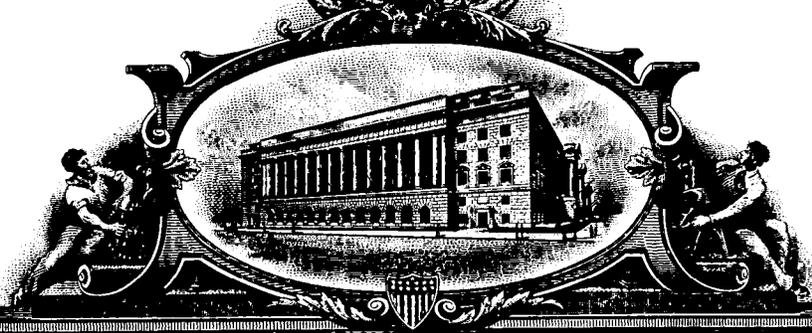
"Express Mail" mailing label number : EV098570786US

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3513.

Respectfully submitted,
GORDON E. R. TROY, PC

By: 
Gordon E. R. Troy, Esq.
Attorney for Defendant



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 19, 2004

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,204,802 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 24, 1998*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

INTRADO INC.

A DELAWARE CORP

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



H. L. JACKSON
Certifying Officer

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 2,204,802

United States Patent and Trademark Office

Registered Nov. 24, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

9-1-1 NET

**SCC COMMUNICATIONS CORP. (DELAWARE
CORPORATION)
6285 LOOKOUT RD
BOULDER, CO 80301**

**FOR: COMMUNICATION SERVICES,
NAMELY, ELECTRONIC COMMUNICATION
SYSTEMS THAT FACILITATE ACCESS TO
AND USE OF EMERGENCY INFORMATION
BY EMERGENCY ADMINISTRATION PER-
SONNEL AND PUBLIC SERVICE ACCESS**

**PROVIDERS, IN CLASS 38 (U.S. CLS. 100, 101
AND 104).**

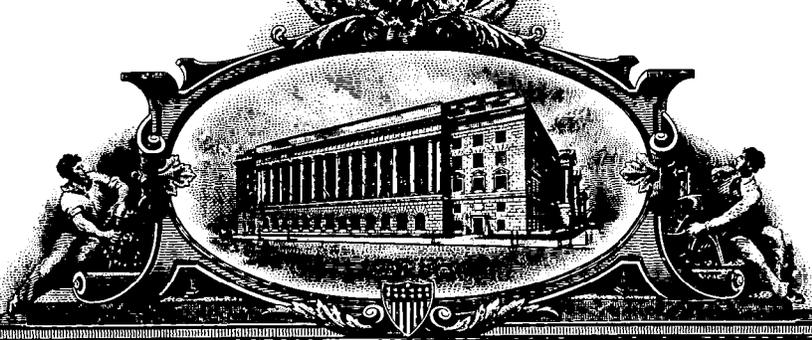
**FIRST USE 6-11-1996; IN COMMERCE
6-25-1996.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "9-1-1", APART FROM THE
MARK AS SHOWN.**

SER. NO. 75-163,817, FILED 9-10-1996.

LYNN A. LUTHEY, EXAMINING ATTORNEY

726469



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

May 21, 2004

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:**

**TRADEMARK APPLICATION: 78/078,405
FILING DATE: *August 09, 2001***

**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**



**T. LAWRENCE
Certifying Officer**

Internet Transmission Date:

2001/08/09

Serial Number:

78078405

Filing Date:

2001/08/09

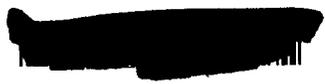


TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 153
RAM ACCOUNTING DATE: 20010809



NO OCR



08-09-2001

[REDACTED]

[REDACTED]

[REDACTED]

<SERIAL NUMBER> 78078405

<FILING DATE> 08/09/2001

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.23>

<APPLICANT INFORMATION>

<NAME> A.J. Boggs & Company
<STREET> 4265 Okemos Road, Suite D
<CITY> Okemos
<STATE> MI
<COUNTRY> USA
<ZIP/POSTAL CODE> 48864
<TELEPHONE NUMBER> 517.347.1100
<FAX NUMBER> 517.347.1106
<E-MAIL ADDRESS> legal@ajboggs.com
<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> Michigan

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> 911.net
<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

* Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. *

<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> Brochure of Services

<INTERNATIONAL CLASS NUMBER> 042

<LISTING OF GOODS AND/OR SERVICES> Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment,

and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards. (US classes: 100 101)

<FIRST USE ANYWHERE DATE> 05/16/1996

<FIRST USE IN COMMERCE DATE> 10/23/2000

<FEE INFORMATION>

<TOTAL FEES PAID> 325

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 1

<LAW OFFICE INFORMATION>

* The USPTO is authorized to communicate with the applicant at the below e-mail address *

<E-MAIL ADDRESS FOR CORRESPONDENCE> legal@ajboggs.com

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

*

<SIGNATURE>

/oxJCAxo/

<DATE>

08/09/2001

<NAME>

J. Clarke Anderson

<TITLE>

Managing Director

<MAILING ADDRESS>

<LINE> A.J. Boggs & Company

<LINE> 4265 Okemos Road, Suite D

<LINE> Okemos MI 48864

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 153

78078405

<RAM ACCOUNTING DATE> 20010809

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/078405

<INTERNET TRANSMISSION DATE> Thursday, 08-09-2001 12:03:23 EDT

<TEAS STAMP>

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> legal@ajboggs.com

78078405

Filing Date:
2001/08/09

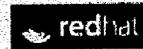
NETWORK & INTERNET SERVICES

A. J. BOGGS
& COMPANY

SYSTEM ADMINISTRATION SERVICES

We take networks further...

- ✓ Network Administration
NT Systems
Unix Systems
- ✓ Computer Support
(Hardware & Software Maintenance)
- ✓ Network Equipment Inventory
Location Layout
Warranty Information
Serial Numbers
- ✓ 911.net Network Security Consulting
- ✓ Web Server & E-mail Administration
- ✓ System Status Monitoring
- ✓ Network Audits and Disaster/Recovery Planning
- ✓ Network Design
- ✓ System Procurement Management
- ✓ Wireless LANs



Competitive Pricing and Volume Discounts Available

INTERNET AND WORLD WIDE WEB SERVICES

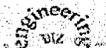
- | | | |
|----------------------------------|----------------------------|---------------------------------------|
| Web and e-mail Hosting | Web Site Design | Web-based e-mail |
| Database Application Development | Search Engine Applications | Domain Name Registration |
| Data Backups | Time & Expense Reporting | 911.net Firewall Maintenance |
| Site Monitoring | Registration Systems | 911.net Secure Data Storage/Transport |



iMONITOR



For more information, contact Network Services at (517) 347-1100 ext.15
eBiz@ajboggs.com or www.ajboggs.com



February 2001

The applicant has submitted required color specimen.
The USPTO has printed only one copy of the specimen,
and extra copies can be produced in-house as needed.

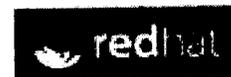
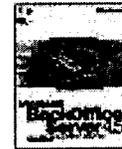
NETWORK & INTERNET SERVICES

A. J. BOGGS & COMPANY

SYSTEM ADMINISTRATION SERVICES

We take networks further...

- ✓ Network Administration
 - NT Systems
 - Unix Systems
- ✓ Computer Support (Hardware & Software Maintenance)
- ✓ Network Equipment Inventory
 - Location Layout
 - Warranty information
 - Serial Numbers
- ✓ 911.net Network Security Consulting
- ✓ Web Server & E-mail Administration
- ✓ System Status Monitoring
- ✓ Network Audits and Disaster/Recovery Planning
- ✓ Network Design
- ✓ System Procurement Management
- ✓ Wireless LANs



Competitive Pricing and Volume Discounts Available

INTERNET AND WORLD WIDE WEB SERVICES

- | | | |
|----------------------------------|----------------------------|---------------------------------------|
| Web and e-mail Hosting | Web Site Design | Web-based e-mail |
| Database Application Development | Search Engine Applications | Domain Name Registration |
| Data Backups | Time & Expense Reporting | 911.net Firewall Maintenance |
| Site Monitoring | Registration Systems | 911.net Secure Data Storage/Transport |



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engineering
 WIZ

NETWORK & INTERNET SERVICES

A. J. BOGGS

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NT Systems
Unix Systems
- ✓ Computer Support
(Hardware & Software Maintenance)
- ✓ Network Equipment Inventory
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Warranty Information
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- ✓ Site/Net Network Security Consulting
- ✓ Web Server & E-mail Administration
- ✓ System Status Monitoring
- ✓ Network Audit and Disaster/Recovery Planning
- ✓ Network Design
- ✓ System Performance Management
- ✓ Wireless LANs



Competitive Pricing and Volume Discounts Available

INTERNET AND WORLD WIDE WEB SERVICES

- Web and e-mail Hosting
- Custom Applications Development
- Data Backups
- Site Monitoring
- Web Site Design
- Search Engine Applications
- Form A. Expense Reporting
- Registration Systems
- Web-Centered e-mail
- Domain Name Registration
- Site/Net Hardware Maintenance
- SSL and Secure Data Through Transport



For more information, contact Network Services at (517) 347-1100 ext.15
 eBiz@aJBoggs.com or www.aJBoggs.com

The applicant has submitted required color specimen.
 The USPTO has printed only one copy of the specimen,
 and extra copies can be produced in-house as needed.

Applicant:

A.J. Boggs & Company
4265 Okemos Road, Suite D
Okemos MI USA 48864

78078405

Date of First Use:

05/16/1996

Date of First Use in Commerce:

10/23/2000

Goods and Services:

Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment, and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards. (US classes: 100 101)

Mark:

911.NET



NO OCR

08092001

08-09-2001

████████████████████

DOCUMENT INFORMATION	
TRADEMARK/SERVICEMARK APPLICATION	
VERSION 1.23	
APPLICANT INFORMATION	
NAME	A.J. Boggs & Company
STREET	4265 Okemos Road, Suite D
CITY	Okemos
STATE	MI
COUNTRY	USA
ZIP/POSTAL CODE	48864
TELEPHONE NUMBER	517.347.1100
FAX NUMBER	517.347.1106
E-MAIL ADDRESS	legal@ajboggs.com
AUTHORIZE E-MAIL COMMUNICATION	Yes
APPLICANT ENTITY INFORMATION	
CORPORATION: STATE/COUNTRY OF INCORPORATION	Michigan
TRADEMARK/SERVICEMARK INFORMATION	
MARK	911.net
TYPED FORM	Yes
BASIS FOR FILING AND GOODS/SERVICES INFORMATION	
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	Brochure of Services
INTERNATIONAL CLASS NUMBER	042

LISTING OF GOODS AND/OR SERVICES	Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment, and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards. (US classes: 100 101)
FIRST USE ANYWHERE DATE	05/16/1996 <i>Computer</i>
FIRST USE IN COMMERCE DATE	10/23/2000
FEE INFORMATION	
TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1
LAW OFFICE INFORMATION	
E-MAIL ADDRESS FOR CORRESPONDENCE	legal@ajboggs.com
SIGNATURE AND OTHER INFORMATION	
SIGNATURE	/oxJCAxo/
DATE	08/09/2001
NAME	J. Clarke Anderson
TITLE	Managing Director
MAILING ADDRESS	
LINE	A.J. Boggs & Company
LINE	4265 Okemos Road, Suite D
LINE	Okemos MI 48864
CREDIT CARD INFORMATION	
RAM SALE NUMBER	153
RAM ACCOUNTING DATE	20010809

provided
security monitoring
Sues for physical

SERIAL NUMBER INFORMATION	
SERIAL NUMBER	78/078405
INTERNET TRANSMISSION DATE	Thursday, 08-09-2001 12:03:23 EDT
TEAS STAMP	USPTO-198109162133-20010809120319903-78/078405-1232fbba1b9460ce9a0a7e6fef5fb42749b-CC-153-20010809115519903
E-MAIL ADDRESS FOR ACKNOWLEDGMENT	legal@ajboggs.com

<SERIAL NUMBER> 78078405
<FILING DATE> 08/09/2001

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<TRADEMARK/SERVICEMARK APPLICATION>
<VERSION 1.23>

<APPLICANT INFORMATION>

<NAME> A.J. Boggs & Company
<STREET> 4265 Okemos Road, Suite D
<CITY> Okemos
<STATE> MI
<COUNTRY> USA
<ZIP/POSTAL CODE> 48864
<TELEPHONE NUMBER> 517.347.1100
<FAX NUMBER> 517.347.1106
<E-MAIL ADDRESS> legal@ajboggs.com
<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> Michigan

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> 911.net
<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

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<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> Brochure of Services

<INTERNATIONAL CLASS NUMBER> 042

<LISTING OF GOODS AND/OR SERVICES> Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment, and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable

regulatory standards. (US classes: 100 101)
<FIRST USE ANYWHERE DATE> 05/16/1996
<FIRST USE IN COMMERCE DATE> 10/23/2000

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<TOTAL FEES PAID> 325
<NUMBER OF CLASSES PAID> 1
<NUMBER OF CLASSES> 1

<LAW OFFICE INFORMATION>

* The USPTO is authorized to communicate with the applicant at the below e-mail address
*

<E-MAIL ADDRESS FOR CORRESPONDENCE> legal@ajboggs.com

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. *

<SIGNATURE> /oxJCAxo/
<DATE> 08/09/2001
<NAME> J. Clarke Anderson
<TITLE> Managing Director

<MAILING ADDRESS>

<LINE> A.J. Boggs & Company
<LINE> 4265 Okemos Road, Suite D
<LINE> Okemos MI 48864

<CREDIT CARD INFORMATION>

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<RAM ACCOUNTING DATE> 20010809

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/078405

78078405

<INTERNET TRANSMISSION DATE> Thursday, 08-09-2001 12:03:23 EDT

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> legal@ajboggs.com

78078405

UNITED STATES PATENT AND TRADEMARK OFFICE

<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; border-bottom: 1px solid black;">SERIAL NO. 78/078405</td> <td style="width:70%; border-bottom: 1px solid black;">APPLICANT A. J. Boggs & Company</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">MARK 911.NET</td> </tr> <tr> <td style="border-bottom: 1px solid black;">ADDRESS A. J. Boggs & Company 4265 OKEMOS RD STE D OKEMOS MI 48864-3285</td> <td style="border-bottom: 1px solid black;">ACTION NO. 01</td> </tr> <tr> <td style="border-bottom: 1px solid black;">FORM PTO-1525 (5-00)</td> <td style="border-bottom: 1px solid black;">MAILING DATE 01/16/02</td> </tr> <tr> <td style="border-bottom: 1px solid black;">U.S. DEPT. OF COMM. & TM OFFICE</td> <td style="border-bottom: 1px solid black;">REF. NO.</td> </tr> </table>	SERIAL NO. 78/078405	APPLICANT A. J. Boggs & Company	MARK 911.NET		ADDRESS A. J. Boggs & Company 4265 OKEMOS RD STE D OKEMOS MI 48864-3285	ACTION NO. 01	FORM PTO-1525 (5-00)	MAILING DATE 01/16/02	U.S. DEPT. OF COMM. & TM OFFICE	REF. NO.	<p>PAPER NO.</p> <hr/> <p>ADDRESS: Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov</p> <p><small>If no fees are enclosed, the address should include the words "Box Responses - No Fee."</small></p> <hr/> <p><small>Please provide in all correspondence:</small></p> <ol style="list-style-type: none"> 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.
SERIAL NO. 78/078405	APPLICANT A. J. Boggs & Company										
MARK 911.NET											
ADDRESS A. J. Boggs & Company 4265 OKEMOS RD STE D OKEMOS MI 48864-3285	ACTION NO. 01										
FORM PTO-1525 (5-00)	MAILING DATE 01/16/02										
U.S. DEPT. OF COMM. & TM OFFICE	REF. NO.										

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.
For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number: 78/078405

The assigned examining attorney has reviewed the referenced application and determined the following.

Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 2204802 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

The applicant applied to register the mark 911.NET for Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment, and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards.

The registered mark is 9-1-1Net for communication services, namely, electronic communication systems that facilitate access to and use of emergency information by emergency administration personnel and public service access providers.

The literal portions of both marks are nearly identical in appearance, sound and meaning. The slight variation in punctuation does not obviate the similarity between the marks. *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975).

Both marks identify electronic communication services involving security concerns. The services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978).

Overall, the similarities among the marks and the services so great as to create a likelihood of confusion. The examining attorney must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir., 1988).

Informalities

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issues.

Recitation of Services

The recitation of services is unacceptable as indefinite. The applicant may adopt the following recitation, if accurate (**suggested amendments are in bold type**):

Internet-based information security services, namely, **providing secure** transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; **security monitoring services for physical** facilities, computer equipment, and **computer networks; computer** security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards **in the field of ____ (list, i.e., online computerized information services)**. TMEP section 1301.05.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the services recited in the present identification.

Reg/case proc.
Potential Citations

ab am 3/26/02
The examining attorney encloses information regarding pending Application Serial Nos. 75/898,002, 75/844,565, and 76/006,973. The filing dates of the referenced applications precede the applicant's filing date. There may be a likelihood of confusion between the applicant's mark and the referenced marks under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). If one or more of the referenced applications matures into a registration, the examining attorney may refuse registration in this case under Section 2(d). 37 C.F.R. Section 2.83; TMEP section 1208.01.

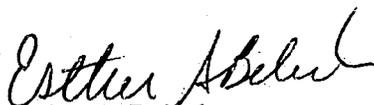
If the applicant believes that there is no potential conflict between this application and the earlier-filed applications, the applicant may present arguments relevant to the issue in a request to remove the application from suspension. The election to file or not to file such a request at this time in no way limits the applicant's right to address this issue at a later point.

Applicant's Response

No set form is required for response to this Office action. The applicant must respond to each point raised. The applicant should simply set forth the required changes or statements and request that the Office enter them. The applicant must sign the response. In addition to the identifying information required at the beginning of this letter, the applicant should provide a telephone number to speed up further processing.

The applicant may wish to hire a trademark attorney because of the technicalities involved in the application. The Patent and Trademark Office cannot aid in the selection of an attorney.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.



Esther A. Belenker
Trademark Examining Attorney
Law Office 111
(703) 308-9111 ext. 129
Fax: (703) 308-7182

9-1-1Net

Mark
9-1-1 NET

Pseudo Mark
911 NETWORK

Goods and Services
IC 038. US 100 101 104. G & S: communication services, namely,
electronic communication systems that facilitate access to and use of
emergency information by emergency administration personnel and public
service access providers. FIRST USE: 19960611. FIRST USE IN COMMERCE:
19960625

Mark Drawing Code
(1) TYPED DRAWING

Serial Number
75163817

Filing Date
September 10, 1996

Filed ITU
FILED AS ITU

Publication for Opposition Date
September 1, 1998

Registration Number
2204802

Registration Date
November 24, 1998

Owner Name and Address
(REGISTRANT) SCC Communications Corp. CORPORATION DELAWARE 6285 Lookout
Rd Boulder COLORADO 80301

Assignment Recorded
ASSIGNMENT RECORDED

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "9-1-1" APART FROM THE
MARK AS SHOWN

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
GORDON E R TROY

911.NET

Mark
911.NET

Pseudo Mark
911

Goods and Services
IC 038. US 100 101 104. G & S: Communication services, namely telephone, wireless, and global computer network communications for identifying and notifying a designated population of an impending emergency situation; Communication services, namely electronic communication and information systems that facilitate access to and use of emergency information by emergency administration personnel, public service access providers, public safety agencies, and commercial firms providing emergency services; telecommunications gateway services, namely computerized 911 support, coordination, call generation and voice messaging. FIRST USE: 20011015. FIRST USE IN COMMERCE: 20011015

Mark Drawing Code
(1) TYPED DRAWING

Serial Number
75898002

Filing Date
January 19, 2000

Filed ITU
FILED AS ITU

Supplemental Register Date
November 7, 2001

Owner Name and Address
(APPLICANT) SCC Communications Corp CORPORATION DELAWARE 6285 Lookout Road Boulder COLORADO 803013343

Assignment Recorded
ASSIGNMENT RECORDED

Type of Mark
SERVICE MARK

Register
SUPPLEMENTAL

Live Dead Indicator
LIVE

*** Search: 10 *** Document Number: 18 ***

(cont)

*assigned to General Electric
Capital Corp.
Cancellation # 40559
filed 5-10-02*

Attorney of Record
Gordon E. R. Troy

*** Search: 10 *** Document Number: 18 ***

911.COM

Mark
911 .COM

Pseudo Mark
911.COM 911 COMMUNICATION

Goods and Services
IC 038. US 100 101 104. G & S: Communication services, namely electronic communication and information systems that facilitate access to and use of emergency information by emergency administration personnel, public service access providers, public safety agencies, and commercial firms providing emergency services; Computer software for providing 9-1-1 information management systems and Computerized data base management services in the field of 9-1-1 support

Mark Drawing Code
(1) TYPED DRAWING

Serial Number
75844565

Filing Date
November 9, 1999

Filed ITU
FILED AS ITU

Owner Name and Address
(APPLICANT) SCC Communications Corp. CORPORATION DELAWARE 6285 Lookout Road Boulder COLORADO 803013343

Assignment Recorded
ASSIGNMENT RECORDED

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
Gordon E. R. Troy

*** Search: 21 *** Document Number: 58 ***

Mark

9-1-1 SAFETYNET

Goods and Services

IC 038. US 100 101 104. G & S: Telecommunication services, namely a nationwide comprehensive services for wireless long distance, local telephone companies, satellite communications, alternative and competitive local exchange carriers, and other telecommunications providers to interconnect and integrate disparate systems and traditional telecommunication providers to provide automated call routing for access to 911 public safety answering points. FIRST USE: 20000316. FIRST USE IN COMMERCE: 20000316

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

76006973

Filing Date

March 22, 2000

Filed ITU

FILED AS ITU

Owner Name and Address

(APPLICANT) SCC Communications Corp. CORPORATION DELAWARE 6285 Lookout Road Boulder COLORADO 803013343

Assignment Recorded

ASSIGNMENT RECORDED

Prior Registration(s)

2204802

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "9-1-1" APART FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

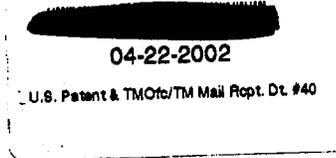
LIVE

Attorney of Record

Gordon E. R. Troy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : A.J. Boggs & Company
Serial No. : 78/078405
Attorney No. : 60,107-20
Mark : 911.NET
Filed : August 9, 2001
Trademark Law Office: 111
Examining Attorney : Esther A. Belenker



RESPONSE

BOX RESPONSE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

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2002 JUN 11 10 18
LAW OFFICE 111
TMED

This response is a reply to an Office Action from the Examining Attorney, dated January 16, 2002.

I. Lack of Likelihood of Confusion

There is no likelihood of confusion between the mark "911.NET" and "9-1-1 NET". The marks are not similar in appearance in that "911.NET" would lead people to believe that it is an internet service (which it is) and a domain name (which it is), while "9-1-1 NET" does not have the punctuation that would allow it to be used as a domain name or lead people to believe that it is related to an internet site. In addition, the registered mark "9-1-1 NET" has disclaimed any use of 9-1-1 apart from its specific mark, and the word NET has been used so extensively in commerce that it has become diluted. Therefore the difference in punctuation is significant.

The marks are used in very different aspects of electronic communication services. One is for use by individuals and business entities for security services (including, authentication, registration, encryption, and monitoring services). The other is being used by emergency

administration personnel and public service access providers for access to emergency information. The consumers of these services are very knowledgeable about who is providing the services. The consumers in the industries where these marks are used would know what their service is and who the proprietor is. The people that would be purchasing the services involved with these marks are in completely different industries and would be using them for different services. They are not likely to believe that they came from a common source.

II. Recitation of Services

Please amend the application by substituting the following recitation for the original recitation:

Internet-based information security services, namely, providing secure transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; security monitoring services for physical facilities, computer equipment, and computer networks; computer security applications, infrastructure, and operations support services, and monitoring services for compliance with household and enterprise policies, events procedures, and applicable regulatory standards in the field of online computerized information services.

III. The Other Potential Citations Should Likewise Have No Effect

The pending applications that the examining attorney enclosed should not preclude registration of the mark "911.NET". The marks with Application Serial Nos. 76/006973 and 75/844565 have both been sent final refusals and the first was at one point abandoned. These are both Intent to Use Applications with no statement of use filed yet, while the application at hand for "911.NET" is a use based application.

The other mark cited by the examining attorney is "911.NET", which has been put on the Supplemental Register. This mark filed a statement of use in November of 2001; however, the current application for "911.NET" Serial No. 78/078405 was first used in commerce in October of 2000. There is also a cancellation proceeding being filed currently against this mark which has been placed on the Supplemental Register. Therefore, none of these earlier filed applications should pose a conflict with the current application.

IV. Conclusion

In view of the foregoing, it is believed that the application should be passed to publication at the earliest possible time. If there are any questions, please do not hesitate to contact the undersigned at (248) 645-1483.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



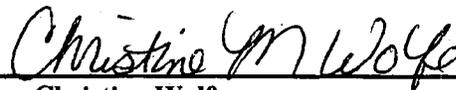
Jeffrey A. Sadowski, Registration No. 28163
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151
(248) 645-1483

April 18, 2002

Date

CERTIFICATE OF MAILING

I hereby certify that this **Response to Office Action** for U.S. Trademark Application Serial No.: **78/078405** Filed: **August 9, 2001** is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, BOX RESPONSE - NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on April 19 2002.



Christine Wolfe

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/078405

NOV -7 2002

APPLICANT: A.J. Boggs & Company

CORRESPONDENT ADDRESS:

A.J. Boggs & Company
4265 OKEMOS RD STE D
OKEMOS MI 48864-3285

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
ecom111@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: 911.NET

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

legal@ajboggs.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

RE: Serial Number 78/078405

NOTICE OF SUSPENSION

Action on this application is suspended pending the disposition of:

- Application Serial No(s). 75/844,565 (and 75/895,002*)

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) was sent previously. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

*Note: Serial No. 75/898,002 has registered as Registration No. 2551269, which is the subject of Cancellation No. 40,559. If the registration is not cancelled, it may be cited as a bar to registration of the applicant's mark, Serial No. 78/078,405.

Serial No. 76/006,973 has been abandoned.

Refusal under Section 2(d) in view of Registration No. 2204802 is maintained.



Esther A. Belenker
Trademark Examining Attorney
Law Office 111
(703) 308-9111 ext. 129
Fax: (703) 308-7182

Internet Transmission Date:

2001/08/09

Serial Number:

78078405

Filing Date:

2001/08/09

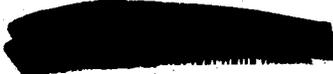
78078405

TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 153
RAM ACCOUNTING DATE: 20010809



NO OCR

08092001

08-09-2001

████████████████████

Applicant:

A.J. Boggs & Company
4265 Okemos Road, Suite D
Okemos MI USA 48864



Date of First Use:

05/16/1996

Date of First Use in Commerce:

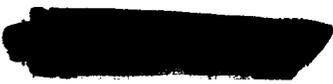
10/23/2000

Goods and Services:

Internet-based information security services, namely, secured transaction, authentication, registration, identification, virtual private network, encryption, data transport and storage, and verification services; facilities, computer equipment, and network security monitoring services; security applications, infrastructure, and operations support services; and monitoring services for compliance with household and enterprise policies, events, procedures, and applicable regulatory standards. (US classes: 100 101)

Mark:

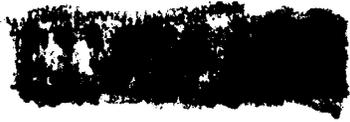
911.NET



NO OCR



08-09-2001



#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
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02	824	404	1	1	P/0:10	*911* or "9 1 1" or "91 1" or "9 11"
03	1332	N/A	0	0	P/0:01	*nine*
04	178	N/A	0	0	P/0:01	*eleven*
05	51872	N/A	0	0	P/0:01	*one*
06	51	20	31	31	P/0:02	3 and (4 5)
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13	1478	N/A	0	0	P/0:02	(2 3 4 5) and *net[bi,ti]
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16	318	164	1	1	P/0:01	14 not 15
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18	982	531	2	2	P/0:01	12 not (13 14 15)
19	288	121	9	9	P/0:05	2 and "035"[cc]
20	279	118	76	76	P/0:04	2 and "035"[cc] not (12 13 14 15)
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Session started 12/30/01 3:49:41 PM
 Session finished 12/30/01 4:54:15 PM
 Total search duration 0:48 minutes

Default NEAR limit= 1 ADJ limit= 1

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