

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_____	)	Examining Attorney:
In re application of:	)	Ingrid C. Eulin
	)	
Credit.com, Inc.	)	Trademark Law Office 111
	)	
Serial No.: 78/452250	)	
	)	
Filed: July 16, 2004	)	
	)	
For: SAFECREDIT	)	
_____	)	

REQUEST FOR RECONSIDERATION

Hon. Asst. Comm. For Trademarks  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

This Request for Reconsideration concerns the Final Office Action mailed on April 25, 2006. Applicant has filed concurrently herewith a Notice of Appeal, appealing the referenced Final Office Action. A copy of the Notice of Appeal is submitted herewith for the Examining Attorney's convenience.

**I. IDENTIFICATION AND CLASSIFICATION OF SERVICES**

The Examining Attorney has indicated that the identification of services proposed in Applicant's September 6, 2005 Response to Office Action is unacceptable as indefinite and that certain goods are identified in the wrong International Class.



First, the Examining Attorney has indicated that the informational brackets contained in the identification of services must be deleted. Applicant hereby adopts the Examining Attorney's request and requests that the informational brackets and the language contained therein – namely, "(including identity theft)" – be deleted from the identification of services in International Class 35.

Second, the Examining Attorney has indicated that Applicant must specify the common commercial name of the services or describe the exact nature of the services currently identified as "services designed to assist with repairing and prevent damage caused by loss or compromise of identification information, credit information, or damage to credit status[.]" Further, the Examining Attorney has indicated that Applicant must properly classify these services. Applicant requests that the current identification of services that reads "services designed to assist with repairing and prevent damage caused by loss or compromise of identification information, credit information, or damage to credit status" be amended to read "document preparation, consulting and advocacy services in the field of preventing and assisting with repairing and preventing damage caused by loss or compromise of identification information, credit information and damage to credit status." Further, as these services are provided under the mark to both individual consumers and to businesses, Applicant requests that this identification of services be included in both International Classes 35 and 45.

Third, the Examining Attorney has stated that Applicant must specify whether "consulting services in the identification theft protection field" are business consulting properly classified in Class 35 or consulting services for individual consumers properly classified in Class 45 and that Applicant must indicate the nature of the "consulting services in the identification theft protection field[.]" Applicant provides such consulting services to individual consumers. Applicant requests that the identification of services that currently reads "consulting services in

the identification field" be amended to read "consulting services in the fields of Internet and e-mail security, fraud prevention, data theft and identity theft." Applicant further requests that this amended identification of services be moved from its current improper classification in International Class 35 to International Class 45.

Fourth, the Examining Attorney has indicated that Applicant must provide greater specificity as to the exact nature of the services currently identified in International Class 45 as "fraud-monitoring services," "consumer alert information," and "notification of credit and fraud information," that Applicant must indicate how it assists others in the event of a loss of identification or lost or stolen identifying documentation and that Applicant must properly classify each of these services. Applicant requests that the identification of services that currently reads "providing credit-monitoring and fraud-monitoring services; providing consumer alert information, notification of credit and fraud information, assistance in the event of a loss of identification or lost or stolen credit cards, driver's licenses, passports, airline tickets and other personal identity data and documents" be amended to read "providing credit-monitoring services, consumer alert information to consumers, notification to consumers of credit and fraud information, and assistance to consumers in notification of relevant institutions, businesses and agencies in the event of a loss or compromise of identification or lost or stolen credit cards, driver's licenses, passports, airline tickets and other personal data or documents" and "monitoring consumer credit information and providing alerts to changes therein; card-registration services in the nature of credit and debit card notification and cancellation services for lost or stolen cards." Applicant requests that the amended services identified as "providing credit-monitoring services, consumer alert information to consumers, notification to consumers of credit and fraud information, and assistance to consumers in notification of relevant institutions, businesses and agencies in the event of a loss or compromise of identification or lost or stolen credit cards,

driver's licenses, passports, airline tickets and other personal data or documents" be classified in International Class 45 and the amended services identified as "monitoring consumer credit information and providing alerts to changes therein; card-registration services in the nature of credit and debit card notification and cancellation services for lost or stolen cards" be classified in International Class 35.

It appears that the Examining Attorney has not objected to the remaining services currently classified in International Class 35, namely, "referral services regarding insurance against consumer fraud, credit fraud, and identity theft; referral services regarding alternate dispute resolution services; and related product marketing services." If the Examining Attorney does not object to this identification of services, Applicant requests that they remain unaltered. If, however, the Examining Attorney objects to this identification of services, Applicant requests that this current identification of services be amended to read "referrals in the field of insurance against consumer fraud, credit fraud and identity theft; referrals in the field of alternate dispute resolution; and related product marketing services."

It appears that the Examining Attorney also has not objected to the remaining services currently classified in International Class 45, namely, "educational services in the fields of Internet and e-mail security and fraud prevention." If the Examining Attorney does not object to this identification of services or its classification in International Class 45, Applicant requests that this identification of services and its classification in International Class 45 remain unaltered. If, however, the Examining Attorney objects to the classification of these services in International Class 45, Applicant requests that a new Class be added to this Application and the identification of services "educational services in the fields of Internet and e-mail security and fraud prevention" be classified in International Class 41 rather than International Class 45.

As indicated above, Applicant has amended its identification of services and reclassified its services as requested by the Examining Attorney such that the identification of services for the Application should read as follows:

"Cl 35: Document preparation, consulting and advocacy services in the field of preventing and assisting with repairing and preventing damage caused by loss or compromise of identification information, credit information and damage to credit status; monitoring consumer credit information and providing alerts to changes therein; card-registration services in the nature of credit and debit card notification and cancellation services for lost or stolen cards; referrals and consulting in the field of insurance against consumer fraud, credit fraud and identity theft; referrals in the field of alternate dispute resolution services; and related product marketing services.

Cl. 45: Document preparation, consulting and advocacy services in the field of preventing and assisting with repairing and preventing damage caused by loss or compromise of identification information, credit information and damage to credit status; providing credit-monitoring services, consumer alert information to consumers, notification to consumers of credit and fraud information, and assistance to consumers in notification of relevant institutions, businesses and agencies in the event of a loss or compromise of identification or lost or stolen credit cards, drivers'

licenses, passports, airline tickets and other personal identity data or documents; consulting services in the fields of Internet and e-mail security, fraud prevention, data theft and identity theft; educational services in the fields of Internet and e-mail security and fraud prevention."

**II. REMARKS**

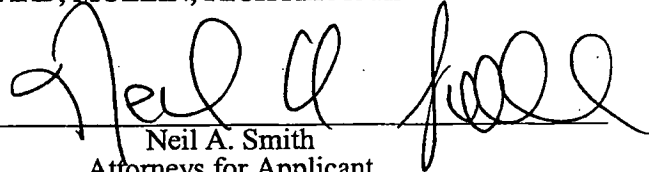
Applicant has amended its identification of services in accordance with the Examining Attorney's request. If the Examining Attorney believes, as described above, that the addition of International Class 41 is necessary in this case, please charge the \$375 fee for addition of an International Class to the Application to Sheppard, Mullin, Richter & Hampton, LLP Deposit Account No. 501395.

If the Examining Attorney requires any further information or has any other questions, the Examining Attorney is urged to contact the undersigned attorney. Applicant respectfully requests that the mark be passed to publication in the Official Gazette, for registration on the Principal Register, at the Examining Attorney's earliest convenience.

Dated: October 24 2006.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



Neil A. Smith  
Attorneys for Applicant  
CREDIT.COM, INC.

Four Embarcadero Center  
17th Floor  
San Francisco, CA 94111  
Tel: (415) 434-9100  
Fax: (415) 434-3947

**CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" postage prepaid in an envelope addressed to: Commissioner of Trademarks, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on October 24, 2006



Signature

Mironda Lewis

Name

October 24, 2006

Date

Request for Reconsideration (6 pgs)  
Return Postcard

"Express Mail" Mailing Label Number:

**ER818738218US**