
To: Waves Licensing, LLC (jacobsmeadwayr@ballardspahr.com)
Subject: TRADEMARK APPLICATION NO. 78708282 - SIG AXIS - 046087
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/708282

APPLICANT: Waves Licensing, LLC

CORRESPONDENT ADDRESS:

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MARK: SIG AXIS

CORRESPONDENT'S REFERENCE/DOCKET NO: 046087

CORRESPONDENT EMAIL ADDRESS:

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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..

Serial Number 78/708282

REQUEST FOR RECONSIDERATION

The trademark examining attorney has carefully reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action. TMEP §715.03(a). With respect to the applicant's arguments in its January 26, 2007 response:

First, the applicant argues that the term "axis" is weak as used in the financial services industry. In support of its argument, the applicant submitted advertisements from third party companies in the general marketplace. Applicant should note, that in a Section 2(d) likelihood of confusion analysis, this Office is not concerned with the number of times that companies in the general marketplace have used a mark. The question is likelihood of confusion between marks pending or registered before this Office. Moreover, even if applicant has shown that the cited mark is "weak," such marks are still entitled to protection against registration by a subsequent user of the same or similar mark for the same or closely related goods or services. See *Hollister Incorporated v. Ident A Pet, Inc.*, 193 USPQ 439 (TTAB 1976) and cases cited therein.

Secondly, the applicant argues that the addition of its house mark avoids any possibility of confusion. Where marks are otherwise virtually the same, the addition of a house mark is more likely to add to the likelihood of confusion than to distinguish the marks. *Key West Fragrance & Cosmetic Factory, Inc. v. Mennen Co.*, 216 USPQ 168 (TTAB 1982). It is likely not only that the two products sold under these marks would be attributed to the same source but also that purchasers would mistakenly assume that both were products of applicant by virtue of its use of SIG with the shared term AXIS. See *In re Dennison Mfg. Co.*, 229 USPQ 141, 144 (TTAB 1986), citing *Menendez v. Holt*, 128 US 514 (1888) ("It is a general rule that the addition of extra matter such as a house mark or trade name to one of two otherwise confusingly similar marks will not serve to avoid a likelihood of confusion between them."); *A.T. Cross Co. v. Jonathan Bradley Pens, Inc.*, 470 F.2d 689, 176 USPQ 15 (2nd Cir. 1972); *W.E. Bassett Co. v. Revlon, Inc.*, 435 F.2d 656, 168 USPQ 1 (2nd Cir 1970); *Hat Corp. of America v. John B. Stetson Co.*, 223 F.2d 485, 106 USPQ 200 (C.C.P.A. 1955); *Hammermill Paper Co. v. Gulf States Paper Corp.*, 337 F.2d 662, 143 USPQ 237 (C.C.P.A. 1964). Each such case must be determined on its own facts and circumstances. *Rockwood Chocolate Co., Inc. v. Hoffman Candy Co.*, 372 F.2d 552, 152 USPQ 599 (C.C.P.A. 1967).

Lastly, the applicant states that the term "axis" references " 'principal axis factor analysis,' a tool used to assess underlying financial relationships against a number of variables." In support of this contention, the applicant submitted an article where the term "principal axis factor analysis" is used to describe a "tool used to assess underlying financial relationships against a number of variables." The applicant's evidence does not reference the term "axis" used as a stand alone term of art in the financial services industry. In fact, a search of several financial databases, websites and dictionaries showed no result for "axis" as a term of art for financial services. See the attached results from searches of the following websites: Investorwords.com (www.investorwords.com); Investopedia (<http://www.investopedia.com>); Morgan Stanley Dictionary of Financial Terms (<http://www.morganstanleyindividual.com/customerservice/dictionary/>); and Reuter Financial Glossary (http://glossary.reuters.com/index.php/Main_Page). Notably, the definition for the term "axis" in general use dictionaries fails to include a financial term of art meaning for the word "axis," as well. See the attached copy from www.dictionary.com

Therefore, the request for reconsideration is **DENIED** and the final refusal is continued. 37 C.F.R. §2.64(b); TMEP §715.04.

The filing of a request for reconsideration does *not* extend the time for filing a proper response to the final action, which runs from the date the final action was mailed. 37 C.F.R. §2.64(b); TMEP §§715.03 and 715.03(c).

/C. Skye Young/
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ax - is [ak-sis] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

-noun, plural ax - es [ak-seez] [Pronunciation Key](#) - [Show IPA Pronunciation](#).

1. the line about which a rotating body, such as the earth, turns.
2. *Mathematics*.
 - a. a central line that bisects a two-dimensional body or figure.
 - b. a line about which a three-dimensional body or figure is symmetrical.
3. *Anatomy*.
 - a. a central or principal structure, about which something turns or is arranged: *the skeletal axis*.
 - b. the second cervical vertebra.
4. *Botany*. the longitudinal support on which organs or parts are arranged; the stem and root; the central line of any body.
5. *Analytic Geometry*. any line used as a fixed reference in conjunction with one or more other references for determining the position of a point or of a series of points forming a curve or a surface. Compare X-AXIS, Y-AXIS.
6. *Crystallography*. CRYSTALLOGRAPHIC AXIS.
7. *Aeronautics*. any one of three lines defining the attitude of an airplane, one being generally determined by the direction of forward motion and the other two at right angles to it and to each other.
8. *Fine Arts*. an imaginary line, in a given formal structure, about which a form, area, or plane is organized.
9. an alliance of two or more nations to coordinate their foreign and military policies

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9. an alliance of two or more nations to coordinate their foreign and military policies, and to draw in with them a group of dependent or supporting powers.
10. **the Axis**, (in World War II) Germany, Italy, and Japan, often with Bulgaria, Hungary, and Romania.
11. a principal line of development, movement, direction, etc.

[Origin: 1540-50; < L *axis* an axletree, axle, axis. See AXI-]

—*Related forms*

ax·is·ed ⓘ ⓘ [ak-sist] [Pronunciation Key](#) - [Show IPA Pronunciation](#), *adjective*

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ax·is² ⓘ ⓘ [ak-sis] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

—*noun*, plural **ax·is·es**.

AXIS DEER.

[Origin: 1595-1605; < L *axis* a wild animal of India (Pliny)]

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axis deer

—*noun*

an Asian deer, *Cervus (Axis) axis*, of India and Sri Lanka, having a reddish-brown coat spotted with white.

Also called **axis**, chital, spotted deer.

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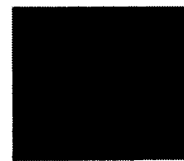
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ax·is ⓘ ⓘ (ăk'sīs) [Pronunciation Key](#)

n. pl. **ax·es** (ăk'sēz')

1. A straight line about which a body or geometric object rotates or may be conceived to rotate.
2. *Mathematics*
 - a. An unlimited line, half-line, or line segment serving to orient a space or a geometric object, especially a line about which the object is symmetric.
 - b. A reference line from which distances or angles are measured in a coordinate system.
 - c. The second cervical vertebra on which the head turns.
 - d. Any of various central structures, such as the spinal column, or standard abstract lines used as a positional referent.
 - e. An alliance of powers, such as nations, to promote mutual interests and policies.
 - f. **Axis** The alliance of Germany and Italy in 1936, later including Japan and other nations,



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that opposed the Allies in World War II.

3. A center line to which parts of a structure or body may be referred.
4. An imaginary line to which elements of a work of art, such as a picture, are referred for measurement or symmetry.
5. *Anatomy*
 - a. The second cervical vertebra on which the head turns.
 - b. Any of various central structures, such as the spinal column, or standard abstract lines used as a positional referent.
 - c. An alliance of powers, such as nations, to promote mutual interests and policies.
 - d. **Axis** The alliance of Germany and Italy in 1936, later including Japan and other nations, that opposed the Allies in World War II.
6. *Botany* The main stem or central part about which organs or plant parts such as branches are arranged.
7. One of three mutually perpendicular lines that define the orientation of an aircraft, with one being along its direction of travel and the other two being perpendicular to the direction of travel.
8. A line through the optical center of a lens that is perpendicular to both its surfaces.
9. One of three or four imaginary lines used to define the faces of a crystal and the position of its atoms.
10.
 - a. An alliance of powers, such as nations, to promote mutual interests and policies.
 - b. **Axis** The alliance of Germany and Italy in 1936, later including Japan and other nations, that opposed the Allies in World War II.

[Middle English, from Latin.]

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axis

1549, "imaginary straight line around which a body (such as the Earth) rotates," from L. *axis* "axle, pivot, axis of the earth or sky," from PIE **aks-* "axis" (cf. O.F. *ax*, O.H.G. *ahsa* "axle," Gk. *axon*, Skt. *aksah* "an axle, axis, beam of a balance," Lith. *aszis*). Fig. sense in world history of "alliance between Germany and Italy" (later extended to include Japan) is from 1936.

Online Etymology Dictionary, © 2001 Douglas Harper

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axis

noun

1. a straight line through a body or figure that satisfies certain conditions
2. the center around which something rotates
3. the main stem or central part about which plant organs or plant parts such as branches

are arranged

4. in World War II the alliance of Germany and Italy in 1936 which later included Japan and other nations; "the Axis opposed the Allies in World War II"
5. a group of countries in special alliance [syn: bloc]
6. the 2nd cervical vertebra; serves as a pivot for turning the head

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axis ⓘ ⓘ (āk'sīz) Pronunciation Key

Plural axes (āk'sēz')

1. An imaginary line around which an object rotates. In a rotating sphere, such as the Earth and other planets, the two ends of the axis are called poles. The 23.45° tilt of the Earth's axis with respect to the plane of its orbit around the Sun causes the Northern and Southern Hemispheres to point toward and away from the Sun at different times of the year, creating seasonal patterns of weather and climate. Other planets in the solar system have widely varying tilts to their axes, ranging from near 0° for Mercury to 177° for Venus.
2. *Mathematics*
 - a. A line, ray, or line segment with respect to which a figure or object is symmetrical.
 - b. A reference line from which distances or angles are measured in a coordinate system, such as the *x*-axis and *y*-axis in the Cartesian coordinate system.
3. *Anatomy* The second cervical vertebra, which serves as a pivot for the head.
4. *Botany* The main stem or central part of a plant or plant part, about which other plant parts, such as branches or leaflets, are arranged.

axial adjective

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axis

An imaginary straight line passing through the North Pole, the center of the Earth, and the South Pole. The Earth rotates around this axis.

[Chapter:] *World Geography*

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axis

In geometry, a straight line about which an object may rotate or that divides an object into

symmetrical halves.

Note: The axis of the Earth is an Imaginary line drawn through the North Pole and the South Pole.

[Chapter:] *Physical Sciences and Mathematics*

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axis

axis: In CancerWEB's On-line Medical Dictionary

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Main Entry: **ax·is**

Pronunciation: 'ak-sēs

Function: *noun*

Inflected Form: *plural ax·es /-'sēz/*

1 **a** : a straight line about which a body or a geometric figure rotates or may be thought of as rotating **b** : a straight line with respect to which a body, organ, or figure is symmetrical
2 **a** : the second vertebra of the neck of the higher vertebrates that is prolonged anteriorly within the foramen of the first vertebra and united with the dens which serves as a pivot for the atlas and head to turn upon called also *epistropheus* **b** : any of various central, fundamental, or axial parts <the cerebrospinal *axis*> <the skeletal *axis*> **c** : **AXILLA**

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ax·is (āk'sīs)

n. pl. ax·es (āk'sēz')

1. A real or imaginary straight line about which a body or geometric object rotates or may be conceived to rotate.
2. A center line to which parts of a structure or body may be referred.

2. A center line to which parts of a structure or body may be referred.
3. The second cervical vertebra. Also called *epistropheus*, *vertebra dentata*.
4. An artery that divides into many branches at its origin.

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axis¹ ['æksɪs] *noun* — plural **axes** ['æksɪz]

the real or imaginary line on which a thing turns (as the axis of the earth, from North Pole to South Pole, around which the earth turns)

Arabic: المحور الأرضي (المحور)

Japanese: 軸

Chinese (Simplified): 轴线

Latvian: ass

Chinese (Traditional): 軸線

Lithuanian: ašis

Czech: osa

Norwegian: akse

Danish: akse

Polish: oś

Dutch: as

Portuguese (Brazil): eixo

Estonian: telg

Portuguese (Portugal): eixo

Finnish: akseli

Romanian: axă

French: axe

Russian: ось

German: die Achse

Slovak: os

Greek: ο άξονας της Γης

Slovenian: os

Hungarian: tengely

Spanish: eje

Icelandic: möndull, öxull

Swedish: axel

Indonesian: poros

Turkish: eksen, milher

Italian: asse

axis² ['æksɪs] *noun*

a fixed line used as a reference, as in a graph

Example: He plotted the temperatures on the horizontal axis.

Arabic: محور

Japanese: 軸線

Chinese (Simplified): 轴

Latvian: ass

Chinese (Traditional): 軸

Lithuanian: ašis

Czech: osa

Norwegian: akse

Danish: akse

Polish: oś

Dutch: as

Portuguese (Brazil): eixo

Estonian: telg

Portuguese (Portugal): eixo

Finnish: akseli

Romanian: axă

<i>French:</i> axe	<i>Russian:</i> ось
<i>German:</i> die Achse	<i>Slovak:</i> os
<i>Greek:</i> ἄξονας	<i>Slovenian:</i> os
<i>Hungarian:</i> tengely	<i>Spanish:</i> eje
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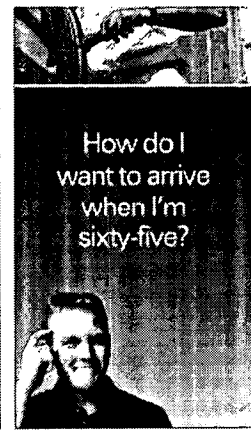
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For query "axis"

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