

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78764680
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
<p><u>REQUEST FOR RECONSIDERATION</u></p> <p>Applicant has adopted the description of services suggested by the Examiner and has substituted the phrase "technology information and advice" for "technology assistance" and the phrase "access to assistive devices" for "accessibility." All of the items listed after "namely" are part of applicant's communication support services. Applicant notes that TMEP 1401.07 states that one service with a plurality of uses or aspects is normally classified in a single class. Where a major service, such as "consulting services" or "communication support" is identified, if applicant is asked for a further breakdown, applicant should be able to list a number of specific "sub-services" within the primary designation without triggering a requirement that each listed sub-service go to a different class.</p> <p>Applicant is attaching copies of pages from the Trademark ID Manual, showing uses of the words "technology" (mainly in Class 45) and "assistance" (mainly in Class 35). These words seem to have readily recognized meanings. Nevertheless, because the Examiner has objected to use of the two words together, Applicant has tried to substitute another phrase that may be more acceptable. The "technology" in question is, of course, technology pertaining to communication by individuals who are deaf, hard of hearing or speech impaired.</p> <p>TMEP 1401.03(a) states that, "Generally, in applications under Sec. 1...of the Trademark Act, the Office will presume that the class number designated by the applicant or the applicant's attorney is correct in the absence of any contradictory information." In the application at hand, the Examiner has suggested that the services be put in Class 35. However, in a companion application with identical services (Serial No. 78/764,686), the Examiner has suggested Class 41. To be consistent, Applicant requests that the services of these two companion applications be put in the same class, whether it be Class 35 or 41.</p> <p>Applicant is concurrently filing a Notice of Appeal, as the description must be appealed if the Examiner does not accept the amended description set out below.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	<p><u>\\TICRS2\EXPORT13\787\646\78764680.xml1</u></p> <p><u>\ROA0002.JPG</u></p>

	<u>\\TICRS2\EXPORT13\787\646\78764680\xml1</u> <u>\ROA0003.JP G</u>
	<u>\\TICRS2\EXPORT13\787\646\78764680\xml1</u> <u>\ROA0004.JP G</u>
	<u>\\TICRS2\EXPORT13\787\646\78764680\xml1</u> <u>\ROA0005.JP G</u>
	<u>\\TICRS2\EXPORT13\787\646\78764680\xml1</u> <u>\ROA0006.JP G</u>
DESCRIPTION OF EVIDENCE FILE	PAGES FROM TRADEMARK ID MANUAL
GOODS AND/OR SERVICES SECTION (class deleted)	
INTERNATIONAL CLASS	038
DESCRIPTION	
Consulting services in the field of providing communication support, namely, interpreting services, remote captioning, technology assistance, and accessibility for professionals who are deaf, hard of hearing or speech impaired, and for their hearing colleagues in the business workplace	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/03/2002
FIRST USE IN COMMERCE DATE	At least as early as 06/03/2002
GOODS AND/OR SERVICES SECTION (class added) Original Class (038)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Consulting services in the field of providing communication support for professionals who are deaf, hard of hearing or speech impaired, and for their hearing colleagues in the business workplace, namely, interpreting services, technology information and advice, and access to assistive devices.	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/03/2002
FIRST USE IN COMMERCE DATE	At least as early as 06/03/2002
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/constance m jordan/
SIGNATORY'S NAME	CONSTANCE M. JORDAN
SIGNATORY'S POSITION	ATTORNEY FOR APPLICANT

DATE SIGNED	07/30/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jul 30 12:35:27 EDT 2007
TEAS STAMP	USPTO/ROA-63.174.91.3-200 70730123527885290-7876468 0-38098f4925fc887274120ae a337498d0f3-N/A-N/A-20070 730123328495294

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78764680** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

REQUEST FOR RECONSIDERATION

Applicant has adopted the description of services suggested by the Examiner and has substituted the phrase "technology information and advice" for "technology assistance" and the phrase "access to assistive devices" for "accessibility." All of the items listed after "namely" are part of applicant's communication support services. Applicant notes that TMEP 1401.07 states that **one service with a plurality of uses or aspects is normally classified in a single class**. Where a major service, such as "consulting services" or "communication support" is identified, if applicant is asked for a further breakdown, applicant should be able to list a number of specific "sub-services" within the primary designation without triggering a requirement that each listed sub-service go to a different class.

Applicant is attaching copies of pages from the Trademark ID Manual, showing uses of the words "technology" (mainly in Class 45) and "assistance" (mainly in Class 35). These words seem to have readily recognized meanings. Nevertheless, because the Examiner has objected to use of the two words together, Applicant has tried to substitute another phrase that may be more acceptable. The "technology" in question is, of course, technology pertaining to communication by individuals who are deaf, hard of hearing or speech impaired.

TMEP 1401.03(a) states that, "Generally, in applications under Sec. 1...of the Trademark Act, the Office will presume that the class number designated by the applicant or the applicant's attorney is correct in the absence of any contradictory information." In the application at hand, the Examiner has suggested that the services be put in Class 35. However, in a companion application with identical services (Serial No. 78/764,686), the Examiner has suggested Class 41. To be consistent, Applicant requests that the services of these two companion applications be put in the same class, whether it be Class 35 or 41.

Applicant is concurrently filing a Notice of Appeal, as the description must be appealed if the Examiner does not accept the amended description set out below.

Evidence

Evidence in the nature of PAGES FROM TRADEMARK ID MANUAL has been attached.

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Classification and Listing of Goods/Services

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

Class 038 for Consulting services in the field of providing communication support, namely, interpreting services, remote captioning, technology assistance, and accessibility for professionals who are deaf, hard of hearing or speech impaired, and for their hearing colleagues in the business workplace

Applicant hereby adds the following class of goods/services to the application:

New:

Class 035 (Original Class: 038) for Consulting services in the field of providing communication support for professionals who are deaf, hard of hearing or speech impaired, and for their hearing colleagues in the business workplace, namely, interpreting services, technology information and advice, and access to assistive devices.

Section 1(a), Use in Commerce: The mark was first used at least as early as 06/03/2002 and first used in commerce at least as early as 06/03/2002, and is now in use in such commerce.

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /constance m jordan/ Date: 07/30/2007

Signatory's Name: CONSTANCE M. JORDAN

Signatory's Position: ATTORNEY FOR APPLICANT

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 applicant'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 applicant in this matter: (1) the applicant 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 applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant'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.

Serial Number: 78764680

Internet Transmission Date: Mon Jul 30 12:35:27 EDT 2007

TEAS Stamp: USPTO/ROA-63.174.91.3-200707301235278852
90-78764680-38098f4925fc887274120aea3374
98d0f3-N/A-N/A-20070730123328495294



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Trademarks > Trademark Acceptable Identification of Goods & Services

Trademark ID Manual



Refine Search: ASSISTANCE

Documents: 1 - 37 of 37

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	039	Interactive computer kiosks comprising computers, computer hardware, computer peripherals, and computer operating software, for use in (indicate purpose of kiosks, e.g., providing directory assistance in a shopping mall, monetary transactions)	A	09 Feb 07	G	N	
2	015	Guitar playing assistance devices, namely, a sliding clamp-like structure positioned onto the guitar neck to form and sound guitar chords and notes	A	07 Dec 06	G	N	
3	035	Assistance in business management and product commercialization, within the framework of a franchise contract	A	20 Jul 04	S	N	T
4	035	Assistance in franchised commercial business management	A	20 Jul 04	S	N	T
5	035	Assistance in management of business activities	A	20 Jul 04	S	N	T
6	035	Assistance to industrial or commercial enterprises in the running of their business	A	20 Jul 04	S	N	T
7	035	Assistance with business management and planning	A	20 Jul 04	S	N	T
8	035	Assistance, advisory services and consultancy with regard to business planning, business analysis, business management, and business organization	A	20 Jul 04	S	N	T
9	035	Business management assistance and particularly carrying out tasks necessary for the smooth conduct of sales by auction	A	20 Jul 04	S	N	T
10	035	Business management assistance to industrial or commercial companies	A	20 Jul 04	S	N	T
11	035	Commercial and industrial management assistance	A	02 Apr 91	S	N	T
12	035	Commercial assistance in business management	A	20 Jul 04	S	N	T
13	035	Commercial assistance relating to system implementation and system integration	A	20 Jul 04	S	N	T
14	035	Corporate management assistance	A	20 Jul 04	S	N	T

15	035	Franchise services, namely, offering technical and business management assistance in the establishment and operation of (indicate specific type of establishment being operated)	A	01 Sep 05	S	N	
16	035	Franchising, namely consultation and assistance in business management, organization and promotion	A	20 Jul 04	S	N	T
17	035	Franchising, namely, offering technical assistance in the establishment and/or operation of (indicate specific area of business, e.g., restaurants, shoe stores, car washes)	A	02 Apr 91	S	N	
18	035	Industrial management assistance	A	02 Apr 91	S	N	
19	035	Management and operation assistance to commercial businesses	A	20 Jul 04	S	N	T
20	035	Management assistance	A	02 Apr 91	S	N	
21	035	Offering technical assistance in the establishment and/or operation of restaurants	A	02 Apr 91	S	N	
22	035	Outsourcing services (business assistance)	A	01 Jan 07	S	N	
23	035	Providing assistance, fitness evaluation and consultation to corporate clients to help their employees make health, wellness and nutritional changes in their daily living to increase productivity and lower health care costs	A	05 Apr 07	S	N	
24	035	Services rendered by a franchisor, namely assistance in the running or management of industrial or commercial enterprises	A	20 Jul 04	S	N	T
25	035	Telephone directory assistance services	A	04 Sep 01	S	Y	
26	037	Emergency roadside assistance services, namely responding to calls for roadside assistance, flat tire changing, emergency fuel supplying, and battery jump starting	A	26 Apr 07	S	N	
27	038	Telephone call completion services for directory assistance customers	A	28 Sep 06	S	N	
28	041	Providing assistance, personal training and physical fitness consultation to corporate clients to help their employees make physical fitness, strength, conditioning, and exercise alterations in their daily living	M	19 Apr 07	S	Y	
29	041	Providing assistance, personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living	A	14 Jun 07	S	N	
30	043	Providing assistance to senior citizens seeking to determine assisted living facilities appropriate for their needs	A	19 Apr 07	S	N	
31	044	Charitable services, namely, patient assistance program to provide drugs free of charge to low-income patients without prescription drug coverage	A	01 Nov 04	S	N	
32	044	Emergency medical assistance	M	01 Jan 02	S	Y	
33	044	Medical assistance consultancy provided by doctors and other specialized medical personnel	A	20 Jul 04	S	N	T
34	044	Medical assistance services	A	01 Jul 06	S	N	
35	044	Providing assistance, fitness evaluation and consultation to corporate clients to help their employees make health, wellness and nutritional changes in their daily living to improve health	A	05 Apr 07	S	N	
36	045	Analysis of data, policy and process, and provision of business management advice and assistance to ensure	A	09 Feb 07	S	N	

		compliance with public sector procurement laws and regulations				
37	045	Personal care assistance of activities of daily living, such as bathing, grooming and personal mobility for mentally or physically challenged people	A	01 Jul 04	S	N

Refined Search: ASSISTANCE

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Trademark ID Manual



Refine Search: TECHNOLOGY

Documents: 1 - 20 of 20

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	005	Alloys of precious metal for use in dentistry and dentistry technology	A	20 Jul 04	G	N	T
2	009	Measuring and control devices for air conditioning technology	A	20 Jul 04	G	N	T
3	035	Custom writing services comprising public relations and marketing materials for the audio, video and technology industries	A	01 Mar 07	S	N	
4	039	Management of vehicular traffic flow through advanced communications network and technology	A	22 Feb 07	S	N	
5	041	Publishing and issuing scientific papers in relation to medical technology	A	20 Jul 04	S	N	T
6	041	Training in the field of design, advertising and communication technologies	A	20 Jul 04	S	N	T
7	042	Development of new technology for others in the field of (indicate field, e.g., genomics, biotechnology)	A	01 Jun 01	S	N	
8	042	Development of technologies for the fabrication of circuits for wireless communication, electronic data processing, consumer electronic automotive electronics	A	20 Jul 04	S	N	T
9	042	Information technology consultation	A	01 Aug 05	S	N	
10	042	Providing a website that features information on computer technology and programming	A	01 Apr 05	S	N	
11	042	Providing a website featuring technology that enables companies and organizations to administer and manage employee incentive award programs and to promote employee productivity, performance, recognition and morale	A	10 May 07	S	N	
12	042	Providing technology information in the oil and gas industry	A	21 Dec 06	S	N	
13	042	Research and development of advanced learning technologies and teaching methods	A	26 Jul 07	S	N	

14	042	Research in the area of semiconductor processing technology	A	20 Jul 04	S	N	T
15	042	Technical consultancy regarding the field of road cutting technology	A	20 Jul 04	S	N	T
16	042	Technological consultation in the technology field of (indentity the field ie computer hardware systems)	A	01 Aug 05	S	N	
17	042	Technology advice provided to Internet users by means of a support hotline	A	01 Mar 07	S	N	
18	042	Technology consultation and research in the field of (indicate specific field, e.g. aerospace engineering, geology)	M	01 Apr 04	S	Y	
19	042	Technology consultation in the field of (indicate specific field, e.g. aerospace engineering, geology)	M	01 Apr 04	S	Y	
20	042	Technology supervision and inspection in the field of (indicate specific field, e.g. product quality control, geological mining)	M	01 Apr 04	S	Y	

Refined Search: TECHNOLOGY

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