

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	79220996
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 110
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="https://tmng-al.uspto.gov/resting2/api/img/79220996/large">https://tmng-al.uspto.gov/resting2/api/img/79220996/large</a>
<b>LITERAL ELEMENT</b>	CLOUD P
<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>ARGUMENT(S)</b>	
<p>This is in response to the Office Action dated June 18, 2018 in which the Examining Attorney made final the refusal to register. Applicant reiterates the arguments previously submitted and strenuously objects to the Examining Attorney's statements that prior, co-existing registrations/uses do not affect the scope of protection accorded to those registrations and that co-existence with a nearly identical mark does not dilute these parties' rights. Applicant has amended the goods and services as required by the Examining Attorney. In Class 35, Applicant has amended the services to specify that it offers business services related to the verification and display of plant and machine safety information; this is akin to checking and forwarding business data relating to systems that control the operation of industrial plants, for example. As these services are most closely related to the prior clause in Class 35 ("Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows"), they appear to be properly classified in 35. Please note that these services are not related to computer security in Class 42, nor to property security in Class 45. In Class 37, further specification of "apparatus and instruments" is not required, as Applicant has specified that the services are "...namely remote servicing of industrial computers via the internet and by means of cloud computing." The "apparatus and instruments" are industrial computers, based on the plain text of the clause, and the Office Action indicates "The identification must be specific, definite and concise." In Class 42, the Examining Attorney states that "process flows" is indefinite or too broad because it could include business information or computer information. The clause refers to "process flows of factory operations," which appears clear on its face. Applicant has added a comma for clarity. Finally, Applicant advises the Examining Attorney that it has filed an appeal with Trademark Trial and Appeal Board.</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
<p>Software, including software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; application software for cloud computing services, namely software to provide data and information to a cloud computing platform and to enable users having access to such data and information stored on a cloud computing platform; software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; devices and apparatus for controlling and monitoring computer networks; devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; servers for hosting; cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines, industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(proposed)</b>	

INTERNATIONAL CLASS	009
<b>TRACKED TEXT DESCRIPTION</b>	
<p><del>Software, including software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; Software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; application software for cloud computing services, namely software to provide data and information to a cloud computing platform and to enable users having access to such data and information stored on a cloud computing platform; application software for cloud computing services, namely downloadable software to enable users to input data and information to a cloud computing platform and enable users to have access to such data and information stored on a cloud computing platform;</del> software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; <del>devices and apparatus for controlling and monitoring computer networks;</del> <u>devices and apparatus for controlling and monitoring computer networks, namely, communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data;</u> devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; <del>servers for hosting;</del> <u>servers for web hosting;</u> cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines, industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations</p>	
<b>FINAL DESCRIPTION</b>	
<p>Software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; application software for cloud computing services, namely downloadable software to enable users to input data and information to a cloud computing platform and enable users to have access to such data and information stored on a cloud computing platform; software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; devices and apparatus for controlling and monitoring computer networks, namely, communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; servers for web hosting; cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines, industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations</p>	
<b>GOODS AND/OR SERVICES SECTION (035)(current)</b>	
INTERNATIONAL CLASS	035
<b>DESCRIPTION</b>	
<p>Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; industrial machines and industrial plants safety services featuring the verification and visualization of information and data regarding industrial machines and industrial plants for others; retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products</p>	
<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
INTERNATIONAL CLASS	035
<b>TRACKED TEXT DESCRIPTION</b>	
<p>Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; <del>industrial machines and industrial plants safety services featuring the verification and visualization of information and data regarding industrial machines and industrial plants for others;</del> <u>business services in the nature of verification and visualization of information and data regarding industrial machines safety and industrial plants safety for others;</u> retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products</p>	
<b>FINAL DESCRIPTION</b>	
<p>Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; business services in the nature of verification and visualization of information and data regarding industrial machines safety and industrial plants safety for others; retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products</p>	

**GOODS AND/OR SERVICES SECTION (037)(current)**

INTERNATIONAL CLASS

037

**DESCRIPTION**

Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing

**GOODS AND/OR SERVICES SECTION (037)(proposed)**

INTERNATIONAL CLASS

037

**TRACKED TEXT DESCRIPTION**

~~Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing;~~ [Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security alarm controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing](#)

**FINAL DESCRIPTION**

Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security alarm controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing

**GOODS AND/OR SERVICES SECTION (038)(no change)****GOODS AND/OR SERVICES SECTION (041)(no change)****GOODS AND/OR SERVICES SECTION (042)(current)**

INTERNATIONAL CLASS

042

**DESCRIPTION**

Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants and process flows of factory operations; IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; cloud computing services, namely providing data and information to a cloud computing platform and enabling users having access to such data and information stored on a cloud computing platform; hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation and visualization of machines, industrial plants and industrial process flows; providing storage space via computer networks, namely providing data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

**GOODS AND/OR SERVICES SECTION (042)(proposed)**

INTERNATIONAL CLASS

042

**TRACKED TEXT DESCRIPTION**

~~Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants and process flows of factory operations;~~ [Information technology \(IT\) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants, and process flows of factory operations;](#) IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; ~~cloud computing services, namely providing data and information to a cloud computing platform and enabling users having access to such data and information stored on a cloud computing platform;~~ [cloud computing services, namely providing data and information to a cloud computing platform in the nature of databases regarding controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations and enabling users to have access to such data and information stored on a cloud computing platform;](#) hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation

and visualization of machines, industrial plants and industrial process flows; ~~providing storage space via computer networks, namely providing data storage in the internet via cloud computing~~; providing storage space via computer networks, namely providing electronic data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

**FINAL DESCRIPTION**

Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants, and process flows of factory operations; IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; cloud computing services, namely providing data and information to a cloud computing platform in the nature of databases regarding controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations and enabling users to have access to such data and information stored on a cloud computing platform; hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation and visualization of machines, industrial plants and industrial process flows; providing storage space via computer networks, namely providing electronic data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

**SIGNATURE SECTION**

<b>RESPONSE SIGNATURE</b>	/ekb/
<b>SIGNATORY'S NAME</b>	Elizabeth K. Brock
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant; Michigan bar member; attorney with Harness, Dickey & Pierce, PLC
<b>DATE SIGNED</b>	12/18/2018
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Tue Dec 18 17:15:05 EST 2018
<b>TEAS STAMP</b>	USPTO/RFR-XX.XXX.XX.XXX-2 0181218171505695858-79220 996-620ec869f49c12e525ffa 457e39c67aa66ea4e27596682 167e4c7a2784f8fd12586-N/A -N/A-20181218161427942895

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO Form 1960 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 09/20/2020)

**Request for Reconsideration after Final Action**

**To the Commissioner for Trademarks:**

Application serial no. **79220996** CLOUD P(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/79220996/large>) has been amended as follows:

**ARGUMENT(S)**

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

This is in response to the Office Action dated June 18, 2018 in which the Examining Attorney made final the refusal to register. Applicant reiterates the arguments previously submitted and strenuously objects to the Examining Attorney's statements that prior, co-existing registrations/uses do not affect the scope of protection accorded to those registrations and that co-existence with a nearly identical mark does not dilute these parties' rights. Applicant has amended the goods and services as required by the Examining Attorney. In Class 35, Applicant has amended the services to specify that it offers business services related to the verification and display of plant and machine safety information; this is akin to checking and forwarding business data relating to systems that control the operation of industrial plants, for example. As these services are most closely related to the prior clause in Class 35 ("Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows"), they appear to be properly classified in 35. Please note that these services are not related to computer security in Class 42, nor to property security in Class 45. In Class 37, further specification of "apparatus and instruments" is not required, as Applicant has specified that the services are "...namely remote servicing of industrial computers via the internet and by means of cloud computing." The "apparatus and instruments" are industrial computers, based on the plain text of the clause, and the Office Action indicates "The identification must be specific, definite and concise." In Class 42, the Examining Attorney states that "process flows" is indefinite or too broad because it could include business information or computer information. The clause refers to "process flows of factory operations," which appears clear on its face. Applicant has added a comma for clarity. Finally, Applicant advises the Examining Attorney that it has filed an appeal with Trademark Trial and Appeal Board.

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

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

**Current:** Class 009 for Software, including software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; application software for cloud computing services, namely software to provide data and information to a cloud computing platform and to enable users having access to such data and information stored on a cloud computing platform; software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; devices and apparatus for controlling and monitoring computer networks; devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; servers for hosting; cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines, industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations

Original Filing Basis:

**Filing Basis Section 66(a)**, Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

### **Proposed:**

**Tracked Text Description:** ~~Software, including software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations;~~ Software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; ~~application software for cloud computing services, namely software to provide data and information to a cloud computing platform and to enable users having access to such data and information stored on a cloud computing platform;~~ application software for cloud computing services, namely downloadable software to enable users to input data and information to a cloud computing platform and enable users to have access to such data and information stored on a cloud computing platform; software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; ~~devices and apparatus for controlling and monitoring computer networks;~~ devices and apparatus for controlling and monitoring computer networks, namely, communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; ~~servers for hosting;~~ servers for web hosting; cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines, industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations

Class 009 for Software applications for smartphones and tablet computer, for controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations; application software for cloud computing services, namely downloadable software to enable users to input data and information to a cloud computing platform and enable users to have access to such data and information stored on a cloud computing platform; software for operating a computer network, namely Ethernet operating software, LAN (local area network) operating software, WAN (wide area network) operating software, and VPN (virtual private network) operating software; devices and apparatus for controlling and monitoring computer networks, namely, communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; devices and apparatus for the communication in computer networks, namely communication servers and computer hardware and peripheral devices for data communication and translating and transmitting data; servers for web hosting; cloud servers, namely network servers and Internet servers; downloadable electronically stored data and information, namely downloadable electronic data files featuring information relating to industrial machines,



industrial plants and process flows of factory operations; downloadable electronic publications, namely magazines, newsletters and books relating to industrial machines, industrial plants and process flows of factory operations

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

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

**Current:** Class 035 for Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; industrial machines and industrial plants safety services featuring the verification and visualization of information and data regarding industrial machines and industrial plants for others; retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; ~~industrial machines and industrial plants safety services featuring the verification and visualization of information and data regarding industrial machines and industrial plants for others;~~ [business services in the nature of verification and visualization of information and data regarding industrial machines safety and industrial plants safety for others;](#) retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products

Class 035 for Compilation, systematization, updating, maintenance and management of information and data in computer databases, said information and data relating to machines, plants and process flows; business services in the nature of verification and visualization of information and data regarding industrial machines safety and industrial plants safety for others; retail and wholesale store services and online retail and wholesale store services all in the field of automation technology products and machine and plant safety technology products

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

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

**Current:** Class 037 for Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing;~~ [Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security alarm controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing](#)

Class 037 for Repair, maintenance and servicing of products in the field of automation technology, machine and plant safety, namely repair, maintenance and servicing of electronic machines, safety and security alarm controls, apparatus and instruments also provided via computer networks, namely remote servicing of industrial computers via the internet and by means of cloud computing

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

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

**Current:** Class 042 for Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants and process flows of factory operations; IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; cloud computing services, namely providing data and information to a cloud computing platform and enabling users having access to such data and information stored on a cloud computing platform; hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation and visualization of machines, industrial plants and industrial process flows; providing storage space via computer networks, namely providing data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory

process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants and process flows of factory operations;~~ Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants, and process flows of factory operations; IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; ~~cloud computing services, namely providing data and information to a cloud computing platform and enabling users having access to such data and information stored on a cloud computing platform;~~ cloud computing services, namely providing data and information to a cloud computing platform in the nature of databases regarding controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations and enabling users to have access to such data and information stored on a cloud computing platform; hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation and visualization of machines, industrial plants and industrial process flows; ~~providing storage space via computer networks, namely providing data storage in the internet via cloud computing;~~ providing storage space via computer networks, namely providing electronic data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

Class 042 for Information technology (IT) consultancy, IT advisory and providing technology information in the field of industrial machines, industrial plants, and process flows of factory operations; IT programming services, namely programming of computers for controlling and monitoring industrial machines, industrial plants and process flows of factory operations; cloud computing services, namely providing data and information to a cloud computing platform in the nature of databases regarding controlling, automating, optimizing operation, monitoring, simulating and visualizing industrial machines, industrial plants and process flows of factory operations and enabling users to have access to such data and information stored on a cloud computing platform; hosting of internet and intranet sites of others containing computer databases, and hosting of digital content of others on the internet and intranet, namely computer-aided data, computer software files, software applications, databases of information, computer software applications, internet portals, internet forums, and web pages regarding the control, automation, optimization, monitoring, simulation and visualization of machines, industrial plants and industrial process flows; providing storage space via computer networks, namely providing electronic data storage in the internet via cloud computing; design, development and leasing of computer software, computer software algorithms and computer hardware for controlling, automating, optimizing, monitoring, simulating and visualizing industrial machines, industrial plants and factory process flows; technical consultancy, namely computer technology consultancy in the fields of control, automation, optimization, monitoring, simulating and visualization of industrial machines, industrial plants and process flows, IT safety

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /ekb/ Date: 12/18/2018

Signatory's Name: Elizabeth K. Brock

Signatory's Position: Attorney for Applicant; Michigan bar member; attorney with Harness, Dickey & Pierce, PLC

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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79220996

Internet Transmission Date: Tue Dec 18 17:15:05 EST 2018

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XXX-2018121817150569

5858-79220996-620ec869f49c12e525ffa457e3

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6-N/A-N/A-20181218161427942895