

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85592916
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This is intended as a complete response to the Office Action dated February 20, 2013.</p> <p>The Examining Attorney has objected to the identification of goods and/or services. The Applicant has amended the description of services as suggested by the examining attorney,</p> <p>The Examining Attorney has objected to the application under Section 2(d) on the ground that there would be a likelihood of confusion between the applied-for mark and U.S. Registration Nos. 3,916,356 ('356 Registration) and 3,916,607 ('607 Registration).</p> <p>It is believed that with the amendment of the identification of services, that this refusal has been rendered moot.</p> <p>With the amendment, it is seen that the services are entirely different from those of the cited references. Moreover, the consumers of the business related services are educated and sophisticated further rendering likelihood of confusion remote. Moreover it is necessary to consider the marks as a whole. Doing so the visual and aural distinctions are evident. For example, the mark has 25 letters, whereas the cited references have 8 and 15 letters respectively.</p> <p>The Examining Attorney requested additional information regarding the significance of the mark. The Applicant confirms that BLUE TECH or BLUE JOBS does not have any significance as applied to the goods and/or services, and BLUE TECH or BLUE JOBS does not have any significance in the relevant trade or industry apart from the use by the applicant. It is believed that applicant is the entity that coined the term. The mark PROMOTING BLUE TECH & BLUE JOBS is a coined term derived by the Applicant.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
organizing and conducting meetings and business conventions in the fields of export / import, desalination, clean water, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related	

technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; public advocacy relating to the importance of maritime technologies for both public and private sectors

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/00/2011
FIRST USE IN COMMERCE DATE	At least as early as 03/12/2012

GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS	035
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TRACKED TEXT DESCRIPTION

~~organizing and conducting meetings and business conventions in the fields of export / import, desalination, clean water, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies;~~ organizing and conducting business meetings and business conventions in the fields of desalination, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; ~~public advocacy relating to the importance of maritime technologies for both public and private sectors;~~ public advocacy to promote awareness of the importance of maritime technologies for both public and private sectors

FINAL DESCRIPTION

organizing and conducting business meetings and business conventions in the fields of desalination, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; public advocacy to promote awareness of the importance of maritime technologies for both public and private sectors

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/00/2011
FIRST USE IN COMMERCE DATE	At least as early as 03/12/2012

SIGNATURE SECTION

RESPONSE SIGNATURE	/Mitchell Brook/
SIGNATORY'S NAME	Mitchell P. Brook
SIGNATORY'S POSITION	Attorney of record, CA bar member
SIGNATORY'S PHONE NUMBER	619.236.1414
DATE SIGNED	08/20/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO

FILING INFORMATION SECTION**SUBMIT DATE**

Tue Aug 20 16:45:07 EDT 2013

TEAS STAMPUSPTO/RFR-65.44.197.100-2
0130820164507333734-85592
916-500e5675cf2e6e63ef1e3
ff224c3ad8589aa924f75784b
1ea9f2098b19014861ed-N/A-
N/A-20130820163456928916PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **85592916** has been amended as follows:

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

This is intended as a complete response to the Office Action dated February 20, 2013.

The Examining Attorney has objected to the identification of goods and/or services. The Applicant has amended the description of services as suggested by the examining attorney,

The Examining Attorney has objected to the application under Section 2(d) on the ground that there would be a likelihood of confusion between the applied-for mark and U.S. Registration Nos. 3,916,356 ('356 Registration) and 3,916,607 ('607 Registration).

It is believed that with the amendment of the identification of services, that this refusal has been rendered moot.

With the amendment, it is seen that the services are entirely different from those of the cited references. Moreover, the consumers of the business related services are educated and sophisticated further rendering likelihood of confusion remote. Moreover it is necessary to consider the marks as a whole. Doing so the visual and aural distinctions are evident. For example, the mark has 25 letters, whereas the cited references have 8 and 15 letters respectively.

The Examining Attorney requested additional information regarding the significance of the mark. The Applicant confirms that BLUE TECH or BLUE JOBS does not have any significance as applied to the goods and/or services, and BLUE TECH or BLUE JOBS does not have any significance in the relevant trade or industry apart from the use by the applicant. It is believed that applicant is the entity that coined the term. The mark PROMOTING BLUE TECH & BLUE JOBS is a coined term derived by the Applicant.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 035 for organizing and conducting meetings and business conventions in the fields of export / import, desalination, clean water, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; public advocacy relating to the importance of maritime technologies for both public and private sectors
Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/2011 and first used in commerce at least as early as 03/12/2012, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~organizing and conducting meetings and business conventions in the fields of export / import, desalination, clean water, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies;~~ organizing and conducting business meetings and business conventions in the fields of desalination, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; ~~public advocacy relating to the importance of maritime technologies for both public and private sectors;~~ public advocacy to promote awareness of the importance of maritime technologies for both public and private sectors

Class 035 for organizing and conducting business meetings and business conventions in the fields of desalination, energy, aquaculture, fishing, government services, robotics, offshore structures and facilities, ports, shipping and ocean, facility and homeland security, and related technologies; promoting industry organizations and business clusters focused on maritime technology development; providing business information on companies and technologies in the maritime fields; public advocacy to promote awareness of the importance of maritime technologies for both public and private sectors

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/2011 and first used in commerce at least as early as 03/12/2012, and is now in use in such commerce.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Mitchell Brook/ Date: 08/20/2013

Signatory's Name: Mitchell P. Brook

Signatory's Position: Attorney of record, CA bar member

Signatory's Phone Number: 619.236.1414

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.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85592916

Internet Transmission Date: Tue Aug 20 16:45:07 EDT 2013

TEAS Stamp: USPTO/RFR-65.44.197.100-2013082016450733

3734-85592916-500e5675cf2e6e63ef1e3ff224

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-N/A-N/A-20130820163456928916