

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86699777
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86699777/large
LITERAL ELEMENT	OPEN CONTAINER INITIATIVE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
Applicant: The Linux Foundation Serial No: 86/699,777 Filed: July 21, 2015 Mark: OPEN CONTAINER INITIATIVE	Law Office: 110 Examiner: Deborah Meiners
<u>RESPONSE TO OFFICE ACTION</u>	
This is in response to the Office Action dated September 1, 2017. The Examining Attorney has refused registration on the ground that Applicant's mark "is merely descriptive" pursuant to Section 2(e)(1) of the Trademark Act. In response, Applicant is filing an Allegation of Use to convert the filing basis of the application from Section 1(b) to Section 1(a) concurrently with this request for reconsideration. In this request for reconsideration, Applicant is also i) entering a disclaimer of "OPEN CONTAINER"; and (ii) amending the application from the Principal Register to the Supplemental Register.	
Applicant believes that these actions fully address the issues raised by the Examining Attorney, and Applicant hereby requests that the Application be approved for registration on the Supplemental Register.	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use OPEN CONTAINER apart from the mark as shown.
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/daniel l. scales/
SIGNATORY'S NAME	Daniel L. Scales
SIGNATORY'S POSITION	Attorney of record, Massachusetts bar member

SIGNATORY'S PHONE NUMBER	617-248-5000
DATE SIGNED	02/27/2018
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Feb 27 15:55:14 EST 2018
TEAS STAMP	USPTO/RFR-XX.XX.XX.XX-201 80227155514817414-8669977 7-510d9c5790b9519d6493a6c 3352868346d8243aaab9d125d 1c43acbed833-N/A-N/A-2018 0227155228442663

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 09/20/2020)

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To the Commissioner for Trademarks:

Application serial no. **86699777** OPEN CONTAINER INITIATIVE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86699777/large>) has been amended as follows:

ARGUMENT(S)

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: The Linux Foundation Serial No: 86/699,777 Filed: July 21, 2015 Mark: OPEN CONTAINER INITIATIVE	Law Office: 110 Examiner: Deborah Meiners
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RESPONSE TO OFFICE ACTION

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Applicant believes that these actions fully address the issues raised by the Examining Attorney, and Applicant hereby requests that the Application be approved for registration on the Supplemental Register.

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use OPEN CONTAINER apart from the mark as shown.

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental

Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /daniel l. scales/ Date: 02/27/2018

Signatory's Name: Daniel L. Scales

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

Signatory's Phone Number: 617-248-5000

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: 86699777

Internet Transmission Date: Tue Feb 27 15:55:14 EST 2018

TEAS Stamp: USPTO/RFR-XX.XX.XX.XX-201802271555148174

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