

## Request for Reconsideration after Final Action

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

Input Field	Entered
<b>SERIAL NUMBER</b>	86863199
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 117
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="https://tmng-al.uspto.gov/resting2/api/img/86863199/large">https://tmng-al.uspto.gov/resting2/api/img/86863199/large</a>
<b>LITERAL ELEMENT</b>	BEYOND GLOBAL
<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>In response to the Final Office Action dated November 10, 2016, Applicant submits a request for reconsideration.</p> <p>Section 2(d) Refusal - Likelihood of Confusion</p> <p>The Office Action maintains the rejection of Applicant’s BEYOND GLOBAL mark based on an alleged likelihood of confusion with U.S. Registration No. 4335471 for BEYONDGLOBAL (hereinafter “cited registration”). Applicant respectfully requests reconsideration in view of the amendments made to Applicant’s services and the following remarks.</p> <p>The Examining Attorney has twice noted that the factors among the <i>DuPont</i> factors most relevant to the present likelihood of confusion analysis are the similarity of the marks themselves, the relatedness of the services and the similarity of the trade channels.</p> <p>While the marks themselves are not identical, they have some similarities. However, even identical marks can coexist without a likelihood of confusion; DELTA U.S. Registration No. 654915 for air transportation of passengers and cargo and DELTA U.S Registration No. 4518067 for bathroom and shower enclosures and plumbing products coexist in the market and on the Principal Register. Thus, in this case, differences in the services and the trade channels can and do avoid any likelihood of confusion.</p> <p>The Examining Attorney has twice identified from the registrant’s recited services that the pertinent services for comparison are:                      Financial consulting and advisory services;                      investment advisory services;                      financial services, namely, raising debt and equity capital for others;                      financial research and analysis services;                      financial information services, namely, providing information to businesses and individuals in the field of financial trends that affect global financial markets.</p> <p>All of these services are in the nature of providing consulting, advise, research and information, with the exception of raising capital for others. Applicant has previously deleted any consulting and information services from its recitation and presently only present credit card and debit card services. Thus, the relatedness of the services turns only on whether the relevant consumers view the recited credit and debit cards services as likely emanating from the same source as the financial information and capital raising services of the registrant.</p> <p>They would not. Applicant has amended its recitation to make express what is a legal reality, i.e. only a bank can provide its recited services and that these are provided through retail banking channels directed to retail banking customers. With respect to Applicant’s identification of services, the amendments made herein specify that each of the services is provided “through retail banking channels” and is “directed to retail banking customers.” Accordingly, Applicant’s identified services are all associated with credit and debit card services and are restricted to the retail banking channel of trade and retail banking customers. Applicant FirstBank Puerto Rico is registered with the FDIC (FDIC Certificate # 30387) and is legally authorized to provide the identified credit card services to retail banking customers.[1]</p>	

The Examining Attorney contends that providers of the services identified in the cited registration, namely “financial consulting and advisory services, investment advisory services, and/or financial information services,” also provide the credit/debit card services in the instant application. The Office Action offers evidence in the form of banking webpages from BB&T, Citi, Key Bank, US Bank, and Wells Fargo to support this conclusion.

The evidence cited in support of the likelihood of confusion rejection is inappropriate and cannot be applied to support the Examining Attorney’s broad interpretation of the cited registration’s services. Specifically, the evidence all pertains to banking institutions that are legally authorized to offer retail banking services and thus including credit card and debit card services. However, the owner of the cited registration is NOT a banking institution and is therefore legally prohibited from offering the retail banking credit and debit card services identified in Applicant’s application. Registrant is a Delaware limited liability company and has not identified itself in the registration or the application process as a bank. Registrant provided a specimen to the USPTO that includes a series of screen captures taken from Registrant’s webpage. The first page of the specimen describes Registrant’s “Firm” as follows: “BeyondGlobal provides strategic consultancy to **financial institutions and corporations** seeking to optimally position themselves in international capital markets.” [2] Thus, Registrant expressly identifies its services as “strategic consultancy” and its relevant customers as “financial institutions and corporations.” The second page of Registrant’s specimen includes a list of services consisting of:

- “Strategic capital markets advisory for financial institutions and corporations with a high level of expertise in increasing market share”
- “Sourcing and analyzing unique insights and seizing opportunities to establish a larger footprint”
- “Access to a unique network of key global decision makers and thought leaders to provide actionable insights on economic and geopolitical indicators”
- “Speaking engagements and media appearances”

Thus, it is clear from the record at the USPTO that Registrant’s services travel in a different channel than Applicant’s “retail banking channels” and are directed to sophisticated customers such as “financial institutions and corporations,” not “retail banking customers.” In the unlikely event a retail banking customer is even aware of registrant’s corporate financial consulting business, it would not cause any confusion with Applicant’s credit and debit card services because the average consumer only associates credit and debit card services with banks. Accordingly, the Office Action’s reliance on evidence from other banking institutions to support relatedness of a non-bank registrant’s very specific advisory and information services into credit and debit card related banking services is irrelevant because the Registrant cannot legally offer these credit and debit card banking services and the relevant customer of each would not see the services as related.

Furthermore, construing the services in the cited registration so broadly as to encompass retail banking services is inconsistent with the Office’s examining procedure because it would have required the Office to have refused the cited registration as an illegal use of the mark. “Use of a mark in commerce must be lawful use to be the basis for federal registration of the mark.” TMEP § 907 (citing *Gray v. Daffy Dan’s Bargaintown*, 823 F.2d 522, 526 (Fed. Cir. 1987)). “[T]he goods or services to which the mark is applied... must comply with all applicable federal laws.” *Id.* Here, the owner of the cited registration is NOT an authorized banking institution and it would therefore be a violation of federal law for registrant to offer credit card and debit card services, which only a bank can provide.

Thus, as a matter of law, the cited registration cannot be used in connection with retail banking services. Registrant is legally prohibited from expanding its services to promote retail banking services in connection with the cited registration, which obviates any possibility of likelihood of confusion with Applicant’s use of its mark. The relevant services are different, the channels of trade are different, and the class of consumers is different, and each of these will necessarily remain different. As a result of this legal marketplace reality, the retail banking customer of credit and debit card services as recited would not consider the financial consulting services offered by a non-bank entity to be related to the extent they would even be aware of the registrant’s services which are offered through different non-bank channels and cannot be offered in retail bank channels because registrant is not a bank. Similarly, as presented previously, the sophisticated customers of the registrant’s services would not regard the retail bank credit and debit card services as related to the extent they would even be aware of the credit and debit card banking services being offered through a different banking channel of trade and would be sophisticated enough to know the difference. Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the Section 2(d) refusal is now moot and should be withdrawn.

[1] See <https://research.fdic.gov/bankfind/detail.html?bank=30387&name=FirstBank Puerto Rico&searchName=&searchFdic=30387&city=&state=&zip=&address=&searchWithin=&activeFlag=&tabId=2>

[2] <http://tsdr.uspto.gov/documentviewer?caseId=sn85346458&docId=SPE20130319152822#docIndex=7&page=1>

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

<b>INTERNATIONAL CLASS</b>	036
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**DESCRIPTION**

Charge card, credit card, debit card, cash card and payment card processing services; Credit card authorization services; Credit card factoring services; Credit card payment processing services; debit card transaction processing services; Credit card transaction processing services;

Credit card verification; Electronic credit card transactions; Issuing credit cards and prepaid cards; On-line banking services featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; Providing cash and other rebates for credit card use as part of a customer loyalty program; Providing electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments via a global computer network; Providing electronic processing of credit card transactions and electronic payments via a global computer network; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments; Cash replacement rendered by credit card

FILING BASIS	Section 1(b)
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**GOODS AND/OR SERVICES SECTION (proposed)**

INTERNATIONAL CLASS	036
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**TRACKED TEXT DESCRIPTION**

~~Charge card, credit card, debit card, cash card and payment card processing services;~~ [Charge card, credit card, debit card, cash card and payment card processing services provided through retail banking channels directed to retail banking customers;](#) ~~Credit card authorization services;~~ [Credit card authorization services provided through retail banking channels directed to retail banking customers;](#) ~~Credit card factoring services;~~ [Credit card factoring services provided through retail banking channels directed to retail banking customers;](#) ~~Credit card payment processing services;~~ [Credit card payment processing services provided through retail banking channels directed to retail banking customers;](#) ~~debit card transaction processing services;~~ [debit card transaction processing services provided through retail banking channels directed to retail banking customers;](#) ~~Credit card transaction processing services;~~ [Credit card transaction processing services provided through retail banking channels directed to retail banking customers;](#) ~~Credit card verification;~~ [Credit card verification provided through retail banking channels directed to retail banking customers;](#) ~~Electronic credit card transactions;~~ [Electronic credit card transactions provided through retail banking channels directed to retail banking customers;](#) ~~Issuing credit cards and prepaid cards;~~ [Issuing credit cards and prepaid cards through retail banking channels to retail banking customers;](#) ~~On-line banking services featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount;~~ [On-line banking services provided through retail banking channels directed to retail banking customers featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount;](#) ~~Providing cash and other rebates for credit card use as part of a customer loyalty program;~~ [Providing through retail banking channels cash and other rebates for credit card use as part of a customer loyalty program directed to retail banking customers;](#) ~~Providing electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments via a global computer network;~~ [Providing through retail banking channels electronic processing of automated clearinghouse \(ACH\) and credit card transactions and electronic payments to retail banking customers via a global computer network;](#) ~~Providing electronic processing of credit card transactions and electronic payments via a global computer network;~~ [Providing through retail banking channels electronic processing of credit card transactions and electronic payments to retail banking customers via a global computer network;](#) ~~Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments;~~ [Providing through retail banking channels electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments to retail banking customers;](#) ~~Cash replacement rendered by credit card;~~ [Cash replacement rendered by credit card through retail banking channels to retail banking customers](#)

**FINAL DESCRIPTION**

Charge card, credit card, debit card, cash card and payment card processing services provided through retail banking channels directed to retail banking customers; Credit card authorization services provided through retail banking channels directed to retail banking customers; Credit card factoring services provided through retail banking channels directed to retail banking customers; Credit card payment processing services provided through retail banking channels directed to retail banking customers; Credit card transaction processing services provided through retail banking channels directed to retail banking customers; Credit card verification provided through retail banking channels directed to retail banking customers; Electronic credit card transactions provided through retail banking channels directed to retail banking customers; Issuing credit cards and prepaid cards through retail banking channels to retail banking customers; On-line banking services provided through retail banking channels directed to retail banking customers featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; Providing through retail banking channels cash and other rebates for credit card use as part of a customer loyalty program directed to retail banking customers; Providing through retail banking channels electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments to retail banking customers via a global computer network; Providing through retail banking channels electronic processing of credit card transactions and electronic payments to retail banking customers via a global computer network; Providing through retail banking channels electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments to retail banking customers; Cash replacement rendered by credit card through retail banking channels to retail banking customers

FILING BASIS	Section 1(b)
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**SIGNATURE SECTION**

RESPONSE SIGNATURE	/robert rodriguez/
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SIGNATORY'S NAME	Robert Rodriguez
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<b>SIGNATORY'S POSITION</b>	Attorney of Record, FL bar member
<b>SIGNATORY'S PHONE NUMBER</b>	561-650-8504
<b>DATE SIGNED</b>	05/10/2017
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed May 10 18:40:07 EDT 2017
<b>TEAS STAMP</b>	USPTO/RFR-XX.XX.XXX.XX-20 170510184007815008-868631 99-590b97a52398701ab0dde8 13afc5c8904577ee13a08e705 8fb6cc176fa76e9dc2c-N/A-N /A-20170510182229961283

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OMB No. 0651-0050 (Exp 07/31/2017)

### **Request for Reconsideration after Final Action**

#### **To the Commissioner for Trademarks:**

Application serial no. **86863199** BEYOND GLOBAL(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86863199/large>) has been amended as follows:

#### **ARGUMENT(S)**

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

In response to the Final Office Action dated November 10, 2016, Applicant submits a request for reconsideration.

#### Section 2(d) Refusal - Likelihood of Confusion

The Office Action maintains the rejection of Applicant's BEYOND GLOBAL mark based on an alleged likelihood of confusion with U.S. Registration No. 4335471 for BEYONDGLOBAL (hereinafter "cited registration"). Applicant respectfully requests reconsideration in view of the amendments made to Applicant's services and the following remarks.

The Examining Attorney has twice noted that the factors among the *DuPont* factors most relevant to the present likelihood of confusion analysis are the similarity of the marks themselves, the relatedness of the services and the similarity of the trade channels.

While the marks themselves are not identical, they have some similarities. However, even identical marks can coexist without a likelihood of confusion; DELTA U.S. Registration No. 654915 for air transportation of passengers and cargo and DELTA U.S Registration No. 4518067 for bathroom and shower enclosures and plumbing products coexist in the market and on the Principal Register. Thus, in this case, differences in the services and the trade channels can and do avoid any likelihood of confusion.

The Examining Attorney has twice identified from the registrant's recited services that the pertinent services for comparison are:

- Financial consulting and advisory services;
- investment advisory services;
- financial services, namely, raising debt and equity capital for others;
- financial research and analysis services;
- financial information services, namely, providing information to businesses and individuals in the field of financial trends that affect global financial markets.

All of these services are in the nature of providing consulting, advise, research and information, with the exception of raising capital for

others. Applicant has previously deleted any consulting and information services from its recitation and presently only present credit card and debit card services. Thus, the relatedness of the services turns only on whether the relevant consumers view the recited credit and debit cards services as likely emanating from the same source as the financial information and capital raising services of the registrant.

They would not. Applicant has amended its recitation to make express what is a legal reality, i.e. only a bank can provide its recited services and that these are provided through retail banking channels directed to retail banking customers. With respect to Applicant's identification of services, the amendments made herein specify that each of the services is provided "through retail banking channels" and is "directed to retail banking customers." Accordingly, Applicant's identified services are all associated with credit and debit card services and are restricted to the retail banking channel of trade and retail banking customers. Applicant FirstBank Puerto Rico is registered with the FDIC (FDIC Certificate # 30387) and is legally authorized to provide the identified credit card services to retail banking customers.[1]

The Examining Attorney contends that providers of the services identified in the cited registration, namely "financial consulting and advisory services, investment advisory services, and/or financial information services," also provide the credit/debit card services in the instant application. The Office Action offers evidence in the form of banking webpages from BB&T, Citi, Key Bank, US Bank, and Wells Fargo to support this conclusion.

The evidence cited in support of the likelihood of confusion rejection is inappropriate and cannot be applied to support the Examining Attorney's broad interpretation of the cited registration's services. Specifically, the evidence all pertains to banking institutions that are legally authorized to offer retail banking services and thus including credit card and debit card services. However, the owner of the cited registration is NOT a banking institution and is therefore legally prohibited from offering the retail banking credit and debit card services identified in Applicant's application. Registrant is a Delaware limited liability company and has not identified itself in the registration or the application process as a bank. Registrant provided a specimen to the USPTO that includes a series of screen captures taken from Registrant's webpage. The first page of the specimen describes Registrant's "Firm" as follows: "BeyondGlobal provides strategic consultancy **to financial institutions and corporations** seeking to optimally position themselves in international capital markets." [2] Thus, Registrant expressly identifies its services as "strategic consultancy" and its relevant customers as "financial institutions and corporations." The second page of Registrant's specimen includes a list of services consisting of:

- "Strategic capital markets advisory for financial institutions and corporations with a high level of expertise in increasing market share"
- "Sourcing and analyzing unique insights and seizing opportunities to establish a larger footprint"
- "Access to a unique network of key global decision makers and thought leaders to provide actionable insights on economic and geopolitical indicators"
- "Speaking engagements and media appearances"

Thus, it is clear from the record at the USPTO that Registrant's services travel in a different channel than Applicant's "retail banking channels" and are directed to sophisticated customers such as "financial institutions and corporations," not "retail banking customers." In the unlikely event a retail banking customer is even aware of registrant's corporate financial consulting business, it would not cause any confusion with Applicant's credit and debit card services because the average consumer only associates credit and debit card services with banks. Accordingly, the Office Action's reliance on evidence from other banking institutions to support relatedness of a non-bank registrant's very specific advisory and information services into credit and debit card related banking services is irrelevant because the Registrant cannot legally offer these credit and debit card banking services and the relevant customer of each would not see the services as related.

Furthermore, construing the services in the cited registration so broadly as to encompass retail banking services is inconsistent with the Office's examining procedure because it would have required the Office to have refused the cited registration as an illegal use of the mark. "Use of a mark in commerce must be lawful use to be the basis for federal registration of the mark." TMEP § 907 (citing *Gray v. Daffy Dan's Bargaintown*, 823 F.2d 522, 526 (Fed. Cir. 1987)). "[T]he goods or services to which the mark is applied... must comply with all applicable federal laws." *Id.* Here, the owner of the cited registration is NOT an authorized banking institution and it would therefore be a violation of federal law for registrant to offer credit card and debit card services, which only a bank can provide.

Thus, as a matter of law, the cited registration cannot be used in connection with retail banking services. Registrant is legally prohibited from expanding its services to promote retail banking services in connection with the cited registration, which obviates any possibility of likelihood of confusion with Applicant's use of its mark. The relevant services are different, the channels of trade are different, and the class of consumers is different, and each of these will necessarily remain different. As a result of this legal marketplace reality, the retail banking customer of credit and debit card services as recited would not consider the financial consulting services offered by a non-bank entity to be related to the extent they would even be aware of the registrant's services which are offered through different non-bank channels and cannot be offered in retail bank channels because registrant is not a bank. Similarly, as presented previously, the sophisticated customers of the registrant's services would not regard the retail bank credit and debit card services as related to the extent they would even be aware of the credit and debit card banking services being offered through a different banking channel of trade and would be sophisticated enough to know the difference. Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the Section 2(d) refusal is now moot and should be withdrawn.

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[1] See [https://research.fdic.gov/bankfind/detail.html?bank=30387&name=FirstBank Puerto Rico&searchName=&searchFdic=30387&city=&state=&zip=&address=&searchWithin=&activeFlag=&tabId=2](https://research.fdic.gov/bankfind/detail.html?bank=30387&name=FirstBank+Puerto+Rico&searchName=&searchFdic=30387&city=&state=&zip=&address=&searchWithin=&activeFlag=&tabId=2)

[2] <http://tsdr.uspto.gov/documentviewer?caseId=sn85346458&docId=SPE20130319152822#docIndex=7&page=1>

## CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

**Current:** Class 036 for Charge card, credit card, debit card, cash card and payment card processing services; Credit card authorization services; Credit card factoring services; Credit card payment processing services; debit card transaction processing services; Credit card transaction processing services; Credit card verification; Electronic credit card transactions; Issuing credit cards and prepaid cards; On-line banking services featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; Providing cash and other rebates for credit card use as part of a customer loyalty program; Providing electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments via a global computer network; Providing electronic processing of credit card transactions and electronic payments via a global computer network; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments; Cash replacement rendered by credit card

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

### Proposed:

**Tracked Text Description:** ~~Charge card, credit card, debit card, cash card and payment card processing services; Charge card, credit card, debit card, cash card and payment card processing services provided through retail banking channels directed to retail banking customers; Credit card authorization services; Credit card authorization services provided through retail banking channels directed to retail banking customers; Credit card factoring services; Credit card factoring services provided through retail banking channels directed to retail banking customers; Credit card payment processing services; Credit card payment processing services provided through retail banking channels directed to retail banking customers; debit card transaction processing services; debit card transaction processing services provided through retail banking channels directed to retail banking customers; Credit card transaction processing services; Credit card transaction processing services provided through retail banking channels directed to retail banking customers; Credit card verification; Credit card verification provided through retail banking channels directed to retail banking customers; Electronic credit card transactions; Electronic credit card transactions provided through retail banking channels directed to retail banking customers; Issuing credit cards and prepaid cards; Issuing credit cards and prepaid cards through retail banking channels to retail banking customers; On-line banking services featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; On-line banking services provided through retail banking channels directed to retail banking customers featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; Providing cash and other rebates for credit card use as part of a customer loyalty program; Providing through retail banking channels cash and other rebates for credit card use as part of a customer loyalty program directed to retail banking customers; Providing electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments via a global computer network; Providing through retail banking channels electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments to retail banking customers via a global computer network; Providing electronic processing of credit card transactions and electronic payments via a global computer network; Providing through retail banking channels electronic processing of credit card transactions and electronic payments to retail banking customers via a global computer network; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments; Providing through retail banking channels electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments to retail banking customers; Cash replacement rendered by credit card; Cash replacement rendered by credit card through retail banking channels to retail banking customers~~

Class 036 for Charge card, credit card, debit card, cash card and payment card processing services provided through retail banking channels directed to retail banking customers; Credit card authorization services provided through retail banking channels directed to retail banking customers; Credit card factoring services provided through retail banking channels directed to retail banking customers; Credit card payment processing services provided through retail banking channels directed to retail banking customers; debit card transaction processing services provided through retail banking channels directed to retail banking customers; Credit card transaction processing services provided through retail banking channels directed to retail banking customers; Credit card verification provided through retail banking channels directed to retail banking customers; Electronic credit card transactions provided through retail banking channels directed to retail banking customers; Issuing credit cards and prepaid cards through retail banking channels to retail banking customers; On-line banking services provided through retail banking channels directed to retail banking customers featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount; Providing through retail banking channels cash and other rebates for credit card use as part of a customer loyalty program directed to

retail banking customers; Providing through retail banking channels electronic processing of automated clearinghouse (ACH) and credit card transactions and electronic payments to retail banking customers via a global computer network; Providing through retail banking channels electronic processing of credit card transactions and electronic payments to retail banking customers via a global computer network; Providing through retail banking channels electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments to retail banking customers; Cash replacement rendered by credit card through retail banking channels to retail banking customers  
**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

#### **SIGNATURE(S)**

##### **Request for Reconsideration Signature**

Signature: /robert rodriguez/ Date: 05/10/2017

Signatory's Name: Robert Rodriguez

Signatory's Position: Attorney of Record, FL bar member

Signatory's Phone Number: 561-650-8504

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: 86863199

Internet Transmission Date: Wed May 10 18:40:07 EDT 2017

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XX-20170510184007815

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