

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87870371
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87870371/large
LITERAL ELEMENT	GRAVITY STACK
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)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_1744721010-20190820120647584346_18-40026-US - GRAVITY STACK 87870371 - Response to OA.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT17\IMAGEOUT17\878\703\87870371\xml9\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\878\703\87870371\xml9\RFR0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\878\703\87870371\xml9\RFR0004.JPG
DESCRIPTION OF EVIDENCE FILE	Response to Office Action
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
computer software for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
computer software for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; Computer software for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting.	
FINAL DESCRIPTION	
Computer software for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting.	
FILING BASIS	Section 1(b)

GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; Providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet; hosting websites on the internet.	
FINAL DESCRIPTION	
Providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet.	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (045)(no change)	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use stack apart from the mark as shown.
ATTORNEY SECTION (current)	
NAME	Matthew P. Frederick
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	REED SMITH LLP
INTERNAL ADDRESS	SUITE 3100, THREE LOGAN SQUARE
STREET	1717 ARCH STREET
CITY	PHILADELPHIA
STATE	Pennsylvania
POSTAL CODE	19103

COUNTRY	US
PHONE	215-851-8100
FAX	215-851-1420
EMAIL	phlipdocketing@reedsmith.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	18-40026-US
ATTORNEY SECTION (proposed)	
NAME	Matthew P. Frederick
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	REED SMITH LLP
INTERNAL ADDRESS	SUITE 3100, THREE LOGAN SQUARE
STREET	1717 ARCH STREET
CITY	PHILADELPHIA
STATE	Pennsylvania
POSTAL CODE	19103
COUNTRY	United States
PHONE	215-851-8100
FAX	215-851-1420
EMAIL	phlipdocketing@reedsmith.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	18-40026-US
OTHER APPOINTED ATTORNEY	Ryan P. Cox, Reg. No. 71,444; Christopher A. Winter, Reg. No. 78,296
CORRESPONDENCE SECTION (current)	
NAME	MATTHEW P. FREDERICK
FIRM NAME	REED SMITH LLP
INTERNAL ADDRESS	SUITE 3100, THREE LOGAN SQUARE
STREET	1717 ARCH STREET
CITY	PHILADELPHIA
STATE	Pennsylvania
POSTAL CODE	19103
COUNTRY	US
PHONE	215-851-8100
FAX	215-851-1420
EMAIL	phlipdocketing@reedsmith.com; mfrederick@reedsmith.com; mkliniewski@reedsmith.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

DOCKET/REFERENCE NUMBER	18-40026-US
CORRESPONDENCE SECTION (proposed)	
NAME	Matthew P. Frederick
FIRM NAME	REED SMITH LLP
INTERNAL ADDRESS	SUITE 3100, THREE LOGAN SQUARE
STREET	1717 ARCH STREET
CITY	PHILADELPHIA
STATE	Pennsylvania
POSTAL CODE	19103
COUNTRY	United States
PHONE	215-851-8100
FAX	215-851-1420
EMAIL	phlipdocketing@reedsmith.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOCKET/REFERENCE NUMBER	18-40026-US
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Matthew P. Frederick/
SIGNATORY'S NAME	/Matthew P. Frederick/
SIGNATORY'S POSITION	Attorney of record, Pennsylvania bar member
SIGNATORY'S PHONE NUMBER	215-851-8100
DATE SIGNED	08/20/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 20 15:37:15 EDT 2019
TEAS STAMP	USPTO/RFR-XXX.XX.XXX.XX-2 0190820153715694087-87870 371-61060346be0c424eba4db ab631b8812213d1632887adcd 862b4f292274e07a-N/A-N/A- 20190820120647584346

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. **87870371** GRAVITY STACK(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87870371/large>) has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Response to Office Action has been attached.

Original PDF file:

[evi_1744721010-20190820120647584346_18-40026-US - GRAVITY_STACK_87870371 - Response to OA.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 009 for computer software for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting

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: ~~computer software for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting;~~ [Computer software for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting.](#)

Class 009 for Computer software for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting.

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.

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

Current: Class 042 for providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, analytics, data transmission, data sharing and reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet

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: ~~providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, analytics, data transmission, data sharing and reporting;~~ Providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; ~~application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others;~~ Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; ~~software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, analytics, data transmission, data sharing and reporting;~~ software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; ~~hosting websites on the internet;~~ hosting websites on the internet.

Class 042 for Providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet.

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.

The applicant's current attorney information: Matthew P. Frederick. Matthew P. Frederick of REED SMITH LLP, is located at

SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET
PHILADELPHIA, Pennsylvania 19103
US

The docket/reference number is 18-40026-US.

The phone number is 215-851-8100.

The fax number is 215-851-1420.

The email address is phlipdocketing@reedsmith.com

The applicants proposed attorney information: Matthew P. Frederick. Other appointed attorneys are Ryan P. Cox, Reg. No. 71,444; Christopher A. Winter, Reg. No. 78,296. Matthew P. Frederick of REED SMITH LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET
PHILADELPHIA, Pennsylvania 19103
United States

The docket/reference number is 18-40026-US.

The phone number is 215-851-8100.

The fax number is 215-851-1420.

The email address is phlipdocketing@reedsmith.com

Matthew P. Frederick submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current correspondence information: MATTHEW P. FREDERICK. MATTHEW P. FREDERICK of REED SMITH LLP, is located at

SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET
PHILADELPHIA, Pennsylvania 19103
US

The docket/reference number is 18-40026-US.

The phone number is 215-851-8100.

The fax number is 215-851-1420.

The email address is phlipdocketing@reedsmith.com; mfrederick@reedsmith.com; mkliniewski@reedsmith.com

The applicants proposed correspondence information: Matthew P. Frederick. Matthew P. Frederick of REED SMITH LLP, is located at

SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET
PHILADELPHIA, Pennsylvania 19103
United States

The docket/reference number is 18-40026-US.

The phone number is 215-851-8100.

The fax number is 215-851-1420.

The email address is phlipdocketing@reedsmith.com

ADDITIONAL STATEMENTS

Disclaimer

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

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Matthew P. Frederick/ Date: 08/20/2019

Signatory's Name: /Matthew P. Frederick/

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

Signatory's Phone Number: 215-851-8100

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); 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.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney 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.

Mailing Address: MATTHEW P. FREDERICK
REED SMITH LLP
SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET

PHILADELPHIA, Pennsylvania 19103
Mailing Address: Matthew P. Frederick
REED SMITH LLP
SUITE 3100, THREE LOGAN SQUARE
1717 ARCH STREET
PHILADELPHIA, Pennsylvania 19103

Serial Number: 87870371

Internet Transmission Date: Tue Aug 20 15:37:15 EDT 2019

TEAS Stamp: USPTO/RFR-XXX.XX.XXX.XX-2019082015371569

4087-87870371-61060346be0c424eba4dbab631

b8812213d1632887adcd862b4f292274e07a-N/A

-N/A-20190820120647584346

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gravity Stack, LLC
Mark: GRAVITY STACK
Serial No.: 87/870,371
Filed: April 10, 2018
International Class: 9, 42, 45
Examining Attorney: AYALA, LOURDES
Law Office: 106
Attorney Ref. No.: 18-40026-US

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Commissioner:

In response to the Office Action dated February 27, 2019, Applicant responds as follows, without prejudice, and respectfully requests reconsideration of same.

AMENDMENT AND DELETION

As indicated in the appropriate TEAS response form, the identification of goods and services in this application have been amended as follows:

Class 9 – Computer software for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting.

Class 42 – Providing a website featuring on-line non-downloadable software tools for database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others; computer software design for others; software as a service (SAAS) services, namely, hosting software for use by others for use in database management, data collection, data hosting, data analytics, data transmission, data sharing and data reporting; computer software and database consulting; data automation and collection service using software to evaluate, analyze and collect data; hosting websites on the internet.

Class 45 – Legal support services.

REMARKS

Applicant has carefully reviewed the outstanding Office Action and respectfully requests that the Examining Attorney reconsider registrability of the subject application of the mark in light of the following remarks.

I. Disclaimer

The Examining Attorney has maintained the refusal of the Application and indicated that Applicant must disclaim “STACK” apart from the mark as shown. Although Applicant respectfully disagrees with the Examining Attorney’s reasoning, in an effort to move this application to registration, Applicant has entered the following disclaimer:

No claim is made to the exclusive right to use “stack” apart from the mark as shown.

II. Identification of Goods/Services

The Examining Attorney has refused registration because the identification of goods and services is allegedly indefinite and must be clarified. Applicant has adopted the Examining Attorney’s suggested edits and entered an amendment to the identification of goods and services accordingly.

CONCLUSION

Applicant now believes that it has completely responded to the outstanding Office Action. Applicant therefore respectfully requests that the Examining Attorney reconsider the refusal to register Applicant’s distinctive mark.

Date: August 20, 2019

Respectfully submitted,
REED SMITH LLP

/Matthew P. Frederick/
Matthew P. Frederick
Registration No. 60,469
Three Logan Square
1717 Arch Street Street
Suite 3100
Philadelphia, PA 19103-7301
(215) 241-7992
Attorney for Applicant