

ESTTA Tracking number: **ESTTA735110**

Filing date: **03/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	TheStreet, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	14 Wall Street, 15th Floor New York, NY 10005 UNITED STATES		

Attorney information	Jacqueline L. Patt Markery Law, LLC P.O. Box 84150 Gaithersburg, MD 20883-4150 UNITED STATES docket@markerylaw.com Phone:(202) 888-7885		
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Registration Subject to Cancellation

Registration No	4349807	Registration date	06/11/2013
Registrant	Main Street Financial Management, LLC 22 W. Washington St., Ste 1500 Chicago, IL 60602 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2012/06/01 First Use In Commerce: 2012/06/01 All goods and services in the class are cancelled, namely: Financial and investment services, namely, asset and investment acquisition, consultation, advisory and development
Class 042. First Use: 2012/08/01 First Use In Commerce: 2012/08/01 All goods and services in the class are cancelled, namely: Software as a service (SAAS) services featuring software for managing investment portfolios and plans


Grounds for Cancellation


Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MAINSTREET		
Goods/Services	providing financial information, news, commentary and analysis in the		

	form of articles, videos, polls and wikis via a global computer network and publishing of web magazines in the field of financial services via the Internet; providing blogs featuring financial news
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U.S. Registration No.	4096447	Application Date	12/05/2007
Registration Date	02/07/2012	Foreign Priority Date	NONE
Word Mark	MAINSTREET WHERE MONEY AND NEWS INTERSECT		
Design Mark			
Description of Mark	The mark consists of the phrase "MAINSTREET WHERE MONEY AND NEWS INTERSECT"; to the left side of this phrase there appears a circle containing inside a street signs with the words "MAIN ST" and "WALLST" intersecting.		
Goods/Services	<p>Class 036. First use: First Use: 2011/12/15 First Use In Commerce: 2011/12/15 Providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network</p> <p>Class 038. First use: First Use: 2011/12/15 First Use In Commerce: 2011/12/15 On-line communications services, namely, electronic transmission of information in the fields of financial markets, investment securities, economic analysis and forecasting, and topics of general interest to persons associated with these fields, in the form of articles, videos, polls and wikis via the Internet; providing on-line chat rooms, electronic bulletin boards, message boards, and wikis for the transmission of messages concerning financial news</p> <p>Class 041. First use: First Use: 2011/12/15 First Use In Commerce: 2011/12/15 Publishing of web magazines in the field of financial services via the internet; providing online journals, namely, blogs featuring financial news</p>		

U.S. Application No.	86711289	Application Date	07/31/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAINST		
Design Mark			
Description of Mark	The mark consists of the word MAIN in large letters with the letters ST in smaller letters to the right of the word MAIN. The letters ST are underlined by a thick line.		
Goods/Services	Class 036. First use: First Use: 2011/02/08 First Use In Commerce: 2011/02/08 providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network		

	Class 041. First use: First Use: 2011/02/08 First Use In Commerce: 2011/02/08 publishing of web magazines in the field of financial services via the Internet; providing blogs featuring financial news
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Attachments	77345156#TMSN.png(bytes) 86711289#TMSN.png(bytes) MAIN STREET FINANCIAL Petition to Cancel (abandonment priority confusion).pdf(699092 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jacqueline L. Patt/
Name	Jacqueline L. Patt
Date	03/22/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TheStreet, Inc.)	
)	
v.)	Cancellation No.: _____
)	Registration No. 4,349,807
Main Street Financial Management, LLC)	Mark: MAINST
)	and design
Registrant.)	

**PETITION FOR CANCELLATION
OF REGISTRATION NO. 4,349,807**

Petitioner, TheStreet, Inc., a Delaware Corporation, with its address at 14 Wall Street, 15th Floor, New York, New York 10005, believes that it is and will continue to be damaged by Registration No. 4,349,807 issued on the Principal Register on June 11, 2013 to Registrant, Main Street Financial Management, LLC, for the trademark MAINST with design shown below (hereinafter “the Registered Mark”) for the services listed below:

MAINST

Financial and investment services, namely, asset and investment acquisition, consultation, advisory and development, Class 36; and Software as a service (SAAS) services featuring software for managing investment portfolios and plans, Class 42.

As grounds for this Petition, it is alleged that:

1. Petitioner has used the trademark MAINSTREET (hereinafter “Petitioner’s MAINSTREET Mark”) in commerce since at least as early as 2008 in

connection with providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network and publishing of web magazines in the field of financial services via the Internet; providing blogs featuring financial news (hereinafter “Petitioner’s Services”).

2. Petitioner is the owner of U.S. Trademark Registration No. 4,096,447 for MAINSTREET WHERE MONEY AND NEWS INTERSECT and design mark shown below issued February 7, 2012 for “Providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network”, in Class 36; “On-line communications services, namely, electronic transmission of information in the fields of financial markets, investment securities, economic analysis and forecasting, and topics of general interest to persons associated with these fields, in the form of articles, videos, polls and wikis via the Internet; providing on-line chat rooms, electronic bulletin boards, message boards, and wikis for the transmission of messages concerning financial news” in Class 38; “Publishing of web magazines in the field of financial services via the internet; providing online journals, namely, blogs featuring financial news” in Class 41 (hereinafter “Petitioner’s MAINSTREET Registration”). See status and title copy of Registration No. 4,096,447 as shown on TESS and TSDR attached as Exhibit 1.



3. Petitioner is the owner of U.S. Trademark Application Serial No. 86/711289, for MAINST with design mark shown below filed July 31, 2015 for “providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network” in Class 36; “publishing of web

magazines in the field of financial services via the Internet; providing blogs featuring financial news” in Class 41 (hereinafter “Petitioner’s MAINST Design Mark”). See TESS for Application Serial No. 86/711289, attached as Exhibit 2.

MAINST

4. The Trademark Office has refused registration of Petitioner’s Application No. 86/711289 based on an allegation of a likelihood of confusion with the Registered Mark. See Office Action dated September 24, 2015, attached as Exhibit 3.

5. Petitioner is now, and for many years, has provided the services under Petitioner’s MAINSTREET Mark and Petitioner’s MAINST Design Mark.

6. Petitioner used Petitioner’s MAINST Design Mark in commerce in the United States in connection with the services identified in its application since at least as early as February 8, 2011.

7. Upon information and belief, Registrant has not used its mark in commerce in the United States.

COUNT 1: Abandonment

8. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 7 of this Petition as if fully set forth herein.

9. Upon information and belief, Registrant has abandoned use of the Registered Mark in connection with the services listed in the subject registration.

10. Upon information and belief, Registrant has abandoned use of the Registered Mark in connection with any goods or services.

11. Upon information and belief, Registrant does not have authority to provide the services listed in Class 36 of the subject Registration.

12. Upon information and belief, Registrant has no intention to resume use of the Registered Mark.

COUNT II: Petitioner has Priority

13. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 12 of this Petition as if fully set forth herein.

14. Petitioner has used Petitioner's MAINST Mark and Petitioner's MAINSTREET Design Mark in commerce in the United States in connection with Petitioner's Services since prior to any date of first use in the United States that may be relied upon by the Registrant of the Registered Mark.

15. Petitioner used Petitioner's MAINSTREET Mark in commerce in the United States in connection with Petitioner's Services since at least as early as 2008.

16. Petitioner used Petitioner's MAINST Design Mark in commerce in the United States in connection with Petitioner's Services since at least as early as February 8, 2011.

17. On information and belief, Registrant did not use the Registered Mark in the United States on or in connection with any of the services listed in its Registration No. 4,349,807 prior to any first use date that can be relied upon by Petitioner.

18. On information and belief, Registrant does not currently use the Registered Mark in the United States on or in connection with any of the services listed in its Registration No. 4,349,807.

COUNT III: Likelihood of Confusion

19. Petitioner incorporates the allegations set forth in paragraphs numbered 1 through 18 of this Petition as if fully set forth herein.

20. The Registered Mark is identical to Petitioner's MAINST Design Mark.

21. The Registered Mark is nearly identical to Petitioner's MAINSTREET Mark.

22. The services listed in Registrant's Registration No. 4,349,807 are the same or related to Petitioner's Services provided under Petitioner's MAINSTREET Mark and Petitioner's MAINST Design Mark.

23. Registrant's services intended to be offered under the Registered Mark will travel in the same channels of trade and will be offered to the same consumers as Petitioner's services.

24. Registrant's use and registration of the Registered Mark to identify its services is likely to cause confusion and lead to deception as to the source of origin and/or the sponsorship of Registrant's services and/or Petitioner's Services.

25. If the Registrant is permitted to retain Registration No. 4,349,807 a cloud will be placed on Petitioner's Application, on the mark that is the subject of Petitioner's Application, and on Petitioner's right to continue to use, register and expand the use of that mark. Continued registration of the Registered Mark would thus be a source of damage and injury to the Petitioner.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 4,349,807, be canceled.

Petitioner has paid the fees for filing its Notice of Opposition; however, if any additional fees are required please notify the undersigned accordingly.

Please recognize as attorneys for petitioner in this proceeding Jacqueline Patt, and Stacey Watson at Markery Law LLC, P.O. Box 84150, Gaithersburg, MD 20883-4150.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacqueline L. Patt". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Dated: March 22, 2016

Jacqueline L. Patt
Markery Law LLC
P.O. Box 84150
Gaithersburg, MD 20883-4150
Telephone: (202) 888-7892
Telefax: (202) 803-7953

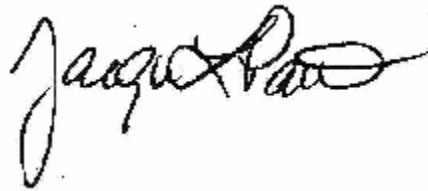
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned, attorney for Petitioner, hereby certifies that a true and complete copy of foregoing Petition for Cancellation has been served on this 22 day of March, 2016 via first-class mail, postage prepaid to Registrant and correspondent of record for Registrant:

Main Street Financial Management, Llc
22 W. Washington St., Ste 1500
Chicago, Illinois 60602

Dominika S. Fard
Acumen Law Group Llc
2338 W Belmont Ave Fl 2
Chicago, Illinois 60618-6423

A handwritten signature in black ink, appearing to read "Jacqueline Patt", written in a cursive style.

Jacqueline Levasseur Patt

EXHIBIT 1

TheStreet, Inc. v. Main Street Financial Management, LLC
Registration No. 4,349,807
Mark: MAINST and design



Trademarks > Trademark Electronic Search System (TESS)

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List At: OR to record: **Record 2 out of 2**

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MainStreet

WHERE MONEY AND NEWS INTERSECT

Word Mark MAINSTREET WHERE MONEY AND NEWS INTERSECT

Goods and Services IC 036. US 100 101 102. G & S: Providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network. FIRST USE: 20111215. FIRST USE IN COMMERCE: 20111215

IC 038. US 100 101 104. G & S: On-line communications services, namely, electronic transmission of information in the fields of financial markets, investment securities, economic analysis and forecasting, and topics of general interest to persons associated with these fields, in the form of articles, videos, polls and wikis via the Internet; providing on-line chat rooms, electronic bulletin boards, message boards, and wikis for the transmission of messages concerning financial news. FIRST USE: 20111215. FIRST USE IN COMMERCE: 20111215

IC 041. US 100 101 107. G & S: Publishing of web magazines in the field of financial services via the internet; providing online journals, namely, blogs featuring financial news. FIRST USE: 20111215. FIRST USE IN COMMERCE: 20111215

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 07.13.03 - Advertising, signs, mounted or with posts or standards; Street signs (mounted on posts)
26.01.02 - Circles, plain single line; Plain single line circles

Serial Number 77345156

Filing Date December 5, 2007

Current Basis 1A

Original Filing Basis 1B
Published for Opposition April 21, 2009
Registration Number 4096447
Registration Date February 7, 2012
Owner (REGISTRANT) TheStreet.com, Inc. CORPORATION DELAWARE 14 Wall Street, 14th Floor New York NEW YORK 10005

(LAST LISTED OWNER) THESTREET, INC. CORPORATION DELAWARE 14 WALL STREET, 15TH FLOOR NEW YORK NEW YORK 10005
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Stacey J. Watson
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WALL ST." APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the phrase "MAINSTREET WHERE MONEY AND NEWS INTERSECT"; to the left side of this phrase there appears a circle containing inside a street signs with the words "MAIN ST" and "WALL ST" intersecting.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

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STATUS

DOCUMENTS

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Mark: MAINSTREET WHERE MONEY AND NEWS INTERSECT



MainStreet
WHERE MONEY AND NEWS INTERSECT

US Serial Number: 77345156

Application Filing Date: Dec. 05, 2007

US Registration Number: 4096447

Registration Date: Feb. 07, 2012

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 07, 2012

Publication Date: Apr. 21, 2009

Notice of Allowance Date: Jul. 14, 2009

▼ **Mark Information**

▲ Collapse All

Mark Literal Elements: MAINSTREET WHERE MONEY AND NEWS INTERSECT

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the phrase "MAINSTREET WHERE MONEY AND NEWS INTERSECT"; to the left appears a circle containing inside a street signs with the words "MAIN ST" and "WALL ST" intersecting.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "WALL ST."

Design Search Code(s): 07.13.03 - Advertising, signs, mounted or with posts or standards; Street signs (mounted on posts)
26.01.02 - Circles, plain single line; Plain single line circles

▼ **Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Providing financial information, news, commentary and analysis in the form of articles, videos, polls and

	network		
International Class(es):	036 - Primary Class	U.S Class(es):	100, 101, 102
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Dec. 15, 2011	Use in Commerce:	Dec. 15, 2011

For:	On-line communications services, namely, electronic transmission of information in the fields of financial economic analysis and forecasting, and topics of general interest to persons associated with these field polls and wikis via the Internet; providing on-line chat rooms, electronic bulletin boards, message board of messages concerning financial news		
International Class(es):	038 - Primary Class	U.S Class(es):	100, 101, 104
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Dec. 15, 2011	Use in Commerce:	Dec. 15, 2011

For:	Publishing of web magazines in the field of financial services via the internet; providing online journals, news		
International Class(es):	041 - Primary Class	U.S Class(es):	100, 101, 107
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Dec. 15, 2011	Use in Commerce:	Dec. 15, 2011

▼ Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	A
Filed ITU:	Yes	Currently ITU:	No	A
Filed 44D:	No	Currently 44D:	No	A
Filed 44E:	No	Currently 44E:	No	A
Filed 66A:	No	Currently 66A:	No	
Filed No Basis:	No	Currently No Basis:	No	

▼ Current Owner(s) Information

Owner Name:	THESTREET, INC.		
Owner Address:	14 WALL STREET, 15TH FLOOR NEW YORK, NEW YORK UNITED STATES 10005		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	DELAWARE

▼ Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Stacey J. Watson**Attorney Primary Email Address:** doCKET@markerylaw.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Stacey J. Watson
Markery Law LLC
P.O. Box 84150
Gaithersburg, MARYLAND UNITED STATES 20883-4150**Phone:** 202-888-7786**Fax:** 202-803-7953**Correspondent e-mail:** doCKET@markerylaw.com**Correspondent e-mail Authorized:** Yes**Domestic Representative****Domestic Representative Name:** Natasha Reed**Phone:** (212) 837-6550**Fax:** (212) 837-6269**Domestic Representative e-mail:** kuhn@hugheshubbard.com**Domestic Representative e-mail Authorized:** Yes**▼ Prosecution History**

Date	Description	Proceeding Number
Apr. 30, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 18, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 18, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 20, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 20, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 07, 2012	REGISTERED-PRINCIPAL REGISTER	
Jan. 06, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 05, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jan. 05, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 04, 2012	STATEMENT OF USE PROCESSING COMPLETE	61813
Dec. 20, 2011	USE AMENDMENT FILED	61813
Jan. 04, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	61813
Dec. 20, 2011	TEAS STATEMENT OF USE RECEIVED	
Dec. 20, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 20, 2011	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jul. 27, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	

Jul. 26, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 25, 2011	EXTENSION 4 GRANTED	61813
Jul. 13, 2011	EXTENSION 4 FILED	61813
Jul. 13, 2011	TEAS EXTENSION RECEIVED	
Jan. 18, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 17, 2011	EXTENSION 3 GRANTED	61813
Jan. 13, 2011	EXTENSION 3 FILED	61813
Jan. 13, 2011	TEAS EXTENSION RECEIVED	
May 25, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 24, 2010	EXTENSION 2 GRANTED	61813
May 04, 2010	EXTENSION 2 FILED	61813
May 24, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 04, 2010	TEAS EXTENSION RECEIVED	
Jan. 07, 2010	EXTENSION 1 GRANTED	98765
Jan. 07, 2010	EXTENSION 1 FILED	98765
Jan. 07, 2010	TEAS EXTENSION RECEIVED	
Jul. 14, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2009	PUBLISHED FOR OPPOSITION	
Apr. 01, 2009	NOTICE OF PUBLICATION	
Mar. 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Mar. 17, 2009	ASSIGNED TO LIE	68171
Mar. 13, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 13, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 13, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 13, 2009	EXAMINERS AMENDMENT -WRITTEN	78324
Mar. 12, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 12, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 12, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 20, 2008	ASSIGNED TO EXAMINER	78324
Sep. 12, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2008	NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2008	NON-FINAL ACTION WRITTEN	83696
Sep. 03, 2008	DATA MODIFICATION COMPLETED	78145
Aug. 28, 2008	DATA MODIFICATION COMPLETED	78145
Aug. 27, 2008	ASSIGNED TO LIE	78145
Aug. 14, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Aug. 12, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 12, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 06, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2008	NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2008	NON-FINAL ACTION WRITTEN	83696
Mar. 06, 2008	ASSIGNED TO EXAMINER	83696
Dec. 11, 2007	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Dec. 10, 2007	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2012

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

EXHIBIT 2

TheStreet, Inc. v. Main Street Financial Management, LLC
Registration No. 4,349,807
Mark: MAINST and design



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MAINST

Word Mark MAINST

Goods and Services IC 036. US 100 101 102. G & S: providing financial information, news, commentary and analysis in the form of articles, videos, polls and wikis via a global computer network. FIRST USE: 20110208. FIRST USE IN COMMERCE: 20110208

IC 041. US 100 101 107. G & S: publishing of web magazines in the field of financial services via the Internet; providing blogs featuring financial news. FIRST USE: 20110208. FIRST USE IN COMMERCE: 20110208

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Serial Number 86711289

Filing Date July 31, 2015

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) TheStreet, Inc. CORPORATION DELAWARE 14 Wall Street, 15th Floor New York NEW YORK 10005

Attorney of Record Stacey J. Watson

Prior 3662456;4096447

Registrations

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word MAIN in large letters with the letters ST in smaller letters to the right of the word MAIN. The letters ST are underlined by a thick line.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

-
- | | | | | | | | | | | |
|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------------|---------------------|----------------------|---------------------------|---------------------------|---------------------------|
| TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | TOP | HELP | PREV LIST | CURR LIST | NEXT LIST |
| FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | | | | |

EXHIBIT 3

TheStreet, Inc. v. Main Street Financial Management, LLC
Registration No. 4,349,807
Mark: MAINST and design

To: TheStreet, Inc. (docket@markerylaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86711289 - MAINST - US-STREET-04
Sent: 9/24/2015 3:42:02 PM
Sent As: ECOM106@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86711289

MARK: MAINST

86711289

CORRESPONDENT ADDRESS:

STACEY J. WATSON

Markery Law Llc

PO Box 84150

Gaithersburg, MD 20883-4150

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

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APPLICANT: TheStreet, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

US-STREET-04

CORRESPONDENT E-MAIL ADDRESS:

docket@markerylaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/24/2015

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues that Applicant Must Address

1. Likelihood of confusion with another mark
2. Requirement for a definite identification of services
3. Multiple class requirements, if applicable

2(d) Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4349807. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Similarity of the Marks

In a likelihood of confusion determination, the marks in their entireties are compared for similarities in appearance, sound, connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v).

In the present case, applicant's mark is MAINST and registrant's mark is MAINST. Thus, the marks are identical in terms of appearance (including font and underlining of ST) and sound. In addition, the connotation and commercial impression of the marks do not differ when considered in connection with applicant's and registrant's respective goods and/or services.

Therefore, the marks are confusingly similar.

Therefore, the first prong of the test is satisfied.

Relatedness of the Goods and/or Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

In the present case, the services are similar as they relate to finance services. Consumer seeking advice, information or analysis of financial matters would likely encounter both marks. Further, where the marks of the respective parties are identical or virtually identical, the relationship between the relevant goods and/or services need not be as close to support a finding of likelihood of confusion. *See In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); *In re House Beer, LLC*, 114 USPQ2d 1073, 1077 (TTAB 2015); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); TMEP §1207.01(a).

Therefore, the second prong is satisfied. Accordingly, registration is refused.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Identification of Services

The wording used to describe the services is indefinite and must be clarified because it is too broad and could include services in other international classes. *See* TMEP §1402.01.

Applicant may adopt the following identification, if accurate:

IC 035: **Conducting public opinion polls about finance**

IC 036: Providing financial information, news, commentary and analysis via a global computer network

IC 041: Publishing of web magazines in the field of financial services via the Internet; **providing a website featuring blogs about financial news; providing a website featuring non-downloadable articles and videos in the field of finance.**

For assistance with identifying and classifying goods and/or services in trademark applications, please see the USPTO’s online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahhtml/tidm.html>. *See* TMEP §1402.04.

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

Classification of Goods and Services

If applicant adopts the suggested amendment of the goods and/or services, then applicant must amend the classification to International Classes 35, 36, and 41. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§805, 1401.

Multiple Class Application

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on use in commerce under Section 1(a):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the USPTO's current fee schedule at http://www.uspto.gov/trademarks/tm_fee_info.jsp). The application identifies goods and/or services that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 2 class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.
- (3) **Submit verified dates of first use of the mark** anywhere and in commerce **for each international class**.
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for class(es) 36 and 41; and applicant needs a specimen for class(es) 35.

Examples of specimens for goods include tags, labels, instruction manuals, containers, and photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. Webpages may also be specimens for goods when they include a picture or textual description of the goods associated with the mark and the means to order the goods.

Examples of specimens for services include advertising and marketing materials, brochures, photographs of business signage and billboards, and website printouts that show the mark used in the actual sale, rendering, or advertising of the services.

- (5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**”

See 15 U.S.C. §§ 1051(a), 1112; 37 C.F.R. §§ 2.32(a)(6)-(7), 2.34(a)(1), 2.86(a); TMEP §§ 904, 1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/multiclass.jsp>.

Responses

If applicant has questions about its application or needs assistance in responding to this Office action, please email the assigned trademark examining attorney directly at the address below.

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The response should address each refusal and/or requirement raised in the Office action. If a refusal has issued, applicant can argue against the refusal; i.e., applicant can submit arguments and evidence as to why the refusal should be withdrawn and the mark should register. To respond to requirements, applicant should set forth in writing the required changes or statements and request that the Office enter them into the application record.

The response must be personally signed or the electronic signature manually entered by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants). TMEP §§605.02, 712.

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted electronically or by fax. TMEP 306.04

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone without incurring this additional fee.

/Bernice Middleton/
Bernice Middleton
Trademark Examining Attorney
Law Office 106
Bernice.Middleton@uspto.gov
(571) 270.1514

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

85753366

Status

REGISTERED

Word Mark

MAIN ST

Standard Character Mark

No

Registration Number

4349807

Date Registered

2013/06/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Main Street Financial Management, LLC LIMITED LIABILITY COMPANY
DELAWARE 22 W. Washington St., Ste 1500 Chicago ILLINOIS 60602

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Financial and investment services, namely, asset and investment acquisition, consultation, advisory and development. First Use: 2012/06/01. First Use In Commerce: 2012/06/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for managing investment portfolios and plans. First Use: 2012/08/01. First Use In Commerce: 2012/08/01.

Description of Mark

The mark consists of the words "main st" with a solid line under the "st".

Colors Claimed

Color is not claimed as a feature of the mark.

Print: Sep 24, 2015

85753366

Filing Date

2012/10/12

Examining Attorney

SWAIN, MICHELE

Attorney of Record

Dominika S. Fard

MAINST

To: TheStreet, Inc. (doCKET@markerylaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86711289 - MAINST - US-STREET-04
Sent: 9/24/2015 3:42:04 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **9/24/2015** FOR U.S. APPLICATION SERIAL NO. 86711289

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **9/24/2015** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

To: TheStreet, Inc. (docket@markerylaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86711289 - MAINST - US-STREET-04
Sent: 9/24/2015 3:42:02 PM
Sent As: ECOM106@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86711289

MARK: MAINST

86711289

CORRESPONDENT ADDRESS:

STACEY J. WATSON

Markery Law Llc

PO Box 84150

Gaithersburg, MD 20883-4150

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: TheStreet, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

US-STREET-04

CORRESPONDENT E-MAIL ADDRESS:

docket@markerylaw.com

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3. Multiple class requirements, if applicable

2(d) Likelihood of Confusion

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Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

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In the present case, applicant's mark is MAINST and registrant's mark is MAINST. Thus, the marks are identical in terms of appearance (including font and underlining of ST) and sound. In addition, the connotation and commercial impression of the marks do not differ when considered in connection with applicant's and registrant's respective goods and/or services.

Therefore, the marks are confusingly similar.

Therefore, the first prong of the test is satisfied.

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Therefore, the second prong is satisfied. Accordingly, registration is refused.

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Classification of Goods and Services

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Multiple Class Application

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on use in commerce under Section 1(a):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
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- (5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**”

See 15 U.S.C. §§ 1051(a), 1112; 37 C.F.R. §§ 2.32(a)(6)-(7), 2.34(a)(1), 2.86(a); TMEP §§ 904, 1403.01, 1403.02(c).

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The response must be personally signed or the electronic signature manually entered by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants). TMEP §§605.02, 712.

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted electronically or by fax. TMEP 306.04

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone without incurring this additional fee.

/Bernice Middleton/
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Trademark Examining Attorney
Law Office 106
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(571) 270.1514

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

85753366

Status

REGISTERED

Word Mark

MAIN ST

Standard Character Mark

No

Registration Number

4349807

Date Registered

2013/06/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Main Street Financial Management, LLC LIMITED LIABILITY COMPANY
DELAWARE 22 W. Washington St., Ste 1500 Chicago ILLINOIS 60602

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Financial and investment services, namely, asset and investment acquisition, consultation, advisory and development. First Use: 2012/06/01. First Use In Commerce: 2012/06/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for managing investment portfolios and plans. First Use: 2012/08/01. First Use In Commerce: 2012/08/01.

Description of Mark

The mark consists of the words "main st" with a solid line under the "st".

Colors Claimed

Color is not claimed as a feature of the mark.

Print: Sep 24, 2015

85753366

Filing Date

2012/10/12

Examining Attorney

SWAIN, MICHELE

Attorney of Record

Dominika S. Fard

MAINST

To: TheStreet, Inc. (doCKET@markerylaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86711289 - MAINST - US-STREET-04
Sent: 9/24/2015 3:42:04 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **9/24/2015** FOR U.S. APPLICATION SERIAL NO. 86711289

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **9/24/2015** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.