

ESTTA Tracking number: **ESTTA1206598**

Filing date: **05/03/2022**

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 has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Plume Design, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	325 LYTTON AVENUE SUITE 200 PALO ALTO, CA 94301 UNITED STATES		
Attorney information	LAWRENCE A. BARATTA, JR. CLEMENTS BERNARD BARATTA WALKER 10715 SIKES PLACE, SUITE 114 CHARLOTTE, NC 28277 UNITED STATES Primary email: patlaw@worldpatents.com Secondary email(s): lbaratta@worldpatents.com, lcamann@worldpatents.com 704-790-3600		
Docket no.	7879		

Registration subject to cancellation

Registration no.	5129917	Registration date	01/24/2017
Register	Principal		
Registrant	Plume Design LLC 900 FOLSOM ST APT 954 SAN FRANCISCO, CA 94107 UNITED STATES		

Goods/services subject to cancellation

<p>Class 035. First Use: Nov 2, 2015 First Use In Commerce: Nov 2, 2015 All goods and services in the class are subject to cancellation, namely: Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies</p>
<p>Class 042. First Use: Nov 2, 2015 First Use In Commerce: Nov 2, 2015 All goods and services in the class are subject to cancellation, namely: Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development in the field of user experience and graphical user interfaces.; Website design consultancy</p>

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Plume Petition to Cancel.25MAR22.Reduced.pdf(1079687 bytes)
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Signature	/LAB/
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Name	Lawrence A. Baratta, Jr.
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Date	05/03/2022
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Plume Design, Inc.	Petitioner,	In the Matter of Registration No. 5,129,917 for mark PLUME
v.		
Plume Design, LLC	Registrant.	

PETITION TO CANCEL

Petitioner, Plume Design, Inc. is a corporation of the State of Delaware, having a principal place of business at 325 Lytton Avenue, Suite 200, Palo Alto, California 94301.

Upon information and belief, Registrant, Plume Design, LLC was a California limited liability company with an address of 900 Folsom St, Apt 954, San Francisco, California 94107.

Petitioner believes that it is being damaged and will be damaged by the continued registration of the mark identified in U.S. Registration No. 5,129,917, PLUME (hereinafter referred to as the "Mark"). As grounds for cancellation, Petitioner alleges the following:

1. This Petition to Cancel is based on Registrant's abandonment of its Mark in connection with "Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies" in International Class 035; and "Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development

in the field of user experience and graphical user interfaces.; Website design consultancy” in International Class 042.

2. On February 24, 2021, Petitioner filed U.S. Application Serial No. 90/543,546 for ACTUAL USE in various classes and U.S. Application Serial No. 90/543,468 as an INTENT TO USE (“Applications”) for the mark PLUME. EXHIBIT A is a copy of the Applications from the records of the USPTO.

3. In an Office Action for both the Applications dated September 24, 2021, the USPTO cited Registrant’s registration for the Mark against the Applications, thereby causing Petitioner’s Applications to be refused registration and causing harm to Petitioner. Petitioner has a real interest in seeking cancellation of the registration for the Mark and standing to bring this cancellation. EXHIBIT B is a copy of the Office Action for both the Applications.

4. The records of the California Secretary of State indicate that the Registrant, Plume Design LLC, was formed on August 17, 2015. On April 14, 2019, this entity was cancelled/dissolved by a vote of all the members of the entity. Daniel Salvatore Smith and Analia Ibarbroyen are listed as managers for the entity. EXHIBIT C is a copy of the LLC Termination – Certificate of Cancellation from the California Secretary of State.

5. Internet searches reveal no websites advertising Registrant’s business or services under the Mark. EXHIBIT D is a copy of a screenshot of Registrant’s website.

6. Upon information and belief, Registrant has discontinued use of the Mark in connection with all of the services identified in the registration for the Mark, and lacks a bona fide intention to resume use of the Mark in connection with these services in U.S. commerce. Accordingly, Registrant has abandoned the Mark in connection with the

described services. Therefore, U.S. Registration No. 5,129,917 is subject to cancellation pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner respectfully requests that U.S. Registration No. 5,129,917 be cancelled.

Dated: May 4, 2022

Respectfully submitted,

By: /s/ Lawrence A. Baratta, Jr.
Lawrence A. Baratta, Jr.
lbaratta@worldpatents.com
Clements Bernard Baratta Walker
10715 Sikes Place, Suite 114
Charlotte, NC 28277 USA
Telephone: 704.790.3600
(Attorney for Plume Design, Inc.)

EXHIBIT A
copy of the Applications from the records of the USPTO

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

1. Your mark. PLUME (Standard Characters, mark.jpg)

The literal element of the mark consists of PLUME. The mark consists of standard characters, without claim to any particular font style, size, or color.

2. Your serial number. Your application was assigned serial number '90543546'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

7. Questions? Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

9. Provide feedback. How can we improve your filing experience? [Let us know in this brief survey.](#)

The information submitted in the application appears below:

PTO- 1478

Approved for use through 02/28/2021. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Trademark/Service Mark Application, Principal Register
The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90543546
MARK INFORMATION	
*MARK	mark.jpg
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PLUME
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Plume Design, Inc.
*MAILING ADDRESS	290 California Avenue, Suite 200
*CITY	Palo Alto
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94306
PHONE	844-697-5863
*EMAIL ADDRESS	copyright@plume.com
WEBSITE ADDRESS	https://smarthome.plume.com
LEGAL ENTITY INFORMATION	

TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Downloadable software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable mobile applications for collection, analysis, and sharing of personal data; Downloadable mobile applications for network management; Downloadable cloud-computing software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable software for wireless equipment for sharing data with the cloud; Downloadable software and mobile applications using artificial intelligence for machine learning; Downloadable electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights; Motion sensors and detectors
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/22/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/22/2016
SPECIMEN FILE NAME(S)	SPE0-50587942-20210224094 040796119_._PLUME_specim e ns_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services; Mark as used on a global computer web site
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021
INTERNATIONAL CLASS	010

*IDENTIFICATION	Patient monitoring sensors and alarms
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/06/2020
FIRST USE IN COMMERCE DATE	At least as early as 01/06/2020
SPECIMEN FILE NAME(S)	SPE0-1-50587942-202102240 94040796119_._PLUME_spec i mens_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services, Mark as used on a global computer website
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021
INTERNATIONAL CLASS	035
*IDENTIFICATION	Analysis of business data; Marketing services, namely, conducting consumer tracking behavior research and consumer trend analysis; Statistical analysis and reporting services for business purposes; Business research and data analysis services in the field of network usage, network operation, end user satisfaction
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/29/2019
FIRST USE IN COMMERCE DATE	At least as early as 01/29/2019
SPECIMEN FILE NAME(S)	SPE0-2-50587942-202102240 94040796119_._PLUME_spec i mens_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services; Mark as used on a global computer web site
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021
INTERNATIONAL CLASS	041
*IDENTIFICATION	Providing on-line newsletters in the field of electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/29/2019

FIRST USE IN COMMERCE DATE	At least as early as 01/29/2019
SPECIMEN FILE NAME(S)	SPE0-3-50587942-202102240 94040796119_._PLUME_spec i mens_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services; Mark as used on a global computer website
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021
INTERNATIONAL CLASS	042
*IDENTIFICATION	Cloud computing and Software as a service (SAAS) services featuring software for use network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Technical consulting in the field of artificial intelligence (AI) software customization; research and consulting in the fields of artificial intelligence and machine learning; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Monitoring of computer systems for detecting unauthorized access or data breach; Monitoring of computer systems to detect breakdowns; Electronic monitoring and reporting of motion using computers or sensors
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 07/22/2016
FIRST USE IN COMMERCE DATE	At least as early as 07/22/2016
SPECIMEN FILE NAME(S)	SPE0-4-50587942-202102240 94040796119_._PLUME_spec i mens_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services; Mark as used on a global computer website
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021

INTERNATIONAL CLASS	045
*IDENTIFICATION	Home security monitoring using sensors for motion detection
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/06/2020
FIRST USE IN COMMERCE DATE	At least as early as 01/06/2020
SPECIMEN FILE NAME(S)	SPE0-5-50587942-202102240 94040796119_._PLUME_spec i mens_2.pdf
SPECIMEN DESCRIPTION	Mark as used in connection with the goods and services; Mark as used on a global computer website
WEBPAGE URL	https://smarthome.plume.com/us/app
WEBPAGE DATE OF ACCESS	02/23/2021
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 5226606, 5548665, 5997318, and others.
ATTORNEY INFORMATION	
NAME	Lawrence A. Baratta, Jr.
ATTORNEY DOCKET NUMBER	7879
ATTORNEY BAR MEMBERSHIP NUMBER	37589
YEAR OF ADMISSION	2008
U.S. STATE/ COMMONWEALTH/ TERRITORY	North Carolina
FIRM NAME	CLEMENTS BERNARD WALKER
STREET	4500 Cameron Valley Parkway, Suite 350
CITY	Charlotte
STATE	North Carolina
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	28211
PHONE	704-790-3600
FAX	704366-9744
EMAIL ADDRESS	patlaw@worldpatents.com

OTHER APPOINTED ATTORNEY	Christopher L. Bernard, Richard A. Walker and Christine W. Beninati
CORRESPONDENCE INFORMATION	
NAME	Lawrence A. Baratta, Jr.
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	patlaw@worldpatents.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	lcamann@worldpatents.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	6
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	2100
*TOTAL FEES PAID	2100
SIGNATURE INFORMATION	
SIGNATURE	/LAB/
SIGNATORY'S NAME	Lawrence A. Baratta, Jr.
SIGNATORY'S POSITION	Attorney for Applicant; NC Bar Member
SIGNATORY'S PHONE NUMBER	704-790-3600
DATE SIGNED	02/24/2021
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

Serial Number: 90543546

Filing Date: 02/24/2021

To the Commissioner for Trademarks:

The applicant, Plume Design, Inc., a corporation of Delaware, having an address of
290 California Avenue, Suite 200
Palo Alto, California 94306
United States
844-697-5863(phone)
copyright@plume.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Downloadable software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable mobile applications for collection, analysis, and sharing of personal data; Downloadable mobile applications for network management; Downloadable cloud-computing software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable software for wireless equipment for sharing data with the cloud; Downloadable software and mobile applications using artificial intelligence for machine learning; Downloadable electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights; Motion sensors and detectors

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 07/22/2016, and first used in commerce at least as early as 07/22/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services; Mark as used on a global computer web site.

Specimen-1 [SPE0-50587942-20210224094 040796119_._PLUME_specime ns_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

International Class 010: Patient monitoring sensors and alarms

In International Class 010, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 01/06/2020, and first used in commerce at least as early as 01/06/2020, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services, Mark as used on a global computer website.

Specimen-1 [SPE0-1-50587942-202102240 94040796119_._PLUME_speci mens_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

International Class 035: Analysis of business data; Marketing services, namely, conducting consumer tracking behavior research and consumer trend analysis; Statistical analysis and reporting services for business purposes; Business research and data analysis services in the field of network usage, network operation, end user satisfaction

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 01/29/2019, and first used in commerce at least as early as 01/29/2019, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services; Mark as used on a global computer web site.

Specimen-1 [SPE0-2-50587942-202102240 94040796119_._PLUME_speci mens_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

International Class 041: Providing on-line newsletters in the field of electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 01/29/2019, and first used in commerce at least as early as 01/29/2019, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services; Mark as used on a global computer website.

Specimen-1 [SPE0-3-50587942-202102240 94040796119_._PLUME_speci mens_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

International Class 042: Cloud computing and Software as a service (SAAS) services featuring software for use network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Technical consulting in the field of artificial intelligence (AI) software customization; research and consulting in the fields of artificial intelligence and machine learning; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Monitoring of computer systems for detecting unauthorized access or data breach; Monitoring of

computer systems to detect breakdowns; Electronic monitoring and reporting of motion using computers or sensors

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 07/22/2016, and first used in commerce at least as early as 07/22/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services; Mark as used on a global computer website.

Specimen-1 [SPE0-4-50587942-202102240 94040796119_._PLUME_speci mens_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

International Class 045: Home security monitoring using sensors for motion detection

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 01/06/2020, and first used in commerce at least as early as 01/06/2020, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Mark as used in connection with the goods and services; Mark as used on a global computer website.

Specimen-1 [SPE0-5-50587942-202102240 94040796119_._PLUME_speci mens_2.pdf]

Webpage URL: <https://smarhome.plume.com/us/app>

Webpage Date of Access: 02/23/2021

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 5226606, 5548665, 5997318, and others.

For informational purposes only, applicant's website address is: <https://smarhome.plume.com>

The owner's/holder's proposed attorney information: Lawrence A. Baratta, Jr.. Other appointed attorneys are Christopher L. Bernard, Richard A. Walker and Christine W. Beninati. Lawrence A. Baratta, Jr. of CLEMENTS BERNARD WALKER, is a member of the North Carolina bar, admitted to the bar in 2008, bar membership no. 37589, and the attorney(s) is located at

4500 Cameron Valley Parkway, Suite 350

Charlotte, North Carolina 28211

United States

704-790-3600(phone)

704366-9744(fax)

patlaw@worldpatents.com

The docket/reference number is 7879.

Lawrence A. Baratta, Jr. 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:

Lawrence A. Baratta, Jr.

PRIMARY EMAIL FOR CORRESPONDENCE: patlaw@worldpatents.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): lcamann@worldpatents.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$2100 has been submitted with the application, representing payment for 6 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /LAB/ Date: 02/24/2021

Signatory's Name: Lawrence A. Baratta, Jr.

Signatory's Position: Attorney for Applicant; NC Bar Member

Signatory's Phone Number: 704-790-3600

Signature method: Signed directly within the form

Thank you,

The TEAS support team

Wed Feb 24 10:04:30 ET 2021

STAMP: USPTO/BAS-50.58.79.42-20210224100430791015-90543546-

77096ac1d84ce5f83c24277c68aa92615902fde3acd518ab787947858a9e1-CC-04294118-

20210224094040796119

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

1. Your mark. PLUME (Standard Characters, mark.jpg)

The literal element of the mark consists of PLUME. The mark consists of standard characters, without claim to any particular font style, size, or color.

2. Your serial number. Your application was assigned serial number '90543468'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

7. Questions? Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

9. Provide feedback. How can we improve your filing experience? [Let us know in this brief survey.](#)

The information submitted in the application appears below:

PTO- 1478

Approved for use through 02/28/2021. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Trademark/Service Mark Application, Principal Register
The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90543468
MARK INFORMATION	
*MARK	mark.jpg
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PLUME
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Plume Design, Inc.
*MAILING ADDRESS	290 California Avenue, Suite 200
*CITY	Palo Alto
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94306
PHONE	844-697-5863
*EMAIL ADDRESS	copyright@plume.com
WEBSITE ADDRESS	www.plume.com
LEGAL ENTITY INFORMATION	

TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Downloadable software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Downloadable software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Sensors configured to detect motion and falls; wearable devices for measuring health and other characteristics
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	035
*IDENTIFICATION	Home energy assessment services for the purpose of determining energy efficiency or usage management; On-line advertising on a computer network; Advertising, promotion, and marketing services in the nature of targeted advertisements for customers of the service
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	042
*IDENTIFICATION	Cloud computing and Software as a service (SAAS) services featuring software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Cloud computing and Software as a service (SAAS) services featuring software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Data monitoring for the purpose of developing profiles, recommendations, optimizations; Networking of home controls,

	namely, wireless and wired lighting controls, thermostat and heating controls, rolling shutters and door controls, appliance controls, namely, oven, washer, dryer, refrigerator, dishwasher, lawn and garden irrigation controls, home audio and video controls
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	045
*IDENTIFICATION	Home security monitoring using sensors, motion detectors, and cameras
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 5226606, 5548665, and 5997318.
ATTORNEY INFORMATION	
NAME	Lawrence A. Baratta, Jr.
ATTORNEY DOCKET NUMBER	7880
ATTORNEY BAR MEMBERSHIP NUMBER	37589
YEAR OF ADMISSION	2008
U.S. STATE/ COMMONWEALTH/ TERRITORY	North Carolina
FIRM NAME	CLEMENTS BERNARD WALKER
STREET	4500 Cameron Valley Parkway, Suite 350
CITY	Charlotte
STATE	North Carolina
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	28211
PHONE	704-790-3600
FAX	704-366-9744
EMAIL ADDRESS	patlaw@worldpatents.com
OTHER APPOINTED ATTORNEY	Christopher L. Bernard, Richard A. Walker and Christine W. Beninati
CORRESPONDENCE INFORMATION	

NAME	Lawrence A. Baratta, Jr.
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	patlaw@worldpatents.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	lcamann@worldpatents.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	4
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	1400
*TOTAL FEES PAID	1400
SIGNATURE INFORMATION	
SIGNATURE	/LAB/
SIGNATORY'S NAME	Lawrence A. Baratta, Jr.
SIGNATORY'S POSITION	Attorney for Applicant; NC Bar Member
SIGNATORY'S PHONE NUMBER	704-790-3600
DATE SIGNED	02/24/2021
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

Serial Number: 90543468

Filing Date: 02/24/2021

To the Commissioner for Trademarks:

The applicant, Plume Design, Inc., a corporation of Delaware, having an address of
290 California Avenue, Suite 200
Palo Alto, California 94306
United States
844-697-5863(phone)
copyright@plume.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Downloadable software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Downloadable software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Sensors configured to detect motion and falls; wearable devices for measuring health and other characteristics

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 035: Home energy assessment services for the purpose of determining energy efficiency or usage management; On-line advertising on a computer network; Advertising, promotion, and marketing services in the nature of targeted advertisements for customers of the service

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 042: Cloud computing and Software as a service (SAAS) services featuring software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Cloud computing and Software as a service (SAAS) services featuring software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Data monitoring for the purpose of developing profiles, recommendations, optimizations; Networking of home controls, namely, wireless and wired lighting controls, thermostat and heating controls, rolling shutters and door controls, appliance controls,

namely, oven, washer, dryer, refrigerator, dishwasher, lawn and garden irrigation controls, home audio and video controls

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 045: Home security monitoring using sensors, motion detectors, and cameras

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 5226606, 5548665, and 5997318.

For informational purposes only, applicant's website address is: www.plume.com

The owner's/holder's proposed attorney information: Lawrence A. Baratta, Jr.. Other appointed attorneys are Christopher L. Bernard, Richard A. Walker and Christine W. Beninati. Lawrence A. Baratta, Jr. of CLEMENTS BERNARD WALKER, is a member of the North Carolina bar, admitted to the bar in 2008, bar membership no. 37589, and the attorney(s) is located at

4500 Cameron Valley Parkway, Suite 350

Charlotte, North Carolina 28211

United States

704-790-3600(phone)

704-366-9744(fax)

patlaw@worldpatents.com

The docket/reference number is 7880.

Lawrence A. Baratta, Jr. 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:

Lawrence A. Baratta, Jr.

PRIMARY EMAIL FOR CORRESPONDENCE: patlaw@worldpatents.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): lcamann@worldpatents.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$1400 has been submitted with the application, representing payment for 4 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /LAB/ Date: 02/24/2021

Signatory's Name: Lawrence A. Baratta, Jr.

Signatory's Position: Attorney for Applicant; NC Bar Member

Signatory's Phone Number: 704-790-3600

Signature method: Signed directly within the form

Thank you,

The TEAS support team

Wed Feb 24 08:45:57 ET 2021

STAMP: USPTO/BAS-50.58.79.42-20210224084557146158-90543468-

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20210224083545771249

EXHIBIT B
copy of the Office Actions for both the Applications

To: Plume Design, Inc. (patlaw@worldpatents.com)
Subject: U.S. Trademark Application Serial No. 90543546 - PLUME - 7879
Sent: September 24, 2021 07:36:25 PM
Sent As: ecom120@uspto.gov

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
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[Attachment - 71](#)

United States Patent and Trademark Office (USPTO)

Office Action (Official Letter) About Applicant's Trademark Application

**U.S. Application Serial
No. 90543546**

Mark: PLUME

Correspondence

Address:
LAWRENCE A.
BARATTA, JR.

CLEMENTS BERNARD
WALKER

4500 CAMERON
VALLEY PARKWAY,
SUITE 350

CHARLOTTE, NC
28211

Applicant: Plume
Design, Inc.

**Correspondence Email
Address:**

patlaw@worldpatents.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: September 24, 2021

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

Summary of Issues:

- Prior-Filed Applications
- Section 2(d) Refusal – Likelihood of Confusion – Partial Requirement Applies Only to Particular Goods and Services
- Specimen Unacceptable – Partial Refusal Applies Only to Classes 9, 10, 35, and 45
- Identification of Goods and Services

Prior-Filed Applications

The filing dates of pending U.S. Application Serial Nos. 88914502 and 88980912 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Section 2(d) Refusal – Likelihood of Confusion – Partial Requirement Applies Only to Particular Goods and Services

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 5129917 (PLUME) and 4809257 (PLUME). Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. See 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying 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) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747

(Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. See *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

Applicant has applied for the mark PLUME in standard characters for the following relevant goods and services (**please note that this partial refusal applies only to the following goods and services**):

- “Downloadable software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable mobile applications for collection, analysis, and sharing of personal data; Downloadable mobile applications for network management; Downloadable cloud-computing software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Downloadable software for wireless equipment for sharing data with the cloud; Downloadable software and mobile applications using artificial intelligence for machine learning; Downloadable electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights; Motion sensors and detectors” in International Class 9;
- “Analysis of business data; Marketing services, namely, conducting consumer tracking behavior research and consumer trend analysis; Statistical analysis and reporting services for business purposes; Business research and data analysis services in the field of network usage, network operation, end user satisfaction” in International Class 35; and
- “Cloud computing and Software as a service (SAAS) services featuring software for use network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service; Technical consulting in the field of artificial intelligence (AI) software customization; research and consulting in the fields of artificial intelligence and machine learning; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Monitoring of computer systems for detecting unauthorized access or data breach; Monitoring of computer systems to detect breakdowns; Electronic monitoring and reporting of motion using computers or sensors” in International Class 42.

Registration No. 5129917 is PLUME in standard characters for:

- “Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies” in International Class 35; and
- “Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development in the field of user experience and graphical user interfaces.; Website design consultancy” in International Class 42.

(Please note that Registration No. 5129917 is owned by Plume Design LLC, a California limited liability company, which is a different owner than the present applicant, Plume Design, Inc., a Delaware corporation. Also, a verified ownership claim of Registration No. 5129917 was not submitted in the application.)

Registration No. 4809257 is PLUME in standard characters for “Downloadable software for secure live on-line and mobile chat applications exclusively for personal, intimate communications through which users can electronically transmit seductive, sensual, and erotic text, audio, graphics, video and still images and conduct private, intimate text, audio, and video chat, all via computer, mobile devices, wireless devices, and telecommunications networks; downloadable graphics for secure live on-line and mobile chat applications, namely, seductive, sensual and erotic digital static and animated images for use in personal intimate messaging, for use on mobile phones, wireless devices, and computers” in International Class 9.

Comparison of the Marks

Applicant’s mark and the cited U.S. Registration Nos. 5129917 (PLUME) and 4809257 (PLUME) are likely to be confused due to their similarity.

In a likelihood of confusion determination, the marks in their entireties are compared for similarities in appearance, sound, connotation, and commercial impression. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1323, 123 USPQ2d 1744, 1748 (Fed. Cir. 2017); *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); *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 PLUME and registrants' marks are PLUME. These marks are identical in appearance, sound, and meaning, "and have the potential to be used . . . in exactly the same manner." *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017). Additionally, because they are identical, these marks are likely to engender the same connotation and overall commercial impression when considered in connection with applicant's and registrant's respective goods and/or services. *Id.*

Therefore, the marks are confusingly similar.

Comparison of the Goods and Services

The compared goods and/or services 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); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are 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).

As shown from the attached websites from simplefirst.com, tarikatechnologies.com, thebranddevelopment.com, and triaddesign.com, it is quite common for the same parties to provide brand development services, marketing services, business strategy services, and business research services under the same mark. This evidence establishes that the same entity commonly provides the relevant goods and/or services and markets the goods and/or services under the same mark, and that the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Thus, applicant's and registrant's goods and/or services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Also, the trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrants in this case. This evidence shows that the goods and/or services listed therein, namely software (including downloadable and non-downloadable software for network management and connectivity), software website design services, product design services, and computer monitoring services, as well as brand development services, marketing services, business strategy services, and business research services, are of a kind that may emanate from a single source under a single mark. *See In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

Further, determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the application uses broad wording to describe the goods ("Downloadable mobile applications for collection, analysis, and sharing of personal data"), which presumably encompasses all goods of the type described, including the more narrow language in Registration No. 4809257 ("Downloadable software for secure live on-line and mobile chat applications exclusively for personal, intimate communications through which users can electronically transmit seductive, sensual, and erotic text, audio, and still images and conduct private, intimate text, audio, and video chat, all via computer, mobile devices, wireless devices, and telecommunications networks"). *See, e.g., In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's goods are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)).

Thus, applicant's and registrant's goods and/or services are related.

Therefore, the goods and services are considered related in this analysis.

Because the marks are similar and the goods and services are related, there is a likelihood of confusion and applicant's mark is not entitled to registration.

Applicant should note the following additional ground for refusal.

Specimen Unacceptable – Partial Refusal Applies Only to Classes 9, 10, 35, and 45

Specimen does not show use in specific classes. Registration is refused because the specimen does not show the applied-for mark as actually used in commerce in connection with any of the goods and/or services specified in International Classes 9, 10, 35, and 45. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); *In re Keep A Breast Found.*, 123 USPQ2d 1869, 1876-79 (TTAB 2017); TMEP §§904, 904.07(a), 1301.04(d), (g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods and/or services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a); *see In re Gulf Coast Nutritionals, Inc.*, 106 USPQ2d 1243, 1247 (TTAB 2013).

Specifically, the specimen does not acceptably show the mark used in conjunction with Class 9 software or downloadable electronic newsletters. The specimen mentions "Download the app", but the pictured page does not seem to itself contain the means to order or download the goods; the page directs consumers to the Apple and Google Play app stores (i.e. other webpages where the apps can be downloaded), and states "Scan this QR code for quick link to download", which refers to a QR code that brings consumers to other webpages in order to download the software.

A webpage display specimen (1) must show use of the mark directly associated with the goods and (2) such use must be of a point-of-sale nature. 37 C.F.R. §2.56(b)(1). This means that this type of display specimen must include the following:

- (1) **A picture or sufficient textual description of the goods;**
- (2) **The mark associated with the goods;** and
- (3) **A means for ordering the goods** such as a "shopping cart" button/link, an order form, or a telephone number for placing orders.

See In re Sones, 590 F.3d 1282, 1286-89, 93 USPQ2d 1118, 1122-24 (Fed. Cir. 2009); *In re Azteca Sys., Inc.*, 102 USPQ2d 1955, 1957-58 (TTAB 2012); *In re Dell Inc.*, 71 USPQ2d 1725, 1727 (TTAB 2004); *Lands' End v. Manbeck*, 797 F. Supp. 511, 514, 24 USPQ2d 1314, 1316 (E.D. Va. 1992); TMEP §904.03(h), (i)-.03(i)(D).

In the present case, the specimen shows webpages mentioning downloadable software, but does not provide the means to order or download the goods on the pictured pages, and thus is unacceptable. Also, the specimen contains a page with a picture of a phone appearing to run application software, but the mark is not on the software pictured on the phone. Finally, while the specimen mentions what appears to be a newsletter signup, this only references an online newsletter, and again there is no evidence on the page that any newsletters can be downloaded or otherwise purchased on the pictured page. Therefore, the specimen is not acceptable for Class 9.

Similarly, the Class 10 specimen is unacceptable because it does not show "Patient monitoring sensors and alarms" or the means to order/purchase these items. There is a webpage showing devices that could be sensors or alarms, but the mark is not present on the page (the page mentions PLUME MOTION, which does not match the mark, PLUME, due to the extra wording "MOTION"). Also, the page says "Alert you when people come and go" and "Detect motion in areas where cameras may not be wanted", and therefore these devices appear to be motion detectors, not Class 10 patient medical sensor or alarms. Therefore, the specimen is not acceptable for Class 10.

The specimen is also unacceptable for Class 35 because none of the pictured webpages show the mark used in conjunction with Class 35 business data analysis services, marketing services, statistical analysis or reporting services, or business research services provided to others. A webpage mentions "Intelligence and insights for the smart-home industry" but this merely appears to be a newsletter provided to consumers, not separate

business services that applicant provides to consumers. Also, webpages appear to show some sort of data analysis, but it is unclear if this includes business data analysis services or statistical analysis or reporting services, and the webpages also appear to show that these are merely functions being performed by Class 42 or Class 9 software, as opposed to separate business services that applicant provides to consumers. Therefore, the specimen is not acceptable for Class 35.

Finally, the specimen is not acceptable for Class 45. The specimen mentions detection of motion by sensors, and also shows an article mentioning “Detecting Motion Through Wi-Fi”, but there is no indication that applicant is providing “Home security monitoring” services to others. Instead, the specimen appears to merely contain articles or newsletters discussing the issue, and software that performs functions relating to motion detection; however, the software is merely performing these functions, and there is no indication that applicant is providing separate home security monitoring services to others. Therefore, the specimen is not acceptable for Class 45.

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage’s URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

- (1) Submit a different specimen (a verified “[substitute](#)” [specimen](#)) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use. A “verified substitute specimen” is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.
- (2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

Although applicant’s mark has been refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration. However, if applicant responds to the refusals, applicant must also respond to the requirements set forth below.

Identification of Goods and Services

The identification of goods is indefinite and must be clarified for the following reasons:

- In Class 9:
 - The wording “Downloadable software for network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service” and “Downloadable cloud-computing software for network management,

network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service” must further clarify the functions of the software and specify that the software is for network management, network monitoring, for configuring computer networks, for providing network connectivity, for providing online protection, for enabling user tracking, for providing user connectivity, for optimizing software efficiency, for performing Network Operations Center (NOC) functions, for congestion management, for prioritizing data traffic, and for establishing Network as a Service protocols.

- The wording “Downloadable electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights” must specify the subject matter of the analytics, trends, and insights.
- In Class 41:
 - The wording “Providing on-line newsletters in the field of electronic newsletters in the field of networks, smart-homes, Wi-Fi, analytics, trends, insights” must specify the subject matter of the analytics, trends, and insights.
- In Class 42:
 - The wording “Cloud computing and Software as a service (SAAS) services featuring software for use network management, network monitoring, network configuration, network connectivity, online protection, user tracking, user connectivity, optimization, Network Operations Center (NOC) functions, congestion management, traffic prioritization, Network as a Service” must further clarify the functions of the software and specify that the software is for network management, network monitoring, for configuring computer networks, for providing network connectivity, for providing online protection, for enabling user tracking, for providing user connectivity, for optimizing software efficiency, for performing Network Operations Center (NOC) functions, for congestion management, for prioritizing data traffic, and for establishing Network as a Service protocols.
 - The wording “research and consulting in the fields of artificial intelligence and machine learning” must specify that the services are for technical research and consulting in the fields of artificial intelligence software customization and machine learning software customization.
- In Class 45:
 - The wording “research and consulting in the fields of artificial intelligence and machine learning” must specify that the services are for technical research and consulting in the fields of artificial intelligence software customization and machine learning software customization.

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may adopt the following identification, if accurate (changes in bold):

International Class 9: Downloadable software for network management, network monitoring, **for configuring computer networks, for providing network connectivity, for providing online protection, for enabling user tracking, for providing user connectivity, for optimizing software efficiency, for performing Network Operations Center (NOC) functions, for congestion management, for prioritizing data traffic, and for establishing Network as a Service protocols**; Downloadable mobile applications for collection, analysis, and sharing of personal data; Downloadable mobile applications for network management; Downloadable cloud-computing software for network management, network monitoring, **for configuring computer networks, for providing network connectivity, for providing online protection, for enabling user tracking, for providing user connectivity, for optimizing software efficiency, for performing Network Operations Center (NOC) functions, for congestion management, for prioritizing data traffic, and for establishing Network as a Service protocols**; Downloadable software for wireless equipment for sharing data with the cloud; Downloadable software and mobile applications using artificial intelligence for machine learning; Downloadable electronic newsletters in the field of networks, smart-homes, Wi-Fi, **and analytics, trends, insights related to {specify the subject matter of the analytics, trends, insights, e.g., computer software, business, etc.}**; Motion sensors and detectors

International Class 10: Patient monitoring sensors and alarms

International Class 35: Analysis of business data; Marketing services, namely, conducting consumer tracking behavior research and consumer trend analysis; Statistical analysis and reporting services for business purposes; Business research and data analysis services in the field of network usage, network operation, end user satisfaction

International Class 41: Providing on-line newsletters in the field of electronic newsletters in the field of networks, smart-homes, Wi-Fi, **and analytics, trends, insights related to {specify the subject matter of the analytics, trends, insights, e.g., computer software, business, etc.}**

International Class 42: Cloud computing and Software as a service (SAAS) services featuring software for use **in** network management, network monitoring, **for configuring computer networks, for providing network connectivity, for providing online protection, for enabling user tracking, for providing user connectivity, for optimizing software efficiency, for performing Network Operations Center (NOC) functions, for congestion management, for prioritizing data traffic, and for establishing Network as a Service protocols**; Technical consulting in the field of artificial intelligence (AI) software customization; **technical** research and consulting in the fields of artificial intelligence **software customization** and machine learning **software customization**; Computer monitoring service which tracks

hardware performance and processes and sends out historical reports and alerts; Monitoring of computer systems for detecting unauthorized access or data breach; Monitoring of computer systems to detect breakdowns; Electronic monitoring and reporting of motion using computers or sensors

International Class 45: **Home security alarm monitoring, namely**, home security monitoring using sensors for motion detection

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

Response Options

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Jessica Hilliard/
Jessica Hilliard
Examining Attorney, Law Office 120
571-272-4031
Jessica.Hilliard@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, find [contact information for the supervisor](#) of the office or unit listed in the signature block.

DESIGN MARK

Serial Number

86124889

Status

REGISTERED

Word Mark

PLUME

Standard Character Mark

Yes

Registration Number

4809257

Date Registered

2015/09/08

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Galland, Amy INDIVIDUAL UNITED STATES 1112 Montana Avenue, #427 Santa Monica CALIFORNIA 90403

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable software for secure live on-line and mobile chat applications exclusively for personal, intimate communications through which users can electronically transmit seductive, sensual, and erotic text, audio, graphics, video and still images and conduct private, intimate text, audio, and video chat, all via computer, mobile devices, wireless devices, and telecommunications networks; downloadable graphics for secure live on-line and mobile chat applications, namely, seductive, sensual and erotic digital static and animated images for use in personal intimate messaging, for use on mobile phones, wireless devices, and computers. First Use: 2015/02/10. First Use In Commerce: 2015/02/10.

Filing Date

2013/11/20

Examining Attorney

Print: Sep 23, 2021

86124889

GOLD, BARBARA

Attorney of Record

Jessica R. Friedman

PLUME

DESIGN MARK

Serial Number

86733944

Status

REGISTERED

Word Mark

PLUME

Standard Character Mark

Yes

Registration Number

5129917

Date Registered

2017/01/24

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Plume Design LLC LIMITED LIABILITY COMPANY CALIFORNIA 900 Folsom St
Apt 954 San Francisco CALIFORNIA 94107

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies. First Use: 2015/11/02. First Use In Commerce: 2015/11/02.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development in the field of user experience and graphical user interfaces.; Website design consultancy. First Use: 2015/11/02. First Use In Commerce: 2015/11/02.

Filing Date

Print: Sep 23, 2021

86733944

2015/08/23

Examining Attorney
MEINERS, DEBORAH

Plume

DESIGN MARK

Serial Number

88914502

Status

FINAL REFUSAL - MAILED

Word Mark

PLUME

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mariposa Health Inc. CORPORATION DELAWARE 303 S. Broadway, #200-357
Denver COLORADO 80209

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:
Pharmaceutical services, namely, processing and fulfilling online
prescription orders in retail and central fill pharmacies for hormone
suppression and hormone replacement therapies; retail and online
retail pharmacy services for hormone suppression and hormone
replacement therapies; specialized retail pharmacy services for
patients with particular medical conditions, namely, for hormone
suppression and hormone replacement therapies; business administrative
services for medical referrals provided via a secure online platform
for purposes of bringing together patients and healthcare providers;
business administrative services for medical and physician referrals;
healthcare management service organization (MSO) services, namely,
providing practice organization, management and administrative support
services to individual physicians or small group practices.

Filing Date

2020/05/13

Examining Attorney

DETMER, CAROLYN R

Attorney of Record

Julie A. McGinnis

PLUME

DESIGN MARK

Serial Number

88980912

Status

OPPOSITION PENDING

Word Mark

PLUME

Standard Character Mark

Yes

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mariposa Health Inc. CORPORATION DELAWARE 303 S. Broadway, #200-357
Denver COLORADO 80209

Goods/Services

Class Status -- ACTIVE. IC 005. US 005 006 018 044 046 051 052. G & S: Hormones for medical purposes; preparations for the suppression of hormones; hormone replacement therapy preparations.

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable mobile applications for providing electronic communication of healthcare and health-related questions, information and advice between users and healthcare professionals; downloadable mobile applications for use in connection with the collection, analysis, and sharing of personal medical data; downloadable mobile applications for use in obtaining prescription medications and prescription hormones; downloadable mobile applications for use in obtaining hormone therapy service and consulting services in the field of hormone replacement therapy; downloadable software and mobile applications using artificial intelligence for machine learning in the fields of healthcare and telemedicine.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing temporary use of non-downloadable computer software for providing electronic communication of healthcare and health-related questions, information and advice between users and healthcare professionals;

providing temporary use of non-downloadable computer software for use in connection with the collection, analysis, and sharing of personal medical data; providing temporary use of non-downloadable computer software for use in obtaining prescription medications and prescription hormones; providing temporary use of non-downloadable computer software for use in obtaining hormone therapy service and consulting services in the field of hormone replacement therapy; providing temporary use of non-downloadable software using artificial intelligence for machine learning in the fields of healthcare and telemedicine; science and technology research and consulting in the fields of artificial intelligence and machine learning.

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Telemedicine services; telehealth services, namely, providing healthcare and health-related information via telecommunication technologies; hormone therapy services; consulting services in the field of hormone replacement therapy; medical diagnostic testing, monitoring and reporting services; healthcare services; medical services; healthcare services provided by a network of health care professionals and service providers; providing health information; providing medical information; providing information on hormone replacement therapy; behavioral health services; mental health therapy services; healthcare and medical services using artificial intelligence and machine learning.

Filing Date

2020/05/13

Examining Attorney

DETMER, CAROLYN R

Attorney of Record

KATHERINE P. CALIFA

PLUME

To: Plume Design, Inc. (patlaw@worldpatents.com)
Subject: U.S. Trademark Application Serial No. 90543546 - PLUME - 7879
Sent: September 24, 2021 07:36:27 PM
Sent As: ecom120@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **September 24, 2021** for
U.S. Trademark Application Serial No. 90543546

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be [abandoned](#). Please follow the steps below.

- (1) [Read the official letter](#).
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

/Jessica Hilliard/
Jessica Hilliard
Examining Attorney, Law Office 120
571-272-4031
Jessica.Hilliard@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

- (3) **Respond within 6 months** (or earlier, if required in the Office action) from **September 24, 2021**, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond

GENERAL GUIDANCE

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.

Beware of misleading notices sent by private companies about your application. Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain “@uspto.gov.”**

To: Plume Design, Inc. (patlaw@worldpatents.com)
Subject: U.S. Trademark Application Serial No. 90543468 - PLUME - 7880
Sent: September 24, 2021 07:34:07 PM
Sent As: ecom120@uspto.gov

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
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United States Patent and Trademark Office (USPTO)

Office Action (Official Letter) About Applicant's Trademark Application

**U.S. Application Serial
No.** 90543468

Mark: PLUME

Correspondence

Address:

LAWRENCE A.
BARATTA, JR.

CLEMENTS BERNARD
WALKER

4500 CAMERON
VALLEY PARKWAY,
SUITE 350

CHARLOTTE, NC
28211

Applicant: Plume
Design, Inc.

Reference/Docket No.
7880

**Correspondence Email
Address:**

patlaw@worldpatents.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: September 24, 2021

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

Summary of Issues:

- Prior-Filed Applications
- Section 2(d) Refusal – Likelihood of Confusion– Partial Refusal Applies Only to Particular Goods and Services
- Identification and Classification of Goods and Services
- Multiple-Class Application Requirements

Prior-Filed Applications

The filing dates of pending U.S. Application Serial Nos. 88914502 and 88980912 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Section 2(d) Refusal – Likelihood of Confusion – Partial Refusal Applies Only to Particular Goods and Services

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration No. 5129917 (PLUME). Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. See 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying 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) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. See *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

Applicant has applied for the mark PLUME in standard characters for the following relevant goods and services (**please note that this partial**

refusal applies only to the following goods and services):

- “Downloadable software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Downloadable software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Sensors configured to detect motion and falls; wearable devices for measuring health and other characteristics” in International Class 9;
- “On-line advertising on a computer network; Advertising, promotion, and marketing services in the nature of targeted advertisements for customers of the service” in International Class 35; and
- “Cloud computing and Software as a service (SAAS) services featuring software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection; Cloud computing and Software as a service (SAAS) services featuring software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance; Data monitoring for the purpose of developing profiles, recommendations, optimizations; Networking of home controls, namely, wireless and wired lighting controls, thermostat and heating controls, rolling shutters and door controls, appliance controls, namely, oven, washer, dryer, refrigerator, dishwasher, lawn and garden irrigation controls, home audio and video controls” in International Class 42.

Registration No. 5129917 is PLUME in standard characters for:

- “Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies” in International Class 35; and
- “Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development in the field of user experience and graphical user interfaces.; Website design consultancy” in International Class 42.

(Please note that Registration No. 5129917 is owned by Plume Design LLC, a California limited liability company, which is a different owner than the present applicant, Plume Design, Inc., a Delaware corporation. Also, a verified ownership claim of Registration No. 5129917 was not submitted in the application.)

Comparison of the Marks

Applicant’s mark and the cited U.S. Registration No. 5129917 (PLUME) are likely to be confused due to their similarity.

In a likelihood of confusion determination, the marks in their entireties are compared for similarities in appearance, sound, connotation, and commercial impression. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1323, 123 USPQ2d 1744, 1748 (Fed. Cir. 2017); *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); *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 PLUME and registrant’s mark is PLUME. These marks are identical in appearance, sound, and meaning, “and have the potential to be used . . . in exactly the same manner.” *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff’d*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017). Additionally, because they are identical, these marks are likely to engender the same connotation and overall commercial impression when considered in connection with applicant’s and registrant’s respective goods and/or services. *Id.*

Therefore, the marks are confusingly similar.

Comparison of the Goods and Services

The compared goods and/or services 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); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are 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).

As shown from the attached websites from simplefirst.com, tarikatechnologies.com, thebranddevelopment.com, and triaddesign.com, it is quite common for the same parties to provide brand development services, marketing services, and advertising services under the same mark. This evidence establishes that the same entity commonly provides the relevant goods and/or services and markets the goods and/or services under the same mark, and that the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Thus, applicant's and registrant's goods and/or services are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Also, the trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrants in this case. This evidence shows that the goods and/or services listed therein, namely software (including downloadable and non-downloadable software for security, monitoring, IoT, and smart home management), software website design services, product design services, and networking services, as well as brand development services, marketing services, and advertising services, are of a kind that may emanate from a single source under a single mark. See *In re I-Coat Co.*, 126 USPQ2d 1730, 1737 (TTAB 2018) (citing *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); TMEP §1207.01(d)(iii).

Therefore, the goods and services are considered related in this analysis.

Because the marks are similar and the goods and services are related, there is a likelihood of confusion and applicant's mark is not entitled to registration.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal, applicant must also respond to the requirements set forth below.

Identification and Classification of Goods and Services

The identification of goods and services is indefinite and must be clarified for the following reasons:

- In Class 9:
 - The wording "Downloadable software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection" must clarify the functions of the software and specify that the software is for smart home management, for controlling home security products, for tracking digital well being, for performing activity monitoring, for tracking energy usage, for personalizing home activities, for IoT device management, for analyzing IoT device diagnostics, for monitoring sleep, and for detecting falls.
 - The wording "Downloadable software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance" must clarify the functions of the software and specify that the software is for performing network segmentation, and enabling surveillance of others.
 - The wording "wearable devices for measuring health and other characteristics" is overbroad and can encompass goods in multiple international classes. For example, this wording can encompass smartwatches in Class 9, and blood pressure measuring apparatus in Class 10, amongst other goods. Therefore, applicant must clarify the type of goods and must classify these goods in the correct international class. Applicant must also comply with the multiple-class application requirements discussed below.
- In Class 42:
 - The wording "Cloud computing and Software as a service (SAAS) services featuring software for smart home management, home security, digital well being, activity monitoring, energy usage, personalizing home activities, IoT device management and diagnostics, sleep monitoring, fall detection" must clarify the functions of the software and specify that the software is for smart home management, for controlling home security products, for tracking digital well being, for performing activity monitoring, for tracking energy usage, for personalizing home activities, for IoT device management, for analyzing IoT device diagnostics, for monitoring sleep, and for detecting falls.
 - The wording "Cloud computing and Software as a service (SAAS) services featuring software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, network segmentation, surveillance" must clarify the functions of the software and specify that the software is for performing network segmentation, and enabling surveillance of others.
 - The wording "Data monitoring for the purpose of developing profiles, recommendations, optimizations" must specify that the services are computer data monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance, all for the purpose of quality control related to developing software profiles, software recommendations, and software optimizations.
- In Class 45:
 - The wording "home security monitoring using sensors, motion detectors, and cameras" must specify that the services are for home security alarm monitoring.

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may adopt the following identification, if accurate (changes in bold):

International Class 9: Downloadable software for smart home management, **for controlling** home security **products, for tracking** digital well being, **for performing** activity monitoring, **for tracking** energy usage, **for** personalizing home activities, **for** IoT device **management, for analyzing IoT device** diagnostics, **for monitoring** sleep, **and for detecting falls**; Downloadable software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, **performing** network segmentation, **and enabling** surveillance of others; Sensors configured to detect motion and falls; wearable devices for measuring health and other characteristics, **namely, smartwatches**

International Class 10: wearable devices for measuring health and other characteristics, **namely, blood pressure measuring apparatus**

International Class 35: Home energy assessment services for the purpose of determining energy efficiency or usage management; On-line advertising on a computer network; Advertising, promotion, and marketing services in the nature of targeted advertisements for customers of the service

International Class 42: Cloud computing and Software as a service (SAAS) services featuring software for smart home management, **for controlling** home security **products, for tracking** digital well being, **for performing** activity monitoring, **for tracking** energy usage, **for** personalizing home activities, **for** IoT device **management, for analyzing IoT device** diagnostics, **for monitoring** sleep, **and for detecting falls**; Cloud computing and Software as a service (SAAS) services featuring software for monitoring customers, monitoring employees, recommending items for customers, monitoring flow of people, **performing** network segmentation, **and enabling** surveillance of others; **Computer data monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance, all** for the purpose of **quality control related to** developing **software** profiles, **software** recommendations, **and software** optimizations; Networking of home controls, namely, wireless and wired lighting controls, thermostat and heating controls, rolling shutters and door controls, appliance controls, namely, oven, washer, dryer, refrigerator, dishwasher, lawn and garden irrigation controls, home audio and video controls

International Class 45: Home security **alarm** monitoring using sensors, motion detectors, and cameras

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

Multiple-Class Application Requirements

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 Trademark Act Section 1(b):

- (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](#)).

The application identifies goods and/or services that are classified in at least five classes; however, applicant submitted a fee(s) sufficient for only four classes. 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.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

The fee for adding classes to a TEAS Standard application is \$350 per class. See 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

Response Options

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Jessica Hilliard/
Jessica Hilliard
Examining Attorney, Law Office 120
571-272-4031
Jessica.Hilliard@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, find [contact information for the supervisor](#) of the office or unit listed in the signature block.

DESIGN MARK

Serial Number

86733944

Status

REGISTERED

Word Mark

PLUME

Standard Character Mark

Yes

Registration Number

5129917

Date Registered

2017/01/24

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Plume Design LLC LIMITED LIABILITY COMPANY CALIFORNIA 900 Folsom St
Apt 954 San Francisco CALIFORNIA 94107

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Brand concept and brand development services for corporate and individual clients; Brand imagery consulting services; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Consultancy services regarding business strategies. First Use: 2015/11/02. First Use In Commerce: 2015/11/02.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer graphics design services; Computer website design; Multidisciplinary graphic design services; New product design services; Product design and development in the field of user experience and graphical user interfaces.; Website design consultancy. First Use: 2015/11/02. First Use In Commerce: 2015/11/02.

Filing Date

Print: Sep 23, 2021

86733944

2015/08/23

Examining Attorney
MEINERS, DEBORAH

Plume

DESIGN MARK

Serial Number

88914502

Status

FINAL REFUSAL - MAILED

Word Mark

PLUME

Standard Character Mark

Yes

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mariposa Health Inc. CORPORATION DELAWARE 303 S. Broadway, #200-357
Denver COLORADO 80209

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:
Pharmaceutical services, namely, processing and fulfilling online
prescription orders in retail and central fill pharmacies for hormone
suppression and hormone replacement therapies; retail and online
retail pharmacy services for hormone suppression and hormone
replacement therapies; specialized retail pharmacy services for
patients with particular medical conditions, namely, for hormone
suppression and hormone replacement therapies; business administrative
services for medical referrals provided via a secure online platform
for purposes of bringing together patients and healthcare providers;
business administrative services for medical and physician referrals;
healthcare management service organization (MSO) services, namely,
providing practice organization, management and administrative support
services to individual physicians or small group practices.

Filing Date

2020/05/13

Examining Attorney

DETMER, CAROLYN R

Attorney of Record

Julie A. McGinnis

PLUME

DESIGN MARK

Serial Number

88980912

Status

OPPOSITION PENDING

Word Mark

PLUME

Standard Character Mark

Yes

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mariposa Health Inc. CORPORATION DELAWARE 303 S. Broadway, #200-357
Denver COLORADO 80209

Goods/Services

Class Status -- ACTIVE. IC 005. US 005 006 018 044 046 051 052. G & S: Hormones for medical purposes; preparations for the suppression of hormones; hormone replacement therapy preparations.

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable mobile applications for providing electronic communication of healthcare and health-related questions, information and advice between users and healthcare professionals; downloadable mobile applications for use in connection with the collection, analysis, and sharing of personal medical data; downloadable mobile applications for use in obtaining prescription medications and prescription hormones; downloadable mobile applications for use in obtaining hormone therapy service and consulting services in the field of hormone replacement therapy; downloadable software and mobile applications using artificial intelligence for machine learning in the fields of healthcare and telemedicine.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing temporary use of non-downloadable computer software for providing electronic communication of healthcare and health-related questions, information and advice between users and healthcare professionals;

providing temporary use of non-downloadable computer software for use in connection with the collection, analysis, and sharing of personal medical data; providing temporary use of non-downloadable computer software for use in obtaining prescription medications and prescription hormones; providing temporary use of non-downloadable computer software for use in obtaining hormone therapy service and consulting services in the field of hormone replacement therapy; providing temporary use of non-downloadable software using artificial intelligence for machine learning in the fields of healthcare and telemedicine; science and technology research and consulting in the fields of artificial intelligence and machine learning.

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Telemedicine services; telehealth services, namely, providing healthcare and health-related information via telecommunication technologies; hormone therapy services; consulting services in the field of hormone replacement therapy; medical diagnostic testing, monitoring and reporting services; healthcare services; medical services; healthcare services provided by a network of health care professionals and service providers; providing health information; providing medical information; providing information on hormone replacement therapy; behavioral health services; mental health therapy services; healthcare and medical services using artificial intelligence and machine learning.

Filing Date

2020/05/13

Examining Attorney

DETMER, CAROLYN R

Attorney of Record

KATHERINE P. CALIFA

PLUME

EXHIBIT C
copy of the LLC Termination – Certificate of Cancellation from the
California Secretary of State



California Secretary of State
Electronic Filing



LLC Termination – Certificate of Cancellation

Entity Name: PLUME DESIGN, LLC

Entity (File) Number: 201523010135

File Date: 04/14/2019

Detailed Filing Information

Dissolution

The Dissolution was made by a vote of ALL of the members of the California Limited Liability Company.

Tax Liability Statement

All final returns required pursuant to the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.

Cancellation Statement

Upon the effective date of this Certificate of Cancellation, the Limited Liability Company's registration is cancelled and its powers, rights and privileges will cease in California.

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature(s):

Daniel S. Smith

Analia Ibargoyen

Mr. Danny Salvatori

EXHIBIT D
copy of a screenshot of Registrant's website

plume.design accessed March 24, 2022

