

Note To The File

Serial Number: 88146782
Date: 11/24/2020 1:56 pm
Created by: Ademi, Xheneta

IF YOU CAN'T BE THERE, FEEL THERE

Contacted Applicant/Atty

- via E-Mail

From: Randi Rader <rrader@fenwick.com>
Sent: Tuesday, November 24, 2020 1:47 PM
To: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

You too!

All the best,

Randi

Randi Rader

[Fenwick](#) | Associate | 415-875-2041 | rrader@fenwick.com

From: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Sent: Tuesday, November 24, 2020 10:46 AM
To: Randi Rader <rrader@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Perfect! I will have it re-published. Thanks and Happy Thanksgiving!

Best regards,

Xheneta

Xheneta Ademi

Trademark Attorney

Law Office 130/Trademark Innovation Lab

571-272-7151

Please note that all relevant e-mail communications will be placed in the official application record. Although the Trademark Examining Attorney may provide additional explanation pertaining to the application, the Trademark Examining Attorney may not provide legal advice or statements about Applicant's rights. See TMEP §§705.02, 709.06.

From: Randi Rader <rrader@fenwick.com>
Sent: Tuesday, November 24, 2020 1:34 PM
To: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Thank you Xheneta,

I confirm that the ID looks correct.

Best regards,

Randi

Randi Rader

[Fenwick](#) | Associate | 415-875-2041 | rrader@fenwick.com

From: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Sent: Monday, November 23, 2020 7:09 PM
To: Randi Rader <rrader@fenwick.com>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Randi,

The Notice of Allowance has been cancelled. I have made the changes in our system. Will you please check TSDR to make sure that the ID appears corrected on your end? I can have it republished after you confirm that everything looks right. It looks fine on our end.

Best regards,

Xheneta

Xheneta Ademi

Trademark Attorney

Law Office 130/Trademark Innovation Lab

571-272-7151

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Applicant's rights. See TMEP §§705.02, 709.06.

From: Randi Rader <rrader@fenwick.com>
Sent: Friday, November 20, 2020 3:33 PM
To: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Thank you for the update and for resolving this glitch Xheneta. We'll monitor the application as you proceed as noted.

Best regards,

Randi

Randi Rader

[Fenwick](#) | Associate | 415-875-2041 | rrader@fenwick.com

From: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Sent: Friday, November 20, 2020 9:45 AM
To: Randi Rader <rrader@fenwick.com>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Hi, Randi,

It appears that a system glitch occurred when our LIE was reviewing the application to make sure it looks okay for publishing. After much back and forth with our different departments, IT is still unable to resolve the system glitch.

However, we have decided not to wait for IT to resolve the issue. **To move the application forward, I am going to submit a request to cancel the NOA, correct the ID, and then have the application republished** . Let me know if you have any questions.

Best regards,

Xheneta

Xheneta Ademi

Trademark Attorney

Law Office 130/Trademark Innovation Lab

571-272-7151

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Applicant's rights. See TMEP §§705.02, 709.06.

From: Randi Rader <rrader@fenwick.com>
Sent: Tuesday, November 17, 2020 1:23 PM
To: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Thanks Xheneta, I appreciate the update. Look forward to hearing back in a few days.

Best,

Randi

Randi Rader

[Fenwick](#) | Associate | 415-875-2041 | rrader@fenwick.com

From: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>
Sent: Tuesday, November 17, 2020 10:17 AM
To: Randi Rader <rrader@fenwick.com>
Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>
Subject: RE: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Hi, Randi,

I've been in contact with a few of our departments and have gotten management involved to figure out how this happened and how we can fix it. It appears that there was a system glitch and our IT department is trying to fix it. We are still trying to figure out if we need to withdraw the Notice of Allowance and re-publish the mark.

I should have an update in a few days.

Best regards,

Xheneta

Xheneta Ademi

Trademark Attorney

Law Office 130/Trademark Innovation Lab

571-272-7151

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From: Randi Rader <rrader@fenwick.com>

Sent: Tuesday, November 17, 2020 12:48 PM

To: Ademi, Xheneta <Xheneta.Ademi@USPTO.GOV>

Cc: Oculus Prosecution <OculusProsecution@fenwick.com>; tm <tm@fenwick.com>

Subject: Request for correction due to USPTO error - US Ser. No. 88146782 for IF YOU CAN'T BE THERE, FEEL THERE [FWT100462]

Dear Attorney Ademi,

I am an attorney representing Facebook, Inc. in its US application for IF YOU CAN'T BE THERE, FEEL THERE, US Ser. No. [88146782](#).

At the beginning of August, it was discovered that sometime before publication of this mark, the USPTO had erroneously truncated the Class 9 goods (the recitation literally cuts off mid-word). A notice of allowance was subsequently issued with the cut-off recitation. We have called and spoken with the Trademark Assistance Center several times, each time being assured that the issue was being addressed. It has now been three months and the recitation has not been corrected. Recently, we were advised to reach out to you directly.

The Class 9 goods appearing in TDSR read:

It should read:

Computer hardware; Computer software for video calling and modifying and enabling the transmission of images, audio, audio visual and video content and data; Computer software development tools; Downloadable computer software for use as an application programming interface (API) for video calling and modifying and enabling the transmission of images, audio, audio visual and video content and data; Downloadable computer application programming interface (API) for use in building software applications for video calling and modifying and enabling the transmission of images, audio, audio visual and video content and data; Downloadable computer software for creating, managing, and interacting with an online community; Downloadable computer software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, embedding, transmitting, and sharing or otherwise providing electronic media or information via the internet and communication networks; Downloadable computer software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; Downloadable computer software for integrating electronic data with real world environments for the purposes of entertainment, education, gaming, communicating, and social networking; Downloadable computer software for converting natural language into machine-executable commands; Downloadable computer software, namely, an interpretive interface for facilitating interaction between humans and machines; Downloadable intelligent personal assistant software for video calling, messaging, controlling home automation systems and devices connected to the Internet of Things (IOT), interacting with an online community, planning activities and making recommendations, providing location-based weather information, facilitating location-based searching and alerts for identifying points of interest, events, landmarks, employment opportunities, entertainment, cultural events, shopping and offers, providing information in the field of art, movies, television, unscripted reality series, music, games, sports, news, current events, politics, finance, real estate, computers, digital technology, and general interest; Downloadable intelligent social assistant software for video calling, messaging, controlling home automation systems and devices connected to the Internet of Things (IOT), interacting with an online community, planning activities and making recommendations,

providing location-based weather information, facilitating location-based searching and alerts for identifying points of interest, events, landmarks, employment opportunities, entertainment, cultural events, shopping and offers, providing information in the field of art, movies, television, unscripted reality series, music, games, sports, news, current events, politics, finance, real estate, computers, digital technology, and general interest; Downloadable computer software for home automation and control; Downloadable computer software for wireless content, data and information delivery; Downloadable computer software for creating, managing and accessing groups within virtual communities; Downloadable computer software for planning activities and making recommendations; Downloadable computer software for providing location-based weather information; Downloadable computer software for location-based searching and alerts for identifying points of interest, events, landmarks, employment opportunities, entertainment, cultural events, shopping and offers; Downloadable computer software for facilitating interaction and communication between humans and AI (artificial intelligence) platforms; Downloadable computer software for viewing and interacting with a feed of images, audio, audio-visual and video content and associated text and data; Downloadable computer application programming interface (API) software for use in developing AI (artificial intelligence) platforms for providing personal and social assistant services, facilitating video calling, gesture recognition, voice recognition, object tracking, motion control and content visualization; Downloadable computer software for organizing events; Downloadable computer software for sending and receiving electronic messages, graphics, images, audio and audio visual content via computer, the internet and communication networks; Downloadable computer software for processing images, graphics, audio, video, and text; Downloadable computer instant messaging software; Voice recognition downloadable computer software; Gesture recognition downloadable computer software; Motion tracking sensors for communication technology; Downloadable computer software for controlling the operation of audio and video devices; Digital media streaming devices; Downloadable computer software for enhancing video display; AI-enabled downloadable computer software for object tracking, motion control and content visualization; Downloadable computer software and firmware for operating system programs; Computer operating systems; Downloadable computer software, firmware and hardware for use in visual, voice, audio, motion, eye and gesture tracking and recognition; Hardware and downloadable computer software for operating sensor devices; Electronic sensor devices, cameras, multimedia projectors, and microphones for gesture, facial, and voice detection, capture and recognition; Hardware and downloadable computer software for detecting objects, user gestures and commands; Downloadable computer software and firmware for controlling, configuring and managing controllers; Downloadable computer software and firmware for enabling electronic devices to share data and communicate with each other; Cameras; Batteries; Battery chargers; Battery cases; Battery packs; Power charging and power management devices in the nature of battery chargers for mobile electronic devices; Battery charging docks; Battery charging stands for mobile electronic devices; Base battery chargers for mobile electronic devices; Power supplies; External chargers in the nature of battery chargers; Wireless charging cases in the nature of battery chargers; Rechargeable electric battery devices, namely, rechargeable batteries and portable power supplies; Rechargeable external battery packs for use with mobile electronic devices; Chargers for batteries; Power adapters; Electrical adapters; Electrical and electronic connectors; Remote controls for mobile electronic devices; Electrical audio and speaker cables and connectors; Audio speakers; Docking stations for mobile electronic devices; Loudspeakers; Electronic cables parts and fittings, namely, cordsets and connection fittings for electric cables and wires; Electric cables; Connection cables; Cables for optical signal transmission; Power cables and cable connectors; Microphones; Audio receivers; Audio transmitters; Wireless computer peripherals; Receivers of electronic signals; Video receivers; Wireless transmitters and receivers for reproduction of sound and signals; Electric sensors; Electronic sensors for monitoring physical movements; Home video information and communication devices with intelligent personal assistant software; Intelligent personal assistant devices, namely, cloud-connected and voice-controlled home video information

and communication devices comprised video displays, cameras, speakers, cables, camera covers, computer hardware and software for video calling, messaging, controlling home automation systems and devices connected to the Internet of Things (IOT), interacting with an online community, planning activities and making recommendations, providing location-based weather information, facilitating location-based searching and alerts for identifying points of interest, events, landmarks, employment opportunities, entertainment, cultural events, shopping and offers, providing information in the field of art, movies, television, unscripted reality series, music, games, sports, news, current events, politics, finance, real estate, computers, digital technology, and general interest; Computer hardware, computer peripherals, handheld digital electronic devices, and remote control devices for controlling software applications and for searching, manipulating, controlling, storing, displaying, playing, and recording audio, video, and multimedia content, games, software applications and software application marketplaces; Home automation control devices comprising computer hardware and wireless controllers for use in the Internet of Things (IOT) to remotely monitor and control the function and status of other electrical, electronic, and mechanical devices or systems, namely, intelligent personal assistant devices, lighting systems, home heating and cooling systems, security systems, and speakers; Wireless communication devices for voice, data, or image transmission; Portable apparatus for recording and reproduction of sound, images and video; Apparatus for recording, transmission or reproduction of sound or images; Computer hardware for processing, reproducing, synchronizing, recording, organizing, downloading, uploading, transmitting, streaming, receiving, playing and viewing text, multimedia and data files; Portable electronic devices for receiving and reading text, images and sound through wireless internet access; Wireless controllers to monitor and control the functioning of other electronic devices; Electronic controllers for use with power controllers; Data processors; Computer peripheral devices; Video conferencing device and software in the nature of wireless electronic display, speakers, and computer hardware for providing video conferencing services over the Internet; Computer hardware, downloadable computer software and firmware for enhancing picture and sound quality

We would greatly appreciate if this error could be corrected as soon as possible, as we are approaching **a Dec. 9, 2020** Statement of Use deadline.

We look forward to hearing from you.

Thanks,

Randi

Randi Rader

Fenwick | Associate | 415-875-2041 | rrader@fenwick.com

FWT100462