

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Law Office:	122	Examiner:	Christina Calloway
Serial No.:	87/917,892	Filed:	May 11, 2018
Attorney Docket No.:	116124.00001	Mark:	



Applicant: Cochrane Supply & Engineering, Inc.

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

RESPONSE TO OFFICE ACTION NO. 2 AND AMENDMENT

Dear Commissioner:

In response to the Office Action No. 2 dated March 29, 2019, please amend the application in accordance with the description of the goods as set forth below and consider the remarks in favor of publication and registration of this application.

Identification of Goods – Class 9

Please amend the identification of the goods in class 9 to read as follows:

(Based on Use in Commerce) computer application software for mobile phones, portable media players, and handheld computers, namely, software for use in database management and in electronic storage of data used with cloud-based smart building notification services

REMARKS

In the most recent Office Action, the Trademark Examining Attorney identified the following issues that Applicant was instructed to address in response to the latest Office Action:

- Refusal – Specimen (International Class 9)
- Requirement – Amend Identification of Goods (International Class 9)

Applicant is submitting this Response and Amendment to the second Office Action as a means of addressing each of these issues.

1. Specimen

The Examining Attorney refused registration because the specimen in international class 9 appears to be mere advertising material and thus the specimen allegedly fails to show the applied-for mark in use in commerce. Applicant respectfully disagrees.

More specifically, and as the Examiner notes, web pages may constitute acceptable specimens for goods when they include a picture or a textual description of the goods associated with the mark and a means to order the goods. In this case, Applicant submitted images showing the use of the mark with the computer application via which the services are provided. In this context, Applicant respectfully directs the Examiner's attention to the upper left hand corner of the smart phone showing one page of the computer application and that includes a depiction of the RAVEN stylized mark. Nevertheless, and in an attempt to advance the prosecution of this application forward, Applicant hereby submits another specimen that represents a screenshot of an app featuring the mark as used in international class 9. Accordingly, Applicant respectfully

submits that the specimen submitted herewith in connection with international class 9 should be acceptable and respectfully requests that the refusal on the basis of the specimen be withdrawn.

2. Identification of Goods

The Examining Attorney has required that the identification of the goods in class 9 should be amended to delete “etc.” Accordingly, the Applicant has amended the identification of the goods in class 9.

In view of the amendments set forth herein and the remarks that follow these amendments, Applicant respectfully submits that it has addressed the issues identified in the March 29, 2019 Office Action. Accordingly, Applicant submits this application is in appropriate order to pass to publication in the Official Gazette.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

Dated: September 26, 2019

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