

Applicant: Rentrak Corporation

Mark: ESSENTIALS

Serial No.: 85/447,207

Class: 42

Office Action Date: February 3, 2012

Examiner: Won T. Oh

**OFFICE ACTION
RESPONSE**

This correspondence is filed in response to the Office Action issued on February 3, 2012 (the "Office Action") regarding the mark shown above (the "Mark") as set forth in application number 85/447,207 (the "Application") filed by Rentrak Corporation ("the Applicant").

Applicant respectfully requests that its identification of services be amended as set forth below.

I. IDENTIFICATION OF SERVICES

The Office Action seeks clarification regarding the nature of Applicant's services. Applicant notes that it has applied to register the same services in multiple applications which are currently pending before the Trademark Office, and has received different requests for clarity from each Examining Attorney. In addition, Applicant's requests that the U.S. Acceptable Identification of Goods and Services Manual be updated to include applicable services in Applicant's industry have not yet been granted. Accordingly, Applicant is requesting consistent identification amendments in each of its Class 42 applications, as follows (additions are underlined) (collectively, "ID Amendments"):

Class 42 Identification:

Providing online non-downloadable database management software for information and data collection, measurement, analytics and manipulation in the fields of market research, market intelligence and business intelligence related to media consumption, media audience demographics and preferences, and media-related advertising, marketing, promotion and sales; providing online non-download media industry software specifically in the fields of television, video, video-on-demand, video and computer games, online games, film, movie, movie box office, and internet, broadband and mobile audio-video broadcast and streamed entertainment content, and other media consumption; providing online non-downloadable software in the field of entertainment media inventory tracking and revenue-sharing

Applicant's ID Amendments are acceptable under the Trademark Manual of Examining Procedure because each identification includes definite, accurately described services using the common names and terminology appropriate for Applicant's line of business. *See* TMEP Sections 1402.11, 1402.11(i) ("Industry terminology should be recognized as sufficient to identify the services").

In fact, there are at least eight (8) active registrations in Class 42 that recognize the "media industry" as a sufficiently clear way to identify the registrant's services, including but not limited to:

Digital Technology International, LLC's Reg. No. 3487395 for DTI – "computer software development for the newspaper and media industries"

Lawmedia Pty Ltd's Reg. No. 3385757 for LAWCATE – "legal services for the media industry"

Stieglitech, LLC's Reg. No. 3361612 for STAINLESS CODE – "design of computer networks and software for others for the media industry"

Sportradar AG's Reg. No. 3964473 for SPORTRADAR – "providing computer programs on data networks, namely, providing on-line non-downloadable computer software for use in the ... and media industry..."

JDA Software Group Inc.'s Reg. No. 4054887 for JDA & Design – "computer software consultation, design, installation, configuration, implementation and maintenance in the ... and media industries"

Autonomy Corporation PLC's Reg. No. 3465280 for FAMOUS FOR 15 MEGABYTES – "consultancy, design, development and implementation services relating to computer programs and computer software for use by and with the ... and media industries"

Autonomy Corporation PLC's Reg. No. 3425121 for AUTONOMY MEANING BASED COMPUTING – "consultancy, design, development and implementation services relating to computer programs and computer software for use by and with the ... and media industries"

Autonomy Corporation PLC's Reg. No. 3421203 for AUTONOMY MEANINGWARE – "consultancy, design, development and implementation services relating to computer programs and computer software for use by and with the ... and media industries"

See **Exhibit A**.

Applicant's ID Amendments are both definite and clear and should be accepted by the Trademark Office pursuant to TMEP Sections 1402.11 and 1402.11(i), and these instructive registrations.

II. CONCLUSION

In view of the foregoing, Applicant respectfully requests that the Examining Attorney accept Applicant's ID Amendments and approve this Application for publication.