

## **AMENDMENTS AND RESPONSE TO OFFICE ACTION**

In an official action dated November 27, 2013 the Examining Attorney refused registration of Applicant's Application Serial No. 86/027138 for its MOBIUS RISK GROUP LLC design mark covering services in Class 35. Specifically, the Examining Attorney has cited as a bases for refusal the misclassification of certain services in International Class 35, a disclaimer, and an amendment to the mark description.

Applicant offers the following in response:

### **I. DELETE CLASS 35**

Applicant requests that Class 35 services in connection with the above-identified application be deleted.

### **II. ADD CLASS 36**

Applicant amends its identification of services to add Class 36 in the manner suggested by the Examining Attorney as follows:

**Class 36:** Consulting Services for producers, consumers and market participants engaged in energy and commodity transactions, namely, financial risk management consultation in the fields of financial and physical commodity markets; financial valuation services; financial interest rate and foreign exchange transaction services in the nature of providing for the exchange of foreign currency, commodities, financial derivatives, interest rate products, and equities via the internet and intranet systems.

### **III. ADD CLASS 45**

Applicant amends its identification of services to add Class 45 in the manner suggested by the Examining Attorney as follows:

**Class 45:** Regulatory compliance consulting regarding the Dodd-Frank Wall Street Reform and Consumer Protection Act.

### **IV. ADD DISCLAIMER**

No claim is made to the exclusive rights to use "RISK GROUP LLC" apart from the mark as shown.

### **V. MARK DESCRIPTION**

Applicant amends its mark description in the manner suggested by the Examining Attorney as follows:

The mark consists of the stylized stacked wording "MOBIUS RISK GROUP LLC" appearing below the stylized depiction of a series of wavy lines forming a design that resembles an infinity symbol.

**VI. SUBSTITUTE SPECIMEN**

Applicant submits with this response a substitute specimen, and verifies that the substitute specimen was in use in commerce prior to the expiration of the deadline for filing the statement of use. Applicant also offers the following arguments in support of the sufficiency of the substitute specimen's use:

Appropriate and acceptable specimens of use for a service mark include advertisements, brochures, and the like, where these materials show the mark and refer to the relevant services. TMEP §1301.04. The Subject Application claims use of the MOBIUS RISK GROUP LLC design mark in connection with, among others, consulting services for producers, consumers, and others in the energy and commodity field in Class 36, and regulatory compliance consulting regarding the Dodd-Frank reform bill. Applicant's substitute specimen is a published weekly report on Market Updates for the above identified services.

Thus, the substitute specimens are appropriate and acceptable to show use of the MOBIUS RISK GROUP LLC design mark in connection consulting in the energy and commodity field and compliance consulting under the Dodd-Frank reform bill. Applicant requests that the substitute specimens be accepted and made of record, and that the Subject Application be approved for registration.

**CONCLUSION**

Applicant believes this response and amendments address all outstanding issues with the Subject Application. Applicant respectfully requests that the Subject Application be accepted for publication in the *Official Gazette*.

Favorable action is requested.