Additional Statement to Respond to USPTO's Request for Additional Information

The USPTO Examining Attorney has requested answers to the following 2 specific questions:

1. **Does the applicant use the mark EASE to identify a software program?** No, Applicant does not use EASE to identify a software program.

2. **Does applicant "provide information" as a separate service, or is any information provided to a customer rendered as part of the applicant's analysis and evaluation services?** Information provided to a customer is rendered as part of Applicant's analysis and evaluation services.

By way of background, Applicant uses EASE to identify its industrial machinery condition monitoring services. Applicant uses many different "tools" to gather information and deliver information in order to provide the EASE condition monitoring services. For instance, Applicant uses sensors, controls, and proprietary and third party software to gather data. However, none of these is EASE software, and none of these is licensed to the customers. Rather, Applicant uses the various software programs as one of many "tools" to monitor customers' machinery and gather information about its condition and performance. Applicant then analyzes and compiles the information and uses the data as a basis for providing maintenance-related information to its customers. Through the EASE service agreement, Applicant provides highly detailed comprehensive reports about the machinery on a monthly basis. However, because Applicant is gathering performance data from the remotely-monitored equipment 24/7 through its sensors, raw data is always available on a machine. It appears that the USPTO has focused on this aspect of the service program ("program which analyzes available control system equipment and process data, delivering management-ready information. Data for EASE is a daily, 24-hour run time upload") in concluding that EASE is a software program and not a service. The analysis and reporting are done by people - using the data gathered 24/7 by monitoring sensors - and the data collection, analysis and evaluation services are all provided through EASE service agreements between Applicant and its customers.

Customers who might engage Applicant to provide its EASE services are broad based -- anyone who uses industrial equipment (*e.g.*, refineries, petrochemical plants). Applicant's average contract for its EASE services is 3-years in term and costs $1700/month.