#### **RESPONSE TO OFFICE ACTION**

In an office action dated June 8, 2016, the Examining Attorney has refused registration of Applicant's mark on the ground it is confusingly similar to a preexisting registration for the SAVY INVESTING mark (Reg. No. 4,932,797). Applicant respectfully contends that this registration is not an appropriate citation because it does not appear the SAVY INVESTING mark is in use. The specimen submitted by Registrant, attached as Exhibit A, shows a printout of the webpage www.savedaily.com/marketing/savyinvesting/default.asp. However, as shown in Exhibit B, when one visits this same webpage now, the mark is no longer in use. A Google search of the entire savedaily.com website for the terms SAVY, SAVY INVESTING, and SAVYINVESTING yielded not a single result. The results of this search are attached as Exhibit C. The "use" of the SAVY INVESTING mark shown in the statement of use is merely a token use that does not constitute trademark use. Accordingly, the SAVY INVESTING mark should never have been granted registration and should not act as a block to registration of Applicant's mark.

#### **EXHIBIT A**





# The SAVY Risk Managed Strategy model portfolios

- SAVY Investing
- Why choose SAVY Investing
- Advantages for Your Customers
- Advantages for Advisors
- Advantages for Institutions





Partner Reporting | Access My 401(k) | Access My Portfolio | About Us | Newsroom | Contact Us

**EVERYDAY SAVERS** 

ROLLOVERSAVER

SAVY INVESTING

LIFE SOLUTIONS

ADVISOR PLATFORM

Banks & Credit Unions Financial Professionals TPAs & Plan Sponsors



## The SAVY Risk Managed Strategy model portfolios





SAVEDALLY
SMART INVESTING FOR THE EVERYDAY SAVER

Partner Reporting | Access My 401(k) | Access My Portfolio | About Us | Newsroom | Contact Us

**EVERYDAY SAVERS** 

ROLLOVERSAVER

SAVY INVESTING

LIFE SOLUTIONS

ADVISOR PLATFORM

Banks & Credit Unions

Financial Professionals

TPAs & Plan Sponsors

Request a Demo >

- SAVY Investing
- Why choose SAVY Investing
- Advantages for Your Customers
- Advantages for Advisors
- Advantages for Institutions

- Professional selection of investments within the portfolios
- Investment selections based on risk/volatility criteria
- Professional determination of dynami rebalancing needs
- Timely execution of dynamic rebalant advice without second-guessing

- Professional selection of investments will the portfolios
- Uniform portfolio construction for all customers with similar risk profiles
- Uniform performance measurement for a portfolios having similar risk characterist
- Timely execution of dynamic rebalancing advice for all customers in similar portfol

SAVEDAILY

Partner Reporting | Access My 401(k) | Access My Portfolio | About Us | Newsroom | Contact Us

**EVERYDAY SAVERS** 

ROLLOVERSAVER

SAVY INVESTING

LIFE SOLUTIONS

ADVISOR PLATFORM

Banks & Credit Unions

Financial Professionals

TPAs & Plan Sponsors

Request a Demo >

SAVY Investing

- Why choose SAVY Investing
- Advantages for Your Customers
- Advantages for Advisors
- Advantages for Institutions

- Reliance on consistent investment advice to all customers having similar risk profile
- Ability to manage and supervise advisors application of investment recommendatio
- Ability to uniformly apply institution's risk assessment process to investment select
- · Reduced potential liability of investment process
- · Lower compliance costs resulting from uniformity of products and process
- · Ability to establish brand defined by uniform process and performance
- Resulting in lower statistical dispersion

Privacy Statement | Investment Brochure

Not Insured | No Guarantee | May Lose Value

Investment advisory services provided by SaveDaily.com, Incorporated, an SEC Registered Investment Advisor.

Copyright © 1999-2016 | SaveDaily, Inc.

#### **EXHIBIT B**

Get In Touch:	1.8	377.728.3359 (tel:187772833 <u>8</u>	59)	sales@savedaily.com (mailto:sales@savedaily.com)
			You	
		(ł	nttp:	s://www.youtube.com/channel/UC_aLzTnyclb5YAb-
		f y in 4	Uh-	
Login		(https://piswillips		<b>xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx</b>

## SaveDaily Has a Singular Focus...

to bring Wall Street caliber investment opportunities to Main Street investors.

## THE EVERYDAY SAVER SAVING AND INVESTING MADE EASY



#### Serve Your Mass Market

Connect your non-financial advisor related customers with quality investment opportunities.



#### Manage Clients

You now have the ability to offer a variety of Mutual Funds to your customer base.



Manage Money

There are a variety of calculators and tools available to assist your customer base.



#### Manage Time

We will help you with marketing materials ranging from statement-stuffers to in branch signage and public spaces advertising.

Learn More (/marketing/products/everyday-savers.asp)

#### Saving and Investing



There are a variety of calculators and tools avaliable to assist your customer base in choosing an account and reaching their personal goals.

Connect yo

## ROLLOVER SAVER IRA ROLLOVER SOLUTIONS



#### Distribution Services

We will send out "Distribution Kits" to your terminated employees.



Referral Program

Earn \$50 for every referral you send to SaveDaily with minimum assets of \$100.



#### Resources

Download any of the documents needed regarding your SaveDaily Safe Harbor IRA Rollover.



#### **UMB Bank Partnerships**

RolloverSaver (SaveDaily.com, Inc) an SEC registered investment advisor has partnered with UMB Bank.

Learn More (/marketing/products/rollover-saver.asp)

### What We Will Help You Do...



Provide advice driven models for your mass market.

Profile consumers for improved marketiing.

### SaveDaily is the perfect solution

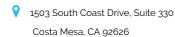
designed to provide ALL your customers with quality investment services.

Request a Demo (/marketing/contact.asp)



SaveDaily's ultra low cost, private label platform enables banks, brokerages, and non-traditional financial service providers to profitably offer high-end financial services to anyone, regardless of income, account size, or activity levels.

#### **CONTACT US**



(/marketing/contact.asp#start)

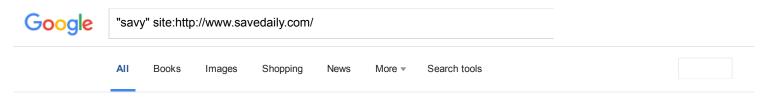




2016 SaveDaily.com, Inc.

Privacy Policy | (/marketing/privacy.asp) Terms of Use (/marketing/terms.asp)

#### **EXHIBIT C**



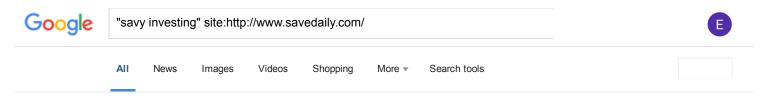
Your search - "savy" site:http://www.savedaily.com/ - did not match any documents.

#### Suggestions:

- · Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Try fewer keywords.

Minneapolis, MN - From your Internet address - Use precise location - Learn more

Help Send feedback Privacy Terms



#### Did you mean: "savvy investing" site:http://www.savedaily.com/

No results containing all your search terms were found.

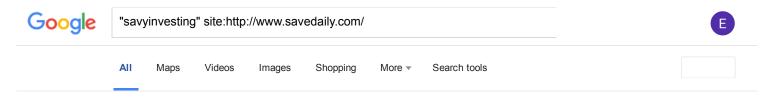
Your search - "savy investing" site:http://www.savedaily.com/ - did not match any documents.

#### Suggestions:

- · Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- · Try fewer keywords.

Minneapolis, MN - From your Internet address - Use precise location - Learn more

Help Send feedback Privacy Terms



Your search - "savyinvesting" site:http://www.savedaily.com/ - did not match any documents.

#### Suggestions:

- · Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Try fewer keywords.

Minneapolis, MN - From your Internet address - Use precise location - Learn more

Help Send feedback Privacy Terms