

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 **SAVVY INVESTING** mark (Reg. No. 4,932,797). Applicant respectfully contends that this registration is not an appropriate citation because it does not appear the **SAVVY 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 SAVVY, SAVVY INVESTING, and SAVVYINVESTING yielded not a single result. The results of this search are attached as **Exhibit C**. The "use" of the **SAVVY INVESTING** mark shown in the statement of use is merely a token use that does not constitute trademark use. Accordingly, the **SAVVY 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





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○ 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 dynamic rebalancing needs
- Timely execution of dynamic rebalancing advice without second-guessing

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



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○ 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

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EXHIBIT B

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



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EXHIBIT C



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