This is submitted in response to the Office Action dated February 5, 2018 concerning Application No. 87393652 for the mark GLANCE (stylized) ("Applicant's Mark"), whereby the Examining Attorney issued a likelihood of confusion refusal pursuant to 15 U.S.C. § 1052(d). Applicant hereby requests that the Examining Attorney approve it for publication based on the arguments below.

<div align="center">**LIKELIHOOD OF CONFUSION REFUSAL**</div>

INTRODUCTION

The Examining Attorney has refused registration of Applicant's Mark pursuant to 15 U.S.C. § 1052(d). Applicant respectfully requests that the Examining Attorney reconsider the refusal.

APPLICANT'S MARK IS NOT CONFUSINGLY SIMILAR TO REG. NOS. 3290678 or 5237036 (THE "CITED MARKS") CITED BY THE EXAMINING ATTORNEY.

 To maintain a refusal of a trademark application based on a likelihood of confusion, an Examining Attorney must show that the applicant's mark, as used on or in connection with the specified goods or services, so resembles a registered mark that it is likely that a potential customer would be confused, mistaken or deceived as to the source of the goods and/or services of the applicant and registrant, as applied for or registered. T.M.E.P. § 1207.01. According to the Trademark Examining Manual of Procedure, an Examining Attorney should consider the following relevant factors when conducting a likelihood of confusion analysis: (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression; (2) The relatedness of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) The similarity or dissimilarity of established, likely-to-continue trade channels; (4) The conditions under which and buyers to whom sales are made, i.e., "impulse" vs. careful, sophisticated purchasing; and (5) The number and nature of similar marks in use on similar goods. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). However, in ex parte examination, the issue of likelihood of confusion typically revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services. T.M.E.P. § 1207.01

The Federal Circuit has emphasized, "There is no mechanical test for determining likelihood of confusion. The issue is not whether the actual goods are likely to be confused, rather, whether there is a likelihood of confusion as to the source of the goods." *In re Shell Oil Co.*, 992 F.2d 1204, 1208 (Fed. Cir. 1993), and cases cited therein. "Each case must be decided on its own facts." *Id.* In addition, the Federal Circuit also articulates its approach for conducting a likelihood of confusion analysis stating that, "[t]he basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used." *In re National Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985).

Applicant's Mark does not closely resemble the Cited Marks. The Cited Marks are the marks GLANCE in standard character form and GLANCE and Design, both owned by Glance Networks, Inc. The Cited Marks are both registered in connection with the following goods and services:

Computer software for enabling users to remotely view other user on-screen applications via the Internet; Computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations, and discussions, in Class 9; and

Providing temporary use of non-downloadable computer software for enabling users to remotely view other user on-screen applications via the Internet, in Class 42.

The goods and services in the Applicant's Mark, applied for in Classes 9, 35, 41 and 42 have now been revised to the following:

Computer software, namely, machine learning and cognitive computing software for use in capturing, processing, editing, viewing, sharing, recognizing, and tagging digital photos, digital videos and images; computer software, namely, machine learning and cognitive computing software for use in providing user-specific content recommendations, sponsored advertisements and semantic interpretations related to digital photos, digital videos and images; Downloadable mobile applications for users with specific informed recommendations in the field of online audio, video, images and other multimedia content, based on user behavior trends and user data for commercial use, in Class 9;

Providing a website for users with specific informed recommendations in the field of online audio, video, images and other multimedia content, based on user behavior trends and user data for commercial use; Advertising, marketing and promotional services using an online mobile network. Promotional services, namely, promotion relating to multimedia content, particularly audio, video and image content, in Class 35;

Providing a webpage featuring recommendation of digital content, namely, audio, video and images in the field of entertainment and education; Entertainment services, namely, providing advice and information for multimedia entertainment content, namely, audio, video, and image production services; Informational content provision services, namely, multimedia production services, software production services, providing an online interactive database of photos and videos in the field of fashion, lifestyle, culture and events, in Class 41;

Providing temporary use of non-downloadable web applications for users with specific informed recommendations in the field of online audio, video, images and other multimedia content, based on user behavior trends and user data for commercial use, in Class 42.

A comparison of the marks' respective goods and services, as now revised, shows they are not closely related to one another. The Cited Marks' goods and services all are associated with allowing users to communicate with one another in real time. Applicant's goods and services are all associated with allowing advertisers to better understand and access customers. They are accordingly in fields completely unrelated to one another and are therefore not related to one another.

Given these differences in the respective goods and services, confusion as to source of the Cited Marks and Applicant's Mark is not likely.

Applicant respectfully requests that the Examining Attorney similarly withdraw the refusal and approve Applicant's Mark for publication.