

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Intermedia Labs, Inc.  
Serial No. : 87/797061  
Date Filed : February 14, 2018  
Mark : SAVAGE QUESTION  
Class No. : 9 & 41  
Examiner : Robin S. Chosid  
Law Office : 102

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**RESPONSE**

Applicant submits the following amendments and remarks in response to the March 18, 2018 Office Action.

**Identification of Goods and Services**

Please amend the identification of goods and services to the following language:

- Class 9: Computer game programs for mobile devices; Downloadable computer programs for playing video games for smart phones; Computer game software; interactive video game programs; downloadable electronic game programs, namely, for posting, showing, or displaying information in the field of electronic gaming via the Internet or other communications networks with third parties that may be accessed via the Internet, computers, mobile phones, smart phones and tablet computers.
- [No change] Class 41: Entertainment services, namely, providing temporary use of non-downloadable computer games and electronic game services provided by means of the internet; Entertainment services, namely, providing temporary use of non-downloadable computer games for mobile devices; and electronic game services provided by means of the internet for mobile devices; Organizing, conducting and arranging video game events for entertainment purposes; Entertainment services, namely, providing temporary use of non-downloadable video games for smart phones; Entertainment services, namely, providing temporary use of non-downloadable video games via communication network; Entertainment services, namely, providing online computer and electronic games; Providing a web-based system and on-line portal for customers to participate in on-line gaming, operation and coordination of game tournaments.

## **Remarks**

### **Specimen Request**

The Examining Attorney accepted Applicant's original specimen of use for Class 9 but has asked for a new specimen showing use of Applicant's mark for entertainment services in Class 41. Specifically, the Examining Attorney contends Applicant's original specimen does not show the applied-for mark in connection with any of Applicant's Class 41 services.

As discussed in Applicant's July 30, 2018 correspondence with the Examining Attorney, additional clarification of Applicant's original specimen should suffice to show Applicant is providing the applied-for services in Class 41. Specifically, Applicant's original specimen displays Applicant's mark with a number of live users of Applicant's online trivia game application in the upper left hand corner, and features live comments at the bottom of the screen. Thus, Applicant's original specimen shows Applicant's mark as it is actually used for "providing online computer and electronic games" and "organizing, conducting and arranging video game events for entertainment purposes" in Class 41. Applicant also attaches a supplement to its original specimen with this Response to corroborate Applicant's original specimen submitted on February 14, 2018. *See* TMEP § 904.05. The supplement consists of additional screenshots from the Apple App Store describing Applicant's Class 41 services, which are provided via a mobile application that offers online trivia video game events. Accordingly, Applicant asks the Examining Attorney to withdraw the specimen refusal.

### **Conclusion**

In view of the foregoing, the present application is in condition for publication. Such action is solicited.