

## RESPONSE TO OFFICE ACTION

Applicant American International Relocation Solutions, LLC (“Applicant”) responds as follows to the Office Action issued in connection with Serial No. 88004669 for the COMPOSER mark (the “Mark”).

### **I. Introduction**

The Trademark Examining Attorney has refused registration of the instant application claiming that the specimen filed “does not show the applied-for mark in use in commerce in connection with any of the services specified in International Class 35 in the application.”

Applicant respectfully traverses this rejection and requests reconsideration in view of the arguments presented herein.

### **II. Arguments**

Pursuant to TMEP 1401.02(a), Class 35 includes services rendered by persons or organizations principally with the object of: (a) help in the working or management of a commercial undertaking, or (b) help in the management of the business affairs or commercial functions of an industrial or commercial enterprise. Class 35 includes, in particular, services consisting of the registration, transcription, composition, compilation, or systematization of written communications and registrations, and also the compilation of mathematical or statistical data.

The services covered by the application for the Mark are:

Employee relocation; Moving and relocation services, namely, planning and implementing moves of homes and offices; Moving and relocation services, namely, planning and implementing moves of homes for others; Moving and relocation services, namely, planning and project oversight of home moving for others; Personnel relocation

Applicant, by way of voluntary amendment, has narrowed the services listed in this application to:

Employee relocation; Moving and relocation services, namely, planning and implementing moves of homes and offices; Moving and relocation services, namely, planning and implementing moves of homes for others; Moving and relocation services, namely, planning and project oversight of home moving for others; Personnel relocation; in each case, namely, by providing help in the working or management of employee and personnel relocation, and specifically, by providing help in the creation of relocation documents.

The specimen submitted is Applicant’s webpage describing a relocation service that Applicant provides, through which consumers can create a customized relocation policy, offer letter, or letter of assignment based on an a-la-carte selection of benefits on an authorization form. These services are offered by Applicant to help customers in the working or management of a commercial undertaking. Particularly, Applicant’s services help customers in the working or management of employee and personnel relocation by providing customers with the ability to create customized

documents, to be shared with such customers' transferees, to effectively ease the burden of each individual relocation process. These services are furnished by Applicant and are available to users making use of Applicant's relocation services.

Further, pursuant to TMEP 1401.02(a), "services that provide advice, information or consultation are in principle classified in the same classes as the services that correspond to the subject matter of the advice, information or consultation, e.g. transportation consultancy (Cl. 39), business management consultancy (Cl. 35), financial consultancy (Cl. 36), beauty consultancy (Cl. 44). The rendering of the advice, information or consultancy by electronic means (e.g., telephone, computer) does not affect the classification of these services. Therefore, although the advice, information or consultation services may be provided through electronic means, when the services rendered are provided in furtherance of assistive efforts, the service may be reasonably classified as such. In this case, Applicant's service, providing users with the ability to create customized relocation policies, offer letters and letters of assignment in furtherance of each users' relocation efforts is principally related to Applicant's assistive services in the field of relocation. Thus, Applicant's assistive relocation services have been appropriately classified and listed as services in Class 35, and the submitted specimen aptly captures Applicant's use of the Mark in association with such services.

### **III. Conclusion**

The TTAB in *In re Pitney Bowes, Inc.*, held that when a specimen raises reasonable doubt as to whether an applicant is, in fact, providing the services listed in the applicant's trademark application, the applicant's explanation of its specimen and explanation of how the applicant provides the services referenced on the specimen may resolve any ambiguity, nullifying an otherwise reasonable refusal. In other words, an explanation from an applicant on how it provides services can be sufficient to overcome a specimen refusal for a service mark.

Based on the foregoing arguments, Applicant's position is that the specimen furnished falls within these parameters of a proper specimen and shows the mark as actually used in commerce and conforms to the mark as originally filed.

As a result, it is respectfully requested that the Examiner withdraw her objection to the specimen and pass this application to registration.