IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:   87509319   Law Office: 124

Filing Date: June 28, 2017   Examiner: REAMS, Christopher

Applicant: Ironclad Encryption Corporation

Mark: IRNC

Attorney Docket: ICE-TM-3W

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Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

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<tr><td>Certificate of Transmission Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited electronically with the U.S. Patent and Trademark Office using the United States Patent and Trademark Office's TEAS-Web system on January 9, 2019.

<div align="center">Signature</div>
<div align="center">__/Len Walker/_____
Printed Name</div></td></tr>
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PRIORITY ACTION

Dear Examiner Reams,

In response to the Office Action mailed July 9, 2018, the following substitute specimen(s) and remarks are respectfully submitted in connection with the above-identified application.

A listing of **Substitute Specimen(s)** as provided begins on page 2 of this response.

Remarks begin on page 3 of this response.

SUBSTITUTE SPECIMEN(S)

The following is a complete listing of substitute specimen(s) as provided by the Applicant in regards to this response.

LISTING OF SPECIMEN(S)

1. Screen Shot (bottom) - https://ironcladencryption.com/products

2. Screen Shot (top) - https://ironcladencryption.com/products

3. https://ironcladencryption.com/media-relations/press-releases/dod-contractor-charter-trading-chooses-ironclad-encryption-for-secure-communications

"DoD Contractor Charter Trading Chooses IronClad Encryption for Secure Communications"

REMARKS

Favorable reconsideration of this application, in light of the preceding specimen(s) and following remarks, is respectfully requested. No new matter is added.

SPECIMEN REQUIRED IN INTERNATIONAL CLASSES 9, 38, 42, 45

In response to the refusal of registration, Applicant hereby submits the specimen in International Class(es) 9, 38, 42, 45.

The specimens provided, especially as related to Class 9, are in keeping with the requirements of the class as provided below.

Applicant is providing a Web page that displays a product constituting a "display associated with the goods" as the requirements of §TMEP 904.03(i), as provided below, have been satisfied:

(1) contains a picture or textual description of the identified goods;

(2) shows the mark in association with the goods; and

(3) provides a means for ordering the identified goods.

Advertising materials may consist of the following: online advertising banners appearing on search engine result pages and in social media; advertising circulars and brochures; price lists; listings in trade directories; and business cards, *See* TMEP §904.04(b), and are generally not acceptable as specimens to show use in commerce for goods. *See In re Kohr Bros.*, 121 USPQ2d 1793, 1794 (TTAB 2017) (quoting *In re Quantum Foods, Inc.*, 94 USPQ2d 1375, 1379 (TTAB 2010)); TMEP §904.04(b), (c). The Applicant submits that the substitute specimen is more than "mere advertising material" and thus the specimen shows the applied-for mark in use in commerce per Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Specimen 1:

Applicant submits a web page screen shot of the bottom portion of web page
https://ironcladencryption.com/products which indicates the mark IRNC associated
with the Applicant as provided below.

"The IronClad "Helmet" represents IRNC's (**IR**o**NC**lad Encryption) commitment to your
data security."

Specimen 1 also provides IronClad Encryption's (IRNC's) product ICEMicro, a secured
container that is available for consumer access via supplied direct links to the open
sourced product, as described below. The Github direct link is supplied as
https://github.com/icemicro/icecube and the Docker Hub link is supplied as
https://hub.docker.com/r/icemicro/icecube/.

"ICEMicro Context-Free, Natively-Secure Containers

Most software developers and IT professionals now realize that Docker containers have
significant security vulnerabilities. Container orchestration platforms and transport
layer security protocols don't solve the problem completely, so various vendors have
responded with different types of solutions.

What if securing inter-container communications were as easy as packaging an
application in a secure container? That was our question and that's why we created
ICEMicro.

ICEMicro containers communicate with each other securely, out-of-the box. If you
don't believe us, download one of our free images from Github and Docker Hub and
try it. Within 5 minutes, you'll be creating and testing ICEMicro containers.

Our ICEMicro Community Edition enables developers to:

- Take ownership of application data security without the need for security
  expertise
- Build, deploy, and run secure applications without the costs associated with
  legacy security strategies
- Secure container communications between across disparate scheduling and
  orchestration platforms, IaaS services, transport-layer security protocols, and
  on-premises, cloud and hybrid environments
- Secure communications between software, devices, or software and devices

The possibilities are virtually endless, which is why we've open sourced our initial product.

Discover all the tools ICEMicro contains and how it can be used in both simple and complicated environments."

Specimen 2:

Applicant submits a web page screen shot of the top portion of web page

https://ironcladencryption.com/products which indicates another means to order the

goods.

"To purchase or get further details on the products below, please contact

sales@ironcladencryption.com."

Specimen 3:

Applicant submits a webpage article (https://ironcladencryption.com/media-
relations/press-releases/dod-contractor-charter-trading-chooses-ironclad-encryption-
for-secure-communications) entitled, "DoD Contractor Charter Trading Chooses

IronClad Encryption for Secure Communications". The use of IronClad Encryption

Corporation as interchangeable with IRNC is again provided in this supplemental

specimen submission.

HOUSTON, Tex. (January 3, 2018) — IronClad Encryption Corporation (IRNC) today

announced…"

Within the same specimen, the services of IRNC are provided as:

"About IronClad Encryption Corporation:

IronClad Encryption Corporation is a next-generation data security company that
through its patented Dynamic Encryption and Perpetual Authentication technologies
makes all known key-based encryption technologies virtually impossible to
compromise. Dynamic Encryption Technology eliminates vulnerabilities caused by
exposure of any single encryption key by continuously changing encryption keys and
keeping the keys synchronized in a fault-tolerant manner. Perpetual Authentication
Technology uses multiple virtual channels for encryption so that in the event one
channel is compromised, the other channels maintain encryption integrity. Together,
these technologies not only eliminate the single point of failure problem created by
having keys exposed through brute force, side channel, or other types of attack, but do

so with very low latency and performance overhead. Whether at rest or in-motion, IronClad Encryption ensures your data remains safe, secure and uncompromised."

The substitute specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.

CONCLUSION

In view of the above remarks and specimen(s), the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance of registration. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

Respectfully submitted,

Ironclad Encryption Corporation

BY:

/Len Walker/

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