

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Law Office:</b>	122	<b>Examiner:</b>	Christina Calloway
<b>Serial No.:</b>	87/917,892	<b>Filed:</b>	May 11, 2018
<b>Attorney Docket No.:</b>	116124.00001	<b>Mark:</b>	



R A V E N

**Applicant:** Cochran Supply & Engineering, Inc.

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**Commissioner for Trademarks**  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**RESPONSE TO OFFICE ACTION NO. 1 AND AMENDMENT**

Dear Commissioner:

In response to Office Action No. 1 dated September 4, 2018, please amend the application in accordance with the description of the goods and services as set forth below and consider the remarks in favor of publication and registration of this application.

**Identification of Goods – Class 9**

Please amend the identification of the goods in class 9 to read as follows:

(Based on Use in Commerce) computer application software for mobile phones, portable media players, and handheld computers, namely, software for use in database management and in electronic storage of data, etc. used with cloud-based smart building notification services

## **Identification of Goods – Class 42**

Please amend the identification of the goods from class 38 to class 42 and to read as follows:

(Based on Use in Commerce) Providing temporary use of non-downloadable cloud-based software for providing smart building notification services

### **REMARKS**

In the most recent Office Action, the Trademark Examining Attorney indicated that a search of the Office's database of registered and pending marks had been made and that no conflicting marks that would bar registration under the Trademark Act Section 2(d) had been found. Nevertheless, the Trademark Examining Attorney identified the following issues that Applicant was instructed to address in response to the latest Office Action:

- Refusal – Specimen (International Class 9)
- Requirement – Amend Identification of Goods and Services

Applicant is submitting this Response and Amendment to the first Office Action as a means of addressing each of these issues.

#### **1. Specimen**

The Examining Attorney refused registration because the specimen in International Class 9 appears to be mere advertising material and thus the specimen allegedly fails to show the applied-for mark in use in commerce. Applicant respectfully disagrees.

More specifically, and as the Examiner notes, web pages may constitute acceptable specimens for goods when they include a picture or a textual description of the goods associated with the mark and a means to order the goods. In this case, Applicant submitted images showing the use of the mark with the computer application via which the services are provided. In this context, Applicant respectfully directs the Examiner's attention to the upper left hand corner of the smart phone showing one page of the computer application and that includes a depiction of the RAVEN stylized mark. Accordingly, Applicant respectfully submits that the specimen submitted in connection with International Class 9 should be acceptable and respectfully requests that the refusal on the basis of the specimen be withdrawn.

## **2. Identification of Goods and Services**

The Examining Attorney has required that the identification of the goods in class 9 should be amended to specify the device(s) of access and the function of the software. Accordingly, the Applicant has amended the identification of the goods in class 9 so as to conform to the Examiner's comments.

Moreover, the Examining Attorney has required that the identification of services in class 38 because it is allegedly indefinite and too broad because it does not make clear the method of access, and could identify goods and/or services in more than one international class. Accordingly, the Applicant has amended the identification of the services in class 38 to class 42 and so as to conform to the Examiner's requirements.

In view of the amendments set forth herein and the remarks that follow these amendments, Applicant respectfully submits that it has addressed the issues identified in the

September 4, 2018 Office Action. Accordingly, Applicant submits this application is in appropriate order to pass to publication in the Official Gazette.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS PLLC**

Dated: March 4, 2019

/Gerald E. McGlynn, III/

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