

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Owner: Altimetrik Corp  
Docket No.: ALTI/T002US  
Serial No.: 88/004,281  
Mark: PLAYGROUND  
Class: 35, 42  
Date of OA: October 11, 2018  
Examiner: Emma Sirignano

**Response to Office Action**

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This document responds to an Office Action mailed October 11, 2018, in the above trademark application.

In the office action of 11 October 2018, the Examiner rejected the goods and services of the instant application over 3 prior filed registrations, namely, registration nos. 5055655, 5142881, and 5387800 under Section 2(d). Applicant respectfully traverses the rejections based upon the goods and services of the present application as amended. The pertinent part of the services of the '655 registration are reproduced below:

*Providing business management consulting and advisory services to entrepreneurs and emerging and start-up companies; business incubator services, namely, providing business management and business development services in the form of support for emerging and start-up companies (emphasis added).*

As is apparent from the underlined portions of the services, they are limited to start-up and emerging companies. For instance, "incubator services" would be wholly inappropriate for consumers of the Applicant's services. In fact, the consumers would be completely different: one group being entrepreneurs in a start-up setting and the other established business persons skilled in driving large, multinational organizations. As such, Applicant contends there would be no likelihood of confusion between these marks and services.

The '881 registration claims services that in every case relate to restaurants. Considering the difference in the marks, any possibility of confusion in this instance would seem highly unlikely. Even if Applicant's services were provided to a large client in the food industry, no consumer of those specialized services would mistake them for the restaurant management services provided by the registrant.

With regard to the '800 registration, that mark includes the attention-getting arbitrary term "QLIK" before the term "PLAYGROUND", distinguishing it in the eyes of consumers from

the Applicant's mark. More importantly, the services provided under the '800 mark appear narrow and limited to data processing and consulting related to computer analytics.

Finally, pending application 87/141413 relates to a highly stylized version of a composite mark including a number of different words. It is also limited to IT support and software development and as such is very unlikely to create confusion, even if it is ultimately allowed to register.

In addition to the forgoing, the register is replete with registrations for some version "Playground" for some version of "consulting services". A few of those are shown in the attached Exhibit A. It is Applicant's position that this many registrations for consulting-type services existing on the register with no apparent confusion further suggests there will be no likelihood of confusion between the applied-for mark and the ones cited by the Examiner.

In the office action the Examiner also objected to the format of the goods and services. The amendments to the services of each class should obviate those objections.

In the office action, the Examiner also objected to the classification of services suggesting that 4 different classes were involved. Due to the amendments to the services, Applicant maintains the 2 classes are appropriate. However, in the event the Examiner disagrees, additional classes are acceptable to the Applicant and the Examiner is invited to contact the agent of record at 713 577-4815 if an Examiner's amendment is possible in order to address any additional concerns including addition of classes.

Respectfully submitted,

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