

Remarks

Applicant notes the favorable search results which found no similar registered or pending mark that would bar registration of Applicant's mark DYPER.

Substitute Specimen (Class 9 Only)

The Office Action states that Applicant's Class 9 specimen is unacceptable because the specimen does not show the applied-for mark in use in commerce in connection with any of the goods specified in Class 9 in the application, and that Applicant may submit (1) a substitute specimen showing the mark as it is used in commerce for the goods specified in the application and (2) a statement that the specimen was in use in commerce prior to the filing of the amendment to allege use.

Enclosed herewith is a substitute specimen showing use of DYPER, namely, screen shots of (1) an app store offering the DYPER app, (2) the launch screen showing DYPER in an introductory message box that appears after opening the program, and (3) the actual app used on a mobile. Applicant respectfully submits that these images show proper use of DYPER. Also, this response to the Office Action contains a declaration attesting to the fact that the substitute specimen was used in commerce prior to the filing of the amendment to allege use.

The Examining Attorney is encouraged to contact the undersigned by telephone if any other matters require resolution prior to approval for publication.