

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vulcan Technologies LLC
Serial No.: 88/315,507
Mark: FATHOM
Classes: 35, 42
OA Date: May 9, 2019
Examiner: Alain J. Lapter (L.O. 105)

**RESPONSE TO
OFFICE ACTION**

This communication responds to the Office Action issued May 9, 2019 ("Office Action") regarding the application by Vulcan Technologies LLC ("Applicant") for registration of the mark FATHOM ("Applicant's Mark") in Classes 35 and 42 ("Application"). The only issue raised in the Office Action is an objection to one aspects of the Identification of Services in Class 42. This issue is addressed below.

I. AMENDMENT

Applicant amends the Identification of Services in the Application as follows (deleted language shown in ~~strikethrough~~ and added language shown in **bold, underlined**).

- ***Class 35:*** Business consultancy and research services in the field of fisheries management; Tracking and monitoring maritime vessels for commercial purposes; **providing commercial research, monitoring information for commercial purposes, and associated alerts in the form of reports relating to illegal and suspect fishing operations, marine vessel identification and activity, and satellite data pertaining to marine vessel activity; providing business research, monitoring information for business purposes, and associated alerts in the form of reports relating to illegal and suspect fishing operations, marine vessel identification and activity, and satellite data pertaining to marine vessel activity**
- ***Class 42:*** Providing temporary use of non-downloadable computer software for detecting and monitoring illegal fishing operations and suspect maritime activity; Providing temporary use of non-downloadable computer software for analyzing data from satellites and marine vessel records and developing intelligence regarding ocean vessel identification and coordinates in connection with fishing and other maritime operations;

providing temporary use of non-downloadable computer software for generating information regarding fishing practices and compliance with fishing and other maritime laws and regulations; providing temporary use of non-downloadable computer software for generating information and alerts regarding the identification and coordinates of vessels based on satellite data, vessel records, and fishery regulations; Providing temporary use of non-downloadable computer software for detecting illegal fishing operations; providing **technical** research, ~~monitoring information~~, and **associated** alerts in the form of reports relating to illegal and suspect fishing operations, marine vessel identification and activity, and satellite data pertaining to marine vessel activity

- **Class 45 (New Class): providing monitoring information for security, compliance with regulations, and legal purposes, and associated alerts in the form of reports relating to illegal and suspect fishing operations, marine vessel identification and activity, and satellite data pertaining to marine vessel activity**

II. DISCUSSION

The Examining Attorney has requested amendments to the Application to clarify and further define the services in Class 42, with respect to the nature of the claimed research, monitoring, and associated alert provision services. Accordingly, Applicant has amended the Identification of Services as indicated above, and the fee for the addition of Class 45 has been submitted in connection with this Response.

Except for inclusion of “providing business research . . .” to amended Class 35, all of the amendments are consistent with the Examining Attorney’s recommendations and are thus believed to be acceptable. Regarding “providing business research . . . ,” the Examining Attorney had recommended adding this subject matter to Class 36. However, per the U.S. Acceptable Identification of Goods and Services Manual, “business research” and services related to providing business information are appropriately included in Class 35, so Applicant included this subject matter in the amended identification for Class 35 as well.

III. CONCLUSION

Based upon the foregoing, Applicant submits that it has addressed each of the issues raised in the Office Action and respectfully requests that Applicant’s Mark be allowed to proceed to publication. If there are any remaining concerns with respect to this Application, please contact the Attorney of Record.