

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application Serial No.:	88/390,729
Mark:	SEAKER (standard character mark) International Class 042
Applicant:	Hawkeye 360, Inc.
Examining Attorney:	Warren L. Olandria, Esq. Law Office 112

Commission for Trademark  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RESPONSE TO OFFICE ACTION**

Applicant Hawkeye 360, Inc. (“Hawkeye” or “Applicant”) respectfully submits this response to the Office Action dated June 26, 2019. For the reasons stated below, Applicant requests that the pending grounds for refusal be withdrawn and the application forwarded for publication.

**Identification of Services**

The Office Action refuses registration because the “identification of services is indefinite,” stating more particularly that the phrase “‘higher-order analytical products’ is indefinite and must be clarified.” The Office Action proposes the following amendment:

Custom design and development of ~~higher-order analytical products~~  
computer software for locating, tracking, monitoring and analyzing  
maritime vessel movements and maritime activities.

Applicant appreciates the Examining Attorney’s suggestion but is concerned that the word “software” may be generally understood as a set of *instructions* for execution by a

computer, whereas Applicant uses the applied-for mark in connection with design and development of computer-readable *datasets*. See, e.g., Specimen at 1 (describing a “unique dataset” of “Radio Frequency (RF) signals emitted by ships”) and 2 (“SEAKER returns GeoJSON data files....”).

Applicant proposes the following alternative amendment:

Custom design and development of ~~higher-order analytical products~~ computer-readable datasets and analytic methods for locating, tracking, monitoring, and analyzing maritime vessel movements and maritime activities.

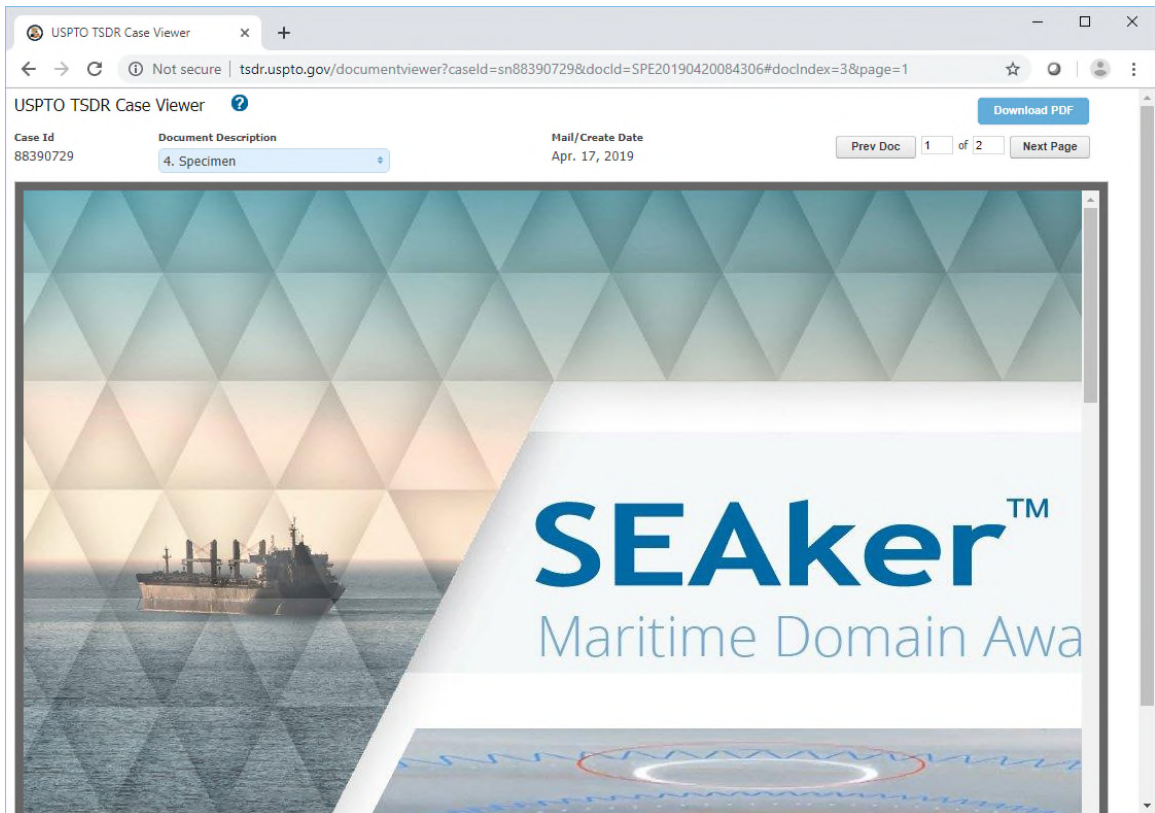
Applicant believes this amendment is both responsive to the Examining Attorney’s concern regarding the “higher-order analytical products” phrase while still accurately and more specifically identifying the services provided by Applicant in connection with the applied-for mark. Applicant respectfully requests that the above amendment be entered and the refusal withdrawn accordingly.

### **Specimen Omitted**

As an additional ground of refusal, the Office Action states, “Registration is refused because the application does not include the required specimen showing the applied-for mark in use in commerce in International Class(es) 42.” From the “Specimen Omitted” heading, Applicant understands the Office Action to mean that the application did not include *any* specimen (as opposed to an unacceptable specimen).

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Applicant respectfully notes that a specimen evidencing use of the applied-for mark in commerce *was* filed as a part of the original application. The specimen appears on the Trademark Status and Document Retrieval (“TSDR”) system docket for this application, as shown in this screenshot:



Applicant requests reconsideration and withdrawal of the “specimen omitted” rejection accordingly.

\* \* \*

In view of the above, Applicant believes the pending application meets the requirements for registration and requests that it be forwarded for publication. In the event that the Examining Attorney determines grounds for refusal remain, however, Applicant suggests that a telephone interview is likely to expedite prosecution and invites the Examining Attorney to contact Applicant’s undersigned representative to discuss any remaining issues with an eye towards resolving them by Examiner’s Amendment.

Dated: September 6, 2019

Respectfully submitted,

/Matthew J. Ricciardi/

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