

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

Applicant : PANASONIC CORPORATION  
Serial No. : 88281362  
Filed : January 29, 2019  
Mark : **X Stylized**  
Int'l Classes : 7, 9, 11, 35, 36, 37, 42

Law Office : 103  
Examining Attorney : Chioma (Bata) Oputa  
Attorney :  
Docket No. 1P3518-010855

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

**RESPONSE AND AMENDMENT TO OFFICE ACTION**

Applicant submits this response to the Office Action dated April 9, 2019 issued against Application Serial No. 88281362 to register the mark X Stylized (“**Applicant’s Mark**”).

**AMENDMENT**

**IDENTIFICATION OF GOODS AND SERVICES**

Please amend the identification of goods and services as follows (in redline against the original, as filed, goods and services):

Class 7: Dishwashers; electric wax-polishing machines for household purposes; electric washing ~~machines~~machines for household purposes; electric vacuum cleaners; electric food blenders for household purposes; electric food processors; floor polishing machines for household purposes; electric coffee grinders for household purposes; electric juicers for household purposes; electric meat crushing machines for household purposes, namely, meat grinders; electric food blenders for household purposes; electric door openers

Class 9: ~~Electric~~Electrical shutter openers in the nature of electric window openers; electrical communication machines and instruments; ~~electrical communication machines and instruments and their parts; computer programs,~~ namely, telephones, intercoms, portable telephones, cell phones, televisions, portable radio communication machines, navigation apparatus for vehicles, portable audio players, DVD players, DVD recorders, optical disk players, optical disk recorders, media players, Set-top boxes, digital audio and video recorders and players, digital photo frames,

videocameras, digital cameras, headphones, microphones for telecommunication apparatus, monitoring apparatus, other than for medical purposes, in the nature of wireless and wired controllers to monitor and control the functioning of other electronic devices, personal digital assistants in the shape of a watch, smartglasses, modems, smart rings; Home automation hubs using artificial intelligence comprised of voice-activated speakers, computer hardware and software for controlling networked devices in the internet of things (IoT), operating internet-enabled and connected lighting apparatus and home security alarms; electronic machines, apparatus and their parts, namely, computers, display units for computers, tablet computers and laptop computers; Computer programs for remotely monitoring environments and conditions and controlling devices within a building, facility and designated separate areas; Computer programs for remotely controlling lighting devices within a building, facilities and designated separate area; Computer programs for remotely monitoring and controlling electric appliances; Computer programs for displaying advertisements; computer programs for use in connecting and controlling internet of things (IoT) electronic devices; computer programs and software for image processing used for mobile phones; computer programs for accessing and using the internet; computer programs for enabling access or entrance control; computer operating programs; computer programs for the processing and analysis of pattern recognition data using artificial intelligence and natural language processing; computer programs for use as an application programming interface (API); software development kits (SDKs) consisting of computer software for the development, use, and interoperability of APIs that are used by electronic devices and systems; computer programs for providing personal concierge services for others via a mobile phone, computer, tablet, smart phone, handheld computer, and/or portable computer, namely, adding and accessing calendar appointments, alarms, timers, reminders and making restaurant, travel, and hotel reservations; computer programs for personal information management; computer programs for providing consumer assistants for searching, locating and providing directions for the purchase, consumption and use of a wide range of consumer products, services and information over a global communications network; power distribution or control machines and apparatus; electronic lock assemblies; electric wires and cables; fire alarms; gas leak alarms; anti-theft warning apparatus; measuring-~~of~~, testing machines and instruments, namely, balances, scales, gas sensors, thermostats, gyrocompasses, position sensors, acoustic meters, anemometers, noisemeters, optical sensors, photometers, motion sensors, pressure sensors, thermometers, vibration meters, Sunshine recorders, pedometers, barometers, water level gauges, water temperature gauges, water meters, temperature sensors, dust measuring apparatus, thermo-hygrometers, illuminometers, smoke alarm testers, calorimeters, Infrared sensors, length measuring gauges; solar batteries; batteries; rotary converters; phase ~~modifiers~~ shifters for communications apparatus.; telephone apparatus; ~~wire~~wire-based communication machines and apparatus.; namely, telephone apparatus and receivers; open-wire transmission machines and apparatus for telecommunication; broadcasting machines and apparatus; ~~radio communication~~ namely, cable broadcasting machines and apparatus; radio

[communication machines and apparatus, namely, walkie talkies; radio machines and apparatus, namely, radio pagers, radio receivers and transmitters](#); remote control telemetering machines and instruments; audio frequency devices and apparatus, [namely audio-frequency transformers; audio frequency devices and apparatus](#); video frequency devices and apparatus, [namely, video cameras, camcorders, videodisc players, videodisc recorders, digital video players, digital video recorders, digital video disc players, and digital video disc recorders](#); parts and accessories for telecommunication machines and apparatus, [namely, electric capacitors, electric resistors, electrical transformers](#); computers and their peripherals; electrostatic copying machines; electronic desk calculators; [downloadable](#) electronic dictionaries; word processors; electron tubes; semi-conductor elements, [namely, semi-conductor memories and memory units](#); electronic circuits; photographic apparatus and instruments; ~~cinematographic~~ [in the nature of photographic cameras and accessories therefor; photographic apparatus and instruments; apparatus for editing cinematographic film](#); optical machines and apparatus, [namely, optical code readers](#); spectacles; 3D spectacles; satellite receiving apparatus; ~~being~~ [satellite receivers; downloadable](#) electronic publications [in the nature of ebooks in the fields of math, science, medical, music, art, literature, culture and cooking](#); cameras (~~for~~ photography); digital photo frames; dry cells; rechargeable batteries; electrical adapters; bathroom scales; pedometers; ~~electronic~~electric calorie consumption measuring apparatus, [namely, wearable computers in the nature of smartwatches for tracking calorie intake](#); electronic measuring apparatus for exercise intensity; ~~terminals,~~ [namely, wearable activity tracker; electrical terminal blocks](#) for televisions; ~~electric~~chargers [for electric batteries](#); flash lamps for cameras; digital still cameras; apparatus for reproduction of sound; radio receivers; audio cassette players and recorders; optical disk players and recorders; optical disc drives and their parts; lens cleaning disk for optical disk players; hard disk ~~players and recorders~~[media players and hard disk recorders](#); CD players; portable audio players; MP3 players; audio speakers; parts for audio speakers, [namely, subwoofers](#); stereo tuners; audio amplifiers; audio power amplifiers; microphones; ~~slip~~[non-slip](#) mats ~~for turntable for~~[specially adapted for turntables being](#) record players; digital voice recorders; digital sound processors; headphones; earphones; stereo components; ~~,~~ [namely, amplifiers, cables, receivers, tuners](#); audio mixers; magnetic head cleaners; magnetic tape cleaners; machines and apparatus for the reproduction, recordal of sound and images; television receivers; plasma display panels; LCD ~~screen~~[large-screen](#) displays; LCD display panels; antennas; video tuners [being television tuners](#); LCD projectors; video tape recorders; video tape players; video cameras; camcorders; video surveillance cameras; DVD video recorders; DVD video players; audio speakers for home theater systems; playing devices for home theater systems, [namely, DVD players](#); remote controllers for machines and apparatus for the reproduction, recordal of sound and images; video encoders; head cleaning tapes for video recorders; head cleaning tapes for audio cassette recorders; organic electro-luminescent (EL) displays

Class 11: Water closets; prefabricated ~~bathrooms~~ bathroom enclosures featuring shower and bath cubicles, shower panels, shower mixing valves and faucet extensions all sold as a unit; electric lamps and other lighting apparatus, namely, lighting installations; household electrothermic appliances; ~~air~~, namely, electric laundry dryers, electric humidifiers, electric air purifiers, electric dehumidifiers, electric fans, electric water ionizers, electric hot plates, electric radiant heaters, electric toasters, electric cooking ovens, and microwave ovens, all of the foregoing for household purposes; air conditioners; toilet stool units with a washing water squirter; microwave ovens for industrial purposes; boilers, other than parts of non-electric prime movers or engines, namely, heating boilers; electric water heaters; air conditioning apparatus; freezing machines and apparatus, namely, freezers; cooking apparatus and installations for industrial purposes, namely, cooktops; dish drying machines for industrial purposes; ~~;~~ namely, electric dish dryers; dish disinfectant apparatus for industrial purposes; clothes dryers; humidifiers; air purifiers; electric air driers; electric fans; water ionizers; electrically heated carpets; electric cooking pots for household purposes; electrical rice cookers; electric apparatus for making coffee; electric cooking stoves for household purposes; electric stoves; electric foot warmers, namely, electric foot muffs; electric toasters for household purposes; electric ~~therm~~ thermo pots; electric blankets; for household purposes; electric refrigerators; electric freezers; ice machines for household purposes; electric cooking ovens; microwave ovens; induction heating cookers, namely, induction ovens; futon driers for household purposes; sterilizers for household purposes; hot plates; electric space cooling apparatus for household purposes; facial equipment using ultrasonic waves for household purposes, namely, hand-held ultrasonic nebulizers for cosmetic lotions for the face; hand-held electric facial pore cleaning instruments; hair dryers for industrial purposes; hair dryers for household purposes; household tap-water filters; apparatus for filtering drinking water; bread making machines for household purposes; electric kettle; electric autoclaves for household cooking purposes; electric roasters for household purposes; electric deep fryers for household purposes; electric slow cookers for household purposes; electric cooking pots for household purposes; ventilating fans for household purposes; electric facial equipment for household purposes, namely, steam facial apparatus; electric facial steamers for household purposes; electric incense burners for household purposes; sinks integrated into kitchen worktops ~~with integrated sinks~~ for household purposes; ventilation apparatus, namely, turbine ventilators and ventilating fans for commercial and industrial use; air-conditioning installations; air blowing installations in the nature of air conditioners; electric air deodorizers for household purposes; floor heating apparatus; dish drying machines in the nature of electric dish dryers; ionization apparatus for the treatment of air; garment steamers; electric sandwich makers; cartridges for water purifying apparatus for household purposes, namely, membrane filter cartridges

Class 35: Advertising and publicity services; online advertising on a computer network; presentation of goods on communication media, for retail purposes, arranging commercial

transactions, for others, via online shops; presentation of goods of others for retail purposes via the Internet, namely, retail store services featuring a wide variety of consumer goods of others; providing television home shopping services in the field of general consumer merchandise; rental of advertising space; commercial information and advice for consumers (~~consumer advice shop~~);in the choice of products and services; marketing research or analysis; provision of information concerning commercial sales; commercial ~~intermediation~~intermediary services for the sale and purchase of goods and services, namely, facilitating transactions between buyers and sellers through providing buyers with information about sellers, goods and services; compilation of information into computer databases; Retail ~~services~~-or wholesale sale of bicycles, electrical machinery and apparatus, kitchen equipment, cleaning tools and washing utensils, cosmetics, toiletries, dentifrices, soaps and detergents, paper and stationery, sports goods, photographic machines and apparatus and photographic supplies, woven fabrics and bedding, food and beverages, processed food, musical instruments and records, clocks and watches, spectacles, eyeglasses, and goggles, building materials; business consultancy and business information services provided for the electric energy industry in relation to electric consumption; management of buildings; agency services for the leasing or rental of buildings; rental of buildings; purchase and sale of buildings; agency services for the purchase or sale of buildings; real estate appraisal; providing real estate information; land management; agency services for the leasing or rental of land; leasing of land; purchase and sale of land; agency services for the purchase or sales of land

Class 36: management of buildings; real estate agency services for the leasing or rental of buildings; rental of buildings;~~purchase and sale of buildings;~~ for permanent occupancy; real estate agency services for the purchase ~~or~~and sale of buildings; real estate appraisal; providing real estate information; land management;~~;~~ namely, real estate management of commercial properties and office buildings, rental properties, and vacation homes; real estate agency services for the leasing or rental of land; leasing of land; real estate agency services for the purchase and sale of land;~~agency services for the purchase or sales of land~~

Class 37: Construction services; construction consultancy

Class 42: Design, programming and maintenance of computer software; providing computer programs on data networks;~~rental of computers;~~ ~~cloud computing services,~~ namely, providing temporary use of online non-downloadable software for remotely monitoring environment and condition and controlling devices within a building, facility and designated separate areas; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for remotely controlling lighting devices within a building, facilities and designated separate areas; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for the purpose of remotely monitoring and controlling electric appliances; providing computer programs on data networks, namely,

providing temporary use of online non-downloadable software for displaying advertisements; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for the operation of electric appliances; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for use to connect and control internet of things (Iot) electronic devices; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for image processing used for mobile phones; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for accessing and using the internet; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for enabling access or entrance control; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for the processing and analysis of pattern recognition data using artificial intelligence and natural language processing; Providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for providing personal concierge services for others via a mobile phone, computer, tablet, smart phone, handheld computer, portable computer, namely, adding and accessing calendar appointments, alarms, timers, reminders and making restaurant, travel, and hotel reservations; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for personal information management; providing computer programs on data networks, namely, providing temporary use of online non-downloadable software for providing consumer assistants for searching, locating and providing directions for the purchase, consumption and use of a wide range of consumer products, services and information over a global communications network; rental of computers; cloud computing, namely, providing virtual computer systems and virtual computer environments through cloud computing; Application service provider featuring application programming interface (API) software with the function of integration of video content onto websites, monitoring, automating and scheduling of smart devices and access to a cloud services solution, home and environmental monitoring, control, and automation; Application service provider featuring software development kits (SDKs) consisting of computer software for the development, use, and interoperability of APIs that are used by electronic devices, systems; rental of web servers; architectural design services; land surveying services; designing, ~~other than for advertising purposes~~ and creating websites for others; consultancy in the field of ~~energy-saving~~; energy measurement to improve energy efficiency; consultancy relating to design, programming and maintenance of computer software; computer software design; creating and maintaining web sites for others; hosting the websites of others on a computer sites server for a global computer network; maintenance of computer software; monitoring of computer systems by remote access to ensure proper functioning; rental of computer software; consultancy in ~~connection with~~ the field of design and development of hardware and software for connection to, management of, operating and using computer networks; software as a service (SAAS) services featuring online application software for use in

database management; providing a web hosting platform for electronic commerce; technical support relating to the design, programming and maintenance of software, namely, troubleshooting of computer software problems; technical support relating to the design, programming and maintenance of ~~computer~~software, namely, 24/7 monitoring of network systems and notification of related events and alerts; design, programming and maintenance of computer programs for electronic calculators; designing of machines, apparatus, instruments ~~(including their parts)~~ or systems composed of such machines, apparatus and instruments; design and development of computer hardware; testing or research on machines, apparatus and instruments; design and development of computer hardware; research on building construction or city planning; testing or research on prevention of pollution; testing or research on electricity; testing or research on civil engineering; testing ~~of~~the functionality of machines and research on machines, ~~apparatus and instruments~~

## **RESPONSE**

### LIKELIHOOD OF CONFUSION WITH PRIOR REGISTRATION NOS. 4427319 AND APPLICATION NO. 87045346

The Examining Attorney has also advised that there may be a likelihood of confusion between Applicant's Mark and Application Serial No. 87045346 for the mark X Stylized owned by Nutanix, Inc. Applicant requests suspension of the subject application pending disposition of the prior cited Application Serial No. 87045346.

Applicant is filing concurrently with this Response to Office Action a Request to Divide Application such that the Class 35 services in their entirety are divided into a separate application. The goods and services in the remaining classes, namely, 7, 9, 11, 36, 37, 42, will be divided into a new Child application. The divided services in Class 35 will remain pending in the Parent application.

### FOREIGN REGISTRATION CERTIFICATE REQUIRED

Applicant respectfully notes that the foreign application to which the Applicant claims priority under Section 44 (d), namely Japanese Application No. 2018-100753, has matured to

registration but Applicant has not yet received the registration certificate. Applicant will submit a copy of the Japanese registration along with an English translation thereof once it is available.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests that the Examining Attorney withdraw her requirement for clarification of identification of goods and services against Application No. 88281362.

Respectfully submitted,

Dated: October 8, 2019

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