

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

Amazon Technologies, Inc.,

Applicant.

Application Serial No.: 88/319,731

Trademark: FIREVIEW

Filing Date: February 28, 2019

International Classes: 9, 35, 38, 41, 42

**RESPONSE TO OFFICE ACTION**

**I. INTRODUCTION**

In the Office Action dated May 14, 2019 (hereinafter, "Office Action"), the Examining Attorney refused Applicant Amazon Technologies, Inc.'s (hereinafter, "Applicant") application of FIREVIEW, United States Trademark Application Serial No. 88/319,731 (hereinafter, "Applicant's Mark") on the grounds that Applicant must clarify the identification of goods and services in classes 9, 38 and 42.

Based on the amendments and arguments below, Applicant respectfully requests that the Examining Attorney withdraw its refusal and allow Applicant's Mark to proceed to registration on the Principal Register with the amended identification of goods in Class 9 and the services in Classes 38 and 42 below.

**II. IDENTIFICATION OF THE GOODS**

Applicant amends the goods in Class 9 and requests that the descriptions in Classes 38 and 42 be maintained as follows:

Class 9: **Downloadable** computer and electronic game programs; audio, visual and audiovisual works in the nature of digitally recorded music files prerecorded on compact discs **and** downloadable via the Internet; motion picture films featuring comedy, drama,

animation, action, horror, fantasy, family, fiction and documentaries prerecorded on optical disks **and** downloadable via the Internet; television shows about comedy, drama, animation, action, horror, fantasy, fiction and documentaries prerecorded on optical disks **and** downloadable via the Internet; electronic books, magazines, newspapers, periodicals, newsletters, journals, manuals and audiobooks in the field of fiction prerecorded on computer media **and** downloadable via the Internet; **Downloadable** computer software development tools; **Downloadable** desktop publishing software; **Downloadable** software for text, image and sound transmission, editing and display used in the publishing industry; **Downloadable** game software; **Downloadable** software in the nature of drivers and firmware for operating computers, tablets and digital devices; **Downloadable** software for accessing, broadcasting, caching, encoding, formatting, converting, transmitting, receiving, streaming, storing, decoding, downloading, displaying, sharing and transferring data, text, images, graphics, photos, files, documents, applications, audio, video, and digital media; electronic devices, namely, computers, tablet computers, electronic book readers, electronic personal organizers, personal digital assistants, mobile telephones, global positioning system (GPS) navigation devices, digital audio and video players and recorders, digital media players and recorders, audio amplifiers, audio speakers, audio receivers, electric power converters, and inverters, home theater systems comprising audio amplifiers and audio speakers, and portable and handheld digital electronic devices for transmitting, storing, manipulating, recording, and reviewing text, images, audio, video and data; parts, peripherals, components, cables and accessories for electronic devices, namely, **computer** mice, keyboards, flat panel display screens, **Video** monitors, **electric** wires, cables, cable connectors, **Electric** cable adapters, modems, **Document** printers, remote controls; disk drives, memory cards, memory card readers, memory card adapters, electronic docking stations, batteries, battery chargers, headsets, headphones and earphones, speakers, speaker enclosures, microphones, cases, covers, holders, privacy display screen protectors, protective screens, and stands; and computer hardware, peripherals and cables

Class 38: Providing access to non-downloadable pre-recorded audio, visual and audiovisual works, namely, electronic transmission and streaming of digital media and digitally recorded music, movies, television shows, photos, books, magazines, newspapers, periodicals, newsletters, journals, manuals and audiobooks for others via global and local computer networks; providing multiple user access to a global computer information network; communication services, namely, transmitting, receiving, downloading, streaming, broadcasting and transferring text, images, audio, video, data, webcasts and podcasts via telecommunications networks, wireless communications networks, and the Internet; telecommunication services, namely, providing telecommunication connectivity services for transfer of images, messages, audio, visual, audiovisual and multimedia works for electronic devices; telecommunication services, namely, online chat rooms; providing internet access to online directories, websites, blogs, and on-line reference materials; electronic data transmission services

Class 42: Website hosting and web hosting of third party digital data, content, photos, videos, text, data, images, web sites and other digital content; web hosting of digital content on global computer networks, wireless networks, and electronic communications networks; computer services, namely, creating online and virtual communities for users to participate in discussions, obtain feedback, form virtual communities, and engage in social networking; design and development of computer software; document data transfer from one computer format to another; search services, namely, providing online search engines and providing search platforms to allow users to request and receive, content, text, visual works, audio works, audiovisual works, literary works, data, files, documents, photos, text, data, images and electronic works; computer software programming, consulting, support in the nature of updating and installing software and troubleshooting of software and hardware problems, and maintenance; providing temporary use of non-downloadable computer software and hosting online facilities for others for publishing, online gaming, operating retail and e-commerce web sites, software development, and accessing, broadcasting, caching, encoding, formatting, converting, transmitting, receiving, streaming, storing, decoding, downloading, displaying, sharing and transferring data, text, images, graphics, photos, files, documents, applications, audio, video, and digital media; providing temporary use of non-downloadable computer software for generating customized purchase recommendations; providing an internet website portal featuring electronic device management and configuration services

Applicant's prior-filed application for FIREVIEW (Serial No. 85/740,046)<sup>1</sup> covered certain goods or services in Classes 9, 38 and 42 that were not required by the Trademark Office to be further narrowed, including: remote controls; cases, covers, holders; privacy display screen protectors; protective screens, and stands; telecommunication services, namely, online chat rooms; and computer services, namely, creating online and virtual communities for users to participate in discussions, obtain feedback, form virtual communities, and engage in social networking. The Trademark Office approved and allowed the 85/740,046 application on March 08, 2016, which contained the below description of goods and services. This suggests that the descriptions of the same goods and services in Applicant's current application should be accepted by the Trademark Office.

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<sup>1</sup> Application Serial No. 85/740,046 was abandoned on April 8, 2019 because no Statement of Use of the mark was filed after the Notice of Allowance issued.

Class 9: Computer and electronic game programs; audio, visual and audiovisual works in the nature of digitally recorded music files prerecorded on compact discs or downloadable via the Internet; motion picture films featuring comedy, drama, animation, action, horror, fantasy, family, fiction and documentaries prerecorded on optical disks or downloadable via the Internet; television shows about comedy, drama, animation, action, horror, fantasy, fiction and documentaries prerecorded on optical disks or downloadable via the Internet; electronic books, magazines, newspapers, periodicals, newsletters, journals, manuals and audiobooks in the field of fiction prerecorded on computer media or downloadable via the Internet; computer software development tools; desktop publishing software; software for text, image and sound transmission, editing and display used in the publishing industry; game software; software in the nature of drivers and firmware for operating computers, tablets and digital devices; software for accessing, broadcasting, caching, encoding, formatting, converting, transmitting, receiving, streaming, storing, decoding, downloading, displaying, sharing and transferring data, text, images, graphics, photos, files, documents, applications, audio, video, and digital media; electronic devices, namely, computers, tablet computers, electronic book readers, electronic personal organizers, personal digital assistants, mobile telephones, global positioning system (GPS) navigation devices, digital audio and video players and recorders, digital media players and recorders, audio amplifiers, audio speakers, audio receivers, electric power converters, and inverters, home theater systems comprising audio amplifiers and audio speakers, and portable and handheld digital electronic devices for transmitting, storing, manipulating, recording, and reviewing text, images, audio, video and data; parts, peripherals, components, cables and accessories for electronic devices, namely, mice, keyboards, flat panel display screens, monitors, wires, cables, cable connectors, cable adapters, modems, printers, remote controls, disk drives, memory cards, memory card readers, memory card adapters, electronic docking stations, batteries, battery chargers, headsets, headphones and earphones, speakers, speaker enclosures, microphones, cases, covers, holders, privacy display screen protectors, protective screens, and stands; and computer hardware, peripherals and cables

Class 38: Providing access to non-downloadable pre-recorded audio, visual and audiovisual works, namely, electronic transmission and streaming of digital media and digitally recorded music, movies, television shows, photos, books, magazines, newspapers, periodicals, newsletters, journals, manuals and audiobooks for others via global and local computer networks; providing multiple user access to a global computer information network; communication services, namely, transmitting, receiving, downloading, streaming, broadcasting and transferring text, images, audio, video, data, webcasts and podcasts via telecommunications networks, wireless communications networks, and the Internet; telecommunication services, namely, providing telecommunication connectivity services for transfer of images, messages, audio, visual, audiovisual and multimedia works for electronic devices; telecommunication services, namely, online chat rooms; providing internet access to online directories, websites, blogs, and on-line reference materials; electronic data transmission services

Class 42: Website hosting and web hosting of third party digital data, content, photos,

videos, text, data, images, web sites and other digital content; web hosting of digital content on global computer networks, wireless networks, and electronic communications networks; computer services, namely, creating online and virtual communities for users to participate in discussions, obtain feedback, form virtual communities, and engage in social networking; design and development of computer software; document data transfer from one computer format to another; search services, namely providing online search engines and providing search platforms to allow users to request and receive, content, text, visual works, audio works, audiovisual works, literary works, data, files, documents, photos, text, data, images and electronic works; computer software programming, consulting, support in the nature of updating and installing software and troubleshooting of software and hardware problems, and maintenance; providing temporary use of non-downloadable computer software and hosting online facilities for others for publishing, online gaming, operating retail and e-commerce web sites, software development, and accessing, broadcasting, caching, encoding, formatting, converting, transmitting, receiving, streaming, storing, decoding, downloading, displaying, sharing and transferring data, text, images, graphics, photos, files, documents, applications, audio, video, and digital media; providing temporary use of non-downloadable computer software for generating customized purchase recommendations; providing an internet website portal featuring electronic device management and configuration services

A copy of the TSDR records for Serial No. 85/740,046 is attached hereto as Exhibit A.

Applicant requests that the Trademark Office allow Applicant to maintain certain broad descriptions of its goods and services.

### **III. CONCLUSION**

Based on the foregoing reasons, Applicant respectfully submits that Applicant's Mark should proceed to publication for the amended identification of goods in Class 9 and the services in Class 38 and 42 listed herein.