
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application for the Mark: AVIVE 4 MINUTE CITY

Owner: AVIVE SOLUTIONS, INC.

Application No.: 88/606,161

Attorney Docket No.: REV1T009

Filed: September 5, 2019

Law Office: 120

International Class: 045

Trademark Examiner: Marco Wright

REMARKS ACOMPANYING RESPONSE TO OFFICE ACTION

Requirement to Clarify Type of Mark

The Applicant wishes to pursue this specific application as a certification mark. As such, the application has been amended to eliminate services that will be performed by Applicant and to eliminate services that are not being certified.

The mark is expected to be used by jurisdictions (e.g., cities, towns, urban area and/or geographic regions) to indicate that their emergency response network is robust enough that it is likely that a defibrillator can be brought to the scene of a cardiac arrest incident within a prescribed period of time of an emergency services dispatch center (e.g., 911 call center) or other dispatch system being notified of the incident. The certification is being done by Applicant.

It is pointed out that Applicant is developing automated external defibrillator (AED) technologies and a volunteer responder network infrastructure that helps support that goal by incorporating volunteer responders and connected public access AEDs into the response network. This is viewed as important because frequently EMS networks alone are unable to arrive at the scene of a cardiac arrest incident as quickly as desired.

4 MINUTE CITY is Not Descriptive

The requirement that applicant disclaim 4 MINUTE CITY as being descriptive is respectfully traversed.

Within the emergency response community, it is common to state goals response time goals – e.g., sub 8 minutes, 5 minute, 4 minutes, 3 minutes, etc. As noted in the Office Action,

there are medical benefits to responding to a cardiac arrest incident in four minutes or less and generally, the quicker the better. However, the portion of the mark that the Office Action seeks a disclaimer on is the entirety of the composite phrase 4 MINUTE CITY. It is respectfully submitted that the composite phrase 4 MINUTE CITY has no meaning or common usage within the emergency response field and is at best **suggestive** of the certified services. To that end, Applicant is unaware of any usage of the phrase 4 MINUTE CITY (or more generally, X MINUTE CITY) within the emergency response community and none of the evidence cited in the Office Action uses such a phrase. Rather, the references (which are acknowledged) point out: (1) that there are medical benefits of responding to cardiac arrest incidents within four minutes; and (2) that therefore, there are some entities (e.g., the National Fire Protection Association (NFPA)) recommend EMS response time of four minutes or less times to 90% of incidents within an EMS jurisdiction.

Further, if the general public were informed today that a particular jurisdiction is “a four minute city”, that phrase would have no meaning. Certainly, the general public would not understand that phrase to be associated with AED response times. Thus, it is respectfully submitted that the composite phrase 4 MINUTE CITY is suggestive of Applicant’s certified services at best and that the outstanding requirement to disclaim 4 Minute City should be withdrawn.

Respectfully submitted,
BEYER LAW GROUP LLP

Date: November 18, 2019

/Steve D Beyer/

Steve D Beyer
Attorney for Applicant