RESPONSE TO OFFICE ACTION

Applicant Imply Data, Inc. ("Applicant") responds as follows to the Office Action issued November 8, 2019 in connection with Application Serial No. 88571085 for the mark DRUID.

I.   Examiner's Refusal under Trademark Act Section 2(d)- Likelihood of Confusion No Longer Applies

The Examining Attorney refused registration of Applicant's DRUID mark ("Applicant's Mark") under Section 2(d) on the ground that there may be a likelihood of confusion between Applicant's mark and DRUID, U.S. Registration No. 4333992 (the "Cited Registration"). Registrant has not timely submitted the required maintenance filing before the November 14, 2019 due date and the Cited Registration should be cancelled. Due to the cancellation of the Cited Registration, there is no longer a basis for the examiner's refusal.

II.   Amendment to the Description of Goods and Restriction on Proposed Goods and Services

a.   Applicant hereby amends the following class of goods description in Application Serial No. 88571085 as follows:

Current Goods and Services Description:

Class 009. G & S: computer software for data storage, analysis, and visualization; downloadable computer software for use in data integration, data warehousing, data processing, data performance monitoring and management, data sharing, data collection, data interpretation, data queries, data visualization, and data analytics; computer software for creating, deploying, building, running, monitoring, and managing data applications; computer software for data mining, modeling, visualization and analysis.

Proposed Goods and Services Description:

Class 009. G & S: Downloadable computer software for data storage, analysis, and visualization; downloadable computer software for use in data integration, data warehousing, data processing,

data performance monitoring and management, data sharing, data collection, data interpretation, data queries, data visualization, and data analytics; Downloadable computer software for creating, deploying, building, running, monitoring, and managing data applications; Downloadable computer software for data mining, modeling, visualization and analysis.

b. Applicant intends to restrict Application Serial No. 88571085 to Class 009

Applicant initially filed an application for DRUID in Class 009, Application Serial No. 88571085, and filed a separate application, including submission of the requisite filing fee, for DRUID in Class 042, Application Serial No. 8868087. Applicant intends to restrict this application to Class 009. The date of first use in commerce is June 16, 2015.

III. Acceptable Specimen

The Examining Attorney refused registration of Applicant's DRUID mark on the grounds Applicant's specimen appeared to be advertising material because it failed to provide the means to enable the user to download or purchase the software from the website. The specimens previously provided were product documentation provided with each product purchase/download which is provided to commercial users of the product. Applicant submits another specimen attached hereto as Exhibit A, the website page where a user can download the software, which includes Applicant's Mark. The new specimen, in addition to the originally submitted specimens, were in use in commerce at least as early as the filing date of the application.

IV. Conclusion

Accordingly, for the foregoing reasons, Applicant respectfully requests that the statutory refusal be withdrawn and Application Serial No. 88571085 be permitted to proceed to publication.

Exhibit A: Screenshot of Imply's Get Started Page, https://imply.io/get-started, where a user may download the software.

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