

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MASSACHUSETTS INSTITUTE OF TECHNOLOGY
Docket No.: 18232.000007
Serial No.: 88/450695
Filing Date: May 29, 2019
International Class: 35
Law Office: 116
Examining Attorney: Rebecca Eubank

Mark: SOLVE

RESPONSE TO OFFICE ACTION

Applicant, MASSACHUSETTS INSTITUTE OF TECHNOLOGY (“Applicant”), submits the following Response in connection with Application Serial No. 88/450695 (the “‘695 Application”) for registration of the mark SOLVE.

The Examining Attorney has refused the specimen of use submitted in connection with ‘695 Application on the grounds that the specimen does not show use of the applied-for mark in connection with the recited services under Trademark Act Sections 1 and 45, Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a). While Applicant respectfully asserts that the prior specimen showed use of the mark in connection with both a *rendering* of the services (“**promoting public awareness of community and global challenges by providing forums for individuals and entrepreneurs to present ideas, innovations, and business plans designed to address specific challenges at the global or community levels**”) and an *advertisement* of the services (“**[a]rranging and conducting competitions for participants to compete for...funding...**”), Applicant also submits with this Response a substitute specimen showing use of the mark SOLVE in commerce in connection with the services recited in its application.

Applicant’s substitute specimen consists of a screenshot from Applicant’s webpage prominently featuring Applicant’s mark SOLVE used in connection with promotional material that discusses the SOLVE flagship annual meeting. Accordingly, this specimen shows the applied-for mark used in the advertisement of the recited services, namely, “**organization of conferences, demonstrations, meetings, symposia, and events for business purposes**”. The mark SOLVE is depicted prominently on the webpage, creating a mark-services association. *See, e.g.*, Trademark Manual of Examining Procedure (TMEP) §1301.04; *see also*, TMEP §1301.04(i) EXAMPLE 11 (HOOPLAHA (and Design)) (“Mark-services association is present because it is customary to display service marks near the top of the webpages on which the services are advertised or through

which they are accessed, rendered, and experienced.”). Moreover, the specimen specifically references and describes the flagship annual meeting, organized by Applicant and identified by the mark SOLVE.

Applicant maintains that the substitute specimen is sufficient to show use of the applied-for mark SOLVE in commerce in connection with the stated services in Class 35 as recited in the ‘695 Application. Applicant respectfully requests that the Examining Attorney withdraw the refusal and allow the ‘695 Application for registration of the mark SOLVE to proceed to registration.