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## **Response to Office Action**

Applicant, Sociabble ("Applicant") respectfully submits this Response to the Office Action issued on September 12, 2019 against Application Serial No. 88483905 for the Sociabble mark (the "Mark").

### **IDENTIFICATION**

The Examining Attorney has refused the proposed identifications of the Applicant's services for Classes 35 and 42 on the ground that they are indefinite and require clarification because the nature and function of the services is unclear.

The Examining Attorney has proposed a redraft of the respective identification, as follows:

Class 35:

“Advertising, marketing and promoting the services of others who design computer network communication hubs for use in the workplace for transmission of internal communication, managing employee advocacy, social selling and employee engagement, and facilitating on-line internal communications and employee engagement through the inflow of company and workplace information, leading to a more engaged and influential workforce.”

Applicant accepts the Examiner's redraft but would like to propose to replace the word “design” with the word “leverage” since the Applicant's services enable companies to make use of social media and other communication hubs – which they have not necessarily designed internally - to offer to their employees a number of internal engagement-related services through the Applicant's tool. The revised description would read as follows:

“Advertising, marketing and promoting the services of others who leverage computer network communication hubs for use in the workplace for transmission of internal communication, managing employee advocacy, social selling and employee engagement, and facilitating on-line internal communications and employee engagement through the inflow of company and workplace information, leading to a more engaged and influential workforce.”

Class 42:

“Software as a service (SAAS) services featuring software to operate and manage computer network hubs for use by employees to facilitate transmission of internal communication and information about the company and the employee workplace.”

Applicant accepts the Examiner’s proposed redraft of the description of Applicant’s services under Class 42.

### **SPECIMEN REFUSAL**

The Examining Attorney has refused registration on the ground that Applicant has not provided evidence of use of the Mark in commerce under 15 U.S.C §§1051 and 1127 based on the specimen submitted with the application (the "Submitted Specimen").

Applicant respectfully requests that the refusal be withdrawn because Applicant is submitting substitute specimens and supporting affidavit/declaration.

### **Substitute Specimens**

Applicant submits herewith substitute specimens (the "Substitute Specimens"). The Substitute Specimens consist of Applicant’s demo webpages from Applicant’s homepage at <https://www.sociabble.com> that show the Mark as used in commerce in connection with Applicant’s services used by others in driving internal communications with their employees, creating social media campaigns, sharing third parties’ corporate and employee-generated user generated content, and increasing sales engagement opportunities for their salesforce. Each of these services was first advertised for sale via Applicant’s webpages on June 1<sup>st</sup>, 2014 and has been advertised as such since that date.

Applicant verifies that the Substitute Specimens were in use in commerce at least as early as the filing date of the application. These services were first provided within the United States as early as June 1<sup>st</sup>, 2014 amounting sales revenue of \$909,639 since 2017 and the incorporation of Applicant’s U.S. subsidiary (redacted invoices attached).

### **Mark Description and Color Location Statement**

The Examiner asks Applicant to submit an amended description of the mark that includes all the colors claimed as features of the mark, including the color white, which was omitted from the description.

The Examiner suggests the following amended description:

“The mark consists of the term “SOCIABBLE” in black stylized letters adjacent to the design of four thought or speech balloons outlined in black, all on a white background.

Applicants accepts the Examiner’s proposed redraft of the description.

### **Conclusion**

Because, as described in greater detail above, Applicant has submitted substitute specimens and supporting affidavit/declaration and accepted Examiner’s proposed revised descriptions of the mark in Classes 35 (while proposing a slight amendment) and 42, while also accepting an

amended description of the mark that also includes the color white, Applicant submits that the Mark is entitled to registration on the Principal Register.

Applicant respectfully requests that the Examining Attorney withdraw the refusal to register Applicant's Mark and approve the Application for publication. If a telephone call will assist in the prosecution of this Application, the Examining Attorney is invited to call Applicant's counsel at 347-543-3035.

Respectfully submitted,

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