

**U.S. Application Serial No. 88487484**

**Mark:** VRT

In the Office Action dated October 1, 2019, the Examining Attorney refused registration "because the applied-for mark, as used on the specimen of record, merely identifies a process or system; it does not function as a service mark to indicate the source of applicant's services and to identify and distinguish them from others. " Trademark Act Sections 1, 2, 3, and 45, 15 U.S.C. §§1051-1053, 1127.

Applicant respectfully disagrees with this refusal.

If the term is used to identify *both* the system or process *and* the services rendered by means of the system or process, the designation may be registrable as a service mark. *See Liqwacon Corp. v. Browning-Ferris Indus., Inc.*, 203 USPQ 305 (TTAB 1979), in which the Board found that the mark LIQWACON identified both a waste treatment and disposal service and a chemical solidification process.

The name of a system or process is registrable only if: (1) the applicant is performing a service (*see* TMEP §§1301.01 *et seq.*); and (2) the designation identifies and indicates the source of the service. As shown by the previously submitted specimen, a VRT is also a tool. However, VRT is also used in connection with marketing and branding consulting services:

- 1) performing a service - marketing and branding consulting services
- 2) the designation indicates the source of the service:

*" Need VOC? Try VRT. Avoid focus groups to capture voice of the customer."*

*"To begin with the VRT is created in deep collaboration with the Client. The cross functional team works hard to capture the best version of the story BUT does not try to perfect the story."*

*"VRTs are best deployed 1 on 1 (2 max). They can be done face-to-face when convenient but work beautifully through video calls like GoTo or WebX to reach customers around the world. Experience has proven that customers are far more comfortable in their own environment which facilitates richer dialog. VRTs are structured for one hour, which are divided into three, 20-minute segments."*

*" With VRT insights in hand, we have the ability to move faster, improve the idea, and ultimately create a product, service or experience that people will love to use and vocally advocate to others. "*

Accordingly, since the Applicant is using VRT in connection with a tool and a service, registration should be allowed.

The Examining Attorney is welcomed and encouraged to call Applicant's representative Erin Klug at 248-567-7829.