

Dear Commissioner:

Applicant timely responds to the Non-Final Office Action (“Office Action”) mailed February 28, 2020 in the above-identified application. Applicant hereby responds with the following remarks which are made in support of Applicant’s request for registration on the Principal Register of its proposed mark GRAVITY (“Applicant’s Mark”).

REMARKS

In the Office Action, the Examining Attorney objects to Applicant’s identification of goods and services indefinite and too broad citing TMEP §§1402.03(d) and 1402.11(a). Additionally, the Examining Attorney indicates that U.S. App. No. 88696811 precedes Applicant’s filing date and may bar the registration of the Applicant’s Mark under Section 2(d) of the Trademark Act because of a perceived likelihood of confusion with the prior-filed application. While the Applicant respectfully disagrees with the Examining Attorney’s determination, as well as all other outstanding refusals and requirements detailed in the Office Action, the Applicant respectfully requests that the Examining Attorney suspend examination of Applicant’s Mark pending the final disposition of U.S. App. No. 88696811. Following the final disposition of U.S. App. No. 88696811, the Applicant will provide a full response, if necessary, to address any outstanding issues.

Objection to Identification of Goods and Services

The Examining Attorney notes the identification for computer software in firmware in international 9 is indefinite and must be clarified to specify whether the format is downloadable, recorded, or online non-downloadable. The Examining Attorney suggests clarifying amendments

to the recitation of goods and services to identify, with specificity, the format. Applicant thanks the Examining Attorney for her suggestion, but respectfully traverses the objection.

Applicant provides “computer software and firmware for enabling a platform based multidevice environment.” More particularly, a computing platform is defined by a solution stack (or software stack) comprising a set of software subsystems or components needed to create the complete platform such that no additional software is needed to support applications which are said to “run on” or “run on top of” the resulting platform. The collection of systems and components may include, as in Applicant’s product, the low-level control of a device’s specific hardware and therefore includes embedded systems. In computing, firmware is the specific class of computer software which provides the low-level control of device specific hardware. As such, a first portion of Applicant’s software product may be downloaded while a second portion or third portion may be recorded or fixed, as an application specific integrated circuit, or loaded (e.g., in a production environment) into non-volatile memory devices such as ROM, EPROM, or flash memory. The combined portions comprise Applicant’s product and deliver the functionality thereof. In this regard, portions of Applicant’s software and firmware for enabling a platform based multidevice environment may be downloadable but other portions may be recorded and/or non-downloadable. Therefore, Applicant submits the present identification of Applicant’s goods and services is definite, accurate, and clear with regard to format.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the issues raised in the outstanding Office Action have been addressed. If it would be helpful in expediting the

prosecution of this application, the undersigned would welcome a telephone call at the number listed below at the Examining Attorney's convenience.