

standards. In Class 42, owned by and Joint Commission on Accreditation of HealthCare Organizations; and

- AMP, U.S. Registration No. 6044791, for Platform as a service (PAAS) and software as a service (SAAS) services permitting health care providers and patients to integrate health care and rehabilitation services, namely, a non-downloadable software platform permitting health care providers and patients to communicate via a customized private website to collect, analyze, manage, share, report and compare patient data, rehabilitation tracking and patient progress in real time., in Class 42, owned by Ampsport, Inc.

The Examining Attorney argues that the marks at issue are confusingly similar because the wording in the marks is the same and submits that the goods and services, as originally worded, are related. In response, Applicant respectfully submits that the goods and services, as herein amended, are not related or overlapping. Instead, the parties' respective services are marketed to specific consumers, and consumers would not be confused as to the origin of such offerings of goods and/or services. Therefore, Applicant respectfully requests that the refusal to register the Mark on this ground be withdrawn.

Arguments

In determining whether a likelihood of confusion exists, “[t]he fundamental inquiry mandated by Section 2(d) goes to the cumulative effective of differences in the essential characteristics of the goods and differences in the marks.” *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 U.S.P.Q. 24, 29 (C.C.P.A. 1976). Under the Lanham Act, a refusal to register requires that such confirmation as to the source of goods and/or services is not merely possible, but **likely**. A mere possibility of confusion is an insufficient basis for rejections under Section 2(d). *In re Massey-Ferguson*, 222 U.S.P.Q. 367, 367 (T.T.A.B. 1983). As set forth below, in the present case, consideration of the relevant factors leads to a finding of no likelihood of confusion.

I. There is No Likelihood of Confusion Between The Applied-For Mark and the Cited Marks

A. The Goods/Services Are Not Related

First, Applicant respectfully submits that the amended goods and services in the Application and the registered goods contain both express and inherent limitations that make clear that the goods and services are not overlapping or otherwise related.

As the USPTO and the TTAB have long recognized, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely.” TMEP 1207.01(a)(i); *see also In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156, 1158 (TTAB 1990) (finding liquid drain opener and advertising services in the plumbing field to be such different goods and services that confusion as to their source is unlikely even if they are offered under the same marks); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668, 1669 (TTAB 1986) (holding QR for coaxial cable and QR for various apparatus used in connection with photocopying, drafting, and blueprint machines not likely to cause confusion because of the differences between the parties’ respective goods in terms of their nature and purpose, how they are promoted, and who they are purchased by).

In this case, Applicant’s goods and services in Classes 9 and 42, as herein amended, are marketed to its specific consumers, as are the services offered by the registrants.

It is also clear that such goods and services are marketed to different customers, in different ways, and through different channels of trade, further confirming that the differences of the channels of trade, class of purchases, and respective commercial impressions, confirms no likelihood of confusion between the marks at issue. As the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark).


In light of the above, Applicant respectfully submits that the goods and services of Applicant and the goods and services of Registrant are sufficiently distinct to avoid likelihood of confusion despite the similarity in the wording. *See* TMEP 1207.01(a)(i); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156, 1158 (TTAB 1990) (finding liquid drain opener and advertising services in the plumbing field to be such different goods and services that confusion as to their source is unlikely even if they are offered under the same marks).

The absence of any likelihood of confusion is further confirmed by other third-party registrations for marks containing identical wording (AMP) in connection with the same or related goods and services.

B. Third-Party AMP marks

In addition to the pending AMP application, there are over 550 live applications and registrations for marks containing "AMP" in Classes 9 and 42. *See* Exhibit A. Examples

include (See Exhibit B):

Mark	Reg. No.	Goods/Services	Date of First Use	Registered
WINAMP	2557585	DIGITAL AUDIO SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK; DOWNLOADABLE SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK, in class 9 and COMPUTERIZED ON-LINE SERVICES IN THE FIELD OF COMPUTER SOFTWARE AND HARDWARE, NAMELY, THE TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK, in Class 42	04/01/1997	April 9, 2002
	3500742	Computer hardware, in Class 9	05/28/2007	September 16, 2008
POWERLOOK AMP	4318757	Computer software for use with medical apparatus in the field of cancer detection, namely, for software for use in diagnostic imaging, in Class 9	09/01/2012	April 9, 2013
AMP	4242651	software as a service (SAAS) services in the field of athlete management and training featuring software for the collection, management and comparison of athlete data, in Class 42	06/18/2012	November 13, 2012
BARBRI AMP	5220605	Providing temporary use of non-downloadable web based test preparation application software that enables users to access an educational reference database for bar examination preparation, in Class 42	11/01/2011	June 13, 2017
AMPS	4114715	Providing online non-downloadable software for testing, enhancing, accelerating, and optimizing websites, in Class 42	01/25/2011	March 20, 2012
AMPS	4656483	COMPUTER SOFTWARE, NAMELY, MEDICAL IMAGING SOFTWARE FOR RECONSTRUCTING MEDICAL IMAGES, in Class 9	06/00/2010	December 16, 2014
APPCORE AMP	4749186	Computer and software services, namely, design, creation, hosting and maintenance of internet sites for third parties, and	05/01/2015	June 2, 2015

		remote and on-site management of the information technology (IT) systems of others; Computer services, namely, remote and on-site management of cloud and virtualized computing systems and applications for others; Application service provider, namely, hosting, managing, developing and maintaining applications, software, websites, and databases of others in the fields of business, marketing, design, data analysis, editing, content development, legal services, healthcare, communications, energy, engineering, finance, education, and government; Cloud and virtualized computing featuring software for use as Internet-based applications for use in database management, for use as spreadsheets, documents, and images, for word processing, for file creation, for content editing, for storing, managing, tracking, analyzing and reporting data, for customer billing, invoicing, reporting and customer relationship management, and for interactive websites; Consulting services in the field of cloud and virtualized computing; Technical consulting services in the field of public and private cloud and virtualized computing solutions; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud and virtualized computing IT, software, and application systems; Software development services, namely, development of software operable with cloud and virtualized computing systems, in Class 42		
AMP	5887876	Application service provider (ASP) featuring software for use by an employer to upload employee data, to provide questionnaires to assess employee's attachment and commitment to employer and to monitor employee stress levels and health, for storage of gathered information in a data base for later access by the employer in the nature of information about employee's stress levels, health, and attachment and commitment to employer and to provide online tools to access and monitor employees' collected data, in Class 42	01/01/2011	October 22, 2019
AMP	5100696	Business management and business development services, namely, management of research grants, business program management, promoting collaboration within the scientific, research and provider communities to achieve advances in the fields of	02/00/2014	December 13, 2016

		<p>biomedical research and pharmaceutical research and development, business management of programs related to public private-partnerships in the fields of biomedical research and pharmaceutical research and development; Promotion of the research programs of others; Promoting public awareness of public-private partnerships in the fields of biomedical research and pharmaceutical research and development; promoting the interests of public-private partnerships in the fields of biomedical research and pharmaceutical research and development; Arranging and conducting business conferences for research scientists and health care professionals, in Class 35;</p> <p>Providing grants for biomedical research and pharmaceutical research and development in Class 36;</p> <p>Providing medical and scientific research information in the field of biomedical products and pharmaceuticals via a website, in Class 42; and</p> <p>Providing information relating to diagnostic, prophylactic, and therapeutic properties of pharmaceuticals and biomedical products in Class 44</p>		
AMP	5068562	<p>URL redirection services, namely, rerouting computer connections from one uniform resource locators or network address to another; providing multiple-user access to data stored electronically in central files for remote consultation, namely, information relating to hyperlinks, uniform resource locators, and computer users' network addresses via a global computer information network, in Class 38 and</p> <p>Platform as a service (PAAS) and software as a service (SAAS) services, namely, a non-downloadable software platform permitting publishers and advertisers to create, publish, manage, configure, process, optimize, adapt, store, deliver, monitor and track, online and mobile digital content, e-mail content, and digital signage so that such may be placed optimally across networks, platforms, devices and screen sizes.</p>	10/30/2010	October 25, 2016
TRACERS WITH AMP	5299433	<p>Application service provider (ASP) featuring software for use in database management in the field of healthcare; Providing an on-line searchable database featuring healthcare accreditation standards, in Class 42.</p>	03/00/2012	October 3, 2017
AMP	4670630	Non-downloadable computer software for	02/15/2005	January 13,

		use in the field of digital accessibility compliance that instructs users on how to build and maintain accessible computer systems and tests said systems, in Class 42.		2015
LEADAMP	4841333	Software as a service (SAAS) services featuring software for managing leads generated by third party providers, in Class 42.	02/01/2012	October 27, 2015
AMP	6182351	<p>Compiling and analyzing data for business purposes, namely, business data, market research data, and statistical data; economic forecasting and analysis; statistical evaluations of marketing data; conducting business and marketing research surveys; preparing business reports; consumer strategy business consulting in the fields of marketing, sales, operation, and product design particularly specializing in the use of analytic models for the understanding and predicting of consumer, business, and retail market trends and actions., in Class 35</p> <p>Providing on-line non-downloadable computer software for managing, monitoring, tracking, processing and organizing business data; providing on-line non-downloadable database software for managing, monitoring, tracking, processing and organizing business data; application service provider (ASP), namely, hosting computer software applications of others; computer consulting services, namely, design of computer systems of others; computer software design for others; installation, implementation, maintenance and repair services with respect to computer software; updating and maintenance services for computer operating software and software for managing and controlling data; Software as a service (SAAS) services featuring computer software for marketing analytics and data analytics; platform as a service (PAAS) featuring computer software platforms for managing, marketing and analyzing marketing and advertising performance; infrastructure as a service (IAAS) services, namely, providing virtual computer systems and virtual computer environments through cloud computing for others; database as a service (DBAAS) services, namely, providing temporary use of on-line non-downloadable cloud computing software for processing marketing data; electronic storage of data; computer service, namely, acting as an application service provider in the field of</p>	02/13/2013	October 27, 2020

		<p>knowledge management to host computer application software for the collection, organizing, modifying, book marking, transmission, storage and sharing of data and information, not including the design of customized database software for others; cloud computing featuring non-downloadable software for use in managing, analyzing, retrieving, monitoring, maintaining, reporting on, structuring, modeling, forecasting, presenting and displaying data and information from computer databases, applications and the internet, and for use in developing, analyzing, managing, integrating, deploying, virtualizing and maintaining computer software and hardware in the field of marketing and advertising., in Class 42</p>		
AMP	5716379	<p>Providing software as a service (SaaS) services featuring software for cybersecurity monitoring and control of activities on a computer, antivirus scanning, computer virus characterization, remediation, and elimination, simulating large-scale processes in the field of enterprise cybersecurity, providing large-scale graph-based database services used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, providing malware incident forensics services, providing malware incident remediation services, providing rules-based decision support services in the field of enterprise cybersecurity, providing neural networks for use in analytics and planning in the field of enterprise cybersecurity, providing temporal event capture, analysis, and management services in the field of enterprise cybersecurity, providing risk quantification, mitigation, and management services in the field of enterprise cybersecurity, providing cyber decision platform services in the field of enterprise cybersecurity; providing services for identifying actions in the nature of incident assessment, response, and remediation needed to optimize prevention and handling of cybersecurity incidents, and providing business analytics functionality for the purpose of data-driven decision making and predictive analytics in the field of enterprise cybersecurity; providing professional consulting services pertaining to the deployment, configuration and optimization of software delivered from the cloud or deployed locally, namely, software for cybersecurity monitoring and control of activities on a computer,</p>	08/04/2016	April 2, 2019

	<p>antivirus software, simulation software used in the field of enterprise cybersecurity, graph-based database software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, kernel-level software for preventing actions by malware, malware incident forensics software, malware incident remediation software, rules-based decision support software used in the field of enterprise cybersecurity, neural network software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, temporal event capture, management, and analysis software used in the field of enterprise cybersecurity, risk quantification, mitigation, and management software, cyber decision platform software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, software for identifying actions in the nature of incident assessment, response, and remediation needed to optimize prevention and handling of cybersecurity incidents in the field of enterprise cybersecurity, and business analytics software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, in Class 42.</p>		
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The services offered by the parties are entirely distinct and are marketed through entirely different marketing channels to different consumers, who are experienced and sophisticated and therefore, unlikely to be confused. Applicant’s notes longstanding registration and use of the “AMP” formative marks in connection with similar goods and services in Classes 9 and 42 without confusion between the parties’ respective marks is persuasive evidence that there is no likelihood of confusion between the marks and that the refusal to register the mark on this ground should be withdrawn.

Identification of Services

As requested by the Examining Attorney, Applicant hereby amends its goods and services as follows:

Class 9: Downloadable medical software for controlling and managing patient medical information, and for planning and scheduling medical office and treatment center visits at various locations for effective managed patient medical care; downloadable medical software for sharing web-based

medical records, collaborating on those shared records for medical diagnosis purposes, and for virtual patient progress monitoring.

Class 42: Providing on-line, non-downloadable medical software for sharing web-based medical records, collaborating on those shared records for medical diagnosis purposes, and for virtual patient progress monitoring; software as a service (SAAS) services featuring medical software for displaying and analyzing medical data for the diagnosis of patient medical conditions and disease.

Conclusion

The TTAB has frequently acknowledged that there is no “per se” rule relating to likelihood of confusion and that each case must be decided based on its own facts and circumstances. *In re Quadram Corporation*, 228 U.S.P.Q. 863, 865 (T.T.A.B. 1985). As set forth above, an analysis of the facts in the present case supports a conclusion that there is no likelihood of confusion between the Applicant’s Mark and the Cited Registrations. Therefore, Applicant respectfully requests that the Examining Attorney withdraw the Section 2(d) refusal and approve the application for publication.

EXHIBIT A



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2	90252124		AMP	TSDR	LIVE
3	90141406		AMP-ER-SAND	TSDR	LIVE
4	90395654		AMP MOBILITY	TSDR	LIVE
5	90296940		AMP	TSDR	LIVE
6	90383453		DOGFISH HEAD CAMP AMP	TSDR	LIVE
7	90073003		LENNY & LARRY'S THE BOSS! COOKIE	TSDR	LIVE
8	90127359		SAFETY AMP	TSDR	LIVE
9	90073022		LENNY & LARRY'S THE BOSS! BAR	TSDR	LIVE
10	90061543		AMP	TSDR	LIVE
11	90014453		AMPLITE	TSDR	LIVE
12	90268783		POWERAMP	TSDR	LIVE
13	90268532		AMPLITHERA	TSDR	LIVE
14	90063943		AMP/MEDICAL	TSDR	LIVE
15	90094391		GG & CASTING	TSDR	LIVE
16	90256698		SECUREAMP	TSDR	LIVE
17	90010142		MEDIAAMP	TSDR	LIVE
18	90343226		MYTHIC AMP	TSDR	LIVE
19	90044453		AMPS2GO	TSDR	LIVE
20	90242855		AMP MINI HD3	TSDR	LIVE
21	90242826		AMP HD3	TSDR	LIVE
22	90327321		AMP	TSDR	LIVE
23	90013940		NETAMP	TSDR	LIVE
24	90033734		NONA AMP	TSDR	LIVE
25	90033227		AMP	TSDR	LIVE
26	90031030		MASKAMP	TSDR	LIVE
27	90302107		AMPS CONNECT	TSDR	LIVE
28	90302096		AMPS	TSDR	LIVE
29	90199740		AMPS2GO	TSDR	LIVE

30	90182602		AMP	TSDR	LIVE
31	90057009		AMP	TSDR	LIVE
32	90192692		AMP CHAMP	TSDR	LIVE
33	90005335		AMPSTICK	TSDR	LIVE
34	90185323		AMP VIBEZ	TSDR	LIVE
35	90179776		LYFT AMP	TSDR	LIVE
36	90040022		AMP12 TRIO	TSDR	LIVE
37	90147546		AMP TRANSMISSION	TSDR	LIVE
38	90147540		AMPT	TSDR	LIVE
39	90147534		AMP TRANSMISSION	TSDR	LIVE
40	90008717		AMP'D DESIGNS	TSDR	LIVE
41	90100890		AMP SPORTS NETWORK	TSDR	LIVE
42	90100886		AMP SPORTS	TSDR	LIVE
43	90100885		AMP	TSDR	LIVE
44	88676620		VIDEOAMP	TSDR	LIVE
45	88676616		VIDEOAMP	TSDR	LIVE
46	88579404	6002563	YOAMP	TSDR	LIVE
47	88738813		AMP	TSDR	LIVE
48	88730537		AMP: ACCESS FOR MORE PATIENTS	TSDR	LIVE
49	88872921		REV AMP BY SOFTONIC	TSDR	LIVE
50	88395552		ECHO&CO	TSDR	LIVE

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
51	88903722	6209881	AMP HOMECARE, "WE CHOOSE NOT TO ADD "DIS" IN YOUR ABILITY"	TSDR	LIVE
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53	88676635		POWERED BY THE VIDEOAMP PLATFORM	TSDR	LIVE
54	88676631		POWERED BY VIDEOAMP	TSDR	LIVE
55	88795902		MOORAMP PUBLISHINGS	TSDR	LIVE
56	88564455	6203330	GUITAR AMP TOOLS	TSDR	LIVE
57	88294967	6203105	AMP SERVICES	TSDR	LIVE
58	88294955	6203104	AMP SERVICES	TSDR	LIVE
59	88715270		AMPCONTROL	TSDR	LIVE
60	88700080		AAMMP	TSDR	LIVE
61	88958950		AMP BEAUTY LA	TSDR	LIVE
62	88932621		DATAAMP	TSDR	LIVE
63	88893067	6199733	HOUSEAMP	TSDR	LIVE
64	88177135		AAMMP	TSDR	LIVE
65	88614084		AMPLIFYT	TSDR	LIVE
66	88126535		AMP	TSDR	LIVE
67	88099657		BLUETERRY LAUNDRY SERVICES FOR SPA & GYM - PERFORMANCE QUALITY EXCELLENCE SERVICE EE	TSDR	LIVE
68	88310172	5910443	I-AMP IDEX ACCELERATING MANAGEMENT POTENTIAL	TSDR	LIVE
69	88800472		TEXAS AMP	TSDR	LIVE
70	88942121		D2AMP	TSDR	LIVE
71	88753980	6171287	POWERAMP	TSDR	LIVE
72	88657086		AMP	TSDR	LIVE
73	88496315	6154549	STARTUPAMP	TSDR	LIVE
74	88694296		AMP ART MUSIC PASSION DANCE COMPETITION	TSDR	LIVE
75	88603155		GET-AMP'D	TSDR	LIVE
76	88275216	6148378	POWERAMP	TSDR	LIVE
77	88958123		UNITEDHEALTHCARE AMP UP	TSDR	LIVE

78	88404494	6142896	GUN TOOL AMP	TSDR	LIVE
79	88550316		IMPOSSIBLE AMP	TSDR	LIVE
80	88615862		TUNEAMP REFOCUS	TSDR	LIVE
81	88332323		CARDIAMP	TSDR	LIVE
82	88782218	6129813	AMP RESTORATION ROOFING	TSDR	LIVE
83	88775884	6129501	PUREAMP TECHNOLOGY	TSDR	LIVE
84	88068270	6130899	AMPCHAMP	TSDR	LIVE
85	88094163		AMP ALL MACHINERY PARTS	TSDR	LIVE
86	88419809		AMP-UP	TSDR	LIVE
87	88058548		AMP RESEARCH INNOVATION IN MOTION	TSDR	LIVE
88	88746979	6117327	AMP'S EMPERIAL CAKES BY ANTONIO E	TSDR	LIVE
89	88618640		NEXAMP SPARK LAB	TSDR	LIVE
90	88618538		NEXAMP SPARK LAB	TSDR	LIVE
91	88909750		AMP	TSDR	LIVE
92	88645475		AMP	TSDR	LIVE
93	88829605		AMP	TSDR	LIVE
94	88261958		AMPHFOIL	TSDR	LIVE
95	88872129		AMP TAP	TSDR	LIVE
96	88867306		AMP	TSDR	LIVE
97	88065088	5725958	AMP FITNESS	TSDR	LIVE
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108	88695216		SEA AMP	TSDR	LIVE
109	88584634	6035572	SUNAMP	TSDR	LIVE
110	88387536	6032144	CITRI-AMP	TSDR	LIVE
111	88480782	6027035	TUMORAMP	TSDR	LIVE
112	88510273	6015320	AMP	TSDR	LIVE
113	88584328	6007648	MAXAMPS.COM	TSDR	LIVE
114	88260381	6009124	AMP-LAMP	TSDR	LIVE
115	88278931	6003851	AMPACASH	TSDR	LIVE
116	88510257	5988717	COOL-AMP	TSDR	LIVE
117	88427179		AMP ADVANCED MARKETING PLATFORM	TSDR	LIVE
118	88714311		AMP	TSDR	LIVE
119	88427204		AMP	TSDR	LIVE
120	88427192		AMP	TSDR	LIVE
121	88431429	5925863	DNA AMP	TSDR	LIVE
122	88326894	5951696	AMP TRAVEL BY ANTONIO	TSDR	LIVE
123	88272756	5947813	AMP PLUS	TSDR	LIVE
124	88021939	5951019	EPS FARM CRAFTED PRAIRIE ORGANIC VODKA 40% ALC. BY VOLUME ED PHILLIPS & SONS USDA ORGANIC	TSDR	LIVE
125	88459045	5943247	MERAS AMP FILTER	TSDR	LIVE
126	88296966	5941950	AMP'D ENTERTAINMENT	TSDR	LIVE
127	88045086	5939147	AMP	TSDR	LIVE

128	88283896	5928599	AMP HUMAN	TSDR	LIVE
129	88438159	5926114	AMP GENETICS	TSDR	LIVE
130	88175043	5918135	AMPVISUALTV	TSDR	LIVE
131	88081080	5888357	LEARN AMP	TSDR	LIVE
132	88236570		AMP HONORS PROGRAM	TSDR	LIVE
133	88338919	5862514	AMPFLOW	TSDR	LIVE
134	88333269	5862003	AMP STW	TSDR	LIVE
135	88322072	5861741	AMPONSTAGE	TSDR	LIVE
136	88032614	5848621	LIVING AMP'D	TSDR	LIVE
137	88137822	5846967	AMPPOW	TSDR	LIVE
138	88254984	5832897	AMP ASSOCIATES IN MEDICAL PHYSICS	TSDR	LIVE
139	88250728	5826460	AMP'D ENTERTAINMENT	TSDR	LIVE
140	88114817	5824821	HALOAMP	TSDR	LIVE
141	88236583	5805497	LEAP AMP	TSDR	LIVE
142	88218091	5804907	AMP ASSET MANAGEMENT PRACTITIONERS	TSDR	LIVE
143	88224570	5799550	JAZZAMP	TSDR	LIVE
144	88211558	5787698	RITEAMP	TSDR	LIVE
145	88059860	5789596	AV AMP-VENTURES	TSDR	LIVE
146	88146034	5767952	SAFETYAMP	TSDR	LIVE
147	87162434		AMP	TSDR	LIVE
148	87633238	5528329	CLEANAMP	TSDR	LIVE
149	87103053		AMP	TSDR	LIVE
150	87432821	5376995	AMP	TSDR	LIVE

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EXHIBIT B

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Typed Drawing

Word Mark WINAMP
Goods and Services IC 009. US 021 023 026 036 038. G & S: DIGITAL AUDIO SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK; DOWNLOADABLE SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401

IC 042. US 100 101. G & S: COMPUTERIZED ON-LINE SERVICES IN THE FIELD OF COMPUTER SOFTWARE AND HARDWARE, NAMELY, THE TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR PLAYING HIGH-FIDELITY AUDIO VIA AN ELECTRONIC COMMUNICATIONS NETWORK. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75531951

Filing Date August 6, 1998

Current Basis 1A

Original Filing Basis 1A

Published for May 8, 2001
Opposition
Registration Number 2557585

Registration Date April 9, 2002

Owner (REGISTRANT) NULLSOFT, INC. CORPORATION ARIZONA 60 Palisades Drive North Sedona ARIZONA 86336

(LAST LISTED OWNER) RADIONOMY GROUP BV COMPANY NETHERLANDS ATRIUM BUILDING, 8TH FLOOR STRAWINSKYLAAN 3127 AMSTERDAM NETHERLANDS 1077ZX

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record DOUGLAS R. BUSH

Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110520.
Renewal 1ST RENEWAL 20110520
Live/Dead Indicator LIVE

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Word Mark	AMP!
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer hardware. FIRST USE: 20070528. FIRST USE IN COMMERCE: 20070528
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility Classification Code	LETTER-3-OR-MORE AMP Combination of three or more letters as part of the mark NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-COLORS-1 Design listing or lined for a single color SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
Serial Number	77192567
Filing Date	May 29, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 25, 2008
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3500742
Registration Date	September 16, 2008
Owner	(REGISTRANT) ZOTAC International (Macao Commercial Offshore) Limited LIMITED LIABILITY COMPANY MACAO Macau Finance Centre MACAU MACAU (LAST LISTED OWNER) ZOTAC INTERNATIONAL LIMITED LIMITED CORPORATION HONG KONG 19/F., SHATIN GALLERIA 18-24 SHAN MEI STREET, FO TAN, SHA TIN NEW TERRITORIES HONG KONG
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Norman H. Zivin

Description of Mark The color(s) yellow-orange is/are claimed as a feature of the mark. The mark consists of the yellow-orange letters "A", "M", "P" and the exclamation mark at the end to form the words "AMP!".

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20180609.

Renewal 1ST RENEWAL 20180609

Live/Dead Indicator **LIVE**

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AMPS

Word Mark	AMPS
Goods and Services	IC 042. US 100 101. G & S: Providing online non-downloadable software for testing, enhancing, accelerating, and optimizing websites. FIRST USE: 20110125. FIRST USE IN COMMERCE: 20110125
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85387881
Filing Date	August 3, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 3, 2012
Registration Number	4114715
Registration Date	March 20, 2012
Owner	(REGISTRANT) SiteSpect, Inc. CORPORATION MASSACHUSETTS Suite 820 10 Milk Street Boston MASSACHUSETTS 02108
Attorney of Record	Michael A. Bartley
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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AMP

Word Mark AMP
Goods and Services IC 042. US 100 101. G & S: software as a service (SAAS) services in the field of athlete management and training featuring software for the collection, management and comparison of athlete data. FIRST USE: 20120618. FIRST USE IN COMMERCE: 20120618
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85242234
Filing Date February 15, 2011
Current Basis 1A
Original Filing Basis 1B
Published for Opposition February 7, 2012
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number **4242651**
Registration Date November 13, 2012
Owner (REGISTRANT) Information Growth Strategies, Ltd. AKA IGS, IGS, Ltd. CORPORATION VERMONT 174 Battery Street Burlington VERMONT 05401

(LAST LISTED OWNER) AMPSPORT, INC. CORPORATION DELAWARE 630 HANSELL STREET, SE ATLANTA
GEORGIA 30312

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Trevor P. Schmidt

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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POWERLOOK AMP

Word Mark POWERLOOK AMP

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software for use with medical apparatus in the field of cancer detection, namely, for software for use in diagnostic imaging. FIRST USE: 20120901. FIRST USE IN COMMERCE: 20120901

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85609648

Filing Date April 26, 2012

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 2, 2012

Registration Number 4318757

Registration Date April 9, 2013

Owner (REGISTRANT) iCAD, Inc. CORPORATION DELAWARE 98 Spit Brook Road, #100 Nashua NEW HAMPSHIRE 03062

Attorney of Record Kristen M. Lang

Prior Registrations 3222196

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead LIVE

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AMPS

Word Mark	AMPS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE, NAMELY, MEDICAL IMAGING SOFTWARE FOR RECONSTRUCTING MEDICAL IMAGES. FIRST USE: 20100600. FIRST USE IN COMMERCE: 20100600
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85200118
Filing Date	December 16, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 26, 2011
Registration Number	4656483
Registration Date	December 16, 2014
Owner	(REGISTRANT) NORTHRIDGE TRI-MODALITY IMAGING INC. CORPORATION DELAWARE 19355 BUSINESS CENTER DRIVE SUITE 8 NORTHRIDGE CALIFORNIA 91324
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tiffany A. Parcher
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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AMP

Word Mark AMP

Goods and Services IC 042. US 100 101. G & S: Non-downloadable computer software for use in the field of digital accessibility compliance that instructs users on how to build and maintain accessible computer systems and tests said systems. FIRST USE: 20050215. FIRST USE IN COMMERCE: 20050215

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86285349

Filing Date May 19, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 28, 2014

Registration Number **4670630**

Registration Date January 13, 2015

Owner (REGISTRANT) SSB Bart Group, Inc. CORPORATION DELAWARE 1593 Spring Hill Road, Suite 720 Vienna VIRGINIA 22182

Attorney of Record Brian M. Davis

Type of Mark SERVICE MARK

Register PRINCIPAL

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Indicator** **LIVE**

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APPCORE AMP

Word Mark APPCORE AMP

Goods and Services IC 042. US 100 101. G & S: Computer and software services, namely, design, creation, hosting and maintenance of internet sites for third parties, and remote and on-site management of the information technology (IT) systems of others; Computer services, namely, remote and on-site management of cloud and virtualized computing systems and applications for others; Application service provider, namely, hosting, managing, developing and maintaining applications, software, websites, and databases of others in the fields of business, marketing, design, data analysis, editing, content development, legal services, healthcare, communications, energy, engineering, finance, education, and government; Cloud and virtualized computing featuring software for use as Internet-based applications for use in database management, for use as spreadsheets, documents, and images, for word processing, for file creation, for content editing, for storing, managing, tracking, analyzing and reporting data, for customer billing, invoicing, reporting and customer relationship management, and for interactive websites; Consulting services in the field of cloud and virtualized computing; Technical consulting services in the field of public and private cloud and virtualized computing solutions; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud and virtualized computing IT, software, and application systems; Software development services, namely, development of software operable with cloud and virtualized computing systems. FIRST USE: 20150201. FIRST USE IN COMMERCE: 20150201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86220336

Filing Date March 13, 2014

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 19, 2014

Registration 4749186

Number

Registration Date June 2, 2015

Owner (REGISTRANT) Appcore, LLC LIMITED LIABILITY COMPANY DELAWARE 666 Walnut St., 12th Floor Des Moines IOWA 50309

Attorney of Record Emily Harris

Prior Registrations 3996320;4001093

Type of Mark SERVICE MARK

Register PRINCIPAL

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LeadAmp

Word Mark	LEADAMP
Goods and Services	IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for managing leads generated by third party providers. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86574205
Filing Date	March 24, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 11, 2015
Registration Number	4841333
Registration Date	October 27, 2015
Owner	(REGISTRANT) LeadAmp, LLC LIMITED LIABILITY COMPANY UTAH 5202 W Douglas Corrigan Way STE 300 Salt Lake City UTAH 84116
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	J. Todd Timmerman
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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AMP

Word Mark AMP

Goods and Services IC 038. US 100 101 104. G & S: URL redirection services, namely, rerouting computer connections from one uniform resource locators or network address to another; providing multiple-user access to data stored electronically in central files for remote consultation, namely, information relating to hyperlinks, uniform resource locators, and computer users' network addresses via a global computer information network. FIRST USE: 20101030. FIRST USE IN COMMERCE: 20101030

IC 042. US 100 101. G & S: Platform as a service (PAAS) and software as a service (SAAS) services, namely, a non-downloadable software platform permitting publishers and advertisers to create, publish, manage, configure, process, optimize, adapt, store, deliver, monitor and track, online and mobile digital content, e-mail content, and digital signage so that such may be placed optimally across networks, platforms, devices and screen sizes. FIRST USE: 20101030. FIRST USE IN COMMERCE: 20101030

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86951438

Filing Date March 24, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 9, 2016

Registration Number 5068562

Registration Date October 25, 2016

Owner (REGISTRANT) Delivr Corporation CORPORATION DELAWARE 373 Smithtown Bypass, Suite 361 Hauppauge
NEW YORK 117882516

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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AMP

Word Mark AMP

Goods and Services IC 035. US 100 101 102. G & S: Business management and business development services, namely, management of research grants, business program management, promoting collaboration within the scientific, research and provider communities to achieve advances in the fields of biomedical research and pharmaceutical research and development, business management of programs related to public private-partnerships in the fields of biomedical research and pharmaceutical research and development; Promotion of the research programs of others; Promoting public awareness of public-private partnerships in the fields of biomedical research and pharmaceutical research and development; promoting the interests of public-private partnerships in the fields of biomedical research and pharmaceutical research and development; Arranging and conducting business conferences for research scientists and health care professionals. FIRST USE: 20140200. FIRST USE IN COMMERCE: 20140200

IC 036. US 100 101 102. G & S: Providing grants for biomedical research and pharmaceutical research and development. FIRST USE: 20140321. FIRST USE IN COMMERCE: 20140321

IC 042. US 100 101. G & S: Providing medical and scientific research information in the field of biomedical products and pharmaceuticals via a website. FIRST USE: 20140200. FIRST USE IN COMMERCE: 20140200

IC 044. US 100 101. G & S: Providing information relating to diagnostic, prophylactic, and therapeutic properties of pharmaceuticals and biomedical products. FIRST USE: 20140200. FIRST USE IN COMMERCE: 20140200

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86141526

Filing Date December 12, 2013

Current Basis 1A

Original Filing Basis 1B

Published June 21, 2016

**for
Opposition**

**Registration
Number** 5100696

**Registration
Date** December 13, 2016

Owner (REGISTRANT) U.S. Department of Health and Human Services FEDERAL AGENCY UNITED STATES Bldg. 31
Suite 2B 50 31 Center Drive Bethesda MARYLAND 20892

**Attorney of
Record** Melanye K. Johnson

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Mark** SERVICE MARK

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BARBRI AMP

Word Mark BARBRI AMP

Goods and Services IC 042. US 100 101. G & S: Providing temporary use of non-downloadable web based test preparation application software that enables users to access an educational reference database for bar examination preparation. FIRST USE: 20111101. FIRST USE IN COMMERCE: 20111101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85891360

Filing Date March 31, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 28, 2017

Registration Number 5220605

Registration Date June 13, 2017

Owner (REGISTRANT) Barbri, Inc. CORPORATION DELAWARE 12222 Merit Drive, Suite 1340 Dallas TEXAS 75251

Attorney of Record Michael W. Dubner

Prior Registrations 1184157;1554642;1563843

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TRACERS WITH AMP

Word Mark TRACERS WITH AMP

Goods and Services IC 042. US 100 101. G & S: Application service provider (ASP) featuring software for use in database management in the field of healthcare; Providing an on-line searchable database featuring healthcare accreditation standards. FIRST USE: 20120300. FIRST USE IN COMMERCE: 20120300

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87168408

Filing Date September 12, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 18, 2017

Registration Number 5299433

Registration Date October 3, 2017

Owner (REGISTRANT) Joint Commission on Accreditation of Healthcare Organizations CORPORATION ILLINOIS One Renaissance Blvd Oakbrook Terrace ILLINOIS 60181

Attorney of Record David A Lowe

Prior Registrations 3180642

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Word Mark AMP

Goods and Services IC 042. US 100 101. G & S: Providing software as a service (SaaS) services featuring software for cybersecurity monitoring and control of activities on a computer, antivirus scanning, computer virus characterization, remediation, and elimination, simulating large-scale processes in the field of enterprise cybersecurity, providing large-scale graph-based database services used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, providing malware incident forensics services, providing malware incident remediation services, providing rules-based decision support services in the field of enterprise cybersecurity, providing neural networks for use in analytics and planning in the field of enterprise cybersecurity, providing temporal event capture, analysis, and management services in the field of enterprise cybersecurity, providing risk quantification, mitigation, and management services in the field of enterprise cybersecurity, providing cyber decision platform services in the field of enterprise cybersecurity; providing services for identifying actions in the nature of incident assessment, response, and remediation needed to optimize prevention and handling of cybersecurity incidents, and providing business analytics functionality for the purpose of data-driven decision making and predictive analytics in the field of enterprise cybersecurity; providing professional consulting services pertaining to the deployment, configuration and optimization of software delivered from the cloud or deployed locally, namely, software for cybersecurity monitoring and control of activities on a computer, antivirus software, simulation software used in the field of enterprise cybersecurity, graph-based database software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, kernel-level software for preventing actions by malware, malware incident forensics software, malware incident remediation software, rules-based decision support software used in the field of enterprise cybersecurity, neural network software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, temporal event capture, management, and analysis software used in the field of enterprise cybersecurity, risk quantification, mitigation, and management software, cyber decision platform software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity, software for identifying actions in the nature of incident assessment, response, and remediation needed to optimize prevention and handling of cybersecurity incidents in the field of enterprise cybersecurity, and business analytics software used for data-driven decision making and predictive analytics in the field of enterprise cybersecurity.
FIRST USE: 20160804. FIRST USE IN COMMERCE: 20160804

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial 87492643

Number**Filing Date** June 16, 2017**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** November 21, 2017**Registration Number** 5716379**Registration Date** April 2, 2019**Owner** (REGISTRANT) Fractal Industries, Inc. CORPORATION DELAWARE 11091 Sunset Hills Rd. Suite 210 Reston VIRGINIA 20190

(LAST LISTED OWNER) QOMPLX, INC. CORPORATION DELAWARE 1775 Tysons Blvd., Suite 800 Tysons VIRGINIA 22102

Assignment Recorded ASSIGNMENT RECORDED**Attorney of Record** Brian S. Boon**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Goods and Services IC 042. US 100 101. G & S: Application service provider (ASP) featuring software for use by an employer to upload employee data, to provide questionnaires to assess employee's attachment and commitment to employer and to monitor employee stress levels and health, for storage of gathered information in a data base for later access by the employer in the nature of information about employee's stress levels, health, and attachment and commitment to employer and to provide online tools to access and monitor employees' collected data. FIRST USE: 20110101. FIRST USE IN COMMERCE: 20110101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86220002

Filing Date March 13, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 6, 2019

Registration Number 5887876

Registration Date October 22, 2019

Owner (REGISTRANT) Bartell & Bartell LTD CORPORATION PENNSYLVANIA Suite #4 432 Rolling Ridge Drive State College PENNSYLVANIA 16801

Attorney of Record John J. Elnitski, Jr.

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Goods and Services IC 035. US 100 101 102. G & S: Compiling and analyzing data for business purposes, namely, business data, market research data, and statistical data; economic forecasting and analysis; statistical evaluations of marketing data; conducting business and marketing research surveys; preparing business reports; consumer strategy business consulting in the fields of marketing, sales, operation, and product design particularly specializing in the use of analytic models for the understanding and predicting of consumer, business, and retail market trends and actions. FIRST USE: 20130213. FIRST USE IN COMMERCE: 20130213

IC 042. US 100 101. G & S: Providing on-line non-downloadable computer software for managing, monitoring, tracking, processing and organizing business data; providing on-line non-downloadable database software for managing, monitoring, tracking, processing and organizing business data; application service provider (ASP), namely, hosting computer software applications of others; computer consulting services, namely, design of computer systems of others; computer software design for others; installation, implementation, maintenance and repair services with respect to computer software; updating and maintenance services for computer operating software and software for managing and controlling data; Software as a service (SAAS) services featuring computer software for marketing analytics and data analytics; platform as a service (PAAS) featuring computer software platforms for managing, marketing and analyzing marketing and advertising performance; infrastructure as a service (IAAS) services, namely, providing virtual computer systems and virtual computer environments through cloud computing for others; database as a service (DBAAS) services, namely, providing temporary use of on-line non-downloadable cloud computing software for processing marketing data; electronic storage of data; computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, organizing, modifying, book marking, transmission, storage and sharing of data and information, not including the design of customized database software for others; cloud computing featuring non-downloadable software for use in managing, analyzing, retrieving, monitoring, maintaining, reporting on, structuring, modeling, forecasting, presenting and displaying data and information from computer databases, applications and the internet, and for use in developing, analyzing, managing, integrating, deploying, virtualizing and maintaining computer software and hardware in the field of marketing and advertising. FIRST USE: 20130213. FIRST USE IN COMMERCE: 20130213

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86944385
Filing Date March 17, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition August 11, 2020
Registration Number 6182351
Registration Date October 27, 2020
Owner (REGISTRANT) Analytic Partners, Inc. CORPORATION NEW YORK 360 Lexington Avenue, 17th Floor New York NEW YORK 10017
Attorney of Record Matthew T. Salzman
Type of Mark SERVICE MARK
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