

This is a request for (A) removal of the application from suspension and (B) amendment of the listing of goods.

A. The following arguments are submitted in support of removal from suspension.

1. Application 79021862, filed 2 years ago, for mark RESON cites software twice. One is for "computer software for use in the field of underwater acoustics". That appears, to the present applicant, to accord with the USPTO website statement that "The identification of goods and/or services must be specific enough to identify the nature of the goods and/or services". The other appearance of the word software is development of computer hardware and software, which is extremely broad, rather than "specific enough to identify the nature of the goods and/or services", covering even the software in children's toys. Further, the application does not affix the name Reson to any specific software application.
2. Reson is a company, the source of PDS2000 software, whereas Reason is a software application with a source not bearing that name. When specific software applications are discussed, orally or in writing, it is apparent that there is an occupational context. Persons engaged in underwater acoustics who discuss Reson will presumably spell that word or identify the source, i.e. "www.reson.com". Persons discussing contextual data modeling, the analytic methodology explained on the present applicant's website, execware.com, will presumably spell Reason and/or identify the source, Execware, Inc.
3. Search engines such as Google yield either listings that accord exactly with the search criterion or, if no listings are found, displays messages such as, when searching for Reason, "Do you mean Reson?" In fact searches for Reason and Reson yield mutually exclusive listings of valid websites that exactly meet the search criteria.
4. The preceding notwithstanding, if a person seeking a source for Reason encountered a link for Reson, he/she would immediately perceive no possibility of complementarity. Reson is a company, not a software application, and its PDS2000 series of software is for "hydrographic surveys and dredging guidance" and is for "survey planning, data acquisition, editing, chart production and volume calculation." The data acquired are very large in volume, whereas Reason accommodate small datasets, and is useless for the purposes of Reson.
5. The data cited in 4 is accumulated by external devices and processed by the software to produce final products. The data used in Reason is entered by users, who then manipulate/ model the data, and the user's mind, not the software, forms the final products.
6. Applying the criterion cited in the Office Action of 9/21/07 that the "overriding concern is to present buyer confusion as to the source of the goods or services", it appears unlikely that two products, named Reson and Reason, would be produced by the same source. I believe there is no possibility of buyer confusion between the company Reson and the software application named Reason produced by another company.

B. Modify listing in the application for the mark Reason

To more clearly be “specific enough to identify the nature of the goods and/or services” please modify the listing to read:

Personal computer software applications for visual analysis of small groups of text data objects to identify meaningful relationships by viewing a plurality of permutations of data tables listing the objects and their parameter values by use of user-controlled automated sorting, viewing expanded descriptions of the listed text data objects, viewing and/or hearing content of files associated with listed text data objects, and the manipulation of viewed text data using in-place editing of parameter values and descriptive text, and application of colors to text and/or field backgrounds, all such operations being executed using only two screens, and with results determined cognitively by the user rather than the software.