



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

SERIAL NO.  
74/419089 STERLING SOFTWARE, INC.

APPLICANT

PAPER NO.

MARK

VECTOR: RECONCILE (STYLIZED)

ADDRESS

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ACTION NO.  
01

MAILING DATE  
11/29/93

REF. NO.

81322.T017

ADDRESS:

Commissioner of Patents  
and Trademarks

Washington, D.C. 20231

If no fees are enclosed, the address  
should include the words "BOX 5."

Please provide in all correspondence:

1. Filing date, serial number, mark, and applicant's name.
2. Mailing date of this Office action.
3. Your telephone number and ZIP code.
4. Examining attorney's name and law office number.

FORM PTO-1525 (5-90)

U.S. DEPT. OF COMM. PAT. & TM OFFICE

A proper response to this Office Action must be received within six months of the mailing date of the Office Action in order to avoid **ABANDONMENT**. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

The assigned examining attorney has reviewed the referenced application and determined the following.

**LIKELIHOOD OF CONFUSION**

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on the identified goods, is likely to be confused with the registered mark in U.S. Registration No. 1,769,783. TMEP section 1207. See the enclosed registration.

Section 2(d) of the Trademark Act bars registration where a mark so resembles a registered mark, that it is likely, when applied to the goods, to cause confusion, or to cause mistake or to deceive. TMEP section 1207.01. The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression and the

similarity of the goods. The overriding concern is to prevent buyer confusion as to the source of the goods. *Miss Universe, Inc. v. Miss Teen U.S.A., Inc.*, 209 USPQ 698 (N.D. Ga. 1980). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. *Lone Star Mfg. Co. v. Bill Beasley, Inc.*, 498 F.2d 906, 182 USPQ 368 (CCPA 1974).

"VECTOR," the dominant word in the applicant's proposed mark, comprises the entire registered mark. Since both marks are applied to computer programs for use in the banking industry, confusion as to source is likely.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

### DRAWING

The drawing is not acceptable because the mark is not typed entirely in capital letters. 37 C.F.R. Section 2.51(e); TMEP section 807.08. The applicant must submit a new drawing. If the applicant wishes to register the typed version of the mark, the applicant must submit a drawing on which the mark is typed entirely in capital letters. If the applicant intends to show the mark in special form, the applicant must submit an acceptable special-form drawing. 37 C.F.R. Sections 2.51 and 2.52.

The requirements for a special-form drawing, in addition to the heading, are as follows.

- (1) The drawing must appear in black and white; no color is permitted.
- (2) Every line and letter must be black and clear.
- (3) The use of gray to indicate shading is unacceptable.
- (4) The lining must not be too fine or too close together.
- (5) The preferred size of the area in which the mark is displayed is 2 1/2 inches (6.1 cm.) high and 2 1/2 inches (6.1 cm.) wide. In no case may it be larger than 4 inches (10.3 cm.) high or 4 inches (10.3 cm.) wide.
- (6) If the reduction of the mark to the required size renders any details illegible, the applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. Sections 2.51 and 2.52; TMEP section 807.05. The Office will enforce these drawing requirements strictly. TMEP section 807.



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\*\*\* User: EX415369 \*\*\* Serial Number: 74205219 \*\*\*

Word Mark  
VECTOR

Goods/Services  
IC 009; US 038; G & S: computer programs for use in the banking industry  
and instruction and user manuals sold therewith; FIRST USE: 1976.06.00;  
FIRST USE IN COMMERCE: 1976.06.00

Mark Drawing Code  
(1) TYPED DRAWING

Serial Number  
74-205219

Filing Date  
1991.09.20

Registration Number  
1769783

Registration Date  
1993.05.11

Owner Name/Address  
(REGISTRANT) DIRECTIONS, INC. CORPORATION DELAWARE 15301 North Dallas  
Parkway Suite 400-LB 23 Dallas TEXAS 752484689

Type of Mark  
TRADEMARK

Register  
PRINCIPAL

\*\*\* Search: 3 \*\*\* Document Number: 40 \*\*\*