TRADEMARK EXAMINATION WORKSHEET

AMENDMENT STAGE   ☑ NO CHANGE   XPUBLICATION/REGISTRATION STAGE

Name: Celia Abednego_____   L.O. 104____   Date 10/03/02   Serial No. __76.122034

75714317

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)

	Amended	Data Element	
Class Data		☐ Prime/International Class	☐ Goods and Services
		☐ First Use Date	☐ First Use in Commerce Date
		☐ In Another Form	☐ Certification
		☐ 1b	
Mark Data		☐ Word Mark	☐ Pseudo Mark
		☐ Mark Drawing Code	☐ Design Search Code
		☐ Scan Sub Drawing	
Misc. Mark Data		☐ Mark Description	☐ Disclaimer
		☐ Lining/Stippling	☐ Name/Portrait/Consent
		☐ Translation	
Section 2(f)		☐ Section 2(f) Entire Mark	
		☐ Section 2(f) Limitation Statement	☐ Section 2(f) in Part
		☐ Amended Register	☐ Amended Register Date
Foreign Reg. Data		☐ Foreign Country	☐ 44(d)
		☐ Foreign Application Number	☐ Foreign Application Filing Date
		☐ Foreign Registration Number	☐ Foreign Registration Date
		☐ Foreign Registration Expiration Date	☐ Foreign Renewal Reg. Number
		☐ Foreign Reg. Renewal Expiration Date	☐ Foreign Renewal Reg. Date
Owner Data		☐ Owner Name	☐ DBA/AKA/TA
		☐ Address 1	☐ Address 2
		☐ City	☐ State
		☐ Zip Code	
		☐ Citizenship	☐ Entity
		☐ Entity Statement	☐ Composed of
		☐ Assignment(s)/Name Change	
Amd/Corr Restr.		☐ Concurrent Use	
Prior U.S. Reg.		☐ Prior Registration	
Correspondence		☐ Attorney	☐ Domestic Representative
		☐ Attorney Docket Number	
		☐ Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

_____   10/3/02
LIE   DATE

Other:_____

_____

_____

TRADEMARK EXAMINATION WORKSHEET

☑ AMENDMENT STAGE   ☑ NO CHANGE   ☐ PUBLICATION/REGISTRATION STAGE

Name: **LOLITA BEST** **L.O. 104**   Date SEP 0 9 2002 Serial No. 75/76/ 78 _122034_

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.		

Legal Instrument Examiner (LIE)

	Amended	Data Element	
Class Data		☐ Prime/International Class	☐ Goods and Services
		☐ First Use Date	☐ First Use in Commerce Date
		☐ In Another Form	☐ Certification
		☐ 1b	1a
Mark Data		☐ Word Mark	☐ Pseudo Mark
		☐ Mark Drawing Code	☐ Design Search Code
		☐ Scan Sub Drawing	
Misc. Mark Data		☐ Mark Description	☐ Disclaimer
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		☐ Translation	
Section 2(f)		☐ Section 2(f) Entire Mark	
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Prior U.S. Reg.		☐ Prior Registration	
Correspondence		☐ Attorney	☐ Domestic Representative
		☐ Attorney Docket Number	
		☐ Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

LIE _____   DATE SEP 0 9 2002

Other:_____

_____

GREENBERG
ATTORNEYS AT LAW
TRAURIG

A

Transmittal Cover Sheet

TO	Matthew H. Swyers, Esq.
Company	United States Patent and Trademark Office, Trademark Examining Division
Fax Number	(703) 746-6398
Phone Number	(703) 908-9104, x 280
FROM	David A. Kessler
File Number	46250.010400
Comments	

Date	August 26, 2002
Time	4:50 PM
No. Pages	Including this cover sheet 5

Please notify us immediately if not received properly at 703-749-1300.

1750 Tysons Boulevard, Suite 1200, Tysons Corner, Virginia 22102   (703) 749-1300 Fax (703) 749-1301

GREENBERG
ATTORNEYS AT LAW
TRAURIG

August 26, 2002

Attorney Docket No. 46250.010400

VIA FACSIMILE & FIRST CLASS MAIL

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
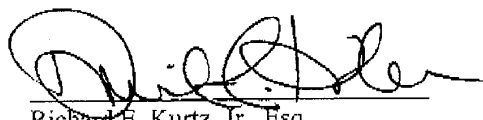
BOX RESPONSES
NO FEE

Sir:

Submitted herewith please find a Response to Second Office Action and Request for Reconsideration with respect to Applicant Sterling Software (U.S.) Inc.'s application for the mark **ONTIME**, Serial No. 76/122,034 and a return postal card acknowledging receipt hereof.

If any additional fees are required in connection with this filing, please charge Deposit Account No. 50-0653.

Respectfully Submitted,

Richard E. Kurtz, Jr., Esq.
David A. Kessler, Esq.

Greenberg Traurig, LLP
1750 Tysons Blvd., 12th Floor
McLean, VA 22102
(703) 749-1300

TRADEMARK MATTER
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ON 8/26/2002

Joseph R. Keselyak

cc: Ms. Kellie S. Keifer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

4

In re U.S. Trademark Application	)	
	)	
Sterling Software (U.S.), Inc	)	Examining Atty.: Matthew H. Swyers
	)	
Serial No.: 76/122,034	)	Law Office: 104
	)	
Filed: September 1, 2000	)	Our Ref. No.: 46250.010400
	)	
Mark: **ONTIME**	)	

Assistant Commissioner for Trademarks
Box RESPONSES NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

RESPONSE TO SECOND OFFICE ACTION AND REQUEST FOR RECONSIDERATION

Pursuant to 37 C.F.R. § 2.64, Applicant files this response to the Second Office Action ("Office Action"), and request for reconsideration of the same, in which the Examining Attorney continued his refusal to register the mark ONTIME (the "Mark") because the specimen is unacceptable as evidence of actual service mark usage for the services in class 42.

I. ARGUMENT
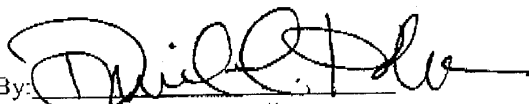
Applicant submits respectfully that the ONTIME system as described in the initial specimen encompasses both software and services. To the extent that the initial specimen is ambiguous as to whether Applicant uses the Mark in connection with the services recited in the application, "[i]n certain limited instances, otherwise deficient specimens may be accepted where other materials and statements sufficiently augment the record to support a claim of proper service mark usage." TMEP § 1301.04. In response to the First Office Action, Applicant submitted additional evidence of proper service mark usage, as well as the sworn declaration of Kellie Keifer, Vice President of Advanced Technology Operations for Applicant. Applicant respectfully requests that the Examining Attorney reconsider his refusal to register in light of

such additional evidence.

Respectfully submitted,

GREENBERG TRAURIG, LLP
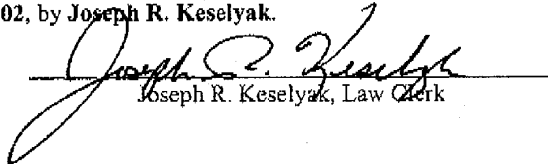
Dated: 8|26|02   By: _____

Richard E. Kurtz, Jr., Esq.
David A. Kessler, Esq.

1750 Tysons Blvd., Suite 1200
McLean, VA 22012
Telephone: 703-749-1300

2

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this document (and any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope and addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on **August 26, 2002**, by **Joseph R. Keselyak.**

_____
                Joseph R. Keselyak, Law Clerk

UNITED STATES PATENT AND TRADEMARK OFFICE

		PAPER NO.
SERIAL NO. 76/122034 **APPLICANT** Sterling Software (U.S.), Inc		
MARK ONTIME		**ADDRESS:** Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov
ADDRESS RICHARD E. KURTZ II GREENBERG TRAURIG 1750 TYSONS BLVD FL 12 MC LEAN VA 22102-4220	**ACTION NO.** 02	
	MAILING DATE 02/28/02	If no fees are enclosed, the address should include the words "Box Responses - No Fee."
	REF. NO.	Please provide in all correspondence: 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.
FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE		

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS 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.*

RE: Serial Number: 76/122034

2ND OFFICE ACTION

This letter responds to the applicant's correspondence received on September 12, 2001. The examining attorney has considered the applicant's arguments in support of registration and, based upon those arguments, advises the applicant that the refusal to register the mark based upon a likelihood of confusion with the mark contained in U.S. Registration No. 1,625,682 is hereby WITHDRAWN. The examining attorney further advises the applicant that its amendment to the recitation of services in Class 42 is acceptable and has been made a part of the record. The following issue remains.

Specimen of Use – Class 42

The specimen is unacceptable as evidence of actual service mark use for the services in class 42 because they specimen submitted is not an acceptable physical form of specimen. The applicant must submit a specimen showing the mark as it is used in commerce. 37 C.F.R Section 2.56. Examples of acceptable specimens are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP section 1301.04. The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. 37 C.F.R. Section 2.59(a); TMEP section 905.10.

General Information

For your convenience, the Trademark Status Line, (703) 305-8747, has been established for immediate case status inquiries, and is available Monday through Friday, from 6:30 a.m. until Midnight, Eastern Standard Time.

If the applicant has any questions or needs assistance in responding to this letter, please telephone the assigned examining attorney.

Matthew Swyers
Attorney Examiner
Law Office 104
Tel. (703) 308-9104 x 280
Fax (703) 746-6398
email matthew.swyers@uspto.gov

☑ AMENDMENT STAGE ☐ NO CHANGE ☐ PUBLICATION/REGISTRATION STAGE

Name: **LOLITA BEST** **L.O. 104** **Date 11/6/01** Serial No. 75/⦻76⦸ 78 *122034*

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)

	Amended	Data Element		
Class Data	✓	☐ Prime/International Class	☑ Goods and Services	
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		☐ In Another Form	☐ Certification	
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Mark Data		☐ Word Mark	☐ Pseudo Mark	
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		☐ City	☐ State	
		☐ Zip Code		
		☐ Citizenship	☐ Entity	
		☐ Entity Statement	☐ Composed of -	
		☐ Assignment(s)/Name Change		
Amd/Corr Restr.		☐ Concurrent Use		
Prior U.S. Reg.		☐ Prior Registration		
Correspondence		☐ Attorney	☐ Domestic Representative	
		☐ Attorney Docket Number		
		☐ Correspondence Firm Name/Address		

I certify that all corrections have been entered in accordance with text editing guidelines.

LIE _ℒℬ_ DATE _11-6-01_

Other:_____
_____

IN THE UNITED STATES PATENT AND TRADEMARK OF]   09-12-2001

In re U.S. Trademark Application	)	
	)	
Sterling Software (U.S.), Inc	)	Examining Atty.: Matthew H. Swyers
	)	
Serial No.: 76/122,034	)	Law Office: 104
	)	
Filed: September 1, 2000	)	Our Ref. No.: 46250.010400
	)	
Mark: **ONTIME**	)	

Assistant Commissioner for Trademarks
Box RESPONSES NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

<u>RESPONSE TO FIRST OFFICE ACTION</u>

This is in response to the First Office Action dated March 19, 2001 (the "Office Action").

In the Office Action, the Examining Attorney refused registration on the ground that Applicant's

mark **ONTIME** (the "Mark") is confusingly similar to Registration No. 1,625,682. The

Examining Attorney also refused registration on the ground that the identification of services is

indefinite because the Applicant uses the wording "relating to" instead of "namely."

<u>LIKELIHOOD OF CONFUSION</u>:

There Is No Likelihood Of Confusion Between The Mark And Registration No. 1,625,682.

The Examining Attorney is incorrect in concluding that there is a likelihood of confusion

between Applicant's Mark and Registration No. 1,625,682. Applicant's goods are "computer

software for synthesizing and/or displaying air carrier operational data," while its services are

"computer services for others relating to design and implementation of software for synthesizing

and/or displaying air carrier operational data." Registrant's goods, on the other hand, are

"computer programs for schedule management, and manuals sold therewith."

The Examining Attorney concludes without any evidence that "[s]ince both marks

contain an identical term and both goods involve computer programs a likelihood of confusion

exists between the two marks." Applicant respectfully disagrees with the Examining Attorney.

The only term that the descriptions of goods for the Mark and Reg. No. 1,625,682 both include is

the word "computer." Furthermore, Applicant and Registrant's use of their respective marks

demonstrates that consumers are not likely to be confused. Applicant uses its Mark for software

that "integrates dynamic air traffic control (ATC) and airline data" – software that is clearly

targeted at airports and airlines. (**Exhibit A**). Registrant uses its mark for computer software to

coordinate employee "work schedules and meetings" – software that is targeted at the

personal/retail consumer. (**Exhibit B**). The channels of trade and targeted customers are

completely different.

The fact that the Mark and Reg. No. 1,625,682 both involve computers and software is

insufficient to find a likelihood of confusion.

> [T]he Board has cautioned that there is no per se rule that confusion will always
> be found as between any and all items of computer hardware and software. . . .
> As the computer becomes widely accepted as a common tool used in all phases of
> businesses and professions, **it becomes possible for a trademark on computer
> products targeted at a specialized market to coexist without confusion with a
> somewhat similar trademark used on computer products targeted at a quite
> different specialized market. . . .** Thus, the Trademark Board and the Federal
> Circuit "have rejected the view that a relationship exists between goods and
> services simply because each involves the use of computers."

4 J. THOMAS MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 24:44 at 24-65 (4th Ed.

2000). In *Amicus Communications, L.P. v. Hewlett-Packard Co., Inc.*, 1999 WL 495921 (W.D.

Tex. June 11, 1999), the court addressed whether the plaintiff, which had registered the mark

PAVILION for providing on-line communication services to affinity groups over the Internet,

could allege the existence of a likelihood of confusion by the defendant's use of the same mark

for the manufacture and sale of personal computer systems. The court noted that the plaintiff's

services required users to register to gain access, while the defendant did not restrict its sales of personal computers to specific individuals or groups. *Amicus*, 1999 WL 495921 at *12.[1] Finding no likelihood of confusion merely because both marks involved computers, the court observed:

> More to the point, there are other instances of personal computers and internet services companies sharing names. For example, Presario is the name of a leading personal computer marketed by COMPAQ and Presario.com is an unrelated consulting company which offers advice on systems integration. Indigo is the name of a work station marketed by Silicon Graphics and unrelated Indigo.com markets science-related equipment. ASPIRE is the name of a personal computer and unrelated to ASPIRING TECHNOLOGIES provides web page development and internet services. VERSA is the name of [a] notebook computer and unrelated Versa.com provides internet publishing and marketing services. Poweredge is a sub-brand of Dell Computers and unrelated Poweredge.com provides internet site hosting. Pavilion Technologies, Inc. in Austin, Texas markets software under the name Pavilion. The Trademark Trial and Appeal Board has rejected plaintiff's premise that all computer hardware, software and internet services are "closely related" when it noted that: "[T]here must be some similarity between the goods and services beyond the fact that each involves the use of computers." The Trademark Trial and Appeal Board has held the fact that the two parties provide computer programs in and of itself "does not establish a relationship between good[s] or services such that consumers would believe that all computer software programs emanate from the same source simply because they are sold under similar marks. . . . The computer filed [sic] has become too large and too fragmented for a *per se* rule.

Id. at *12-13. *See also In re Quadram Corp.*, 228 U.S.P.Q. 863 (T.T.A.B. 1985) (no likelihood of confusion between software for energy conservation [FASER] and hardware buffers [MICROFAZER]); *Information Resources v. X*Press Info. Svs.*, 6 U.S.P.Q.2d 1034 (T.T.A.B. 1988) (no likelihood of confusion between news service transmitted through cable television to a personal computer [X*PRESS] and specialized information analysis computer programs [EXPRESS]); *Electronic Data Sys. Corp. v. EDSA Micro Corp.*, 23 U.S.P.Q.2d 1460 (T.T.A.B. 1992) (no likelihood of confusion between general data processing services [EDS] and computer

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[1] The virtually identical situation exists in the present case. Access to Applicant's services requires registration and a password, whereas the goods sold under Reg. No. 1,625,682 are not restricted to any particular individual or group.

assisted design for electrical power systems [EDSA]) and *Aries Sys. Corp. v. World Book, Inc.*, 26 U.S.P.Q.2d 1926 (T.T.A.B. 1992) (no likelihood of confusion between computer programs for encyclopedic information [INFORMATION FINDER] and computer programs for retrieval in specialized medical databases and sold to physicians [KNOWLEDGE FINDER]).

AMENDMENT OF RECITATION OF SERVICES

Applicant amends its recitation of services as follows:

"computer services for others, namely, the design and implementation of software for synthesizing and/or displaying air carrier operational data" in International Class 42.

SPECIMENS

The Examining Attorney indicated that "[t]he specimen is unacceptable as evidence of actual service mark use because it fails to demonstrate use of the mark for the services recited in the application. Applicant submits respectfully that the ONTIME system as described in the initial specimen encompasses both software and services. To the extent that the initial specimen is ambiguous as to whether Applicant uses the Mark in connection with the services recited in the application, "[i]n certain limited instances, otherwise deficient specimens may be accepted where other materials and statements sufficiently augment the record to support a claim of proper service mark usage." TMEP § 1301.04.

Applicant's ONTIME service integrates dynamic air traffic control and airline data to improve airline bank management. Applicant receives data from a variety of Federal Aviation Administration sources ("FAA Data"), and blends the FAA Data with data received from airlines ("Airline Data") and other commercial sources of aircraft data to determine optimal landing and gate arrival times. (Declaration of Kellie S. Keifer at ¶ 3) (**Exhibit C**). More specifically, Applicant receives FAA Data from a variety of Federal Aviation Administration sources and Airline Data from airline ramp towers and operational control centers and data from other commercial sources, at its sever located in its Ft. Worth, Texas offices using a TCP/IP protocol over a secure, airline-developed client/server communication network. Id. at ¶ 4. Applicant blends the FAA Data, Airline Data, and data from other commercial

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sources on its server, and subsequently makes that information available to customers using a computer interface designed by Applicant to display the final data. Id. In order to use Applicant's ONTIME service, customers must purchase a license for each terminal accessing Applicant's server, and must pay a monthly recurring fee, which includes the following services: (1) technical support; (2) regular software upgrades; and (3) training sessions. Id.

The present case is very similar to *In re Lativ Systems, Inc.*, 223 U.S.P.Q. 1037 (T.T.A.B. 1984), where the applicant sought to register the mark VINYLIZING as a service mark for "material treatment, namely, applying a chip resistant coating to metal surfaces likely to be subject to abrasion such as automobile bodies." The applicant submitted a specimen identifying the mark as a process. The issue before the Trademark Trial and Appeal Board was "whether the term VINYLIZING, concededly sued as the name of a process, also functions as a service mark. This issue must be determined by examining the specimens of record along with any other material made of record by appellant during the prosecution of its application." *Lativ Systems*, 223 U.S.P.Q. at 1038 (citing cases). The Board observed that the materials filed by the applicant to bolster its initial specimens demonstrated use of the mark for services:

> On the new brochures, we find unmistakable evidence that the term VINYLIZING is used to indicate that the service of applicant's franchisees in applying the coating to motor vehicles, including, in particular, the following: VINYLIZING * * * 4. is quickly, easily and inexpensively applied in two steps by your Vinylizing dealer.

Id. As a result, the Board reversed the Examining Attorney's refusal to register on the ground that the term sought to be registered identified a process rather than a service. *Id.* at 1039.

CONCLUSION

Based on the above, Applicant has responded to all outstanding issues relating to the above-referenced application. Applicant respectfully requests that the mark **ONTIME** be allowed to proceed to registration.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: 9/10/01

By:

Richard E. Kurtz, Jr., Esq.
David A. Kessler, Esq.

1750 Tysons Blvd., Suite 1200
McLean, VA 22012
Telephone: 703-749-1300

6

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OnTIME

Effective data synthesis and presentation for schedule management
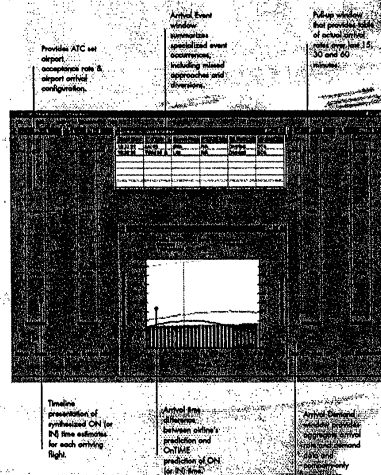
Introducing OnTIME™

OnTIME™ (Transportation Information Management Environment) is the first interactive, work-area tuned system that integrates dynamic air traffic control (ATC) and airline data to improve airline schedule management – the first complete data synthesis of its kind.

The Challenge

In the past, inaccuracies in predicting flight landing "ON" and gate "IN" times and lack of knowledge of dynamic ATC arrival handling plans have caused unnecessary complexity and inefficiency in airline hub operations. Today, as the FAA moves toward greater airline collaboration and continued ATC modernization, Sterling Software is leading the way with an innovative, integrated system.

The Solution

OnTIME™ blends recently available FAA data sources with airline data for optimal landing ON and gate IN time estimates. Flight schedule management is made more efficient, and irregular operations handling and recovery become more reliable. In short, airline schedule data is presented in a timely, organized manner for immediate access when intervention is required.

OnTIME's Scheduling Challenges

- Providing optimal synthesis of data sources that accommodates variability and unique characteristics, erratic behavior...
- Using a client-server architecture to allow execution or integration with other systems...
- Designing user-interface displays specialized...
  - ...airport operations (OnTIME...)
  - ...dispatcher and operations coordinator (OnTIME...)
- Blending available and appropriate data to estimate landing and gate IN time.

The Arrival Data Synthesizer Algorithm (from OnTIME)

- Incorporates unique noise and error...
- Resolves inconsistencies...
- Generates best landing ON time estimate through optimal combination of data sources...
- Provides data sources for expertise gained from...

Provides ATC set airport, acceptance rate & airport arrival configuration.

Arrival Event window summarizes specialized event occurrences, including missed approaches and diversions.

Pull-up window that provides look of actual arrival rates over last 15, 30 and 60 minutes.

Timeline presentation of synthesized ON (or IN) time estimates for each arriving flight.

Arrival Area difference between airline's prediction and OnTIME prediction of ON (or IN) time.

OnTIME Performance:

Increased hub and spoke efficiency through:
- Arrival "ON" event prediction —
    - ± 3 minutes at 30 minutes from landing.
    - ± 5 minutes at 60 minutes from landing.
- Per aircraft ATC delay, missed approach and diversion information.
- Specialized displays per airline work area.

Benefits include:
- Divert/no-divert decision: Increased accuracy of landing ON time predictions and terminal area delays aids dispatcher diversion detection and handling.

- Off-schedule operations: Accurate knowledge of flight location, ATC imposed delay and relative sequence/position in arrival stream assist in flight and bank replanning.

- Gate "hold/go" decision: Identifies unplanned early or delayed arrivals that otherwise cause connecting flights to be incorrectly released or held.

- Gate stability: Improved gate "IN" times prevent late gate changes, delays in fueling and confusion in baggage transfer which can amplify the effects of out-of-bank flights.
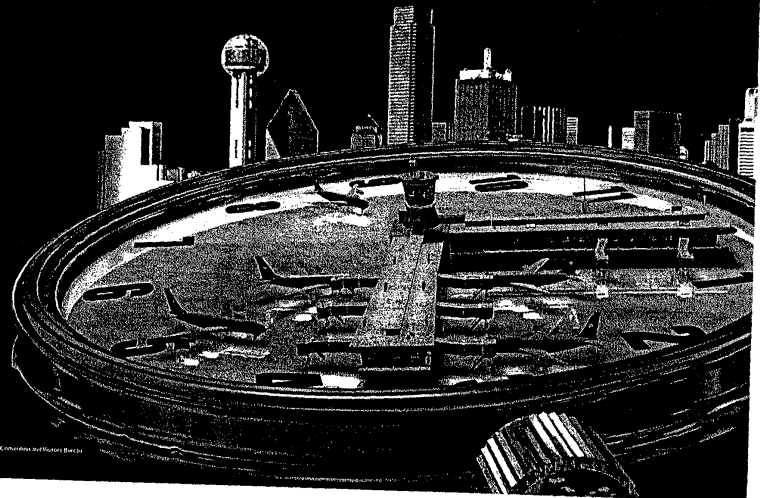

OnTIME

Improving airline schedule management

STERLING SOFTWARE

7900 Sudley Road
Suite 206
Manassas, VA 20109
(703)331-0906

Skyline photograph appears courtesy of the Dallas Convention and Visitors Bureau

EXHIBIT B

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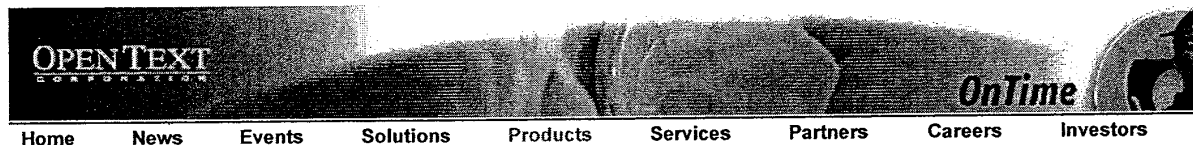
It's not just a matter of time

OnTime® is an enterprise scheduling solution that enables organizations of any size to coordinate and synchronize work schedules and meetings.

Completely **Web-based**, OnTime lets anyone in your organization with a Web browser **view and update calendars** and **coordinate complex schedules—** across organizational or geographical boundaries—**in real time.**

From the office, on the road, or at home, it ensures that you have access to the most accurate and up-to-date calendar information available.

OnTime is a true enterprise solution, scalable to accommodate tens of thousands of users across your intranet and extranet.

Use it with Livelink

OnTime can be deployed as a standalone solution or integrated with Livelink to provide unparalleled global collaboration by integrating control of information and schedules. As a fully integrated offering, Livelink and its OnTime module ensure that all of your projects stay on time and on course.

○ **Product Details**

OnTim

OnTime gives you ‹ fly access to all calendaring and scheduling functio

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OPEN TEXT

OnTime

| Home | News | Events | Solutions | Products | Services | Partners | Careers | Investors |
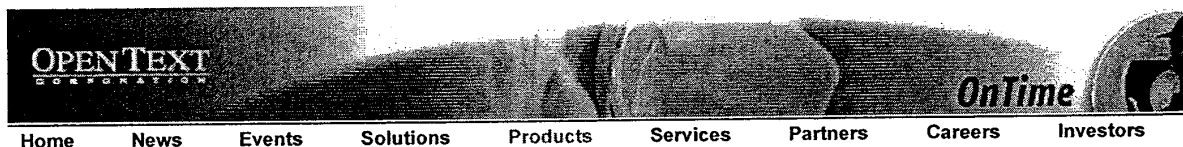
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Web-based architecture for real-time performance

OnTime's architecture allows you to build and configure a system that is **powerful** and **flexible** as well as **easy to maintain.**

OnTime is **scalable to tens of thousands of users,** supporting any size deployment. It utilizes network bandwidth only when users are actually interacting with their calendars, so expanding the number of users doesn't overload the network.

Since OnTime can be **accessed through a standard Web browser,** administration is simple. Multiple servers communicate with each other in real time, acting as a single virtual server. And system administrators can **manage the system from any location.**

OnTime enables you to improve efficiency levels while leveraging your existing corporate infrastructure. Most PIM-based calendar/scheduling systems are built on a proprietary e-mail system such as Microsoft Exchange® or Lotus Notes®. Because **OnTime works independently of e-mail,** organizations can deploy it regardless of the type or number of e-mail systems installed.

Since today's workgroups are diverse, broad and constantly changing, controlling access to calendar information is imperative. With OnTime, access to your calendar can be made **as open or secure as you choose.**

OnTime offers many powerful end-user features, including:

- powerful scheduling and calendaring functionality,
- immediate Common Time Availability,
- RSVP to invitations,
- point and click browser navigation,
- e-mail notification,
- event scheduling,
- resource scheduling,
- calendar printouts,
- remote user support, and
- palmtop integration.

Discover more ⊙ **Download OnTime**

OnTime

OnTime is not tied · single type of e-ma server, so it allows create a solution th works in your environment
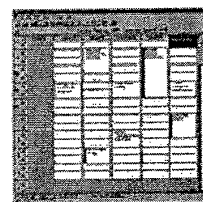
Enter appointments, m
and tasks. View them i
week or month form

To learn more, conta
today: info@opentext

Global toll-free:
+800-4996-5440 (new
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help)

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Collaborative commerce— Open Text and the hyperlinked enterprise

The Internet is fundamentally changing the way we do business. More and more organizations are realizing the importance of Web-based collaboration as an effective way to capture knowledge and improve critical processes. But collaboration isn't just about working together. Today, it provides the foundation for business-to-business e-commerce by increasing access to information, streamlining processes, reducing time-to-market, and improving customer satisfaction.

B2B commerce has moved well beyond financial transactions into the realm of collaborative interaction. At Open Text, we design and deliver applications that allow organizations to leverage their people, resources and infrastructure to create collaborative commerce. Livelink, our flagship product, *hyperlinks* buyers, sellers, customers and employees across organizations and online communities. These *hypernetworks* form across geographical and departmental boundaries, enabling people to work together to share information, negotiate contracts, and find solutions that redefine the commerce process.

From the outset, Open Text has worked to develop technologies that promote innovation. Our efforts have been rewarded. Today, the Company is the largest supplier of collaborative Web-based solutions for the enterprise, supporting over four million users across 4,000 corporations in 31 countries and 12 languages throughout the world.

Find out how we're helping organizations like yours move their people and products Further Faster™. Contact us today for more information.

Open Text promotes and supports industry standards through active participation in key industry groups:

- ASP Consortium
- Document Management Alliance
- Open Document Management API (ODMA)
- SGML/Open
- HTML Working Group
- W3C
- Calendaring and Scheduling Working Group of the IETF
- AIIM
- Simple Workflow Access Protocol (SWAP) Group of the IETF

According to Internation Corporation, the collabo applications market will billion in software reven during this year alone a and more companies dis that human interaction i vital component missing their business-to-busine transactions.

To learn more, conta today: info@opentext

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Trademark Application)
)
Sterling Software (U.S.), Inc) Examining Atty.: Matthew H. Swyers
)
Serial No.: 76/122,034) Law Office: 104
)
Filed: September 1, 2000) Our Ref. No.: 46250.010400
)
Mark: **ONTIME**)

DECLARATION OF KELLIE S. KEIFER

I, Kellie S. Keifer, hereby make this declaration under penalty of perjury in support of Applicant Sterling Software (U.S.), Inc.'s application for the service mark ONTIME, and declare as follows:

1. I am an adult citizen of the State of Nebraska and am competent to make this affidavit as an authorized employee of Applicant Sterling Software, Inc. ("Sterling"), the applicant in the above-referenced ex parte matter.

2. I am the Vice President of Advanced Technology Operations for Sterling. Sterling is one of the world's leading software companies, providing software and services for the application development, business intelligence, information management, network management, Web management, and federal systems markets.

3. Sterling's ONTIME service integrates dynamic air traffic control and airline data to improve airline bank management. Sterling receives data from a variety of Federal Aviation Administration sources ("FAA Data"), and blends the FAA Data with data received from airlines ("Airline Data") and other commercial sources of aircraft data to determine optimal landing and gate arrival times.

4. More specifically, Sterling receives FAA Data from a variety of Federal Aviation Administration sources, Airline Data from airline ramp towers and operational control centers,

and data from other commercial sources, at its sever located in its Ft. Worth, Texas offices using a TCP/IP protocol over a secure, airline-developed client/server communication network. Sterling blends the FAA Data, Airline Data, and data from other commercial sources on its server, and subsequently makes that information available to customers using a computer interface designed by Sterling to display the final data. In order to use Sterling's ONTIME service, customers must purchase a license for each terminal accessing Sterling's server, and must pay a monthly recurring fee, which includes the following services: (1) technical support; (2) regular software upgrades; and (3) training sessions.

5.   The attached brochures clearly demonstrate that Sterling provides services to its customers, and that such services are an essential component of the ONTIME system. See Exhibits A-E attached hereto.

FURTHER DECLARANT SAYETH NOT:

Kellie S. Keifer   Sept. 6, 2001
Kellie S. Keifer   Date

An interactive, work-area specialized system that integrates air traffic control (ATC) and airline data to improve airline schedule management.

TECHNICAL SPECIFICATION SHEET

Summary
OnTIME optimally blends data streams in a server located in our Ft. Worth, TX office using TCP/IP protocol in communicating with clients located at customer sites, e.g. airline ramp towers or operational control centers.

Architecture
Client/Server. Our architecture is designed to minimize customer site maintenance and hardware requirements. The bulk of the software processing is performed at our server end with thin clients at customer installations.

Language
The OnTIME application is developed in Java, a platform independent object-oriented programming language.

Communication network
Client/Server communication is performed over customer desired "CDMnet" vendor, e.g. ARINC AviNet/AOCnet. The system is not connected to the Internet, even at our server location.

Client Computer Hardware
Client computer must run at a minimum of 200 MHz speed with a minimum of 64Mb of installed memory and 10Mb of hard drive space available for installation. The client monitor should be a minimum of 17" with a resolution of 1024 x 768.

Client Computer Software
We have successfully tested with Windows NT, Windows 95/98/2000, and with Solaris on a Sun Ultra 5 class machine. However, virtually any operating system for which a Java Virtual Machine has been developed can support the OnTIME client software.

Security
Client/server communication network is over secure, airline-developed and specified "CDMnet". CTAS data provided to airline customer is sent to OnTIME server via CDMnet. Other data (e.g. airline predicted ON or IN, ASDI), is provided directly to OnTIME server over secure network means. The system is not connected to the Internet, even at our server location.

OnTIME™

An interactive, work-area specialized system that integrates air traffic control (ATC) and airline data to improve airline schedule management.

TECHNICAL INTEGRATION SHEET

Summary

OnTIME optimally blends data streams in a server located in our Ft. Worth TX office, using TCP/IP protocol in communicating with clients located at customer sites, e.g. airline ramp towers or operational control centers.

Input Data Feeds

OnTIME:ramp integrates CTAS data, ASDI data, and airline predicted OOOI data. ASDI and airline predicted ON and IN are obtained by Sterling Software, (U.S.) Inc. CTAS data requires special handling defined below.

CTAS Data

CTAS data is available only to airlines from the FAA through an MOA. Airline customer must:
1. Obtain and sign the FAA/Airline MOA
2. Establish a feed of the CTAS data from a CDMnet vendor, e.g. ARINC AOCnet/AviNet
3. Inform FAA that airline would like to share CTAS data with a vendor, i.e. Sterling Software (U.S.) Inc.
4. Authorize CDMnet vendor to relay the CTAS data to OnTIME server IP address

Note: Volpe has recommended 80 kbps bandwidth to receive the CTAS data.

Communication Network
1. Customer must authorize CDMnet vendor to establish a connection to OnTIME server
2. Customer must establish IP address for CDMnet connectivity
3. Require 20 kbps bandwidth per OnTIME client

Client Computer

Customer can supply computer hardware and required system software (see technical specification sheet), or it may be obtained from Sterling Software.

OnTIME™

An interactive, work-area specialized system that integrates air traffic control (ATC) and airline data to improve airline schedule management.

PRICING SHEET

All prices are quoted in U.S. dollars – Valid through December 31, 2000

OnTIME:ramp

Start-up fees
First seat license: $
Second seat license: $
Additional seat licenses: $

Recurring fees
Monthly: $

Pricing includes
1. Technical support
2. Regular software upgrades
3. 1 training session with training materials

Pricing assumes
1. Customer pays CDMnet fees
2. Customer provides client computer hardware and operating system software

OnTIME™

Presentation for American Airlines
September 28, 2000

STERLING SOFTWARE

Outline

- *The FAA / Airline Environment*
- *Introduce OnTIME*
- *Demonstrate OnTIME:ramp display and functions*
- *Design and Implementation*
- *Product Evolution*
- *Benefits*

OnTIME

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The FAA/Airline Environment

- Airline ability to maintain flight schedule and manage hub operations stressed by traffic growth and slow ATC improvement.

- Confidence and accuracy predicting arrival events (ON, IN) more difficult with dynamic, unknown, ATC arrival handling.

- FAA increasing FAA/airline "collaboration", specifically NAS data sharing.

OnTIME™

STERLING SOFTWARE

The Solution

- *Take full advantage of new generation FAA data:*
  - *blend FAA and airline data*
  - *provide displays tuned to airline work areas*

- *Better arrival time predictions and FAA control data will provide improved hub efficiencies and cost savings.*

OnTIME™

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Data Feeds for OnTIME in DFW area

- **ETMS/ASDI:**
  - *dead-reckon prediction and valuable benchmark*
- **Airline predicted ON/IN:**
  - *allows reference to airline database*
- **CTAS TMA:**
  - *extremely precise flight information*
  - *schedules flights during over-capacity periods*
  - *draws from radar tracks, flight plans, Wx forecasts*
  - *describes what controller is intending to do for each flight*
  - *provides FAA airspace data as input by controller*
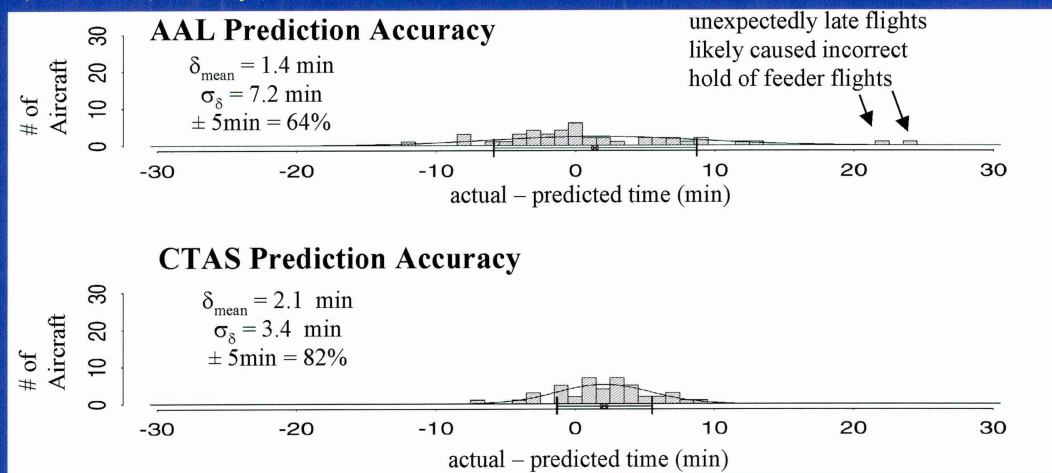 - *available now for Ft. Worth ARTCC, soon at other ARTCCs*

OnTIME™

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Data Feeds:
CTAS TMA and "ON" time accuracy[1,2]

- predictions at 60 min from landing
- 1930-2130 CDT on 13 April 1998
- VFR, South Flow, 4 runways, 120 rate

AAL Prediction Accuracy

$\delta_{mean} = 1.4$ min
$\sigma_{\delta} = 7.2$ min
± 5min $= 64\%$

unexpectedly late flights
likely caused incorrect
hold of feeder flights

# of Aircraft — actual – predicted time (min)

CTAS Prediction Accuracy

$\delta_{mean} = 2.1$ min
$\sigma_{\delta} = 3.4$ min
± 5min $= 82\%$

# of Aircraft — actual – predicted time (min)

[1] Data from R. Zelenka, C. Quinn, R. Beatty, and K. Heere "The Impact of CTAS Information on Airline Operational Control", *Air Traffic Control Quarterly*, Vol. 8(1), 2000.
[2] Data from K. Heere and R. Zelenka "A Comparison of Center/TRACON Automation System and Airline Time of Arrival Predictions", NASA Technical Memorandum TM-2000-209584, Feb 2000.

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Data Feeds:
Blending for Best Solution
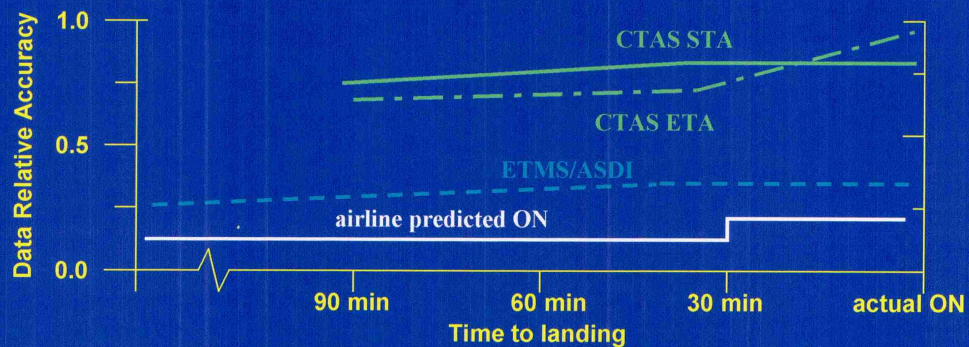
Arrival Data Synthesizer*

- generates best landing ON time estimate through optimal blending
- incorporates unique noise and error models for each data source
- recognizes and rejects erratic or erroneous data
- statistically-based, scalable algorithm
- leverages data processing expertise gained from NASA research

OnTIME™

STERLING SOFTWARE

*patent pending

User Interface:
CTAS TMA and NASA/airline trials

American SOC

- Installed April 98.
- Used to prevent diversions, assist during irregular operations, & strategic planning.
- Requested for American's DFW ramp.

Delta ACC, DFW

- Installed August 99.
- Used during every bank for hub efficiency gains, e.g. hold/go decisions and gate assignments.
- Improvements requested to align with Delta's operations.

For real utility, CTAS must be blended with other data and presented in user context.

OnTIME

STERLING SOFTWARE

User tuned interface: OnTIME:ramp

Provides FAA airport acceptance rate and airport arrival configuration.

Arrival Event window summarizes specialized event occurrences, including missed approaches and diversions.

Timeline presentation of synthesized ON (or IN) time estimates for each arriving flight.

Arrival time difference between airline's prediction and the OnTIME system prediction of ON (or IN) time.

Table of actual airport rates over last 15, 30, and 60 minutes.

Arrival Demand window provides aggregate arrival rate and demand data and company-only arrival data.

STERLING SOFTWARE

User tuned interface:
OnTIME:ramp display windows

- *Airport Status*
  - *Data directly from FAA traffic management coordinator*
  - *Items include available runways, approach type, airport acceptance rate, meter on/off*
- *Timelines*
  - *Flights placed at blended ON (or IN) time prediction*
  - *Difference (i.e. delay) between blended ON and airline predicted ON*
  - *Colors indicate target airline and degree of delay*
- *Flight Events*
  - *Identifies key arrival events, including diversions and missed approaches.*
- *Demand*
  - *Captures airport acceptance rate, expected demand, company delay, and total delay*
- *Instantaneous Rate*
  - *Catalogs actual airport performance over past 15, 30, and 60 minute periods*

OnTIME

STERLING SOFTWARE

Design and Implementation
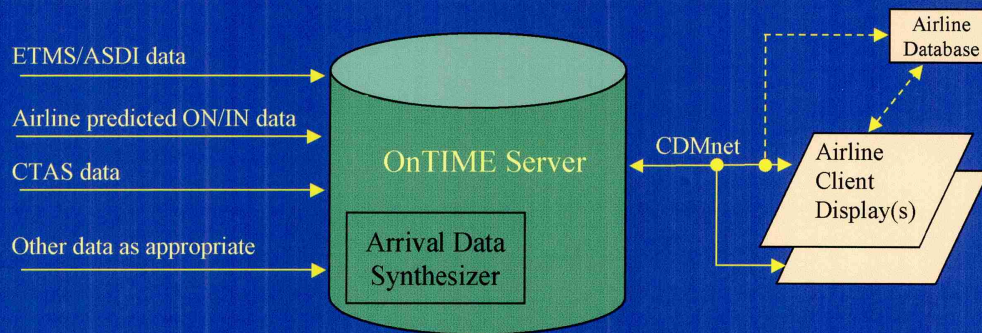
- Client-Server architecture ensures minimal airline-required upkeep.
- Data feeds obtained directly from source when possible.
- Minimal airline in-house integration.
- Digital data output stream available for updating airline databases.
- Modular design for future growth and expansion.

Product Evolution

- **OnTIME:AOC**
  - *will provide additional functionality tuned to "Equipment Desk" position*

- **OnTIME:dispatch**
  - *will provide filtering specialized for dispatch operations*

- **All OnTIME products capable of integrating with**
  - *airline legacy systems, e.g. gate management systems, Px connectivity*
  - *research systems, e.g. surface movement, data-link*

OnTIME™

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OnTIME Link with CTAS TMA

FAA "Free Flight Phase 1" Plans
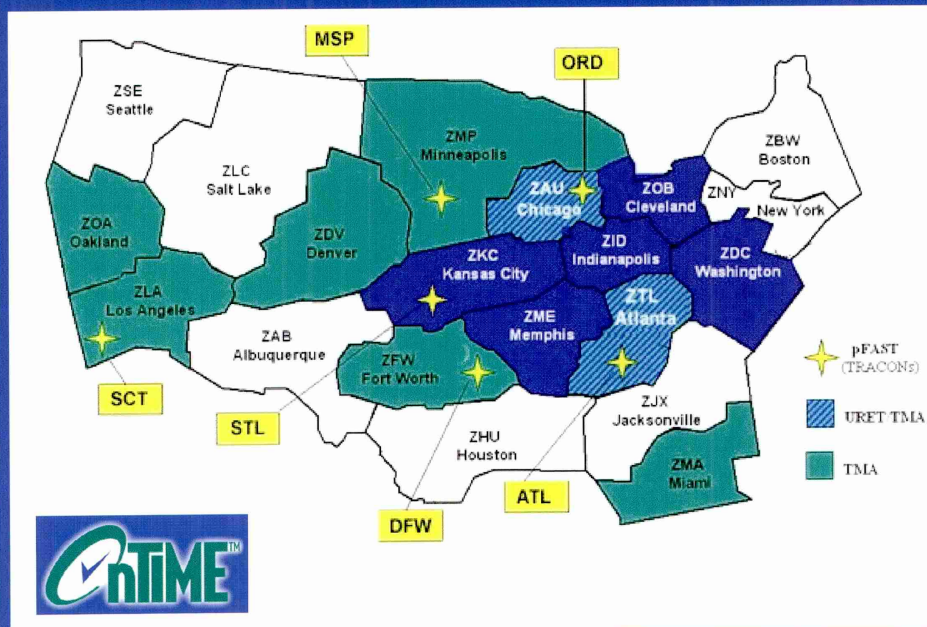
TMA Site	IDU Date
ZFW	1998
ZMP	June 00
ZDV	Sept 00
ZLA	Nov 00
ZTL	Feb 01
ZMA	May 01
ZOA	Sept 01
ZAU	02
Other ARTCC	03 - 05

STERLING SOFTWARE

Benefits:
OnTIME:ramp

Better arrival time predictions and FAA control data provide improved hub efficiencies and cost savings through stronger schedule adherence

- *Reduce Px misconnections*
    - *10 Px per day @ $130/Px, yields $39K/mo*
- *Minimize idle time near gate*
    - *2 flights per bank save 5 min @ $15/min, 11 banks/day yields $50K/mo*
- *Fewer gate changes and bag transfer delays*
- *Quicker recovery of out-of-bank flights*
- *Improved DOT IN-time performance*
- *Enhanced recovery from off-schedule operations*

OnTIME™

STERLING SOFTWARE

GREENBERG
ATTORNEYS AT LAW
TRAURIG

20104
21

September 10, 2001

Attorney Docket No. 46250.010400

VIA FIRSTCLASS MAIL

Box RESPONSES
NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

Submitted herewith please find a Response to First Office Action with respect to Applicant Sterling Software (U.S.) Inc.'s application for the mark **ONTIME**, Serial No. 76/122,034 and a return postal card acknowledging receipt hereof.

If any additional fees are required in connection with this filing, please charge Deposit Account No. 50-0653.

Respectfully Submitted,

Richard E. Kurtz, Jr., Esq.
David A. Kessler, Esq.

Greenberg Traurig
1750 Tysons Blvd., 12th Floor
McLean, VA 22102
(703) 749-1300

TRADEMARK MATTER
I HEREBY CERTIFY THAT THIS **CORRESPONDENCE**
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SERVICE WITH SUFFICIENT POSTAGE AS FIRST
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2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513
ON 9/10/01

cc: Ms. Kellie S. Keifer

UNITED STATES PATENT AND TRADEMARK OFFICE

		PAPER NO.

SERIAL NO.   **APPLICANT**

76/122034 Sterling Software (U.S.), Inc

MARK

ONTIME

ADDRESS

RICHARD E. KURTZ II
GREENBERG TRAURIG
1750 TYSONS BLVD FL 12
MC LEAN VA 22102-4220

ACTION NO.
01

MAILING DATE
03/20/01

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If no fees are enclosed, the address should include the words "Box Responses - No Fee."

Please provide in all correspondence:

1. Filing Date, serial number, mark and Applicant's name.
2. Mailing date of this Office action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and ZIP code.

FORM PTO-1525 (5-90)   **U.S. DEPT. OF COMM. PAT. & TM OFFICE**

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS 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.*

RE: Serial Number: 76/122034

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

Refusal – 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, ONTIME, when used for the identified services, is likely to be confused with the registered mark in U.S. Registration No. 1,625,682 (for ONTIME). 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 services, 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 services. The overriding concern is to prevent buyer confusion as to the source of the services. *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).

The services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978).

In this instance, the mark ONTIME is identical to the mark in U.S. Registration No. 1,625,682. If the marks of the respective parties are identical, the relationship between the services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *Amcor, Inc. v. Amcor Industries, Inc.*, 210 USPQ 70 (TTAB 1981).

The applicant and the registrant engage in the related fields of software development and software implementation. As such, both the applicant and the registrant are likely to market their services through the same channels of trade. Thus, given the identical nature of the marks, a mistaken belief is likely to arise that the services come from a common source.

The examining attorney must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir., 1988).

Accordingly, registration is REFUSED.

Informalities

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

Identification of Goods and Services

The identification of goods and services is unacceptable as indefinite. The applicant may adopt the following identification, if accurate: "Computer services for others, namely, design and implementation of software for synthesizing and displaying air carrier operational data," if accurate.

Specimen

The specimen is unacceptable as evidence of actual service mark use because it fails to demonstrate use of the mark for the services recited in the application. The applicant must submit a specimen showing the mark as it is used in commerce. 37 C.F.R Section 2.56. Examples of acceptable specimens are signs, photographs, brochures or advertisements that show the mark used in the sale or advertising of the services. TMEP section 1301.04.

Additionally, the drawing displays the mark as ONTIME. However, this differs from the display of the mark on the specimen, where it appears as "OnTIME." The applicant must either:

    (1) submit a new drawing of the mark that agrees with the specimen; or

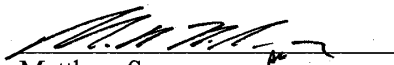   (2) submit a substitute specimen that shows use of the mark shown in the drawing.

37 C.F.R. Section 2.51; TMEP section 807.14. The applicant may not amend the drawing if the amendment would materially alter the character of the mark. 37 C.F.R. Section 2.72(a); TMEP section 807.14(a).

If a substitute specimen is submitted, the applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. 37 C.F.R. Sections 2.59(a) and 2.72(a); TMEP section 905.10.

General Information

For your convenience, the Trademark Status Line, (703) 305-8747, has been established for immediate case status inquiries, and is available Monday through Friday, from 6:30 a.m. until Midnight, Eastern Standard Time.

If the applicant has any questions or needs assistance in responding to this letter, please telephone the assigned examining attorney.

Matthew Swyers
Attorney Examiner
Law Office 104
Tel. (703) 308-9104 x280
Fax (703) 308-7189
Email matthew.swyers@uspto.gov

Mark
    ONTIME

Pseudo Mark
    ON TIME

Goods and Services
    IC 009. US 038. G & S: COMPUTER PROGRAMS FOR SCHEDULE MANAGEMENT, AND
    MANUALS SOLD THEREWITH. FIRST USE: 19890320. FIRST USE IN COMMERCE:
    19890320

Mark Drawing Code
    (1) TYPED DRAWING

Serial Number
    73792222

Filing Date
    April 24, 1989

Publication for Opposition Date
    September 11, 1990

Registration Number
    1625682

Registration Date
    December 4, 1990

Owner Name and Address
    (REGISTRANT) CAMPBELL SERVICES, INC. CORPORATION MICHIGAN SUITE 1070
    21700 NORTHWESTERN HIGHWAY SOUTHFIELD MICHIGAN 48075

Assignment Recorded
    ASSIGNMENT RECORDED

Type of Mark
    TRADEMARK

Register
    PRINCIPAL

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

Live Dead Indicator
    LIVE

Attorney of Record
    ERNEST I. GIFFORD

*** Search: 16 *** Document Number: 16 ***

GREENBERG
ATTORNEYS AT LAW
TRAURIG

/06

Transmittal Cover Sheet

TO	Ms. Denise Williams
Company	USPTO
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Phone Number	703-308-9401 x118
FROM	Bobbie Ashley 703-749-1347
File Number	
Comments	Request for Duplicate Filing Receipts.

COMPLETED

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Time	3:36 PM
No. Pages	Including this cover sheet 2

Please notify us immediately if not received properly at 703-749-1300.

1750 Tysons Boulevard, 12th Floor, Tysons Corner, Virginia 22102 703-749-1300 Fax 703-749-1301

November 20, 2000

VIA FACSIMILE (703) 308-9096

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Assistant Commissioner for Trademarks
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Arlington, Virginia 22202-3513
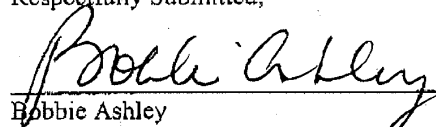
Sir:

   We have not received the official Filing Receipts for the following applications:

TRADEMARK	SERIAL NO.	
ONTIME	76/122,034	106
ONTIME:AOC	76/122,044	103
ONTIME:DISPATCH	76/122,042	103
ONTIME:RAMP	76/122,043	103

   We would appreciate receiving duplicates for these at your earliest convenience. Thank you for
your assistance. Should you have any questions, please contact me at (703) 749-1347.

                    Respectfully Submitted,

                    Bobbie Ashley
                    Trademark Paralegal
                    Greenberg Traurig
                    1750 Tysons Blvd., 12th Floor
                    McLean, VA 22102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERVICE MARK APPLICATION

Mark:	ONTIME
Classes:	42
Applicant:	Sterling Software (U.S.), Inc.
Business Address:	1650 Tysons Blvd, Suite 800 McLean, Virginia 22102
State of Incorporation:	Delaware

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

The Applicant, a nonprofit corporation organized under the laws of the State of Delaware, has adopted and is using the above-identified service mark shown in the accompanying drawing; and requests registration of said mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946, for the following services:

Class 42:   computer services for others relating to design and implementation of software for synthesizing and/or displaying air carrier operational data.

The mark was first used in connection with these services in Class 42 at least as early as June 14, 2000; was first used in connection with these services in interstate commerce at least as early as June 14, 2000; and is now in use in such commerce.

The mark is used in Class 42 by applying it to advertising materials, brochures, pamphlets, promotional materials, Internet web sites, and displays associated with the services, and in other ways customary in the trade. A specimen showing the mark as used in commerce is submitted with this application.

POWER OF ATTORNEY

The applicant hereby appoints Richard E. Kurtz II, Steven J. Wadyka, Jr., David A. Kessler, Jeffrey Neuman, and Mark A. Wurm of Greenberg Traurig, a law firm with its address at 1750 Tysons Boulevard, Suite 1200, McLean, Virginia 22102, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, to receive the Certificate of Registration, and to represent the applicant in all proceedings affecting the mark which may arise in the Patent and Trademark Office after the registration has been granted.

DECLARATION

The undersigned, being warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), 1126(d) or 1126(e), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief, no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

STERLING SOFTWARE (U.S.), INC.

By: _____

Name: Mary P. Pritchard
Title: Senior Vice President,
Civil Agency Division

Date: 9/1/00

Telephone Number: 703 506 0800

GREENBERG

ATTORNEYS AT LAW

TRAURIG

September 1, 2000

<u>Attorney Docket No. PC08276</u>

BOX NEW APP FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
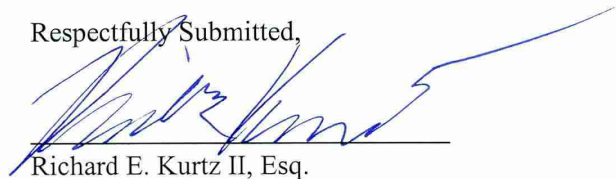Arlington, Virginia 22202-3513

Sir:

Submitted herewith is an application of Sterling Software (U.S.), Inc. for registration of the **ONTIME** mark, comprising:

Application for Service Mark Registration in Class 42
Specimen of Use
Filing fee of $325.00
Drawing Page
Receipt Card

Please direct all correspondence to Richard E. Kurtz II, Esq., Greenberg Traurig, 1750 Tysons Blvd., 12th Floor, McLean, VA 22102.

If any additional fees are required in connection with the filing of this application, please charge Deposit Account No. 50-0653.

Respectfully Submitted,

Richard E. Kurtz II, Esq.

Greenberg Traurig
1750 Tysons Blvd., 12th Floor
McLean, VA 22102
(703) 749-1330

76122034

TRADEMARK APPLICATION SERIAL N(

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

09/08/2000 SWILSON 00000185 76122034

01 FC:361   325.00 OP

PTO-1555
   (5/87)

DRAWING PAGE

Applicant: Sterling Software (U.S.), Inc.

Business Address: 1650 Tysons Blvd, Suite 800
                                    McLean, Virginia 22102

First Use: June 14, 2000
First Use in Commerce: June 14, 2000

Services: Class 42:   computer services for others relating to
                                    design and implementation of software for synthesizing
                                    and/or displaying air carrier operational data.

ONTIME

TRADEMARK

76122034

Greenberg Traurig
1750 Tysons Blvd., 12th Floor
McLean, Virginia 22102

PUBLISHED
12/31/02

*** User: mswyers ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	238043	N/A	0	0	0:06	*on*[bi,ti] and live[ld]
02	7772	N/A	0	0	0:02	*time*[bi,ti] and live[ld]
03	52	0	52	52	0:01	*thyme*[bi,ti] and live[ld]
04	11929	N/A	0	0	0:02	*tim*[bi,ti] and live[ld]
05	2011	N/A	0	0	0:02	1 and (3 or 4)
06	1062	N/A	0	0	0:02	5 and "042"[cc]
07	398	0	398	398	0:01	6 and ("042" or A or B or 200)[ic]
08	3	0	3	3	0:02	5 and surface[bi,ti] and live[ld]
09	3	0	3	3	0:02	5 and s{"eui"}rf*[bi,ti] and live[ld]
10	0	0	0	0	0:01	5 and s{"eui"}rpf*[bi,ti] and live[ld]
11	2	0	2	2	0:01	5 and *dispatch*[bi,ti] and live[ld]
12	5	0	4	4	0:03	5 and *d{"ei"}sp{v}*[bi,ti] and live[ld]
13	1	0	1	1	0:01	5 and *ramp*[bi,ti] and live[ld]
14	113	0	113	113	0:14	5 and *r$1{v}m*[bi,ti] and live[ld]
15	1	0	1	1	0:02	5 and ("AOC" or " A OC" or "AO C")[bi,ti] and live[ld]
16	16	0	16	16	0:01	ONTIME[bi,ti] and live[ld]
17	107	0	107	107	0:01	"ON TIME"[bi,ti] and live[ld]

Session started 2/15/01 10:25:18 AM
Session finished 2/15/01 10:57:08 AM
Total search duration 0:44 minutes
Session Duration 31:50 minutes

Default NEAR limit= 1 ADJ limit= 1