

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/581644

APPLICANT: WURLD Media, Inc.

**\*76581644\***

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

MARK: COOPERATIVE COMMUNICATIONS NETWORKS

CORRESPONDENT'S REFERENCE/DOCKET NO : WUR-98753-80

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 76/581644

The assigned trademark examining attorney has reviewed the referenced application filed on March 17, 2004 and has determined the following.

**Search Results**

- The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**Section 2(e)(1) - Descriptive Refusal**

- Registration is refused because the proposed mark merely describes a feature or function of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

Applicant seeks to register the wording "COOPERATIVE COMMUNICATIONS NETWORKS" for use in connection with various software and services related to digital file and data transfer via the internet or other computer-facilitated network. The wording "cooperative networks" appears to be used in the industry to describe or name a shared web-based network that may be used by all parties involved in a particular transaction, e.g., manufacturer, distributor, broker, retailer, and end consumer. Likewise, the wording "*cooperative communications network*" merely states the type of network provided by or enabled by applicant's goods and/or services.

Moreover, the components of the mark do not create together a separate, non-descriptive meaning. *See In re Ampco Foods, Inc.*, 227 USPQ 331, 333 (TTAB 1985). A mark that combines descriptive terms is generally not registrable unless the composite creates a unitary mark with a unique, non-descriptive meaning or commercial impression. *In re Tower Tech, Inc.*, 64 USPQ2d 1314 (TTAB 2002) (SMARTTOWER merely descriptive of "commercial and industrial cooling towers and accessories therefor, sold as a unit"); *In re Sun Microsystems Inc.*, 59 USPQ2d 1084 (TTAB 2001) (AGENTBEANS held merely descriptive of "computer software for use in the development and deployment of application programs on a global computer network"); *In re Shiva Corp.*, 48 USPQ2d 1957 (TTAB 1998) (TARIFF MANAGEMENT held merely descriptive for "computer hardware and computer programs to control, reduce and render more efficient wide area network (WAN) usage and printed user manuals sold therewith"); *In re Putnam Publishing Co.*, 39 USPQ2d 2021 (TTAB 1996) (FOOD & BEVERAGE ON-LINE merely descriptive of "a news and information service updated daily for the food processing industry, contained in a database"); *In re Copytele, Inc.*, 31 USPQ2d 1540 (TTAB 1994) (SCREEN FAX PHONE merely descriptive of "facsimile terminals employing electrophoretic displays"); *In re Digital Research Inc.* 4 USPO2d 1242 (TTAB 1987) (CONCURRENT DOS and CONCURRENT PC-DOS held merely descriptive of

“computer programs recorded on disk”).

For these reasons, registration is refused under Section 2(e)(1) of the Trademark Act.

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal(s) to register, then applicant must also respond to the following requirement(s).

### **Request for Information/Meaning of the Mark**

(1) In order to allow for proper examination of this application, *including the final determination as to whether the mark is merely descriptive in relation to the goods or services*, the applicant must submit samples of advertisements or promotional materials for the goods or services or, if unavailable, for goods or services of the same type. If such materials on the specific goods/services described in the application are not available, the applicant must describe the nature, purpose, prospective purchasers, and channels of trade of the goods or services identified in the application. This information is necessary to evaluate accurately and fully the registrability of the applicant’s proposed designation. 37 C.F.R. Section 2.61(b); TMEP § 814. If the applicant does not provide the information required herein, registration may be refused. The Trademark Rules of Practice have the effect of law and failure to comply with a request for information is grounds for refusal of registration. *In re DTI Partnership, L.L.P.*, 67 USPQ2d 1699 (TTAB 2003). *See also In re Page*, 51, USPQ2d 1660, 1665 (TTAB 1999); *In re Babies Beat, Inc.*, 13 USPQ2d 1729, 1731 (TTAB 1990); *In re Big Daddy’s Lounges, Inc.*, 200 USPQ 371 (TTAB 1978); *In re Air Products and Chemicals, Inc.*, 192 USPQ2d 84, 85-86 (TTAB 1976); and *In re Morrison Industries, Inc.*, 178 USPQ 432, 433-34 (TTAB 1973).

(2) In addition, the applicant must indicate whether the mark has any significance in the relevant trade or industry or as applied to the goods or services. 37 C.F.R. Section 2.61(b).

### **Identification of Goods**

The wording “software and firmware” in the identification of goods needs clarification because the type of software or firmware is not specified. Applicant may change this wording to the following, if accurate. TMEP §1402.01.

**Computer** software and **computer** firmware for use in digital file transfer, data transfer and in telecommunications, namely, data transfer management software and firmware, digital file transfer accounting software and firmware, file transfer tracking software and firmware, digital rights management software and firmware, and data transfer security software and firmware.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

### **Recitation of Services**

The wording “transaction tracking,” “file and data transfer accounting management services; account reporting and notification services,” and other wording in the identification of services needs clarification because the nature of the services is unclear. In addition, such wording could comprise services in more than one international class of services. Applicant may change this wording to the following, if accurate. TMEP §1402.01.

**Computerized** transaction tracking of [specify type of materials/objects to be tracked, e.g., “package shipments” or “commercial transactions on a global computer network”, etc.] (International Class 35).

Data transfer services, **namely, transfer of data via telecommunications** (International Class 38).

~~Services in the fields of digital file and data transfer, namely, and data transfer services,~~

**Computer** systems, software and firmware design services **for others** regarding [specify type of, e.g., purchase] transaction tracking and **purchaser** account reporting and **vendor** notification via the internet and other computer-facilitated networks (International Class 42).

Please note that, while the identification of services may be amended to clarify or limit the services, adding to the services or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable*

Identifications of Goods and Services at <http://tess2.uspto.gov/netahtml/tidm.html>.

**Request for Information regarding Services**

- Applicant must submit samples of advertisements or promotional materials for the identified services because the nature of the services in connection with which applicant intends to use its mark is not clear from the present record. If such materials are not available, then applicant must submit samples of advertisements or promotional materials for *similar* services. In addition, applicant must describe in some detail the nature, purpose and channels of trade of the services listed in the application. 37 C.F.R. §2.61(b); TMEP §§814 and 1402.01(d).

**Classification**

- Applicant must correct the classification of the services in the application and amend the application to classify them in the International Classes referenced above. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

**Combined Applications**

I. Applicant must clarify the number of classes for which registration is sought. The submitted filing fees are insufficient to cover all the classes in the application. Specifically, the application identifies goods and/or services that are classified in at least **four** international classes, however applicant paid the fee for only **one** class(es).

**Applicant must either: (1) restrict the application to the number of class(es) covered by the fee already paid, or (2) pay the required fee for each additional class(es).** 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1401.04, 1401.04(b) and 1403.01.

II. If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods and/or services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

**Drawing**

I. **Applicant must submit a new drawing showing the entire mark clearly and conforming to 37 C.F.R. §§2.52.** The current drawing is not acceptable because the depiction of the mark is unclear; the drawing is a photocopy (facsimile copy) of the mark that will not reproduce satisfactorily. Currently, there is a facsimile mark or black line running through the mark shown on the drawing page. TMEP §807.07(a).

II. Applicant must submit the following standard character claim: “The mark is presented in standard characters without claim to any particular font style, size, or color.” 37 C.F.R. §2.52(a).

*Please note that in a standard character drawing, the mark on the drawing consists of only words, letters or numbers, but does not include any designs or claims as to particular font style, size, or color.* A registration for a mark using a standard character drawing affords protection not only for the standard character version of the mark, but for any possible renderings of the mark, as long as those renderings do not contain any design elements; i.e., a registered standard character drawing of the mark gives protection for display on the specimens in any lettering style. A special-form drawing, on the other hand, shows the mark in stylized letters and/or with a design element and provides protection for only that specific rendering. 37 C.F.R. §2.52; Exam Guide 01-03, section I; See TMEP §§807.06 *et seq.* and TMEP §807.07 *et seq.*



**NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004**

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451



Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at [www.uspto.gov](http://www.uspto.gov).

My Law Office will move on **October 27, 2004**. To reach me by phone after that date call **(703) 285-1184 or (571) 272-9240**.

To submit a **fax** response to this Office action after that date, send your response to the Law Office fax number, namely **(571) 273-9113**.

If the applicant has any questions concerning this Office action, please telephone the assigned examining attorney.

**/ELIZABETH J. WINTER/**  
Trademark Examining Attorney  
Law Office 113  
(703) 285-1184; (703) 308-9113, ext. 480

**How to respond to this Office Action:**

You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://eteas.uspto.gov/V2.0/oa242/WIZARD.htm> and follow the instructions therein, but you must wait until at least 72 hours after receipt if the office action issued via e-mail). PLEASE NOTE: Responses to Office Actions on applications filed under the Madrid Protocol (Section 66(a)) **CANNOT** currently be filed via TEAS.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

\*\*\*\*\*022468\*\*\*\*\*

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