

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85426540
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85426540
LITERAL ELEMENT	SKYNET SOLUTIONS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_742131133-161434332_._Response_to_OA-Skynet.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\854\265\85426540\xml1\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\265\85426540\xml1\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\265\85426540\xml1\ROA0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\265\85426540\xml1\ROA0005.JPG
DESCRIPTION OF EVIDENCE FILE	Actual argument text.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Computer services, namely, designing and implementing websites, webpages, home pages, internet sites for others; Designing, creating, maintaining, and hosting websites, webpages, e-commerce websites for others	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/19/2003
FIRST USE IN COMMERCE DATE	At least as early as 01/19/2003
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Computer services, namely, designing and implementing websites, webpages, home pages, internet sites for others; Designing, creating, maintaining, and hosting websites, webpages, e-commerce websites for others	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/19/2003
FIRST USE IN COMMERCE DATE	At least as early as 01/19/2003
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"[for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\854\265\85426540\xml1\ ROA0006.JPG
SPECIMEN DESCRIPTION	I screenshot of a webpage displaying the mark "Skynet Solutions" to market, promote and sell services.
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use solutions apart from the mark as shown.
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/Rod Yancy/
SIGNATORY'S NAME	Rod Yancy
SIGNATORY'S POSITION	Attorney of record
SIGNATORY'S PHONE NUMBER	918-200-9094
DATE SIGNED	06/21/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jun 21 16:29:37 EDT 2012
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 120621162937645849-854265 40-49036e5ab1774f30fb9ea2 25ad2fd8c-N/A-N/A-2012062 1161434332711

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85426540** SKYNET SOLUTIONS(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85426540>) has been amended as follows:

ARGUMENT(S)



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In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Actual argument text. has been attached.

Original PDF file:

[evi_742131133-161434332_. Response_to_OA-Skynet.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Computer services, namely, designing and implementing websites, webpages, home pages, internet sites for others; Designing, creating, maintaining, and hosting websites, webpages, e-commerce websites for others

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/19/2003 and first used in commerce at least as early as 01/19/2003 , and is now in use in such commerce.

Proposed: Class 042 for Computer services, namely, designing and implementing websites, webpages, home pages, internet sites for others; Designing, creating, maintaining, and hosting websites, webpages, e-commerce websites for others

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/19/2003 and first used in commerce at least as early as 01/19/2003 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 042 . The specimen(s) submitted consists of I screenshot of a webpage displaying the mark "Skynet Solutions" to market, promote and sell services. .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen]. [Specimen File](#)

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use solutions apart from the mark as shown.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /Rod Yancy/ Date: 06/21/2012

Signatory's Name: Rod Yancy

Signatory's Position: Attorney of record

Signatory's Phone Number: 918-200-9094

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85426540
Internet Transmission Date: Thu Jun 21 16:29:37 EDT 2012
TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20120621162937645
849-85426540-49036e5ab1774f30fb9ea225ad2
fd8c-N/A-N/A-20120621161434332711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Skynet Solutions, Inc.
Serial No.: 85426540
Filed: September 19, 2011
Trademark Atty: Steven W. Jackson
Word Mark: SKYNET SOLUTIONS

RESPONSE TO JANUARY 5, 2012 OFFICE ACTION

This Response is filed in reply to the Office Action e-mailed on January 5, 2012. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for SKYNET SOLUTIONS is in condition for allowance to publication.

Prior-Filed Application

Applicant submits a preliminary response to the potential conflict between Applicant's mark and the mark found in application serial number 85187783 for SKYNET ("Cited Mark"); however, Applicant reserves all rights to provide a detailed and more descriptive response if Examining Attorney Steven W. Jackson raises an additional refusal in a subsequent Office Action.

Applicant's Word Mark

SKYNET SOLUTIONS

Class 42: Computer services, namely, designing and implementing websites, webpages, home pages, internet sites for others; Designing, creating, maintaining, and hosting websites, webpages, e-commerce websites for others

Cited Mark

SKYNET

Class 42: Providing virtual computer systems and virtual computer environments through cloud computing

Preliminary Response with Reservation of Rights

The Examiner suggests that it may possibly suspend Applicant's mark, because if the cited mark registers, Applicant's Mark may be refused registration under Trademark Act Section 2(d) for a likelihood of confusion. Applicant asserts that its mark and services differ sufficiently to avoid the potential for a likelihood of confusion. "[T]he question of confusion is related not to the nature of the mark but to its effect 'when applied to the goods of the applicant.'" *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1360, 177 USPQ 563, 566 (C.C.P.A. 1973). The United States Court of Customs and Patent Appeals listed thirteen factors to weigh in the likelihood of confusion analysis and stated that all of the factors must be considered "when of record." *Id.* at 1361. Applicant respectfully asserts that when all factors are weighed, the majority weighs against the existence of a likelihood of confusion.

(1) Similarity of Conflicting Designations

The first factor is the similarity of the conflicting designations, including appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). A similar phrase found in two marks is not dispositive of a confusing similarity between the marks when the marks give off different commercial expressions. *See Kellogg Co. v. Pack'em Enterprises, Inc.*, 951 F.2d 330 (Fed. Cir. 1991). When Applicant's mark (SKYNET SOLUTIONS), and the Cited Mark (SKYNET) are compared, the appearance is not similar in that the Applicant uses an additional term. The USPTO has found a mark capable of registration, even in cases

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