

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86293720
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (current)	
MARK	http://tsdr.uspto.gov/img/86293720/large
LITERAL ELEMENT	CONTENT +
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.
MARK SECTION (proposed)	
MARK	CONTENT+
LITERAL ELEMENT	CONTENT+
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_963314784-20141125114824536534_._Office_Action_Response.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\937\86293720\xml7\ROA0003.JPG \\TICRS\EXPORT16\IMAGEOUT16\862\937\86293720\xml7\ROA0004.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant's arguments.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Wade J. Savoy/
SIGNATORY'S NAME	Wade Savoy
SIGNATORY'S POSITION	Attorney of record, Louisiana bar member
DATE SIGNED	11/25/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 25 11:58:07 EST 2014

TEAS STAMP

USPTO/ROA-XX.XX.XXX.XX-20
141125115807528315-862937
20-5002edc83663e65d826772
f4caebd8c1f26c4d1a74b8ee2
7a005a9e2587614-N/A-N/A-2
0141125114824536534

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. **86293720** CONTENT +(Standard Characters, see <http://tsdr.uspto.gov/img/86293720/large>) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: CONTENT +(Standard Characters, see <http://tsdr.uspto.gov/img/86293720/large>)

Proposed (USPTO generated image): CONTENT+ (Standard Characters, see [mark](#))

The mark consists of standard characters, without claim to any particular font, style, size, or color.

ARGUMENT(S)

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 Applicant's arguments. has been attached.

Original PDF file:

[evi_963314784-20141125114824536534_ Office Action Response.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Response Signature

Signature: /Wade J. Savoy/ Date: 11/25/2014

Signatory's Name: Wade Savoy

Signatory's Position: Attorney of record, Louisiana bar member

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: 86293720

Internet Transmission Date: Tue Nov 25 11:58:07 EST 2014

TEAS Stamp: USPTO/ROA-XX.XX.XXX.XX-20141125115807528

315-86293720-5002edc83663e65d826772f4cae

bd8c1f26c4d1a74b8ee27a005a9e2587614-N/A-

N/A-20141125114824536534

CONTENT+

Mark: CONTENT +

Serial No.: 86293720

Date: November 24, 2014

Response to Office Action Dated 9/11/2014

Section 2(d) Refusal – Likelihood of Confusion

The Examining Attorney refused registration under Section 2(d) based on Reg. No. 2831734 for CONTENT+. This registration was cancelled under Section 8 on November 14, 2014. As such, Applicant requests that this refusal be lifted.

Advisory – Prior Pending Application

The Examining Attorney also stated that Applicant's mark might be refused under Section 2(d) based on Application Serial No. 86242997 for the following mark:



As a preliminary response, and reserving the offer to make a fuller argument if a refusal based on the application does issue, Applicant notes that the cited application was allowed by the Office before the CONTENT+ registration cited by the Examining Attorney (Reg. No. 2831734) was cancelled, and the registration was not cited against the application. If the cited application and the cited registration could co-exist for similar services (at least to the extent that the Examining Attorney finds overlap with Applicant's services), Applicant respectfully submits that its CONTENT+ mark can also co-exist with the cited application without a likelihood of confusion.

Disclaimer

Applicant requests that its mark and the drawing of its mark be amended to remove the space between "CONTENT" and "+" to comport the mark and drawing with the submitted specimen. See, for example, these excerpts from the specimen:

HOW CONTENT+ HELPS

many industry lead
ges of Content+. Co

This simple change of a space is not a material change to the mark and the commercial impression is the same. See In re Innovative Cos., LLC, 88 USPQ2d 1095 (TTAB 2008) (finding amendment from “FREEDOMSTONE” to “FREEDOM STONE” not to be a material alteration).

With this amendment, Applicant respectfully submits that the request to disclaim “content” is now moot.