

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86302501
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86302501/large
LITERAL ELEMENT	MKTXS
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.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_701095314-20141015111407707318_ . MKTXS-Response.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\025\86302501\xml4\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\025\86302501\xml4\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\025\86302501\xml4\ROA0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\025\86302501\xml4\ROA0005.JPG
DESCRIPTION OF EVIDENCE FILE	a .pdf document file asserting persuasive arguments in favor of publication of the Applicant mark.
NEW ATTORNEY SECTION	
NAME	Antonio Vann
FIRM NAME	DunlapWeaver, PLLC
STREET	211 Church Street, SE
CITY	Leesburg
STATE	Virginia
ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	855.226.9661
EMAIL	ip@dunlapweaver.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
	SHAH, SANDIP 575 ROUTE 28 STE 207

ORIGINAL ADDRESS	RARITAN New Jersey (NJ) US 08869-1354
NEW CORRESPONDENCE SECTION	
NAME	Antonio Vann
FIRM NAME	DunlapWeaver, PLLC
STREET	211 Church Street, SE
CITY	Leesburg
STATE	Virginia
ZIP/POSTAL CODE	20175
COUNTRY	United States
PHONE	855.226.9661
EMAIL	ip@dunlapweaver.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/avann/
SIGNATORY'S NAME	Antonio Vann
SIGNATORY'S POSITION	Attorney of Record, VA Bar Member
SIGNATORY'S PHONE NUMBER	8552269661
DATE SIGNED	10/15/2014
AUTHORIZED SIGNATORY	YES
RESPONSE SIGNATURE	/avann/
SIGNATORY'S NAME	Antonio Vann
SIGNATORY'S POSITION	Attorney of Record, VA Bar Member
SIGNATORY'S PHONE NUMBER	8552269661
DATE SIGNED	10/15/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Oct 15 11:18:04 EDT 2014
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XX-20 141015111804471885-863025 01-500fc4957def029257fdd4 1efd0c1ab7463fda0305210a6 4778b9aac9a09fb59e17-N/A- N/A-20141015111407707318

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86302501** MKTXS(Standard Characters, see <http://tsdr.uspto.gov/img/86302501/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of a .pdf document file asserting persuasive arguments in favor of publication of the Applicant mark. has been attached.

Original PDF file:

[evi_701095314-20141015111407707318_.MKTXS-Response.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Antonio Vann of DunlapWeaver, PLLC, having an address of
211 Church Street, SE Leesburg, Virginia 20175
United States
ip@dunlapweaver.com
855.226.9661

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

SHAH, SANDIP
575 ROUTE 28 STE 207
RARITAN
New Jersey (NJ)
US
08869-1354

Proposed:

Antonio Vann of DunlapWeaver, PLLC, having an address of
211 Church Street, SE Leesburg, Virginia 20175
United States
ip@dunlapweaver.com
855.226.9661

SIGNATURE(S)

Response Signature

Signature: /avann/ Date: 10/15/2014

Signatory's Name: Antonio Vann

Signatory's Position: Attorney of Record, VA Bar Member

Signatory's Phone Number: 8552269661

Response Signature

Signature: /avann/ Date: 10/15/2014

Signatory's Name: Antonio Vann

Signatory's Position: Attorney of Record, VA Bar Member

Signatory's Phone Number: 8552269661

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

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.

Mailing Address: Antonio Vann
DunlapWeaver, PLLC
211 Church Street, SE
Leesburg, Virginia 20175

Serial Number: 86302501

Internet Transmission Date: Wed Oct 15 11:18:04 EDT 2014

TEAS Stamp: USPTO/ROA-XX.XXX.XX.XX-20141015111804471

885-86302501-500fc4957def029257fdd41efd0

c1ab7463fda0305210a64778b9aac9a09fb59e17

-N/A-N/A-20141015111407707318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 86302501
Mark: MKTXS
Applicant: Sandip Shah
Office Action Date: September 19, 2014

RESPONSE TO SEPTEMBER 19, 2014 OFFICE ACTION

This Response is filed in reply to the Office Action e-mailed on September 19, 2014. The Applicant respectfully submits the following response. Applicant submits that the above-identified trademark application for MKTXS is in condition for allowance to publication.

Potential Section 2(d) – Likelihood of Confusion

Applicant submits a preliminary response to the potential section 2(d) refusal; however, Applicant reserves all rights to provide a detailed and more descriptive response if Examining Attorney Curtis French raises a Section 2(d) refusal in a subsequent Office Action.

APPLICANT’S WORD MARK

MKTXS

Date of First Use: 12/01/2006

Class 035: Advertising, marketing and promotion services in the field of **pharmaceuticals** and **healthcare**; Business and management consulting for **healthcare providers** and related businesses; **Market analysis** and research services; **Market research** consultation

CITED REGISTERED MARK

MKTX

Date of First Use: 03/31/1999

Class 035: Business marketing consulting for others, namely, developing and implementing marketing and public relations strategies, preparing marketing and sales documents in the nature of **technical documents**, namely, magazine articles, web site content, product and service brochures and information packets, preparation of print and online electronic advertising, and preparing and delivering **audio-visual presentations** for use at **trade shows and conferences**.

Preliminary Response with Reservation of Rights

The USPTO suggests that it will refuse registration of Applicant’s mark, MKTXS, “because of a likelihood of confusion with registered mark MKTX, in U.S. Registration No. 2372202.” “[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. The Examining Attorney has indicated that similarity of the marks,

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