

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86470367
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK FILE NAME	http://tsdr.uspto.gov/img/86470367/large
LITERAL ELEMENT	MHS ASSESSMENTS
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
This preliminary response adds the convention priority for this application. A supplemental response will be filed at a later date to address the requirements of the March 19, 2015 Office Action.	
GOODS AND/OR SERVICES SECTION (016)(current)	
INTERNATIONAL CLASS	016
DESCRIPTION	
A psychological assessment tool, namely, automated and printed item booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals, all used to detect behavioral disorders and automatically generate interpretation reports and treatment measures using computer software and web-based technology	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (016)(proposed)	
INTERNATIONAL CLASS	016
DESCRIPTION	
A psychological assessment tool, namely, automated and printed item booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals, all used to detect behavioral disorders and automatically generate interpretation reports and treatment measures using computer software and web-based technology	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	1700894
FOREIGN APPLICATION COUNTRY	Canada
FOREIGN FILING DATE	11/03/2014
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
GOODS AND/OR SERVICES SECTION (044)(current)	
INTERNATIONAL CLASS	044
DESCRIPTION	

Psychological testing, consultation, and training workshops by means of web-based technology, computer software and printed booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals

FILING BASIS	Section 1(b)
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GOODS AND/OR SERVICES SECTION (044)(proposed)

INTERNATIONAL CLASS	044
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DESCRIPTION

Psychological testing, consultation, and training workshops by means of web-based technology, computer software and printed booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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FOREIGN APPLICATION NUMBER	1700894
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FOREIGN APPLICATION COUNTRY	Canada
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FOREIGN FILING DATE	11/03/2014
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INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
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SIGNATURE SECTION

DECLARATION SIGNATURE	/Bruce W. McKee/
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SIGNATORY'S NAME	Bruce W. McKee
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SIGNATORY'S POSITION	Attorney of Record, Iowa bar member
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SIGNATORY'S PHONE NUMBER	515-288-3667
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DATE SIGNED	04/28/2015
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RESPONSE SIGNATURE	/Bruce W. McKee/
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SIGNATORY'S NAME	Bruce W. McKee
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SIGNATORY'S POSITION	Attorney of Record, Iowa bar member
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SIGNATORY'S PHONE NUMBER	515-288-3667
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DATE SIGNED	04/28/2015
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AUTHORIZED SIGNATORY	YES
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FILING INFORMATION SECTION

SUBMIT DATE	Tue Apr 28 17:50:31 EDT 2015
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TEAS STAMP	USPTO/ROA-XX.XXX.XXX.XX-2 0150428175031214165-86470 367-530a795646ddbff493e18 da55d096827a8f7f2a341aab6 56ab4438e2a21a444b-N/A-N/ A-20150428174930032487
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To the Commissioner for Trademarks:

Application serial no. **86470367** MHS ASSESSMENTS (Stylized and/or with Design, see <http://tsdr.uspto.gov/img/86470367/large>) has been amended as follows:

ARGUMENT(S)

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

This preliminary response adds the convention priority for this application. A supplemental response will be filed at a later date to address the requirements of the March 19, 2015 Office Action.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 016 for A psychological assessment tool, namely, automated and printed item booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals, all used to detect behavioral disorders and automatically generate interpretation reports and treatment measures using computer software and web-based technology

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed: Class 016 for A psychological assessment tool, namely, automated and printed item booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals, all used to detect behavioral disorders and automatically generate interpretation reports and treatment measures using computer software and web-based technology

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Filing Basis: Section 44(d), Priority based on foreign filing: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [Canada application number 1700894 filed 11/03/2014]. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

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

Current: Class 044 for Psychological testing, consultation, and training workshops by means of web-based technology, computer software and printed booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a

bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed: Class 044 for Psychological testing, consultation, and training workshops by means of web-based technology, computer software and printed booklets, questionnaires, interview forms, workbooks, scoring forms, answer keys, profile sheets, report forms and manuals
Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Filing Basis: Section 44(d), Priority based on foreign filing:For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services, and asserts a claim of priority based upon a foreign application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization, and asserts a claim of priority based upon a foreign application. **For a certification membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant, and the applicant asserts a claim of priority based upon a foreign application. Claim of priority is based on [Canada application number 1700894 filed 11/03/2014]. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Bruce W. McKee/ Date: 04/28/2015

Signatory's Name: Bruce W. McKee
Signatory's Position: Attorney of Record, Iowa bar member
Signatory's Phone Number: 515-288-3667

Response Signature

Signature: /Bruce W. McKee/ Date: 04/28/2015
Signatory's Name: Bruce W. McKee
Signatory's Position: Attorney of Record, Iowa bar member

Signatory's Phone Number: 515-288-3667

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: 86470367
Internet Transmission Date: Tue Apr 28 17:50:31 EDT 2015
TEAS Stamp: USPTO/ROA-XX.XXX.XXX.XX-2015042817503121
4165-86470367-530a795646dbff493e18da55d
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