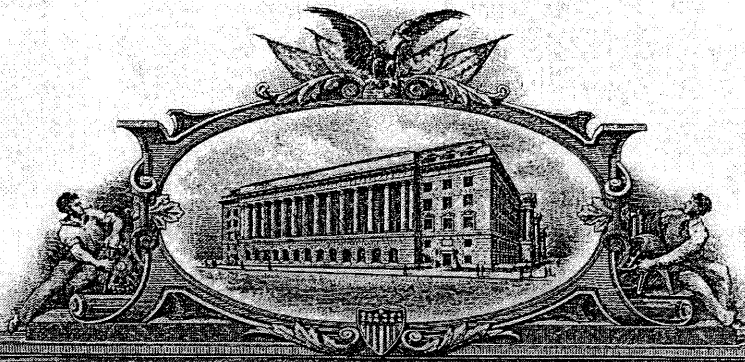


Exhibit A

188233



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

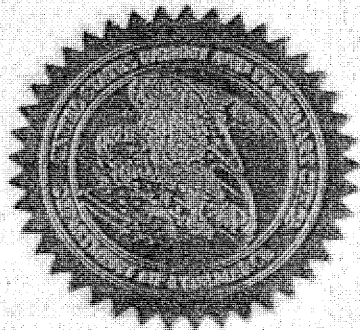
**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

July 18, 2012

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:**

**TRADEMARK APPLICATION: 85/432,026
FILING DATE: September 26, 2011**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



**P. R. GRANT
Certifying Officer**

PTO Form 1478 (Rev. 9/2006)

OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85432026

Filing Date: 09/26/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85432026
MARK INFORMATION	
*MARK	<u>Timelines</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Timelines
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Timelines, Inc.
*STREET	1802 West Berteau, Suite 203
*CITY	Chicago
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60613
PHONE	773-661-3150
EMAIL ADDRESS	brian@timelines.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	

TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Illinois
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	042
*IDENTIFICATION	Computer services, namely, providing online services featuring genealogical information, images, records and other data relating to historical, current and future life events; computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data
FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 09/15/2008
FIRST USE IN COMMERCE DATE	At least as early as 04/20/2009
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\854 \320\85432026\xml1\ APP0003.JPG
SPECIMEN DESCRIPTION	home page of the web site www.timelines.com
CORRESPONDENCE INFORMATION	
NAME	Timelines, Inc.
FIRM NAME	Timelines, Inc.
STREET	1802 West Berteau, Suite 203
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60613
PHONE	773-661-3150
EMAIL ADDRESS	brian@timelines.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Brian Hand/
SIGNATORY'S NAME	Brian Hand
SIGNATORY'S POSITION	Chairman
DATE SIGNED	09/26/2011

PTO Form 1478 (Rev 9/2008)

OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 85432026

Filing Date: 09/26/2011

To the Commissioner for Trademarks:

MARK: Timelines (Standard Characters, see mark)

The literal element of the mark consists of Timelines.

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

The applicant, Timelines, Inc., a corporation of Illinois, having an address of
1802 West Berteau, Suite 203
Chicago, Illinois 60613
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 042: Computer services, namely, providing online services featuring genealogical information, images, records and other data relating to historical, current and future life events; computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data

In International Class 042, the mark was first used at least as early as 09/15/2008, and first used in commerce at least as early as 04/20/2009, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) home page of the web site www.timelines.com.

Specimen File 1

The applicant's current Correspondence Information:

Timelines, Inc.
Timelines, Inc.
1802 West Berteau, Suite 203
Chicago, Illinois 60613
773-661-3150(phone)
brian@timelines.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made 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 any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Brian Hand/ Date Signed: 09/26/2011
Signatory's Name: Brian Hand
Signatory's Position: Chairman

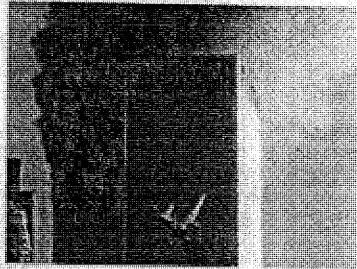
RAM Sale Number: 2280
RAM Accounting Date: 09/27/2011

Serial Number: 85432026
Internet Transmission Date: Mon Sep 26 16:03:51 EDT 2011
TEAS Stamp: USPTO/BAS-71.239.45.93-20110926160351120
818-85432026-480a64932858f83d8aa8449b828
d29bf4c-CC-2280-20110926153328801863

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This Week in History



11 Sep 2001

Hijacked American Airlines Flights 11 and 175 Crash into the World Trade Center's North and South Towers, Destroying Both

This was one of those events where I remembered exactly where I was and what I was doing. I had arrived at my office at 5:43 AM in Evanston on Chicago when my wife called to tell me that a plane had hit the World Trade Center. I went to Yahoo! News and all that was posted was a photo of one of the towers with smoke pouring out of it. There was no description or any other information. At that time we thought it was caused by a small private plane.

More Sep 11 Events



[View Event](#)



19 Sep 1938
New England Hurricane of 1938



9 Sep 1956
Elvis Presley First Appears on The Ed Sullivan



8 Sep 1930
Grove Mill Tragicomic of 1930



7 Sep 1963
The Football Hall of Fame Opens



6 Sep 1957
Princess Diana's Funeral



5 Sep 1882
The First Labor Day Parade

Battles of the American Civil War

[View All](#)



12 Apr 1861
First Battle of Fort Sumter



21 Jul 1861
First Battle of Bull Run



8 Mar 1862
Battle of the Monitors and Merrimack



17 Sep 1862
Battle of Antietam



1 Jul 1863
Battle of Gettysburg



9 Apr 1865
Battle of Appomattox Court House

Timelines

From: TMDesignCodeComments.
Sent: Saturday, October 1, 2011 00:16 AM
To: brian@timelines.com
Subject: Notice of Pseudo Mark for Serial Number: 85432026

**ATTORNEY REFERENCE
NUMBER:**

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You must reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

TIME LINES

*** User:mmedowell ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	29645	N/A	0	0	0:02	*t{"iy"}me* [bi,ti]
02	40154	N/A	0	0	0:01	*l{"iy"}ne* [bi,ti]
03	353	N/A	0	0	0:01	1 and 2
04	114	0	84	70	0:01	1 and 2: not: dead [ld]

Session started 10/26/11 12:49:07 PM

Session finished 10/26/11 1:00:50 PM

Total search duration 0 minutes 5 seconds

Session duration 11 minutes 43 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TICRS as Serial Number: 85432026

To: Timelines, Inc. (brian@timelines.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85432026 - TIMELINES - N/A
Sent: 11/12/11 4:50:25 PM
Sent As: ECOM101@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
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[Attachment - 44](#)
[Attachment - 45](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85432026

MARK: TIMELINES

85432026

CORRESPONDENT ADDRESS:
TIMELINES, INC.
TIMELINES, INC.
1802 W BERTEAU AVE STE 203

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_form2.jsp

CHICAGO, IL 60613-1817

APPLICANT: Timelines, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/ACORRESPONDENT E-MAIL ADDRESS:
brian@timelines.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 11/12/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

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

1. SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature, characteristic and function of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), see TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); see *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gynlay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

In this case, the applied-for mark "TIMELINES" is intended to be used on services identified as "Computer services, namely, providing online services featuring genealogical information, images, records and other data relating to historical, current and future life events; computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data". The attached evidence demonstrates that the term "timeline" refers to interactive, often web-based, visual chronologies. Words or terms that describe the function or purpose of a product or service may be merely descriptive or generic. TMEP §1209.03(p); see *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987) (holding SCREENWIPE generic for an anti-static cloth used for cleaning computer and television screens); *In re Cent. Sprinkler Co.*, 49 USPQ2d 1194 (TTAB 1998) (holding ATTIC generic for sprinklers installed primarily in attics); *In re Reckitt & Colman, N. Am. Inc.*, 18 USPQ2d 1389 (TTAB 1991) (holding PERMA PRESS generic for soil and stain removers for use on permanent press products). "A mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); see, e.g., *In re Polo Int'l, Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research, Inc.*, 4 USPQ2d 1342 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). In this case, the wording "timelines" as applied to the applicant's web-based software services describes a feature, characteristic and function of those services.

While there are existing registered marks that use this wording, a term that was once arbitrary or suggestive may lose its distinguishing and

file:///D:/p2mp/temp/html/OEMS.htm

6/25/2012

origin-denoting characteristics through use in a descriptive sense over a period of time, and may come to be regarded by the purchasing public as nothing more than a descriptive designation. *In re Digital Research, Inc.*, 4 USPQ2d 1242, 1243 (TTAB 1987); *In re Int'l Spike, Inc.*, 190 USPQ 505, 507 (TTAB 1976).

Thus, trademark rights are not static, and eligibility for registration must be determined on the basis of the facts and evidence in the record at the time registration is sought, which includes during examination and any related appeal. *In re Chippendale USA, Inc.*, 622 F.3d 1346, 1354, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010); *In re Morton-Norwich Prods., Inc.*, 671 F.2d 1332, 1344, 213 USPQ 9, 18 (C.C.P.A. 1982); *In re Thunderbird Prods. Corp.*, 406 F.2d 1389, 1391, 160 USPQ 730, 732 (C.C.P.A. 1969).

Vocabulary used in the computer and electronics fields is particularly noted for changing rapidly, and descriptiveness is determined based on the facts and evidence in the record at the time registration is sought. *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1088 (TTAB 2001); *In re Styleclick.com Inc.*, 57 USPQ2d 1445, 1448 (TTAB 2000) (noting "a year or two is an eternity in 'Internet time,' given the rapid advancement of the Internet into every facet of daily life").

Thus, third-party registrations of applicant's mark or portions of applicant's mark are not probative on the question of descriptiveness. Each case must be taken on its own facts. *In re Pennzoil Prods. Co.*, 20 USPQ2d 1753, 1758 (TTAB 1991); TMEP §1209.03(a).

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. See *In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

SUPPLEMENTAL REGISTER

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. See 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s).

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under Trademark Act Section 2(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

See 15 U.S.C. §§1052(d), 1091, 1094; TMEP §815.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below:

2. IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the nature of the services are unclear in several places as further explained below (in bold). See TMEP §1402.01. Additionally, it is possible that portions of the identification refer to services classified in more than one international class.

Applicant may adopt the following identification, if accurate:

"Computer services, namely, providing online services in the nature of {specify the nature of the services, e.g. "Software as a service (SaaS) services featuring software in the field of {specify the function of the programs, e.g. "for use in allowing users to upload photos, videos and data in the field of genealogical information, images, records and other data relating to historical, current and future life events"}"; computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, [DELETE "business" as business networking is classified in class 035; applicant must either add class 035 to the application or delete this portion of the identification] and community networking; ; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; platform as a service (PaaS) featuring computer software platforms for enabling users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a website that gives users the ability to create customized web pages featuring user-defined profiles and featuring on-line non-downloadable software that allows users to transfer and share such information among multiple websites; computer services, namely, creating computer network-based indexes of information, websites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data." In Class 042.

"On-line business networking services, namely, creating on-line virtual communities for registered users to engage in business networking." In Class 035.

"Hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks, namely, providing on-line chat rooms and electronic bulletin http://atlas/netacgi/nph-brs?sect2=THESOFF§3=PLURON&sl=message+boards&l=MAX§1=IDMLICON§4=HITOFF&op1=AND&d=TIDM&p=1&u=%2Fnetahtml%2Ftidm.html&r=0&f=S - h5#h5http://atlas/netacgi/nph-brs?sect2=THESOFF§3=PLURON&sl=message+boards&l=MAX§1=IDMLICON§4=HITOFF&op1=AND&d=TIDM&p=1&u=%2Fnetahtml%2Ftidm.html&r=0&f=S - h7#h7boards for transmission of http://atlas/netacgi/nph-brs?sect2=THESOFF§3=PLURON&sl=message+boards&l=MAX§1=IDMLICON§4=HITOFF&op1=AND&d=TIDM&p=1&u=%2Fnetahtml%2Ftidm.html&r=0&f=S - h6#h6http://atlas/netacgi/nph-brs?sect2=THESOFF§3=PLURON&sl=message+boards&l=MAX§1=IDMLICON§4=HITOFF&op1=AND&d=TIDM&p=1&u=%2Fnetahtml%2Ftidm.html&r=0&f=S - h8#h8messages among users in the field of general interest." In Class 038.

"Provision of on-line genealogical information." In Class 045.

Identifications of services can be amended only to clarify or limit the services; adding to or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 et seq., 1402.07. 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 and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://teas2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

Services will be classified according to the specifications made. If applicant includes services in more than one international class, applicant must follow the instructions below at "Multiple Class Application Requirements".

MULTIPLE CLASS APPLICATION REQUIREMENTS (ADDING A CLASS)

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the requirements below for those goods and/or services based on actual use in commerce under Trademark Act Section 1(a):

- (1) Applicant must list the goods/services by international class;
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.usplougov>); and
- (3) For each additional international class of goods and/or services, applicant must submit
 - a. Dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial application apply to that class; and the dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application;
 - b. One specimen showing use of the mark for each class of goods and/or services; and the specimen must have been in use in commerce at least as early as the filing date of the application. If a single specimen supports multiple classes, applicant should indicate which classes the specimen supports rather than providing multiple copies of the same specimen;
 - c. A statement that "the specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application;" and
 - d. Verification of the statements in 3(a) and 3(c) (above) in an affidavit or a signed declaration under 37 C.F.R. §§2.20, 2.33. Verification is not required where: (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, and (2) the original specimens are acceptable for the added class(es).

See 37 C.F.R. §§2.34(a)(1), 2.71(c), 2.86(a); TMEP §§1403.01, 1403.02(e).

The specimen(s) of record is acceptable for International Class(es) 042 only.

The filing fee for adding classes to an application is as follows:

- (1) \$325 per class, when the fees are submitted with a response filed online via the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>; or
- (2) \$375 per class, when the fees are submitted with a paper response.

37 C.F.R. §2.6(a)(1)(i)-(a)(1)(i); TMEP §810.

3. CLAIM OF OWNERSHIP OF REGISTRATIONS

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6/25/2012

If applicant owns U.S. Registration Nos. 3684074, 3764134 and 3784720, then applicant must submit for the application record a claim of ownership of these registrations. See 37 C.F.R. §2.36; TMEP §812. See the attached copies of the registrations. See TMEP §812.

Applicant may use the following format to claim ownership of these registrations:

Applicant is the owner of U.S. Registration Nos. 3684074, 3764134 and 3784720.

RESPONDING TO THIS OFFICE ACTION

There is no required format or form for responding to an Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. However, if applicant responds on paper via regular mail, the response should include the title "Response to Office Action" and the following information: (1) the name and law office number of the examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

The response should address each refusal and/or requirement raised in the Office action. If a refusal has issued, applicant can argue against the refusal; i.e., applicant can submit arguments and evidence as to why the refusal should be withdrawn and the mark should register. To respond to requirements, applicant should set forth in writing the required changes or statements and request that the Office enter them into the application record.

The response must be personally signed or the electronic signature manually entered by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants). TMEP §§605.02, 712.

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the mailing date of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

To expedite prosecution of this application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/teas/index.html>.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Matthew J. McDowell/
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

