

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

U.S. APPLICATION SERIAL NO. 79202239

MARK: REAVIS

79202239

CORRESPONDENT ADDRESS:

Law & Trust -
advokátska kancelária, spol. s r.o.
Karadzicova 12
SK-821 08 Bratislava
SLOVAKIA

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APPLICANT: HB REAVIS Slovakia a.s.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

INTERNATIONAL REGISTRATION NO. 1332528

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

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(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2886296; 4116039; and 5076216. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §1207.01 *et seq.* See the attached registrations.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the services. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); see TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the services are compared to determine whether they are similar or commercially related or travel in the same trade channels. See *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

U.S. Registration Nos. 2886296 and 4116039 [REFUSAL AS TO CLASSES 37 and 42]

- *Comparison of Marks*

Registrant is using REAVES and REAVES and design. For a composite mark containing both words and a design, the word portion may be more likely to indicate the origin of the services because it is that portion of the mark that consumers use when referring to or requesting the services. *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Vitterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)). REAVES, therefore, is the dominant feature of the marks of registrant.

Applicant is using REAVIS. REAVES and REAVIS are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Furthermore, there is no correct pronunciation of a mark because it is impossible to predict how the public will pronounce a particular mark. See *Embarcadero Techs., Inc. v. RStudio, Inc.*, 105 USPQ2d 1825, 1835 (TTAB 2013) (quoting *In re Vitterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012); *In re The Belgrade Shoe Co.*, 411 F.2d 1352, 1353, 162 USPQ 227, 227 (C.C.P.A. 1969)); TMEP §1207.01(b)(iv). The marks in question could clearly be pronounced the same; such similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Finally, slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); see *In re Vitterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012). The marks of registrant and applicant, therefore, are highly similar.

- *Comparison of Services*

The services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective services need only be "related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Registrant is using its mark on "structural engineering support services and design engineering services all in the field of prefabricated buildings." **Applicant** is using its mark in connection with a variety of services including "construction; building construction supervision and construction information" and "engineering."

With respect to applicant's and registrant's services, the question of likelihood of confusion is determined based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all services of the type described. See *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration(s) has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the application use broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification. Specifically, applicant's "engineering" services are worded broadly enough to encompass registrant's "structural engineering support services and design engineering services all in the field of prefabricated buildings." Furthermore, applicant's "construction services" are highly related to registrant's design services pertaining to prefabricated buildings because they each pertain to the construction of a structure. The services, therefore, are highly related.

U.S. Registration No. 5076216 [REFUSAL AS TO CLASS 37]

Registrant is using REEVES PLUMBING AND HEATING, having disclaimed PLUMBING AND HEATING. Although marks are compared in

their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). REEVES, therefore, is the dominant feature of the mark of registrant.

Applicant is using REAVIS. REEVES, the dominant feature of the mark of registrant, and REAVIS are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Furthermore, there is no correct pronunciation of a mark because it is impossible to predict how the public will pronounce a particular mark. See *Embarcadero Techs., Inc. v. RStudio, Inc.*, 105 USPQ2d 1825, 1835 (TTAB 2013) (quoting *In re Vitterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012); *In re The Belgrade Shoe Co.*, 411 F.2d 1352, 1353, 162 USPQ 227, 227 (C.C.P.A. 1969)); TMEP §1207.01(b)(iv). The marks in question could clearly be pronounced the same; such similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Finally, slight differences in the sound of similar marks will not avoid a likelihood of confusion. *In re Energy Telecomm. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); see *In re Vitterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012). The marks of registrant and applicant, therefore, are highly similar.

- Comparison of Services

The services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective services need only be "related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Registrant is using its mark in connection with "general contractor services, namely, plumbing, heating and air conditioning, carpentry, drywall, painting, electrical, building and framing contractor services." **Applicant** is using its mark in connection with a variety of services including "construction; building construction supervision; construction information." Both registrant and applicant are providing building construction services. The services, therefore, are highly related.

Applicant should note the following additional ground for refusal.

SECTION 2(e)(4) REFUSAL – PRIMARILY MERELY A SURNAME

Registration is refused because the applied-for mark is primarily merely a surname. Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4); see TMEP §1211.

"The test for determining whether a mark is primarily merely a surname is the primary significance of the mark as a whole to the purchasing public." *In re Integrated Embedded*, 120 USPQ2d 1504, 1505 (TTAB 2016) (quoting *In re Hutchinson Tech. Inc.*, 852 F.2d 552, 554, 7 USPQ2d 1490, 1492 (Fed. Cir. 1988)); see *In re Kahan & Weisz Jewelry Mfg. Corp.*, 508 F.2d 831, 832, 184 USPQ 421, 422 (C.C.P.A. 1975); TMEP §1211.01.

The following five inquiries are often used to determine the public's perception of a term's primary significance:

- (1) Whether the surname is rare;
- (2) Whether anyone connected with applicant uses the term as a surname;
- (3) Whether the term has any recognized meaning other than as a surname;

- (4) Whether the term has the structure and pronunciation of a surname; and
- (5) Whether the term is sufficiently stylized to remove its primary significance from that of a surname.

In re Eximius Coffee, LLC, 120 USPQ2d 1276, 1278 & n.2, 1282-83 (TTAB 2016) (citing *In re Benthin Mgmt. GmbH*, 37 USPQ2d 1332, 1333-34 (TTAB 1995) for the *Benthin* inquiries/factors); TMEP §1211.01; see also *In re Etablissements Darty et Fils*, 759 F.2d 15, 16-18, 225 USPQ 652, 653 (Fed. Cir. 1985).

These inquiries are not exclusive, and any of these circumstances – singly or in combination – and any other relevant circumstances may be considered when making this determination. *In re Eximius Coffee, LLC*, 120 USPQ2d at 1277-78; TMEP §1211.01. For example, when the applied-for mark is not stylized, it is unnecessary to consider the fifth inquiry. *In re Yeley*, 85 USPQ2d 1150, 1151 (TTAB 2007); TMEP §1211.01.

Please see the attached evidence from the Public Records database, establishing the surname significance of REAVIS. This evidence shows the applied-for mark appearing 8693 times as a surname in the LEXISNEXIS® surname database, which is a weekly updated directory of cell phone and other phone numbers (such as voice over IP) from various data providers.

With respect to the first requirement, the surname appears over 8,000 times in a nationwide directory. It is not particularly rare. Even if REAVIS were a rare surname, the statute makes no distinction between rare and commonplace surnames and even a rare surname may be unregistrable under Trademark Act Section 2(e)(4) if its primary significance to purchasers is that of a surname. *E.g.*, *In re Etablissements Darty et Fils*, 759 F.2d 15, 16-18, 225 USPQ 652, 653 (Fed. Cir. 1985); *In re Eximius Coffee, LLC*, 120 USPQ2d 1276, 1281 (TTAB 2016) (citing *In re E. Martinoni Co.*, 189 USPQ 589, 590-91 (TTAB 1975)); TMEP §1211.01(a)(v). There is no minimum amount of evidence needed to establish that a mark is primarily merely a surname. See *In re Etablissements Darty et Fils*, 759 F.2d at 17, 225 USPQ at 653; *In re Petrin Corp.*, 231 USPQ 902, 903 (TTAB 1986); TMEP §1211.02(b)(i).

With respect to the second requirement, there is no information of record as to whether anyone connected with the applicant has the surname REAVIS.

With respect to the third requirement, evidence that a term has no recognized meaning or significance other than as a surname is relevant to determining whether the term would be perceived as primarily merely a surname. See *In re Eximius Coffee, LLC*, 120 USPQ2d 1276, 1280 (TTAB 2016); *In re Petrin Corp.*, 231 USPQ 902, 903 (TTAB 1986); TMEP §1211.02(b)(vi). The attached evidence from <http://www.wordnik.com> shows that REAVIS does not appear in the dictionary. Thus, this term appears to have no recognized meaning or significance other than as a surname.

With respect to the fourth requirement, evidence that a term has the structure and pronunciation of a surname may contribute to a finding that the primary significance of the term is that of a surname. *In re Eximius Coffee, LLC*, 120 USPQ2d 1276, 1280 (TTAB 2016); see *In re Giger*, 78 USPQ2d 1405, 1409 (TTAB 2006); *In re Gregory*, 70 USPQ2d 1792, 1796 (TTAB 2004); TMEP §1211.01(a)(vi). Since this term appears over 8,000 times in a Public Records database of surnames, it has the structure and pronunciation of a surname.

With respect to the fifth requirement, the mark is in standard characters. Accordingly, there is no stylization sufficient to remove its primary significance from that of a surname.

- Response Options for Surname Refusal

A mark deemed primarily merely a surname may be registered on the Principal Register under Trademark Act Section 2(f) based on a claim of acquired distinctiveness. See 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a); TMEP §§1211, 1212. Applicant may respond by asserting a claim of acquired distinctiveness based on one or more of the following:

- (1) **Prior Registrations:** Applicant may claim ownership of one or more active prior registrations on the Principal Register of the same mark for services that are sufficiently similar to those named in the pending application. 37 C.F.R. §2.41(a)(1); TMEP §§1212, 1212.04. Applicant may do so by submitting the following statement, if accurate: **“The mark has become distinctive of the services as evidenced by the ownership of active U.S. Registration No(s). [specify] on the Principal Register for the same mark for sufficiently similar services.”** TMEP §1212.04(e).
- (2) **Five Years’ Use:** Applicant may submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **“The mark has become distinctive of the services through the applicant’s substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.”** 37 C.F.R. §2.41(a)(2); TMEP §1212.05(d); see 37 C.F.R. §2.193(e)(1).

Applicant may rely only on use in commerce that may be regulated by the U.S. Congress. See 15 U.S.C. §§1052(f), 1127. Use solely in a foreign country or between two foreign countries is not evidence of acquired distinctiveness in the United States. TMEP §§1010, 1212.08; see *In re Rogers*, 53 USPQ2d 1741, 1746-47 (TTAB 1999).

- (3) **Other Evidence:** Applicant may submit other evidence of acquired distinctiveness, with the following statement, if accurate: **“The evidence shows that the mark has become distinctive of the goods and/or services.”** 37 C.F.R. §2.41(a)(3); TMEP §1212.06. Such additional evidence may include affidavits or declarations of long-term use in commerce; specific dollar sales under the mark;

advertising expenditures; samples of typical advertising; and letters, affidavits, or declarations in which consumers and/or dealers assert recognition of the mark as an indicator of source. *See* 37 C.F.R. §2.41(a)(3); *In re Ideal Indus., Inc.*, 508 F.2d 1336, 1339-40, 184 USPQ 487, 489-90 (C.C.P.A. 1975); *In re Capital Formation Counselors, Inc.*, 219 USPQ 916, 919 (TTAB 1983); TMEP §§1212.06 *et seq.*

Applicant may rely only on use in commerce that may be regulated by the U.S. Congress. *See* 15 U.S.C. §§1052(f), 1127. Use solely in a foreign country or between two foreign countries is not evidence of acquired distinctiveness in the United States. TMEP §§1010, 1212.08; *see In re Rogers*, 53 USPQ2d 1741, 1746-47 (TTAB 1999).

Applicant cannot overcome the refusal by amending the application to the Supplemental Register, because a mark in an application under §66(a) of the Trademark Act is not eligible for registration on the Supplemental Register. Trademark Act Section 68(a)(4), 15 U.S.C. §1141h(a)(4); 37 C.F.R. §§2.47(c) and 2.75(c); TMEP §§801.02(b), 815, 816.01 and 1904.02(c).

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

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

IDENTIFICATION OF SERVICES

The services recited in Class 42 are acceptable as recited.

The identification of services in Classes 35, 36 and 37 is indefinite and must be clarified as noted. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The underlined services are acceptable as filed. The remaining services require further amendment as noted.

Applicant may adopt the following identification, if accurate:

“Advertising; commercial business management; business organization consultancy; *conducting* market studies,” in Class 35;

“Real estate *brokerage*; rental of real estate; real estate management; real estate agency services,” in Class 36;

“Construction of buildings; building construction supervision; *building* construction information,” in Class 37.

Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. *See* TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

REQUEST FOR INFORMATION

To permit proper examination of the application, applicant must submit additional information about applicant's services. *See* 37 C.F.R. §2.61(b); *In re AOP LLC*, 107 USPQ2d 1644, 1650-51 (TTAB 2013); *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); TMEP §§814, 1402.01(e). Specifically, applicant must indicate whether anyone currently or previously associated with the applicant has the surname REAVIS.

Failure to comply with a request for information is grounds for refusing registration. *In re AOP LLC*, 107 USPQ2d at 1651 (citing *In re Cheezwhse.com, Inc.*, 85 USPQ2d at 1919; *In re DTIP'ship LLP*, 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814). Merely stating that information about the goods or services is available on applicant's website is an insufficient response and will not make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

PRIOR-FILED APPLICATION(S)

The filing date of pending U.S. Application Serial No. 86927755 precedes applicant's filing date. *See* attached referenced application. If the mark in

the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

SUMMARY OF ISSUES:

- Trademark Act Section 2(d) refusal based upon likelihood of confusion with prior registered marks
- Trademark Act Section 2(e)(4) refusal because the mark is primarily merely a surname
- Requirement to amend the recitation of services
- Requirement to indicate whether anyone associated with applicant has surname REAVIS
- Option to address prior pending application as a potential bar to registration

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. *See* 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). *See* 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; *see* 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print Request: Selected Items: 1-100

Time of Request: Tuesday, February 28, 2017 07:04:28 EST

Number of Lines: 292

Print Number: 2825:596699483

Client ID/Project Name:

Note:

Research Information:

Surname

last-name(reavis) maxresults(500)

Send to: VANSTON, KATHY
TRADEMARK LAW LIBRARY
600 DULANY ST
ALEXANDRIA, VA 22314-5790

Search: Public Records : Surname

Terms: last-name(reavis) maxresults(500)

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
-			
1.	REAMS, A	110 N 252 MOUNDS, OK 74047-5151	918-366-2448
2.	REAMS, A	441 BEECH ST HACKENSACK, NJ 07601-1340	
3.	REAMS, A	2016 FLORIDA NEPTUNE BEACH, FL 32266-1512	904-372-4001
4.	REAMS, A	6105 S IRVINGTON TULSA, OK 74136-2102	918-986-4102
5.	REAMS, A	3601 KINGS POINT APT C RICHMOND, VA 23223-1751	804-852-1047
6.	REAMS, A	74047 MOUNDS MOUNDS, OK 74047	918-364-7478
7.	REAMS, A	201 SOLLERS POINT DUNDALK, MD 21222-6138	443-722-8674
8.	REAMS, A	201 SOLLERS POINT DUNDALK, MD 21222-6138	443-857-6973
9.	REAMS, A.JR.	201 SOLLERS POINT DUNDALK, MD 21222-6138	443-857-6973
10.	REAMS, A	BALTIMORE, MD 21206	410-483-8691
11.	REAMS, A	BALTIMORE, MD 21213	410-483-8691
12.	REAMS, A	CORTE MADERA, CA 94925	415-548-0606
13.	REAMS, A	DAYTONA BEACH, FL 32114	386-274-2215
14.	REAMS, A	DENVER, CO 80231	720-988-7978
15.	REAMS, A	KATY, TX 77450	281-646-1900
16.	REAMS, A	LA JOLLA, CA 92092	858-220-0151
17.	REAMS, A	LAS VEGAS, NV 89101	702-542-4303
18.	REAMS, A	LAS VEGAS, NV 89118	702-368-2159
19.	REAMS, A	LITTLE ROCK, AR 72210	501-352-3993
20.	REAMS, A	SPRINGFIELD, MO 65806	417-773-0793

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
-			
21.	REAMS, AARON J	8325 CHUKAR UNIT B FALLON, NV 89406-2204	210-391-5189
22.	REAMS, AARON C	512 RAY WEST KERNERSVILLE, NC 27284-8057	336-817-3391
23.	REAMS, AARON	376 TROY MILL RD HAMPTONVILLE, NC 27020-7384	704-539-4688
24.	REAMS, ADAM	1001 E 3RD AUSTIN, TX 78702-4222	512-468-9793
25.	REAMS, ADAM	401 N BURR NICKERSON, KS 67561-9350	620-474-2398
26.	REAMS, ADAM	235 W DEWALD FORT WAYNE, IN 46802-6419	260-449-0594
27.	REAMS, ADRIAN	9843 LE COEUR APT 17 SAINT ANN, MO 63074-3103	314-368-0729
28.	REAMS, ADRIAN	3317 MILL SPRINGS BELLEVILLE, IL 62221-6631	618-974-3488
29.	REAMS, ADRIENE EVE	1480 BALTUSROL DENVER, NC 28037-8735	704-936-6397
30.	REAMS, ADRIENNE D	112 EMORY FOREST CITY, NC 28043-5706	828-305-4200
31.	REAMS, ALAN	11810 MIRROR LAKE CHARLOTTE, NC 28226-3619	704-651-5822
32.	REAMS, ALAN	HIGH POINT, NC 27263	336-687-5662
33.	REAMS, ALANA	1190 W 3000 S PERRY, UT 84302-4219	435-225-5251
34.	REAMS, ALESIA M	5735 MOUNT HOPE CHURCH RD SALISBURY, NC 28146-2339	704-279-6693
35.	REAMS, ALESSANDRA	7900 WESTHEIMER APT 3 HOUSTON, TX 77063-3091	210-867-1579
36.	REAMS, ALEX	1726 DAVE BUCK JOHNSON CITY, TN 37601-5396	423-557-0953
37.	REAMS, ALEX	17791 E KANSAS AURORA, CO 80017-4303	720-285-9901
38.	REAMS, ALEX PATRICK	5176 LEIGH HICKORY, NC 28602-8203	828-368-1511

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
-			
39.	REAMS, ALEX	NORTH LAS VEGAS, NV 89030	702-644-8762
40.	REAMS, ALEX	NORTH LAS VEGAS, NV 89115	702-644-8762
41.	REAMS, ALEXA	132 WOAK ST UVALDE, TX 78801-4618	830-900-7096
42.	REAMS, ALEXANDER	203 EDGEWATER MOUNT JULIET, TN 37122-5007	615-477-5671
43.	REAMS, ALEXANDER L	2105 GROSVENOR CT FORT COLLINS, CO 80526-5236	970-221-1385
44.	REAMS, ALEXANDER GRANT	4001 QUARTER GATE HIGH POINT, NC 27265-9387	336-812-6611
45.	REAMS, ALEXANDR	HOUSTON, TX 77095	281-743-0099
46.	REAMS, ALEXANDRA EILEEN	PO BOX 34 MANCOS, CO 81328-0034	209-628-3978
47.	REAMS, ALEXANDRA	981 SE WASHINGTON AVE CHEHALIS, WA 98532-3437	360-996-4050
48.	REAMS, ALEXIS	2555 STERLING CT DIAMOND, IL 60416-7101	815-634-8969
49.	REAMS, ALEXIS	PRINCETON, IN 47670	812-215-0257
50.	REAMS, ALFRED A C	1318 W ST NE WASHINGTON, DC 20018-3503	202-529-1614
51.	REAMS, ALICE C	8085 BRIAR RD BEAUMONT, TX 77708-1535	409-347-8427
52.	REAMS, ALICIA	107 SAINTSBURY PL LEXINGTON, NC 27295-2086	336-843-1113
53.	REAMS, ALICIA	3437 S VALERIE CHANDLER, AZ 85286-2371	760-213-4956
54.	REAMS, ALIENE C	1763 NC HIGHWAY 62 W HIGH POINT, NC 27263-9416	336-434-1601
55.	REAMS, ALINE	931 CABBAGE CREEK RD CRESTON, NC 28615-9599	336-385-1196
56.	REAMS, ALINE G	2032 GOSPEL WAY CHURCH RD YADKINVILLE, NC 27055-6634	336-463-4485
57.	REAMS, ALISON	704 QUEENSBURY WINSTON SALEM, NC 27127-9829	704-657-6252

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
-			
58.	REAMS, ALLAN	4012 COPPERFIELD DR APT 53 NEWBERN, NC 28562-8369	252-631-2681
59.	REAMS, ALLISON L	315 S COCHRAN 14 LOS ANGELES, CA 90036-3303	310-433-0056
60.	REAMS, ALLISON	PO BOX 456 LEWISVILLE, NC 27023-0456	336-671-0449
61.	REAMS, ALLISON MARY	RR 2 BOX 142 MAM, OK 74354-9802	918-675-5459
62.	REAMS, ALLISON	CLEMMONS, NC 27012	336-682-5262
63.	REAMS, ALVIN W	PO BOX 266 SKIPPERS, VA 23879-0266	434-637-3526
64.	REAMS, ALVIN	BLACKSTONE, VA 23824	434-480-2619
65.	REAMS, ALYSON	BRUSH PRAIRIE, WA 98606	360-719-2769
66.	REAMS, AMANDA P	6005 CHITTIM RALEIGH, NC 27616-5456	919-270-3080
67.	REAMS, AMANDA L	2016 FLORIDA NEPTUNE BEACH, FL 32266-1512	904-372-4001
68.	REAMS, AMANDA J	527 HOWARDTOWN RD MOCKSVILLE, NC 27028-7240	336-998-7591
69.	REAMS, AMANDA R	617 HUNT CHARLESTON, WV 25302-1220	304-552-4950
70.	REAMS, AMANDA	229 MARJORIE STATESVILLE, NC 28625-8316	980-777-9648
71.	REAMS, AMANDA L	1425 OLD STAGE YADKINVILLE, NC 27055-6730	336-463-4832
72.	REAMS, AMANDA	146 POWELL BRIDGE HARMONY, NC 28634-9229	704-657-8520
73.	REAMS, AMANDA	501 WASHINGTON APT 3 GRINNELL, IA 50112-2398	641-417-9002
74.	REAMS, AMANDA	580 WETMORE RD WOODLEAF, NC 27054-9528	704-278-0567
75.	REAMS, AMANDA	BEDFORD, PA 15522	814-310-2217
76.	REAMS, AMANDA	CHARLESTON, WV 25301	304-807-7063

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
-			
77.	REAMS, AMANDA	CINCINNATI, OH 45202	513-885-1981
78.	REAMS, AMANDA S	NEWTON, IA 50208	641-521-8966
79.	REAMS, AMANDA	PROVO, UT 84606	801-427-2682
80.	REAMS, AMBER	13961 BROKEN ARROW WILLIS, TX 77378-4323	936-890-4285
81.	REAMS, AMBER	1039 KENDALL FARMS HENDERSONVILLE, TN 37075-9740	615-332-5908
82.	REAMS, AMBER D	76 LILLY HENDERSON, NC 27537-4291	919-482-6259
83.	REAMS, AMBER JOANN	118 SPRING UNIT A KERNERSVILLE, NC 27284-3224	336-817-7609
84.	REAMS, AMBER L	18710 TIMBERLAKE CLAREMORE, OK 74017-1451	918-639-9552
85.	REAMS, AMBER	HENDERSON, NC 27536	252-432-5996
86.	REAMS, AMELIA T	1102 8TH STATESVILLE, NC 28677-6520	704-655-9557
87.	REAMS, AMELIA T	1011 HULL STATESVILLE, NC 28677-6912	704-655-9557
88.	REAMS, AMELIA T	809 PARK STATESVILLE, NC 28677-4940	704-655-9557
89.	REAMS, AMELIA	13307 ROBERT WALKER DAVIDSON, NC 28036-6006	704-677-3699
90.	REAMS, AMMA	12524 CULVER APT 4 LOS ANGELES, CA 90066-6620	415-548-0606
91.	REAMS, AMY S	314 CANTON STONE FRANKLIN, TN 37067-2691	615-414-1386
92.	REAMS, AMY J	314 CANTON STONE DR FRANKLIN, TN 37067-2691	615-503-9978
93.	REAMS, AMY	43200 COUNTY PARIS, TX	903-732-4830
94.	REAMS, AMY	9435 FIREHOUSE POWDERLY, TX 75473-3734	214-491-8118

Total number found: 8693

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
95.	REAMS, AMY	9435 FIREHOUSE POWDERLY, TX 75473-3734	214-663-5458
96.	REAMS, AMY L	9435 FIREHOUSE POWDERLY, TX 75473-3734	903-517-3967
97.	REAMS, AMY L	1804 FIREHOUSE POWDERLY, TX 75473-3703	903-732-4830
98.	REAMS, AMY M	3439 N HAMILTON CHICAGO, IL 60618-6118	678-560-7218
99.	REAMS, AMY M	4421 IRONWOOD MIRGINIABCH, VA 23462-5701	757-499-8823
100.	REAMS, AMY W	1040 MT HIGHWAY 69 CARDWELL, MT 59721-9602	406-498-7299

Search: Public Records : Surname
Terms: last-name(reavis) maxresults(500)
Date/Time: Tuesday, February 28, 2017 7:03 AM
Permissible Use: **DPPA - I have no permissible use**
GLBA - I have no permissible use

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/Kathleen M. Vanston/
Examining Attorney
Law Office 107
(571) 272-9235
kathy.vanston@uspto.gov [for informal inquiries]

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (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 the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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TYPED DRAWING

Serial Number

78211863

Status

REGISTERED AND RENEWED

Word Mark

REAVES

Standard Character Mark

No

Registration Number

2886296

Date Registered

2004/09/21

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Component Manufacturing Company CORPORATION SOUTH DAKOTA 4101 N. 4th Ave. Sioux Falls SOUTH DAKOTA 57104

Goods/Services

Class Status -- ACTIVE. IC 019. US 001 012 033 050. G & S: Prefabricated buildings comprised primarily of non-metal materials. First Use: 1989/00/00. First Use In Commerce: 1989/00/00.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Structural engineering support services and design engineering services all in the field of prefabricated buildings.. First Use: 1989/00/00. First Use In Commerce: 1989/00/00.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2003/02/06

Examining Attorney

Print: Feb 28, 2017

78211863

FAIRBANKS, RON

Attorney of Record
Troy Leonard

DESIGN MARK

Serial Number

85214045

Status

REGISTERED

Word Mark

REAVES

Standard Character Mark

No

Registration Number

4116039

Date Registered

2012/03/20

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Component Manufacturing Company CORPORATION SOUTH DAKOTA 4101 N. 4th Ave. Sioux Falls SOUTH DAKOTA 57104

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Structural engineering support services and design engineering services all in the field of prefabricated buildings. First Use: 2011/07/01. First Use In Commerce: 2011/07/01.

Prior Registration(s)

2886296;2942958;3024332

Description of Mark

The mark consists of the word "Reaves" with a silhouette of a building behind the letter "R".

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2011/01/10

Print: Feb 28, 2017

85214045

Examining Attorney
LIWINSKI, HELENE

Attorney of Record
Troy Leonard

Reaves

DESIGN MARK

Serial Number

86927755

Status

NON-FINAL ACTION - MAILED

Word Mark

REAVES BUILDINGS

Standard Character Mark

No

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Component Manufacturing Company CORPORATION SOUTH DAKOTA 4101 N 4th Avenue Sioux Falls SOUTH DAKOTA 57104

Goods/Services

Class Status -- ACTIVE. IC 019. US 001 012 033 050. G & S: Wall panels not of metal; trusses, namely, non-metal roof trusses. First Use: 2016/02/15. First Use In Commerce: 2016/02/15.

Goods/Services

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Building construction services. First Use: 2016/02/15. First Use In Commerce: 2016/02/15.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BUILDINGS" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the wording "REAVES BUILDINGS" appearing in stylized letters with the letter "R" appearing within an image of a building with the shape of a pentagon.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2016/03/03

Print: Feb 28, 2017

86927755

Examining Attorney

SCHWAB, MATTHEW D

Attorney of Record

Melissa R. Jelen

The logo for Reaves BUILDINGS. It features a stylized dark grey icon of a building with a white 'R' inside, followed by the word 'Reaves' in a bold, italicized sans-serif font, and the word 'BUILDINGS' in a bold, all-caps sans-serif font.

DESIGN MARK

Serial Number

86662713

Status

REGISTERED

Word Mark

REEVES PLUMBING AND HEATING

Standard Character Mark

Yes

Registration Number

5076216

Date Registered

2016/11/08

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Reeves Plumbing & Heating Co. CORPORATION PENNSYLVANIA 1850 West 21st Street Erie PENNSYLVANIA 16502

Goods/Services

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: General contractor services, namely, plumbing, heating and air conditioning, carpentry, drywall, painting, electrical, building and framing contractor services. First Use: 2004/11/22. First Use In Commerce: 2004/11/22.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PLUMBING AND HEATING" APART FROM THE MARK AS SHOWN.

Name/Portrait Statement

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

Section 2f Statement

2(F) ENTIRE MARK

Print: Feb 28, 2017

86662713

Filing Date

2015/06/15

Examining Attorney

WATTS-FITZGERALD, CAIT

Attorney of Record

Gery T. Nietupski

Reeves Plumbing and Heating



Reavis

Define Relate List Discuss See Hear Love

Definitions

Sorry, no definitions found. You may find more data at [reavis](#).

Etymologies

Sorry, no etymologies found.



Examples

It looks like **Reavis** is pulling together a case from a couple of sources here:

[The Fatality Conspiracy - Mass](#)

"There's a stigma that's causing students to not be excited about the program," said class of 2012 student Louis **Reavis**, 30 years old, referring to negative perceptions that some online M.B.A. programs are of low quality or aren't as competitive as a regular full-time program.

[UNC Makes Risky Online bet](#)

Reavis said D.C.'s test security protocols met industry standards, and that the district this year narrowed the time — to roughly one day — between when testing was finished and when a shipping company picked up test materials.

[D.C. school officials wary of securing an online exam](#)

What gives you any guarantee that a secured, locked

"What gives you any guarantee that a secured, locked room is enough?" board member Mark Jones asked. **Iamara Reavis**, the acting director of assessment and accountability for the Office of the State Superintendent of Education, which administers the test, "

D.C. school officials wary of security on school exams

Reavis said D.C.'s test-security protocols went up to industry standards, and that the District this year narrowed the time -- to roughly one day -- between when testing was finished and when a shipping company picked up test materials.

D.C. school officials wary of security on school exams

Ultimately, **Reavis** said, "the security of the tests are in the hands of the test chairperson and principal."

D.C. school officials wary of security on school exams

"We have to trust our principals that it is secured," **Reavis** answered.

D.C. school officials wary of security on school exams

Responded **Reavis**: "The security of the tests are in the hands of the test chairperson and principal."

D.C. school board says security seal might not thwart test tampering

"We have to trust our principals that it is secured," responded **Iamara Reavis**, D.C.'s Acting Director of Assessment and Accountability.

D.C. school officials wary of security on school exams

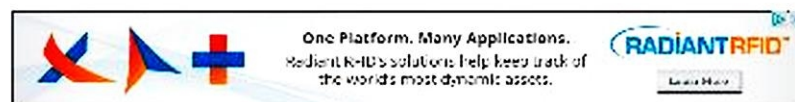
[U.C. school board says security deal might not thwart test tampering](#)

"Small and medium businesses are insane not to leverage the advantages of cloud computing," says [Jim Reavis](#) of Cloud Security Alliance, an industry group.

[Seeking Safety in Clouds](#)

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