

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/053228

MARK: WEGO TRAVEL SEARCH

79053228

CORRESPONDENT ADDRESS:

Ella Cheong Spruson & Ferguson;
(Singapore)
152 Beach Road,
#30-00 Gateway East
Singapore 189721
SINGAPORE

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Bezurk Pte Ltd

CORRESPONDENT'S

REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 0962625.

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the USPTO** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and
- (2) **Canadian agents/attorneys** who represent applicants residing in Canada and who have received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).

37 C.F.R. §§10.1(c), 10.14; TMEP §602.

Foreign attorneys are not permitted to practice before the USPTO, other than properly authorized Canadian attorneys. TMEP §602.06(b). Filing written communications, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. A response signed by an unauthorized foreign

attorney is considered an incomplete response. *See* TMEP §§602.03, 712.03.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

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 RESULTS

The Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potentially conflicting mark in a prior-filed pending application may present a bar to registration.

Information regarding pending Application Serial Nos. 77255820, 77256265, and 77256279 is enclosed. The filing dates of the referenced applications precede applicant's filing date. There may be a likelihood of confusion under Trademark Act Section 2(d) between applicant's mark and the referenced marks. If one or more of the referenced applications registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed applications.

If applicant believes that there is no potential conflict between this application and the earlier-filed applications, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because it does not clearly identify the services, as outlined below. *See* TMEP §1402.01.

Please note, with regard to the services in International Class 39, the travel services are generally related to the transportation aspects of travel.

The identification of goods and/or services contains parentheses. Generally, parentheses and brackets should *not* be used in identifications. Parenthetical information is permitted in identifications only if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity of the identification, e.g., "obi (Japanese sash)." TMEP §1402.12. Therefore, applicant must remove the parentheses from the identification of goods and/or services and incorporate the parenthetical information into the description.

or 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://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

Applicant may adopt the following identification, if accurate:

International Class 35: Advertising, business, marketing and promotional services *namely, (identify all of the specific advertising, business, marketing and promotional services)*; consultation services in the field of marketing, advertising, and promotion; updating of advertising information on a computer database; dissemination of advertising for others via the internet; promoting the websites of

others, namely, distributing of advertising matter for others via an online electronic communications network; promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks; compilation of directories for publishing on the Internet; providing an online commercial information directory on the Internet; compilation of information into computer databases; computerized database management; providing hotel, resort, and other lodging rate comparison information; business consultancy and business management assistance in the fields of designing, creating, hosting, maintaining, operating, managing, advertising and marketing of online commerce websites; provision of business information; provision of business, commercial and advertising information; systemization of information pertaining to electronic mail communication and mailing lists into computer databases; organization, operation and supervision of an incentive scheme by providing incentive and promotional awards programs for frequent users of participating websites, provided online by means of a global computer network

International Class 38: Provision of search engine services, *namely (identify the specific services)*; communication services between computers, *namely (identify the specific services)*; communication services over computer networks, *namely (identify the specific services)*; computer communication services, *namely (identify the specific services)*; computer network communication services, *namely (identify the specific services)*; telecommunications services, *namely (identify the specific services)*; telecommunications services between computer networks, *namely (identify the specific services)*; telecommunications services, *namely (identify the specific services)* for providing access to computer databases; telecommunications services, *namely (identify the specific services)* for the distribution of data; providing telecommunications connections to a global computer network; providing *telecommunications connections to computer databases*; advisory services relating to telecommunications, *namely (identify the specific services)*; information services relating to telecommunications, *namely (identify the specific services)*; operation of telecommunications systems, *namely (identify the specific services)*; operation of wide-band telecommunications networks, *namely (identify the specific services)*; providing telecommunications connections to a global computer network; provision of telecommunication facilities, *namely (identify the specific services)*; providing links to websites of others featuring travel; providing *telecommunications connections to an interactive computer database in the field of travel and tourism via a global computer network*; providing *telecommunications connections to computer databases*; provision of search engine feeder services, *namely (identify the specific services)*

International Class 39: Computerized transport information services, *namely (identify the specific services)*; advisory services relating to travel, *namely (identify the specific services)*; agency services for arranging travel, *namely (identify the specific services)*; arrangement of travel, *namely (identify the specific aspects of travel arranged)*; booking of *(identify the type of tickets)* tickets for travel; consultancy for travel *regarding (identify the type of travel issues)*; information services relating to travel *regarding (identify the type of travel issues)*; itinerary travel advice services *regarding (identify the type of travel issues)*; provision of information relating to travel *regarding (identify the type of travel information)*; provision of tourist travel information *regarding (identify the type of travel information)*; services for the arranging of travel, *namely (identify the specific services)*; services for the booking of travel, *namely (identify the specific services)*; tourist agency services; travel advisory services *regarding (identify the type of travel issues)*; travel agents services for arranging travel, *namely (identify the specific services)*; travel arrangement, *namely (identify the specific services)*;

travel brokerage, namely (identify the specific services); travel consultancy regarding (identify the type of travel issues); organization of travel namely (identify the specific services); organization of excursions, sightseeing tours, holidays, tours and travel; organization of travel and boat trips; travel and tour information service; travel information services; travel, excursion and cruise arrangement; **computerised distribution advisory services relating to transport regarding (identify the type of transport issues); computerised information services relating to the carriage of passengers regarding (identify the type of issues); computerised information services relating to transport namely (identify the type of transport information provided);** computerised information services relating to travel; **computerised information services relating to travel reservations namely (identify the type of reservation information provided); computerised transportation reservation services for travel;** computerised reservation services relating to the carriage of passengers; **arranging travel and provision of travel information therefor, all provided on-line from a computer database or the internet namely, arranging of (identify the Class 39 travel services arranged);** organising of foreign travel; provision of computerised travel information; provision of information on matters relating to travel; provision of travel information by computer; **travel agency services namely (identify the specific services) for arranging holiday travel**

International Class 42: Computer services, namely, providing temporary access to non-downloadable search engine software for obtaining data on a global computer network; development, maintenance and updating of a telecommunication network search engine; **search engine feeder services namely (identify the specific services); operating of search engines, namely, (identify the specific services, such as providing temporary access to non-downloadable search engine software”).**

Although identifications of services may be amended 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.

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording “travel search” apart from the mark as shown because it merely describes the services, namely, services of and software for use in travel searches, such as search engines. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use “travel search” apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

COLOR CLAIM AND LOCATION STATEMENT

Applicant has submitted a color drawing, but has not provided the required color claim and color location statement. Applications for color marks must include both a list of the colors that are claimed as a feature of the mark and a description of where the colors appear in the mark. 37 C.F.R. §2.52(b)(1); *see* TMEP §§807.07(a) *et seq.* Generic color names must be used to describe the colors in the mark, e.g., magenta, yellow, turquoise. TMEP §807.07(a)(i)-(a)(ii).

Applicant must submit both a color claim and color location statement using the following format:

- (1) Color claim: "The color(s) black, blue, green and white are claimed as a feature of the mark."; and
- (2) Color location statement: "The mark consists of the word WEGO in black with the words TRAVEL SEARCH in blue below and to the right. Nest to the word WEGO is a green button with a white airplane."

TMEP §807.07(a)(i)-(a)(ii).

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney. Thank you.

/Eugenia K. Martin/
Eugenia K. Martin
Examining Attorney
Law Office 114
(571) 272-9458
(571) 273-9458 (fax)

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.



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Print: Jun 13, 2008

77255820

Issue: Jul 8, 2008

DESIGN MARK

Serial Number
77255820

Status
PUBLICATION/ISSUE REVIEW COMPLETE

Word Mark
NEGO

Standard Character Mark
Yes

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
W3 HEALTH ENTERPRISES, INC. CORPORATION DELAWARE 130 BISHOP ALLEN
DRIVE 4TH FLOOR CAMBRIDGE MASSACHUSETTS 02139

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 039. G & S:
Computer software for use by consumers to score the quality of health
information from other web sites, to make comments about the scored
health information, and to develop recommendation lists for other
consumers in the health care and health care management fields.

Goods/Services
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing a
web site where users can post ratings, reviews and recommendations on
products, services, articles, and other information sources such as
journals and web sites in the fields of health and health care;
interactive record-keeping services for use in risk management and
regulatory compliance by insurers and professionals in the health care
field; cost management for the health benefit plans of others;
physician referral services.

Goods/Services
Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Providing
on-line brokerage services and providing general information to
consumers, providers, administrators and other participants in the
health care industry via an on-line computer network in the field of
insurance; medical insurance services; providing transaction services
to consumers, providers, administrators and other participants in the

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77255820

Issue: Jul 8, 2008

health care industry via an on-line computer network, namely, providing information and online computer databases for the purpose of review and verification of insurance eligibility.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Providing multiple-user access to a computer information network in the fields of health and health care; providing e-mail notification alerts regarding the publication of information related to health and health care topics; broadcasting programs via an on-line computer network; providing on-line message boards, chat rooms and member columns for the transmission of messages among computer users all concerning health and medical topics.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: On-line journals, namely, blogs and medical journals concerning health and medical topics.

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Providing a database that features records of interactive discussions and events in the fields of health and health care; providing an on-line database of health professionals and medical treatment centers available to the public; providing an interactive computer database in the field of medical diagnostics; providing medical and pharmaceutical information services via an on-line database of reference materials; providing information via an on-line computer network in the field of health care, namely, providing news and information concern health care-related topics to consumers, administrators and health care professionals and providing news regarding medical and health-related events via an on-line computer network; medical services provided through clinics; maintaining files and records concerning the medical condition of individuals; medical services and providing medical information about disease management; home health care services.

Filing Date

2007/08/15

Examining Attorney

FEETE, RYLE

Attorney of Record

Anne H. Feck

WEGO

Print: Jun 13, 2008

77256265

Issue: Jul 8, 2008

DESIGN MARK

Serial Number
77256265

Status
PUBLICATION/ISSUE REVIEW COMPLETE

Word Mark
WEGO HEALTH

Standard Character Mark
Yes

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
W3 HEALTH ENTERPRISES, INC. CORPORATION DELAWARE 4TH FLOOR 130 BISHOP
ALLEN DRIVE CAMBRIDGE MASSACHUSETTS 02139

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Disclaimer Statement

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

Translation Statement

The wording "WEGO" has no meaning in a foreign language.

Filing Date

2007/06/15

Examining Attorney

BETTE, KYLE

Attorney of Record

Anne H. Peck

WEGO HEALTH

Print: Jun 13, 2008

77256279

Issue: Jul 8, 2008

DESIGN MARK

Serial Number
77256279

Status
PUBLICATION/ISSUE REVIEW COMPLETE

Word Mark
WEGO HEALTH TOGETHER, WE KNOW WHAT'S BEST!

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Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

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Filing Date

2007/08/15

Examining Attorney

FEETE, KYLE

Attorney of Record

Anne H. Peck

WEGO HEALTH
TOGETHER, WE KNOW WHAT'S
BEST!