

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

U.S. APPLICATION SERIAL NO. 79162570

MARK: ALTAPAY

\*79162570\*

**CORRESPONDENT ADDRESS:**

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APPLICANT: ALTAPAY A/S

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

## OFFICE ACTION

**INTERNATIONAL REGISTRATION NO. 1240789**

**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 issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES that Applicant must address:

- Partial Section 2(d) Refusals—Likelihood of Confusion
- Prior-Filed Application
- Identification of Goods and Services

### PARTIAL SECTION 2(d) REFUSALS – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is partially refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3676122, 3041561, 1908232, 4243653, 2328530, 3705667, 2240309, 3035028, 3821798, and 3810122. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the enclosed registrations. The goods and services pertaining to each refusal are noted in separate subsections corresponding to each cited registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Applicant's mark is ALTAPAY, presented in standard characters, for use in connection with a wide variety of software and devices in Class 9, a wide variety of business and advertising-related services in Class 35, a wide variety of financial services in Class 36, and a wide variety of scientific and technological services in Class 42.

Registration No. 3676122 is ALTPAY, presented in standard characters, for use in connection with a wide variety of advertising services in Class 35.

Registration No. 3041561 is ALTA, presented in standard characters, for use in connection with computer Software for product failure analysis, namely quantitative accelerated life testing analysis as it applies to the field of reliability engineering in Class 9.

Registration No. 1908232 is ALTA, presented in standard characters, for use in connection with laser beam exposure apparatus for industrial use, instruments using laser beam technology for research or manufacturing in the areas of electronic components and materials developments, and parts therefor in Class 9.

Registration No. 4243653 is ALTA, presented in standard characters, for use in connection with Lasers for medical, dental and veterinary use and parts and components thereof in Class 10.

Registration No. 2328530 is ALTA, presented in standard characters, for use in connection with, in pertinent part, protective and safety clothing, namely, elbow pads for workers, harnesses, knee pads for workers, support belts for workers and carrying bags sold therewith in Class 9.

Registration No. 3705667 is ALTA, presented with design, for use in connection with, in pertinent part, laboratory research in the field of reproductive technologies in Class 42.

Registration No. 2240309 is ALTA, presented with design, for use in connection with, in pertinent part, mass spectrometry services to pharmaceutical, agrochemical and environmental companies in Class 42.

Registration No. 3035028 is ALTA, presented in standard characters, for use in connection with, in pertinent part, performing research with respect to the land title industry in Class 42.

Registration No. 3821798 is ALTA VENTURES MEXICO, presented with design, for use in connection with a wide variety of business services and financial services in Classes 35 and 36, respectively.

Registration No. 3810122 is ALTA GROWTH CAPITAL, presented with design, for use in connection with a wide variety of business services and financial services in Classes 35 and 36, respectively.

**Applicant's Mark is Likely to Be Confused with the Mark in U.S. Serial No. 3676122**

*The refusal as to this mark applies only to the following services in Applicant's Class 35 identification: Advertising; advertising services for the promotion of e-commerce; advertising for the promotion of payment services; information, advisory consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet.*

*Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L'Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Here, Applicant's mark is ALTAPAY and Registrant's mark is ALTPAY. The marks are identical apart from one letter. The unshared letter creates, at most, a slight difference in sound, and 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 Viterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012).

Consequently, the marks are similar.

*Relatedness of the Services*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based

on the description of the goods and/or 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 goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra 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 goods and/or 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).

Here, Registrant’s services include the broad wording “advertising agencies,” and “advertising and advertisement services,” without any restriction as to nature, type, channels of trade, or classes of purchasers. Accordingly, Registrant’s wording is presumed to encompass Applicant’s advertising services, and the parties’ services are therefore related.

Since the marks are similar and the services related, registration of Applicant’s mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

**Applicant’s Mark is Likely to Be Confused with the Mark in U.S. Registration No. 3041561**

***This refusal applies only to the following goods and services in Applicant’s Class 9 identification: computer software; application software; communication software; computer programmes.***

*Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant’s mark incorporates Registrant’s mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2d 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

*Relatedness of the Goods*

With respect to an applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra 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 goods and/or 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).

Here, Applicant’s goods are broadly defined as software, programs, and applications, without any restrictions as to nature, type, channels of trade, or classes of purchasers. Accordingly, Applicant’s broad wording is presumed to encompass Registrant’s narrower wording for specific software products. The parties’ goods are therefore related.

Since the marks are similar and the goods related, registration of Applicant’s mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

**Applicant’s Mark is Likely to Be Confused with the Mark in U.S. Registration No. 1908232**

***This refusal applies only to the following goods in Applicant’s Class 9 identification: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments.***

### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant’s mark incorporates Registrant’s mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

### *Relatedness of the Goods*

With respect to an applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra 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 goods and/or 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).

Here, Applicant’s broad wording for “scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments,” lacking any restrictions as to nature, type, channels of trade, or classes of purchasers, is presumed to encompass any kind of such devices, including Registrant’s narrower scientific devices. The parties’ goods are therefore related.

Since the marks are similar and the goods related, registration of Applicant’s mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

### **Applicant’s Mark is Likely to Be Confused with the Mark in U.S. Registration No. 4243653**

***This refusal applies only to the following goods in Applicant’s identification: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments.***

### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant’s mark incorporates Registrant’s mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

### *Relatedness of the Goods*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra 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 goods and/or 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).

Here, Applicant's broad wording for "scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments," lacking any restrictions as to nature, type, channels of trade, or classes of purchasers, is presumed to encompass all kinds of such devices, including Registrant's more specific scientific devices. The parties' goods are therefore related.

Since the marks are similar and the goods related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

#### **Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 2328530**

***This refusal applies only to the following goods in Applicant's Class 9 identification: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments.***

#### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant's mark incorporates Registrant's mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

#### *Relatedness of the Goods*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra 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 goods and/or 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).

Here, Applicant's broad wording for "scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments," lacking any restrictions as to nature, type, channels of trade, or classes of purchasers, could encompass virtually any type of safety or protective gear, including Registrant's more specific safety and protective goods. The parties' goods are therefore related.

Since the marks are similar and the goods related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

#### **Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 3705667**

***This refusal applies only to the following services in Applicant's Class 42 identification: Scientific and technological services and research and design relating thereto; all the aforesaid services also provided via the Internet or Intranet.***

#### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant's mark incorporates Registrant's mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). See *Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

#### *Relatedness of the Services*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterro 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 goods and/or 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).

Here, Applicant's pertinent services are broadly defined as "scientific and technological services and research and design relating thereto," without any restrictions as to nature, type, channels of trade, or classes of purchasers. Accordingly, Applicant's broad wording is presumed to encompass Registrant's narrower wording for laboratory research in the field of reproductive technologies. The services are therefore related.

Since the marks are similar and the services related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

#### **Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 2240309**

***This refusal applies only to the following services in Applicant's Class 42 identification: Scientific and technological services and research and design relating thereto; industrial analysis and research services; all the aforesaid services also provided via the Internet or Intranet.***

#### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant's mark incorporates Registrant's mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). See *Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2D 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

### *Relatedness of the Services*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra 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 goods and/or 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).

Here, Applicant's pertinent services are broadly defined as "scientific and technological services and research and design relating thereto" and "industrial analysis and research services," without any restrictions as to nature, type, channels of trade, or classes of purchasers. Accordingly, Applicant's broad wording is presumed to encompass Registrant's narrower wording for mass spectrometry services in various industries. The services are therefore related.

Since the marks are similar and the services related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

### **Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 3035028**

***This refusal applies only to the following services in Applicant's Class 42 identification: Scientific and technological services and research and design relating thereto; industrial analysis and research services; all the aforesaid services also provided via the Internet or Intranet.***

### *Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Here, Applicant's mark incorporates Registrant's mark in its entirety. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *Hunter Indus., Inc. v. Toro Co.*, 110 USPQ2d 1651, 1660-61 (TTAB 2014) (finding PRECISION and PRECISION DISTRIBUTION CONTROL confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Consequently, the marks are similar.

### *Relatedness of the Services*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra 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 goods and/or 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).

Here, Applicant's pertinent services are broadly defined as "scientific and technological services and research and design relating thereto" and "industrial analysis and research services," without any restrictions as to nature, type, channels of trade, or classes of purchasers. Accordingly, Applicant's broad wording is presumed to encompass Registrant's narrower wording for research in the land title industry.

Since the marks are similar and the services related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

**Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 3821798**

*This refusal applies only to the following services in Applicant's Class 35 and 36 identifications:*

***Class 35: business management; business administration; office functions; information, advisory consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet.***

***Class 36: financial affairs; monetary affairs; information, advisory consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet.***

*Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Profs, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

Here, the marks both share the identical first term "ALTA." Although the marks contain additional matter, this matter is entitled to less significance because it is descriptive of the identified services. Registrant has disclaimed the wording "VENTURES MEXICO" as descriptive of its business and finance services, and the attached dictionary evidence shows that "PAY" merely describes a function or feature of Applicant's business and finance services, which, as identified, feature electronic payments and e-commerce. Accordingly, the word "ALTA" is dominant in the marks, and the marks' dominant matter is identical.

Consequently, the marks are similar.

*Relatedness of the Services*

With respect to an applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra 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 goods and/or 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).

Here, Applicant's services in classes 35 and 36 are broadly defined, and could encompass Registrant's narrower business and finance-related services. The parties' services are therefore related.

Since the marks are similar and the services related, registration of Applicant's mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

**Applicant's Mark is Likely to Be Confused with the Mark in U.S. Registration No. 3810122**

*This refusal applies only to the following services in Applicant's Class 35 and 36 identifications:*

***Class 35: business management; business administration; office functions; information, advisory consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet.***

***Class 36: financial affairs; monetary affairs; information, advisory consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet.***

*Similarity of the Marks*

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir.

2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Profls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions).

Here, the marks both share the identical first term “ALTA.” Although the marks contain additional matter, this matter is entitled to less significance because it is descriptive of the identified services. Registrant has disclaimed the wording “GROWTH CAPITAL” as descriptive of its business and finance services, and the attached dictionary evidence shows that “PAY” merely describes a function or feature of Applicant’s business and finance services, which, as identified, feature electronic payments and e-commerce. Accordingly, the word “ALTA” is dominant in the marks, and the marks’ dominant matter is identical.

Consequently, the marks are similar.

#### *Relatedness of the Services*

With respect to an applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or 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 goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra 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 goods and/or 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).

Here, Applicant’s services in classes 35 and 36 are broadly defined, and could encompass Registrant’s narrower business and finance-related services. The parties’ services are therefore related.

Since the marks are similar and the services related, registration of Applicant’s mark must be refused under Trademark Act Section 2(d) due to a likelihood of confusion.

Applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

#### PRIOR-FILED APPLICATION

The filing date of pending U.S. Application Serial No. 79114556 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.

#### IDENTIFICATION OF GOODS AND SERVICES

Applicant’s identification of goods and services contains indefinite wording that must be clarified as noted below. TMEP § 1402.01.

In the identification of goods and services, applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. TMEP §1402.03(a). If applicant uses indefinite words such as “accessories,” “apparatus,” “components,” “devices,” “equipment,” or the like, such words must be followed by “namely,” followed by a list of the specific goods and services identified by their common commercial or generic names. *See* TMEP §§1401.05(d), 1402.03(a).

Additionally, parentheses and brackets should *not* be used in identifications because the USPTO generally uses these punctuation marks to indicate goods and/or services that have been deleted from registrations. *See* TMEP §1402.12. Parenthetical or bracketed 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).” *Id.*

Applicant may adopt any or all of the following suggested wording, if accurate.

**Class 9:** Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking, supervision, life-saving and teaching apparatus and instruments, *namely, {list specific apparatus and instruments by their common commercial names}*; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, *namely, {list specific apparatus and instruments by their common commercial names}*; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers and *video recording discs {state that such media are blank or specify their featured subject matter}*; compact discs, DVDs and *list other digital recording media by their common commercial names, and state that these media are "blank" or identify their featured subject matter}*; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, and computers; computer software *for {specify the function or purpose of the software and, if field-specific, its field of use}*; fire-extinguishing apparatus; computer e-commerce software *for {identify the purpose or function of the software}*; software for commerce over a global communications network, *namely, software for {identify the purpose or function of the software}*; application software *for {identify the purpose or function of the software and, if field-specific, its field of use}*; communication software *for {identify the purpose or function of the software and, if field-specific, its field of use}*; computer programmes *for {identify the purpose or function of the programs and, if field-specific, their field of use}*; computer software for processing electronic payments; authentication software for controlling access to and communications with computers and computer networks.

**Class 35:** Advertising; business management; business administration *services*; office functions; advertising services for the promotion of e-commerce; advertising for the promotion of payment services; *procurement services in the field of advertising, business management, business administration, and office functions, namely, procurement of {identify what is being procured, i.e., "contracts for others for the purchase of office supplies"}; information, advisory, and consultancy services with regard to all the aforesaid services*; all the aforesaid services provided live, via the Internet, or via intranets;

**Class 36:** Insurance services, *namely, {identify specific services, i.e. "insurance agencies"}; financial affairs and monetary affairs, namely, {list specific services Applicant provides in relation to such affairs by their common commercial names}*; real estate affairs, *namely, {list specific services Applicant provides in relation to such affairs by their common commercial names}*; automated payment services, *namely, {list specific services, i.e., "automated credit card processing services provided via a global computer network"}; services in connection with bank card, credit card, debit card and electronic payment card services, namely, {list specific services by their common commercial names, i.e., "credit card payment processing services"}; bill payment services provided through a website; credit card payment processing; electronic payment services, namely, {list specific services by their common commercial names, i.e., "credit card payment processing services"}; financial payment services, namely, {list specific services by their common commercial names, i.e., "credit card payment processing services"}; payment administration services, *namely, {list specific services by their common commercial names, i.e., "disbursement of monies held in escrow"}; financial services, namely credit card and debit card transaction processing services; clearing and reconciling financial transactions via global communications networks; electronic payment processing services namely, {list specific services by their common commercial names, i.e., "credit card payment processing services"}; procurement services in the field of insurance, financial affairs, and electronic payment processing, namely, {list specific procurement services, i.e., "business finance procurement services"}; information, advisory and consultancy and procurement services with regard to all the aforesaid services; all the aforesaid services provided live, via the Internet, or via intranets;**

**Class 42:** Scientific and technological services and research and design relating thereto, *namely, {list specific services by their common commercial names and their appropriate field(s), i.e., "scientific research in the field of biology"}; industrial analysis and research services, namely, {list specific services by their common commercial names, and their appropriate fields}*; design and development of computer hardware and software; *providing an Internet software platform featuring e-commerce software that allows users to perform electronic business transactions; providing an Internet software platform featuring electronic commerce software that allows users to perform electronic business transactions; providing an Internet software platform featuring electronic payment processing software*; computer software consultancy; computer programming and software design; providing temporary use of on-line non-downloadable software for processing electronic payments; providing temporary use of on-line non-downloadable authentication software for controlling access to and communications with computers and computer networks; information and advisory consultancy services with regard to all the aforesaid services; all the aforesaid services also provided via the Internet or Intranet

An applicant may only amend an identification to clarify or limit the goods and/or services, but not to add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §1904.02(c)(iv). In an application 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). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends an identification to a class other than that assigned by the International Bureau, the amendment will not be accepted because it will exceed the scope and those goods and/or services will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

In addition, in a Section 66(a) application, an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c).

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* at <http://tess2.uspto.gov/netathtml/tidm.html>. *See* TMEP §1402.04.

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal, and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the date on which the USPTO sends this Office action to the International Bureau, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§711, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6(15), 2.66(b)(1).

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. §§2.62(c), 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.

**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 federal territories and possessions of the United States. *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>.

/Jason Malashevich/  
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Law Office 114  
571-272-4597  
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Print: Apr 9, 2015

74466109

**DESIGN MARK**

**Serial Number**  
74466109

**Status**  
REGISTERED AND RENEWED

**Word Mark**  
ALTA

**Standard Character Mark**  
No

**Registration Number**  
1908232

**Date Registered**  
1995/08/01

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Etec Systems, Inc. CORPORATION NEVADA 26460 Corporate Avenue Hayward  
CALIFORNIA 94545

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 026. G & S: laser beam exposure  
apparatus for industrial use, instruments using laser beam technology  
for research or manufacturing in the areas of electronic components  
and materials developments, and parts therefor. First Use:  
1994/07/29. First Use In Commerce: 1994/07/29.

**Filing Date**  
1993/12/01

**Examining Attorney**  
ZAK, HENRY S.

**Attorney of Record**  
ROBERT W. MULCAHY

Print: Apr 9, 2015

75337717

**DESIGN MARK**

**Serial Number**  
75337717

**Status**  
REGISTERED AND RENEWED

**Word Mark**  
ALTA

**Standard Character Mark**  
No

**Registration Number**  
2240309

**Date Registered**  
1999/04/20

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
INTERTEK USA INC. CORPORATION LOUISIANA 2100 WEST LOOP SOUTH SUITE 200  
HOUSTON TEXAS 77027

**Goods/Services**  
Class Status -- ACTIVE. IC 042. US 100 101. G & S: specialty mass  
spectrometry services to pharmaceutical, agrochemical and  
environmental companies. First Use: 1990/02/13. First Use In  
Commerce: 1990/02/13.

**Filing Date**  
1997/08/08

**Examining Attorney**  
BELENKER, ESTHER

**Attorney of Record**  
Christopher J. Verstrate



**ALTA**

Print: Apr 9, 2015

75580555

**DESIGN MARK**

**Serial Number**  
75580555

**Status**  
REGISTERED AND RENEWED

**Word Mark**  
ALTA

**Standard Character Mark**  
No

**Registration Number**  
2328530

**Date Registered**  
2000/03/14

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
STX, Inc. CORPORATION CALIFORNIA 1460-A Cader Lane Petaluma CALIFORNIA 94954

**Goods/Services**  
Class Status -- ACTIVE. IC 008. US 023 028 044. G & S: LINE OF INDUSTRIAL, CONSTRUCTION AND SAFETY INDUSTRY PRODUCTS, NAMELY TOOL APRONS, TOOL BELTS AND CARRYING BAGS THEREWITH. First Use: 1983/11/25. First Use In Commerce: 1983/11/25.

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: PROTECTIVE AND SAFETY CLOTHING, NAMELY, ELBOW PADS FOR WORKERS, HARNESSSES, KNEE PADS FOR WORKERS, SUPPORT BELTS FOR WORKERS AND CARRYING BAGS SOLD THEREWITH. First Use: 1983/11/25. First Use In Commerce: 1983/11/25.

**Goods/Services**  
Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: TOOL BAGS SOLD EMPTY. First Use: 1983/11/25. First Use In Commerce: 1983/11/25.

Print: Apr 9, 2015

75580555

**Filing Date**  
1998/11/02

**Examining Attorney**  
STIGLITZ, SUSAN

**Attorney of Record**  
WILLIAM J ARNONE JR

**ALTA**

Print: Apr 9, 2015

76666243

**DESIGN MARK**

**Serial Number**  
76666243

**Status**  
REGISTERED

**Word Mark**  
ALTA

**Standard Character Mark**  
No

**Registration Number**  
3705667

**Date Registered**  
2009/11/03

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
Alta Genetics, Inc. FEDERALLY INCORPORATED COMPANY CANADA 1-263090 RGE  
RD 11, Rocky View County, AB CANADA T4B2T3

**Goods/Services**  
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:  
Bull semen. First Use: 2005/12/05. First Use In Commerce:  
2005/12/05.

**Goods/Services**  
Class Status -- ACTIVE. IC 031. US 001 046. G & S: Live cattle  
embryos; live cattle. First Use: 2005/12/05. First Use In Commerce:  
2005/12/05.

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Wholesale  
stores featuring cattle embryos, and bull semen; wholesale stores  
featuring live cattle. First Use: 2005/12/05. First Use In Commerce:  
2005/12/05.

**Goods/Services**  
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Laboratory

Print: Apr 9, 2015

76686243

research in the field of reproductive technologies. First Use:  
2005/12/05. First Use In Commerce: 2005/12/05.

**Goods/Services**

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Artificial  
insemination and in-vitro fertilization of animals; breeding of cattle  
embryos; bull semen extraction. First Use: 2005/12/05. First Use In  
Commerce: 2005/12/05.

**Foreign Country Name**

CANADA

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

1309237

**Foreign Filing Date**

2006/07/14

**Description of Mark**

The mark consists of a stylized triangle and the word "Alta."

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Translation Statement**

English translation of "ALTA" is tall or high.

**Filing Date**

2006/09/18

**Examining Attorney**

BENNMANN, ALICE

**Attorney of Record**

Daniel D. Chapman



Print: Apr 9, 2015

77671740

**DESIGN MARK**

**Serial Number**  
77671740

**Status**  
REGISTERED

**Word Mark**  
ALTPAY

**Standard Character Mark**  
Yes

**Registration Number**  
3676122

**Date Registered**  
2009/09/01

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
SayForExample, Inc. CORPORATION NEW YORK 210 Fifth Avenue 8th Floor  
New York NEW YORK 10010

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising agencies; Advertising agencies, namely, promoting the goods and services of others; Advertising and advertisement services; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Advertising and marketing; Advertising and marketing services, namely, promoting the goods and services of others; Advertising and promotion services and related consulting. First Use: 2008/02/19. First Use In Commerce: 2008/11/17.

**Filing Date**  
2009/02/17

**Examining Attorney**  
PRATER, JILL

ALTPAY

Print: Apr 9, 2015

77862799

**DESIGN MARK**

**Serial Number**  
77862799

**Status**  
REGISTERED

**Word Mark**  
ALTA GROWTH CAPITAL

**Standard Character Mark**  
No

**Registration Number**  
3810122

**Date Registered**  
2010/06/29

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
AGC TRANSFER, LLC LIMITED LIABILITY COMPANY DELAWARE 741 N. 1050 E.  
PROVO UTAH 84606

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Assistance,  
advisory services and consultancy with regard to business planning,  
business analysis, business management, and business organization;  
Business administration and management; Business investigations,  
evaluations, expert appraisals, information and research; Business  
management. First Use: 2006/07/01. First Use In Commerce:  
2006/07/01.

**Goods/Services**  
Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Management  
of private equity funds; Private equity fund investment services.  
First Use: 2006/07/01. First Use In Commerce: 2006/07/01.

**Disclaimer Statement**  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROWTH CAPITAL" APART  
FROM THE MARK AS SHOWN.

Print: Apr 9, 2015

77862799

**Description of Mark**

The mark consists of A stylized mountain peak with a gray portion at the top and a light blue portion below with the word "Alta" below in light blue and the words "Growth Capital" below that in gray.

**Colors Claimed**

The color(s) light blue and gray is/are claimed as a feature of the mark.

**Filing Date**

2009/11/02

**Examining Attorney**

DUBOIS, SUSAN LESLIE



**ALTA**

GROWTH CAPITAL

Print: Apr 9, 2015

77897292

**DESIGN MARK**

**Serial Number**  
77897292

**Status**  
REGISTERED

**Word Mark**  
ALTA VENTURES MEXICO

**Standard Character Mark**  
No

**Registration Number**  
3821798

**Date Registered**  
2010/07/20

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
AGC IP, LLC LIMITED LIABILITY COMPANY UTAH 741 N. 1050 E. PROVO UTAH 84606

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Assistance, advisory services and consultancy with regard to business planning, business analysis, business management, and business organization; Business administration and management; Business investigations, evaluations, expert appraisals, information and research; Business management; New business venture development and formation consulting services. First Use: 2009/12/03. The mark was first used anywhere in a different form other than that sought to be registered at least as early as 10/12/2009.. First Use In Commerce: 2009/12/10.

**Goods/Services**  
Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Capital investment services; Equity capital investment; Management of a capital investment fund; Management of private equity funds; Venture capital advisory services; Venture capital services, namely, providing financing to emerging and start-up companies. First Use: 2009/12/03. The mark was first used anywhere in a different form other than that

Print: Apr 9, 2015

77887282

sought to be registered at least as early as 10/12/2009.. First Use  
In Commerce: 2009/12/10.

**Disclaimer Statement**

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

**Description of Mark**

The mark consists of a stylized mountain peak with a gray portion at  
the top and a red portion below and with the word "Alta" below in red  
and the words "Ventures Mexico" below that in gray.

**Colors Claimed**

The color(s) red and gray is/are claimed as a feature of the mark.

**Filing Date**

2009/12/18

**Examining Attorney**

MCDONELL, MATTHEW



**ALTA**

VENTURES MEXICO

Print: Apr 9, 2015

78486251

**DESIGN MARK**

**Serial Number**  
78486251

**Status**  
SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**  
ALTA

**Standard Character Mark**  
Yes

**Registration Number**  
3035028

**Date Registered**  
2005/12/27

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
American Land Title Association NON-PROFIT ASSOCIATION D.C. 1028 L  
Street, NW, Suite 705 Washington D.C. 20036

**Goods/Services**  
Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.  
G & S: Business forms and brochures about the land title industry.  
First Use: 1960/12/31. First Use In Commerce: 1960/12/31.

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association  
services, namely promoting the interests of the land title industry;  
and providing lobbying representation for its membership before  
federal and state legislative and regulatory bodies. First Use:  
1960/12/31. First Use In Commerce: 1960/12/31.

**Goods/Services**  
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Furnishing  
information and advice in the field of abstracting and insuring land  
titles to members of applicant and to the business and public  
generally; developing standard title insurance forms; performing  
research with respect to the land title industry. First Use:

Print: Apr 9, 2015

78486251

1960/12/31. First Use In Commerce: 1960/12/31.

**Filing Date**  
2004/05/20

**Examining Attorney**  
FRONT, MITCHELL

**Attorney of Record**  
Richard M. Avenue

ALTA

Print: Apr 9, 2015

78539800

**DESIGN MARK**

**Serial Number**  
78539800

**Status**  
SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**  
ALTA

**Standard Character Mark**  
Yes

**Registration Number**  
3041561

**Date Registered**  
2006/01/10

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
ReliaSoft Corporation CORPORATION ARIZONA 1450 S Eastside Loop Tucson  
ARIZONA 85710

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 039. G & S:  
Computer Software for product failure analysis, namely quantitative  
accelerated life testing analysis as it applies to the field of  
reliability engineering. First Use: 1997/06/00. First Use In  
Commerce: 1998/01/00.

**Filing Date**  
2004/12/29

**Examining Attorney**  
CRANWOLD, DORITT L.

ALTA

Print: Apr 9, 2015

79114556

**DESIGN MARK**

**Serial Number**  
79114556

**Status**  
NON-FINAL ACTION - MAILED

**Word Mark**  
ALTA

**Standard Character Mark**  
Yes

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Oticon A/S Aktieselskab DENMARK Kongebakken 9 DK-2765 Sørum DENMARK

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Hearing aids.

**Priority Date**  
2011/12/22

**Translation Statement**  
The English translation of ALTA in the mark is HIGH.

**Filing Date**  
2012/06/11

**Examining Attorney**  
DONINGER, CHRIS

**Attorney of Record**  
B. Brett Heavner

**ALTA**

Print: Apr 9, 2015

85548584

**DESIGN MARK**

**Serial Number**  
85548584

**Status**  
REGISTERED

**Word Mark**  
ALTA

**Standard Character Mark**  
Yes

**Registration Number**  
4243653

**Date Registered**  
2012/11/13

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Dental Photonics, Inc. CORPORATION DELAWARE 1600 Boston-Providence  
Highway Walpole MASSACHUSETTS 02081

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Lasers for  
medical, dental and veterinary use and parts and components thereof.  
First Use: 2012/03/00. First Use In Commerce: 2012/03/00.

**Filing Date**  
2012/02/22

**Examining Attorney**  
BAKER, JORDAN

**Attorney of Record**  
Maria M. Eliseeva

ALTA



# The AMERICAN HERITAGE dictionary of the English Language



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### THE PANELISTS



## NEED HELP SOLVING A CROSSWORD PUZZLE?

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## pay<sup>1</sup> (pā)

v. **paid** (pād), **pay-ing**, **pays**

v.tr.

1. To give money to in return for goods or services rendered: pay the cashier.
2. To give (money) in exchange for goods or services: paid four dollars for a hamburger; paid an hourly wage.
3. To discharge or settle (a debt or obligation): paying taxes; paid the bill.
4. To bear (a cost or penalty, for example) in recompense: She paid the price for her unpopular opinions.
5. To yield as a return: a savings plan that paid six percent interest.
6. To afford an advantage to; profit: It paid us to be generous.
7. To give or bestow: paying compliments; paying attention.
8. To make (a visit or call).
9. Past tense and past participle **paid** or **payed** (pād) To let out (a line or cable) by slackening.

v.intr.

1. To give money in exchange for goods or services.
2. To discharge a debt or obligation.
3. To bear a cost or penalty in recompense: You'll pay for this mischief!
4. To be profitable or worthwhile: It doesn't pay to get angry.

adj.

1. Of, relating to, giving, or receiving payments.
2. Requiring payment to use or operate: a pay toilet.
3. Yielding valuable metal in mining: a pay streak.

n.

1. The act of paying or state of being paid.
2. Money given in return for work done; salary; wages.
3.
  - a. Recompense or reward: Your thanks are pay enough.
  - b. Retribution or punishment.
4. Paid employment: the workers in our pay.



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4. To employ; use; *He worked hard to pay.*  
5. A person considered with regard to his or her credit or reliability in discharging debts.

#### Phrasal Verbs:

##### pay back

1. To pay or return (what is owed as a debt).
2. To repay (a person who is owed a debt).
3. To give recompense to; reward: *How can we ever pay you back for what you've done for us?*
4. To reciprocate; return: *pay back a kindness.*
5. To retaliate against or get revenge upon.

##### pay down

To reduce (a debt) through payment.

##### pay off

1. To pay the full amount on (a debt).
2. To result in profit or advantage; succeed: *Your efforts will eventually pay off.*
3. To pay the wages due to (an employee) upon discharge.
4. To pay (a plaintiff) to settle a lawsuit out of court.
5. To bribe.
6. *Nautical* To turn or cause to turn (a vessel) to leeward.

##### pay out

1. To give (money) out; spend.
2. To let out (a line or rope) by slackening.

##### pay up

To give over the full monetary amount demanded.

#### Idioms:

##### pay (one's) dues

To earn a given right or position through hard work, long-term experience, or suffering: *She paid her dues in small-town theaters before being cast in a Broadway play.*

##### pay (one's) way

To contribute one's own share; pay for oneself.

##### pay the piper

To bear the consequences of something.

##### pay through the nose

Informal  
To pay excessively.

[Middle English *paien*, from Old French *paier*, from Late Latin *pācāre*, to appease, from Latin, to pacify, subdue, from *pāx*, *pāc-*, peace; see **pag-** in the Appendix of Indo-European roots.]

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#### pay<sup>2</sup> (pā)

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#### tr.v. **payed** or **paid** (pād), **pay-ing**, **pays**

To coat or cover (seams of a ship, for example) with waterproof material such as tar or asphalt.

[Obsolete French *peier*, from Old French, from Latin *picāre*, from *pix*, *pic-*, pitch.]

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