

**To:** Robert D. Gunderman, Jr. ([bgunderman@patentechnologies.com](mailto:bgunderman@patentechnologies.com))  
**Subject:** TRADEMARK APPLICATION NO. 77077588 - 21ST CENTURY PATENT PRACTICE - N/A  
**Sent:** 4/26/2007 10:58:44 AM  
**Sent As:** ECOM114@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 77/077588

**APPLICANT:** Robert D. Gunderman, Jr.

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**\*77077588\***

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** 21ST CENTURY PATENT PRACTICE

**CORRESPONDENT'S REFERENCE/DOCKET NO :** N/A

**CORRESPONDENT EMAIL ADDRESS:**

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Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/077588

The assigned examining attorney has reviewed the referenced application and determined the following.

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods/services, so resembles the mark in U.S. Registration No. 3,011,824 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registration.

The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to be considered in determining whether there is a likelihood of confusion under Section 2(d). Any one of the factors listed may be dominant in any given case, depending upon the evidence of record. In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods/services, and similarity of trade channels of the goods/services. TMEP §§1207.01 *et seq.* The marks are nearly identical in overall commercial impression and the respective patent-related services are closely related, complementary, and likely to move in identical trade channels.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

The applicant must insert a disclaimer of the generic wording "patent practice" in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §1213. This wording generically denotes the nature of applicant's business and the services provided.

The applicant has classified the services incorrectly in view of a recent classification revision. The applicant must amend the application to classify the services in **International Class 45**. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03(b).

Further action awaits response to the above.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

/David H. Stine/  
Trademark Attorney  
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**NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS:** In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

**HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

**DESIGN MARK**

**Serial Number**

76541370

**Status**

REGISTERED

**Word Mark**

21ST CENTURY PATENT RESEARCH

**Standard Character Mark**

No

**Registration Number**

3011824

**Date Registered**

2005/11/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Express Search, Inc. CORPORATION VIRGINIA 2121 Eisenhower Avenue,  
Suite 500 Alexandria VIRGINIA 22314

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: conducting  
patent and library and trademark searches, analyzing the search  
results and reporting thereon. First Use: 2003/10/30. First Use In  
Commerce: 2003/10/30.

**Disclaimer Statement**

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

**Filing Date**

2003/08/25

**Examining Attorney**

WELLS, CHRIS

**Attorney of Record**

DAVID A LUNDY

# 21ST CENTURY PATENT RESEARCH