

**To:** Jessie Reider Cristo([jreider@buchalter.com](mailto:jreider@buchalter.com))  
**Subject:** U.S. Trademark Application Serial No. 97120892 - COLONY - F0381-5044  
**Sent:** August 23, 2022 07:19:00 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[5917611](#)  
[4897340](#)  
[4993838](#)  
[4404913](#)  
[3471017](#)  
[5044890](#)  
[5214640](#)  
[5550515](#)  
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**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97120892

**Mark:** COLONY

**Correspondence Address:**

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**Applicant:** FactGem, LLC

**Reference/Docket No.** F0381-5044

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## NONFINAL OFFICE ACTION

**The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned.** Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** August 23, 2022

### **Introduction**

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

### **Summary of Issues**

- Section 2(d) - Likelihood of Confusion Refusals - Limited to Specific Services
- Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application
- Identification of Services – Amendment Required

### **Section 2(d) - Likelihood of Confusion Refusals - Limited to Specific Services**

*This partial refusal applies to the following services only: "roviding [sic] on-line non-downloadable software used to search, query, analyze, retrieve, monitor, manage, maintain, archive, integrate, process, report on, structure, model, present and display content from other computer databases, the internet, and other computer systems" and "software; software provider."*

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 5917611, 4897340, 4993838, 4404913, 3471017, 5044890, 5214640, and 5550515. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any

likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

Applicant has applied to register the mark COLONY in standard characters for “roviding [sic] on-line non-downloadable software used to search, query, analyze, retrieve, monitor, manage, maintain, archive, integrate, process, report on, structure, model, present and display content from other computer databases, the internet, and other computer systems; providing on-line temporary use of non-downloadable software for creating searchable databases of information and data; providing on-line temporary use of non-downloadable search engine software; computer services, namely, creating for others computer network-based indices of information; software; software provider” in International Class 041.

Registrant’s mark is ADCOLONY (Reg. No. 5917611) in standard characters for “Communications software for connecting Mobile Device developers and advertisers reach end users; Computer application software for mobile phones, namely, software for helping Developers of applications and advertisers for use in reaching end users; Computer game software for use on mobile and cellular phones; Software development kits (SDK)” in International Class 009.

Registrant’s mark is COLONY (Reg. No. 4897340) in standard characters for “Online social networking service provided through global computer networks” in International Class 045.

Registrant’s mark is COLONY 42 (Reg. No. 4993838) with a design for, in relevant part, “computer game software; computer game software downloadable from a global computer network; computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles," "electronic game software for wireless devices" and "video game software” in International Class 009.

Registrant’s mark is COLONY ID (Reg. No. 4404913) in standard characters for “Computer software for identifying microorganisms by providing a visual comparator for the microorganisms” in International Class 009.

Registrant’s mark is EZCOLONY (Reg. No. 3471017) in standard characters for “Computer software for management of animal colonies in transgenic and stem cell facilities” in International Class 009.

Registrant’s mark is COLONITY (Reg. No. 5044890) in standard characters for “Providing temporary use of non-downloadable software applications for classifieds, virtual public/private online communities, networking of like minded users globally, data and media file sharing and transmission of photographic images and other media files” in International Class 042.

Registrant’s mark is **THE KOLONY** (Reg. No. 5214640) in standard characters for “Providing on-line non-downloadable market research software for analyzing market attitudes and behaviors” in International Class 042.

Registrant’s mark is **THE KOLONY** (Reg. No. 5550515) in stylized text for “Providing on-line non-

downloadable market research software for analyzing market attitudes and behaviors” in International Class 042.

*The bolded marks above are owned by the same registrant.*

### 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 Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff’d per curiam*, 777 F. App’x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

### Reg. No. 4404913

In a likelihood of confusion determination, the marks in their entireties are compared for similarities in appearance, sound, connotation, and commercial impression. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1323, 123 USPQ2d 1744, 1748 (Fed. Cir. 2017); *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)); *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v).

In the present case, applicant’s mark is COLONY and registrant’s mark is COLONY. These marks are identical in appearance, sound, and meaning, “and have the potential to be used . . . in exactly the same manner.” *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015), *aff’d*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017). Additionally, because they are identical, these marks are likely to engender the same connotation and overall commercial impression when considered in connection with applicant’s and registrant’s respective goods and/or services. *Id.*

Therefore, the marks are confusingly similar.

### Reg. Nos. 5917611 and 3471017

Here, applicant’s mark, COLONY, is confusingly similar to the registered marks, ADCOLONY and EZCOLONY.

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (holding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (holding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (holding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

In the present case, the applied-for mark, COLONY, appears in both of the registered marks. The additional AD- and EZ- in the registered marks are not sufficient to obviate the likelihood of confusion between the marks because they are short prefixes that do not diminish the dominance of the term COLONY in the marks. Accordingly, the marks are considered similar for likelihood of confusion purposes.

Reg. Nos. 5214640 and 5550515

Here, applicant's mark, COLONY, is confusingly similar to the registered marks, THE KOLONY and THE KOLONY.

A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that "the argument concerning a difference in type style is not viable where one party asserts rights in no particular display").

Therefore, the stylization of the mark in registration number 5550515 does not obviate the likelihood of confusion between the marks because the applied-for mark is in standard characters and thus could be displayed in any lettering style.

The marks are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the compared marks are confusingly similar. *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007) (citing *Krim-Ko Corp. v. Coca-Cola Bottling Co.*, 390 F.2d 728, 732, 156 USPQ 523, 526 (C.C.P.A. 1968)); TMEP §1207.01(b)(iv).

COLONY and KOLONY are pronounced the same, therefore the dominant portions of the marks sound identical.

Regarding the additional term "THE" in the registered marks, when comparing similar marks, the Trademark Trial and Appeal Board has found that inclusion of the term "the" at the beginning of one of the marks will generally not affect or otherwise diminish the overall similarity between the marks. *See In re Thor Tech Inc.*, 90 USPQ2d 1634, 1635 (TTAB 2009) (finding WAVE and THE WAVE "virtually identical" marks; "[t]he addition of the word 'The' at the beginning of the registered mark does not have any trademark significance."); *In re Narwood Prods. Inc.*, 223 USPQ 1034, 1034 (TTAB 1984) (finding THE MUSIC MAKERS and MUSIC-MAKERS "virtually identical" marks; the inclusion of the definite article "the" is "insignificant in determining likelihood of confusion").

Accordingly, the marks are considered similar for likelihood of confusion purposes.

Reg. Nos. 4993838 and 4404913

Here, applicant's mark, COLONY, is confusingly similar to the registered marks, COLONY

42 and COLONY ID.

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) (holding 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) (holding BENGAL LANCER and design and BENGAL confusingly similar); *Double Coin Holdings, Ltd. v. Tru Dev.*, 2019 USPQ2d 377409, at \*6-7 (TTAB 2019) (holding ROAD WARRIOR and WARRIOR (stylized) confusingly similar); *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1090 (TTAB 2016) (holding JAWS DEVOUR YOUR HUNGER and JAWS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

In the present case, the marks are confusingly similar because the applied-for mark is entirely incorporated into the registered marks.

Additionally, 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) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because “VEUVE . . . remains a ‘prominent feature’ as the first word in the mark and the first word to appear on the label”); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because “consumers must first notice th[e] identical lead word”); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding “the identity of the marks’ two initial words is particularly significant because consumers typically notice those words first”).

The first word in the registered marks, COLONY, is identical to the applied-for mark and is likely to be noticed first by consumers. Accordingly, the marks are considered similar for likelihood of confusion purposes.

Reg. No. 5044890

Here, applicant’s mark, COLONY, is confusingly similar to the registered mark, COLONITY.

As stated above, marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (holding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (holding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (holding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

In the present case, both marks contain the identical term COLON-. This wording appears first in both marks and creates a similar overall commercial impression.

Additionally, slight differences in the sound of similar marks will not avoid a likelihood of confusion.

*In re Energy Telecomms. & Elec. Ass'n*, 222 USPQ 350, 351 (TTAB 1983); *see In re Viterro Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012).

COLONY and COLONITY sound very similar when spoken aloud, and the slight difference in sound is not enough to obviate the likelihood of confusion between the marks. Accordingly, the marks are considered similar for likelihood of confusion purposes.

#### Relatedness of the Goods and/or Services

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

#### U.S. Registration Nos. 5917611, 5214640, 4993838, 4404913, 5550515, 3471017 and 5044890

Determining likelihood of confusion is 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 In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the application uses broad wording to describe "software; software provider," which presumably encompasses all goods and/or services of the type described, including registrants' more narrow:

"Communications software for connecting Mobile Device developers and advertisers reach end users; Computer application software for mobile phones, namely, software for helping Developers of applications and advertisers for use in reaching end users; Computer game software for use on mobile and cellular phones; Software development kits (SDK)" (Reg. No. 5917611),

"Providing on-line non-downloadable market research software for analyzing market attitudes and behaviors" (Reg. No. 5214640),

"Computer game software; computer game software downloadable from a global computer network; computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles," "electronic game software for wireless devices" and "video game software" (Reg. No. 4993838),

"Computer software for identifying microorganisms by providing a visual comparator for the microorganisms" (Reg. No. 4404913),

"Providing on-line non-downloadable market research software for analyzing market attitudes and behaviors" (Reg. No. 5550515),

"Computer software for management of animal colonies in transgenic and stem cell facilities" (Reg. No. 3471017), and

"Providing temporary use of non-downloadable software applications for classifieds, virtual public/private online communities, networking of like minded users globally, data and media file sharing and transmission of photographic images and other media files" (Reg. No. 5044890).

*See, e.g., In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's goods and services are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and 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)). Thus, applicant's and registrant's goods and/or services are related.

#### U.S. Registration No. 4897340

Here, applicant's services, "roviding [sic] on-line non-downloadable software used to search, query, analyze, retrieve, monitor, manage, maintain, archive, integrate, process, report on, structure, model, present and display content from other computer databases, the internet, and other computer systems" and "software; software provider" are closely related to registrant's services, "Online social networking service provided through global computer networks."

The attached Internet evidence, consisting of screenshots from *Instagram*, *Twitter*, and *LinkedIn* establishes that the same entity commonly manufactures, produces, or provides the relevant services and markets the services under the same mark. Thus, applicant's and registrant's services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Accordingly, the goods and/or services are considered related for purposes of the likelihood of confusion analysis.

#### Conclusion

Because the marks are similar or identical and the goods and/or services are related or legally identical, there is a likelihood of confusion as to the source of applicant's services, and registration is partially refused pursuant to Section 2(d) of the Trademark Act.

#### Response Options to Refusals



Although applicant's mark has been partially refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration. However, if applicant responds to the refusals, applicant must also respond to the requirements set forth below.

### **Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application**

The filing date of pending U.S. Application Serial No. 90624411 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.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the Section 2(d) Refusals above and the requirement(s) below within the six month deadline mentioned above to avoid abandonment.

### **Identification of Services – Amendment Required**

The services are classified incorrectly in International Class 041. Applicant must amend the application to classify the services in International Class 042. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

Additionally, the first word in the identification of services, "roviding," appears to be misspelled and should be corrected. TMEP §1402.01(a).

Finally, the identification for "software; software provider" in International Class 041 is indefinite and too broad and must be clarified because the wording does not make clear the (1) nature or (2) format of the software and could identify goods and/or services in three international classes – as a product in International Class 9 or a service in International Class 41 or 42. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). Specifically, applicant must indicate the purpose or function of the software, and if content- or field-specific, the content or field of use of the software. TMEP §1402.03(d). Additionally, applicant must indicate whether the software's format is downloadable, recorded, or online non-downloadable. *See id.* Downloadable and recorded goods are in International Class 9, whereas providing their temporary, online non-downloadable use is a service in International Class 42; except for non-downloadable game software provided online or for temporary use, which is in International Class 41. *See* TMEP §§1402.03(d), 1402.11(a)(xii).

The USPTO requires such specificity in order for a trademark examining attorney to examine the application properly and make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000); TMEP §1402.03(d).

The following are examples of acceptable identifications in International Class 9: “recorded desktop publishing software” and “downloadable mobile applications for managing bank accounts.” Additionally, the following are acceptable identifications in International Class 41: “providing online non-downloadable game software” and “providing temporary use of non-downloadable game software.” Finally, the following are acceptable identifications in International Class 42: “providing temporary use of on-line non-downloadable software development tools” and “providing temporary use of non-downloadable cloud-based software for calculating energy costs.”

Applicant may substitute the following wording, *if accurate*:

**International Class 042: Providing** on-line non-downloadable software used to search, query, analyze, retrieve, monitor, manage, maintain, archive, integrate, process, report on, structure, model, present and display content from other computer databases, the internet, and other computer systems; providing on-line temporary use of non-downloadable software for creating searchable databases of information and data; providing on-line temporary use of non-downloadable search engine software; computer services, namely, creating for others computer network-based indices of information; **Providing temporary use of on-line non-downloadable software for {specify purpose of software, e.g., creating searchable databases of information and data, managing bank accounts, calculating energy costs, etc.}**

Applicant may amend the identification to clarify or limit the services, but not to broaden or expand the services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted services may not later be reinserted. *See* TMEP §1402.07(e).

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

## **Response Guidelines**

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney to resolve the issues in this Office action. Although the USPTO does not accept emails as responses to Office actions, communication by phone or email is permissible to agree to proposed amendments to the application that will immediately place the application in condition for publication, registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

**How to respond.** [Click to file a response to this nonfinal Office action.](#)

/Abigail Lueken/  
Abigail Lueken  
Trademark Examining Attorney  
Law Office 303  
(571) 270-3726  
abigail.lueken@uspto.gov

## RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

ADCOLONY

**Mark Punctuated**

ADCOLONY

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Communications software for connecting Mobile Device developers and advertisers reach end users; Computer application software for mobile phones, namely, software for helping Developers of applications and advertisers for use in reaching end users; Computer game software for use on mobile and cellular phones; Software development kits (SDK). FIRST USE: 20091130. FIRST USE IN COMMERCE: 20091130

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87767308

**Filing Date**

20180123

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20190910

**Registration Number**

5917611

**Date Registered**

20191126

**Owner**

(REGISTRANT) AdColony, Inc. CORPORATION DELAWARE 11400 W. Olympic Blvd., Suite 1200 Los Angeles CALIFORNIA 90064

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Jonathan Pearce

(4) STANDARD CHARACTER MARK

Colony

**Mark Punctuated**

COLONY

**Translation**

**Goods/Services**

- IC 045. US 100 101.G & S: Online social networking service provided through global computer networks. FIRST USE: 20141105. FIRST USE IN COMMERCE: 20141105

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86476938

**Filing Date**

20141210

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20151124

**Registration Number**

4897340

**Date Registered**

20160209

**Owner**

(REGISTRANT) Beehive.Com LIMITED LIABILITY COMPANY DELAWARE 15615 Alton Parkway Suite 185 Irvine CALIFORNIA 92618

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Diane M Chubb

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

**COLONY 42**

**Mark Punctuated**

COLONY 42

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Computer game equipment, namely, discs; computer game programmes; computer game programmes downloadable via the internet; computer game programs; computer game software; computer game software downloadable from a global computer network; computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; computer hardware for communicating audio, video and data between computers via a global computer network, wide-area computer networks, and peer-to-peer computer networks; electronic game programs; electronic game software for wireless devices; video game discs; video game software. FIRST USE: 20160122. FIRST USE IN COMMERCE: 20160226
- IC 016. US 002 005 022 023 029 037 038 050.G & S: Computer game instruction manuals; printed materials, namely, novels and series of fiction books and short stories featuring scenes and characters based on video games. FIRST USE: 20160122. FIRST USE IN COMMERCE: 20160226

**Mark Drawing Code**

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

**Design Code**

261701 261705

**Serial Number**

86243432

**Filing Date**

20140404

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20150901

**Registration Number**

4993838

**Date Registered**

20160705



**Owner**

(REGISTRANT) VERDICT STUDIOS, LLC LIMITED LIABILITY COMPANY COLORADO 22465 YUMA COUNTY ROAD 2.5 BURLINGTON COLORADO 80807

**Priority Date****Disclaimer Statement****Description of Mark**

The color(s) white, gray, black, brown, and red is/are claimed as a feature of the mark. The mark consists of the wording "COLONY 42" in a rugged military style bold font. The wording "COLONY" has damaged black and brown concrete textures with rock and gravel mixed in with white spots. The number "42" is red, black, gray, and white and features a hexagon shaped pattern. The number "42" is jagged and torn up in places to show battle damage. The hole in the "4" is stylized as a blood splatter.

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

**(4) STANDARD CHARACTER MARK**

**COLONY ID**

**Mark Punctuated**  
COLONY ID

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Computer software for identifying microorganisms by providing a visual comparator for the microorganisms. FIRST USE: 20120800. FIRST USE IN COMMERCE: 20120800

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

**Design Code**

**Serial Number**  
85710714

**Filing Date**  
20120823

**Current Filing Basis**  
1A

**Original Filing Basis**  
1B

**Publication for Opposition Date**

**Registration Number**  
4404913

**Date Registered**  
20130917

**Owner**  
(REGISTRANT) Precision Microslides, LLC LIMITED LIABILITY COMPANY ARIZONA 415 S. Airpark Drive Cottonwood ARIZONA 86326

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**  
TRADEMARK

**Register**  
SUPPLEMENTAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Jay A. Bondell

(4) STANDARD CHARACTER MARK

ezColony

**Mark Punctuated**

EZCOLONY

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Computer software for management of animal colonies in transgenic and stem cell facilities. FIRST USE: 20070401. FIRST USE IN COMMERCE: 20070801

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

77310934

**Filing Date**

20071023

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20080506

**Registration Number**

3471017

**Date Registered**

20080722

**Owner**

(REGISTRANT) RuRo Incorporated CORPORATION DELAWARE 3932 Braveheart Cir Frederick MARYLAND 21704

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

John L. DuPre'

(4) STANDARD CHARACTER MARK

Colony

**Mark Punctuated**  
COLONITY

**Translation**

**Goods/Services**

- IC 042. US 100 101.G & S: Providing temporary use of non-downloadable software applications for classifieds, virtual public/private online communities, networking of like minded users globally, data and media file sharing and transmission of photographic images and other media files. FIRST USE: 20151116. FIRST USE IN COMMERCE: 20151116

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

**Design Code**

**Serial Number**  
86901837

**Filing Date**  
20160209

**Current Filing Basis**  
1A

**Original Filing Basis**  
1A

**Publication for Opposition Date**  
20160705

**Registration Number**  
5044890

**Date Registered**  
20160920

**Owner**  
(REGISTRANT) KTK PLANET LLC LIMITED LIABILITY COMPANY KANSAS 5808 Widmer Road  
Shawnee KANSAS 66216

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
LIVE

**Attorney of Record**

**(4) STANDARD CHARACTER MARK**

**THE KOLONY**

**Mark Punctuated**

THE KOLONY

**Translation**

**Goods/Services**

- IC 042. US 100 101.G & S: Providing on-line non-downloadable market research software for analyzing market attitudes and behaviors. FIRST USE: 20160229. FIRST USE IN COMMERCE: 20160229

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

86740525

**Filing Date**

20150828

**Current Filing Basis**

1A

**Original Filing Basis**

1B

**Publication for Opposition Date**

20160809

**Registration Number**

5214640

**Date Registered**

20170530

**Owner**

(REGISTRANT) Kolony LLC LIMITED LIABILITY COMPANY DELAWARE 116 N. Chatsworth Avenue  
Larchmont NEW YORK 10538

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL



**Live Dead Indicator**

LIVE

**Attorney of Record**

Catherine M.C. Farrelly

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM



**Mark Punctuated**  
THE KOLONY

**Translation**

**Goods/Services**

- IC 042. US 100 101.G & S: Providing on-line non-downloadable market research software for analyzing market attitudes and behaviors. FIRST USE: 20160212. FIRST USE IN COMMERCE: 20160212

**Mark Drawing Code**  
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Design Code**

**Serial Number**  
87770224

**Filing Date**  
20180125

**Current Filing Basis**  
1A

**Original Filing Basis**  
1A

**Publication for Opposition Date**  
20180612

**Registration Number**  
5550515

**Date Registered**  
20180828

**Owner**  
(REGISTRANT) Kolony LLC LIMITED LIABILITY COMPANY DELAWARE 116 N. Chatsworth Avenue  
Larchmont NEW YORK 10538

**Priority Date**

**Disclaimer Statement**

**Description of Mark**  
Color is not claimed as a feature of the mark. The mark consists of the word "THE" near the top left of the word "KOLONY" depicted in large, bold, stylized letters.




















**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
LIVE

**Attorney of Record**  
Catherine M.C. Farrelly



-  Instagram Features ^
-  Your Profile v
-  Sharing Photos and Videos v
-  Exploring Photos and Videos v
-  Digital Collectibles
-  Direct Messaging
-  Stories
-  Reels
-  Live
-  Videos
-  Fundraisers and Donations v
-  Shop
-  Payments in Instagram
-  Manage Your Account v
-  Staying Safe v
-  Privacy, Security and Reporting v
-  Terms and Policies v
-  Reels
-  Live

Instagram Features









## Direct Messaging

### Sending & Receiving Messages

- How do I use Instagram Direct? ▼
- Start and manage video calls on Instagram ▼
- How do I view messages I've received with Instagram Direct? ▼
- How do I send a message to someone on Instagram? ▼
- Send a disappearing photo or video on Instagram ▼
- Where to see disappearing photos and videos you've sent using Instagram Direct ▼
- Replay a disappearing photo or video you receive on Instagram ▼
- Send a post you see on Instagram as a direct message ▼
- How do I send a profile as a message using Instagram Direct? ▼
- How do I unsend a message I've sent using Instagram Direct? ▼
- Who you can send messages to with Instagram Direct ▼
- How many people can I add to a group conversation on Instagram? ▼
- How do I create a poll in a direct message on Instagram? ▼
- How do I send a GIF in a direct message on Instagram? ▼

### Managing Your Conversations

- Create a new group chat on Instagram ▼
- View and reply to disappearing photos and videos you receive in Instagram Direct ▼
- Name a group conversation in Instagram Direct ▼
- How do I mute notifications from a group conversation in Instagram Direct? ▼

-  Videos
-  Fundraisers and Donations ▾
-  Shop
-  Payments in Instagram
-  Manage Your Account ▾
-  Staying Safe ▾
-  Privacy, Security and Reporting ▾
-  Terms and Policies ▾

- How do I add people to a group conversation in Instagram Direct? ▾
- When I add someone to a group conversation on Instagram, what do they see? ▾
- How do I leave a group conversation in Instagram Direct? ▾
- How do I delete a conversation in Instagram Direct? ▾
- Report a message that you receive on Instagram ▾

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 [No](#)

- Instagram Features ^
- Your Profile v
- Sharing Photos and Videos ^**
  - Posting and Adding Locations
  - Adding Effects and Filters
  - Editing and Deleting Your Posts
  - Sharing to Other Social Networks
  - Tagging and Mentions
- Exploring Photos and Videos v
- Digital Collectibles
- Direct Messaging
- Stories
- Reels
- Live
- Videos
- Fundraisers and Donations v
- Shop
- Payments in Instagram
- Manage Your Account v
- Digital Collectibles



You can use Instagram to share photos and videos with your followers.

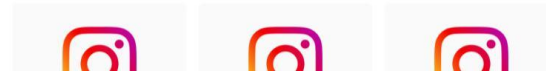
Learn how to:

- [Share a photo or share a video.](#)
- [Add a location or apply a filter.](#)
- [Choose who can see what you share.](#)
- [Manage tags](#) for your photos and videos.

#### Popular Articles

[When I share a photo on Instagram, what's the image resolution?](#)  
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[How do I post a photo on Instagram?](#)  
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#### Related Topics



Direct Messaging

Stories

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Payments in Instagram

Manage Your Account

Staying Safe



**Exploring Photos and Videos**  
Learn how to use Explore to discover new things on Instagram.



**Your Profile**  
Learn how to update your profile picture and edit your bio.



**Managing Your Privacy Settings**  
Learn how to find and update your account's settings.

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Was this helpful?

✕

😊 Yes

😞 No



 About

Who we are ▾

Our priorities ▾

Resources ▾

[Go to Twitter.com](#)

# Healthy conversations

We're working to make Twitter a safe place for free expression.



**You should be able to speak  
your mind and find credible  
information easily.**

Twitter is an open service that's home to a world of diverse people, perspectives, ideas and information. We're committed to protecting the health of the public conversation — and we take that commitment

seriously.

#### OUR AREAS OF FOCUS

##### Safety

We want people on Twitter to have safe, inclusive, and authentic conversations. With that goal in mind, we work hard to minimize toxic and illegal content, and give people tools to control their interactions.

##### Account and service integrity

We do our best to keep people with bad intent from creating or maintaining accounts, compromising the accounts of others, or artificially boosting harmful content. This helps us protect the safety, security, and credibility of Twitter accounts.

##### Positive impact on society

We foster free and global conversations, and are committed to healthy discourse. That means we try to minimize the distribution and reach of harmful or misleading information, especially when its intent is to disrupt a civic process or cause offline harm.

---

#### HOW WE ENFORCE THE RULES

## We want you to join the conversation and feel safe.

Our rules are intended to create a culture of trust and respect, so the way we approach enforcement is pretty simple.

- We work hard to make interactions with us understandable, efficient, and fair.
- We'll try to give you as much information as possible. If we make a mistake, we'll say so.
- We give you the necessary tools to control your conversations, and we're here when you need us.
- Play by the rules and you're free to express yourself however you like.

## Healthy public conversation requires a group effort

Our Trust and Safety Council is a group of independent expert organizations from around the world.

[View partner organizations](#)

**Find out more**

- See what we're doing to [build a healthier Twitter](#).
- Take a look at our [rules and policies](#).
- Check out the [Transparency Center](#) (and [how it works](#)).
- Get the truth about [common Twitter myths](#).
- Find out how to [report abusive behavior](#).

## Latest updates

Updates to our work on  
COVID-19 vaccine  
misinformation

[Read more](#)

#SaferInternetDay 2021:  
Together for a better  
Internet

[Read more](#)

Coronavirus: Staying safe  
and informed on Twitter

[Read more](#)

Twitter platform

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Twitter, Inc.

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Accessibility

Embed a Tweet

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Transparency Center

Twitter for Good

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Brand toolkit

Jobs and internships

Investors

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Ads Help Center

Managing your account

Email Preference Center

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Twitter for marketers

Marketing insights

Brand inspiration

Twitter Flight School

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## App Store Preview

This app is available only on the App Store for iPhone, iPad, and Apple TV.

**Twitter** 17+Let's talk.  
Twitter, Inc.

#2 in News

★★★★★ 4.6 • 6.3M Ratings

Free • Offers In-App Purchases

Screenshots iPhone iPad Apple TV

Join the conversation!

Retweet, chime in on a thread, go viral, or just scroll through the Twitter timeline to stay on top of what everyone's talking about. Twitter is your go-to social media app and the new media source for what's happening in the world, straight from the accounts of the influential people who affect your world [more](#)

What's New

[Version History](#)

We're sharing a few updates to make Twitter better!

Version 9.24

Ratings and Reviews

[See All](#)



**Editors' Choice**

We rely on Twitter to help us express our thoughts and keep up with the news. And with Twitter's Apple TV app (our 2016 App of the Year), we've also got a bigger window into current events and topical discussions. From breaking-news tweets to live video feeds: [more](#)

★★★★★

thomaspennedy3, 12/19/2021

**Twitter is a Useful Communication Tool If ...**  
I began my journey on Social Media on MySpace and now I'm on several different platforms. I spend about equal amount of time between Facebook and Twitter. I use FB: [more](#)

★☆☆☆☆

American \_\_\_\_user, 01/01/2022

**Utter Garbage**  
"Oops something went wrong. Please try again later." is the typical response you get when trying to resolve an issue. Twitter's arbitrary software allows some users to: [more](#)

App Privacy

[See Details](#)

The developer, **Twitter, Inc.**, indicated that the app's privacy practices may include handling of data as described below. For more information, see the [developer's privacy policy](#).

**Data Used to Track You**

The following data may be used to track you across apps and websites owned by other companies:

- Purchases
- Contact Info
- Browsing History
- Usage Data
- Location
- User Content
- Identifiers

**Data Linked to You**

The following data may be collected and linked to your identity:

- Purchases
- Contact Info
- User Content
- Browsing History
- Usage Data
- Location
- Contacts
- Search History
- Identifiers
- Diagnostics

**Data Not Linked to You**

The following data may be collected but is not linked to your identity:

- Contact Info
- User Content
- Other Data

Privacy practices may vary, for example, based on the features you use or your age. [Learn More](#)

Information

Seller Twitter, Inc.	Size 362.3 MB	Category <a href="#">News</a>
Compatibility <b>iPhone</b> Requires iOS 14.0 or later.	Languages English, Arabic, Bengali, Bulgarian, Catalan, Croatian, Czech, Danish, Dutch, Filipino, Finnish: <a href="#">more</a>	Age Rating 17+ Infrequent/Mild Profanity or Crude Humor Infrequent/Mild Sexual Content and Nudity Frequent/Intense Mature/Suggestive Themes
iPad		



Requires iPadOS 14.0 or later.

**iPod touch**

Requires iOS 14.0 or later.

**Apple TV**

Requires tvOS 10.0 or later.

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Price  
Free

In-App Purchases  
1. Twitter Blue  
2. Ticketed Space (\$1.99)  
3. Ticketed Space (\$0.99)

\$4.99  
\$1.99  
\$0.99  
[more](#)

[Developer Website](#) [App Support](#) [Privacy Policy](#)

**Supports**



**Siri**  
Get things done within this app using just  
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Help Center &gt; Tweets &gt; How to share a Tweet

# How to share a Tweet

Sharing a Tweet privately is easy. You have the option to share via Direct Message with your followers, or through an SMS or email to your contacts from your phone's address book.

Instructions for:



## To share a Tweet via Direct Message

### Step 1

Click on the **share** icon  from a Tweet on your Home timeline or from a Tweet detail.

**Note:** A protected Tweet cannot be shared through a Direct Message.

### Step 2

Select **Send via Direct Message**.


### Step 3

From the pop-up menu, **Enter a name** of the person you wish to send the message to or choose from the suggested account list.

### Step 4


You have the option to **Add a comment** to your message.

Step 5  
Click **Send**.

**Note:** Your own Tweets on your profile page will not display the **share** icon. Click the  icon on the bottom right to send one of your Tweets via Direct Message from your profile. Learn more about [Direct Messages](#).

Instructions for:   

#### To share a Tweet via SMS or email

Step 1  
Click the  icon located within the Tweet.

Step 2  
From the pop-up menu, select **Copy link to Tweet**.

Step 3  
The URL will be copied to your clipboard.

Step 4  
Once you have opened your email client, you can paste the URL into the email you compose.

---

## Share this article

 Tweet

Was this article helpful?



Submit



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Twitter, Inc.

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[Managing your account](#)  
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[Marketing insights](#)  
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## Get the LinkedIn app

A faster and better way to access all the functionality of LinkedIn – anytime, anywhere.



Search and apply to millions of openings.



Keep up with the latest news from your network.



Find and keep in touch with friends and colleagues.



## About LinkedIn

Welcome to LinkedIn, the world's largest professional network with more than 830 million members in more than 200 countries and territories worldwide.

### Vision

Create economic opportunity for every member of the global workforce.

### Mission

The mission of LinkedIn is simple: connect the world's professionals to make them more productive and successful.

### Who are we?

LinkedIn began in co-founder **Reid Hoffman's** living room in 2002 and was officially launched on May 5, 2003.

Today, LinkedIn leads a diversified business with revenues from membership subscriptions, advertising sales and recruitment solutions under the leadership of **Ryan Roslansky**. In December 2016, Microsoft completed its acquisition of LinkedIn, bringing together the world's leading professional cloud and the world's leading professional network.

For more information about our company:

[Company page →](#)

[Products and services →](#)

[Pressroom →](#)

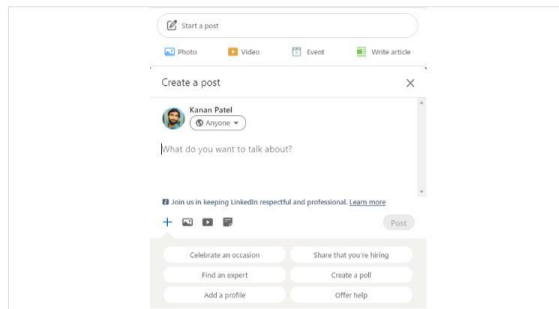
[Company blog →](#)

## Post and Share Content on LinkedIn

Last updated: 9 months ago

**Important:** Your membership and use of our services are subject to the [LinkedIn User Agreement](#) and [Professional Community Policies](#). Members are expected to refrain from dishonest or unprofessional behavior where posts include inappropriate, inaccurate, or objectionable content.

You can post and share content on LinkedIn using the share box at the top of the LinkedIn homepage. Use **Start a post** from the main share box on the LinkedIn desktop experience to view additional sharing options.



- Use **Start a post** to [share posts](#).
- Use the **Camera** icon to [share photos](#).
- Use the **Video** icon to [share videos](#).
- Use the **Document** icon to [share documents](#).
- Use **Write article** to [publish articles](#).

Additionally, you can:

- Use the **Add** icon to view post suggestions.

### Tagged in

[Post](#) [Share Content](#)

### Related articles

- [Mention People in Your Posts](#)
- [LinkedIn Live Video Broadcasting – FAQ](#)
- [Watch and Engage with Live Videos on LinkedIn](#)

Once you post an update, it'll be shared publicly, on Twitter, with your connections, or with a LinkedIn Group depending on the visibility you choose.

**Note:** When a member comments on their own post, an **Author** tag is displayed next to their name.

Learn more about:

- [Visibility of shared posts](#)
- [Best practices for sharing content on LinkedIn](#)

Was this answer helpful?

Yes

No

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English (English) ▼

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We'd like your feedback



Overall, how satisfied were you with your experience on the LinkedIn Help Center today? \*

☐ Very satisfied



- ☐ Satisfied
- ☐ Somewhat satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Somewhat dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied



**(4) STANDARD CHARACTER MARK**

**COLONYAPP**

**Mark Punctuated**

COLONYAPP

**Translation**

**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Downloadable software in the nature of an application for brokerage and trading of securities, stocks, bonds, commodities and equities

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90624411

**Filing Date**

20210405

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

20211221

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Colony Financial, LLC LIMITED LIABILITY COMPANY TEXAS 2622 Northwest Loop 410  
San Antonio TEXAS 78230

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Dan Noonan

## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 23, 2022 for  
**U.S. Trademark Application Serial No. 97120892**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

User: Abigail Lueken

Statistics for Case 97120892						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97120892[sn]	1	0	1	1	0:00
2	*{"ckqx"}{"oa"}{"l":2}{"oa"}n*[bi,ti] not dead[ld]	1105	0	0	0	0:02
3	*{"ckqx"}{"oa"}{"l":2}{"oa"}n{"iey"}*[bi,ti] not dead[ld]	544	0	0	0	0:13
4	*{"ckqx"}o{"l":2}on{"iey"}*[bi,ti] not dead[ld]	488	0	0	0	0:13
5	*co{"l":2}on{"iey"}*[bi,ti] not dead[ld]	485	0	0	0	0:01
6	*colony*[bi,ti] not dead[ld]	146	0	146	146	0:02
7	2 and ("009" "041" "042" a b "200")[ic]	246	0	246	246	0:02
8	7 not 6	197	0	197	197	0:02

Session started 08/23/2022 8:01 am

Session ended 08/23/2022 8:33 am

Total search duration 35.00

Session duration 32 minutes 38 seconds

Adjacency Level 1

Near Level 1