To: COA Network, Inc.(Paul.Champaneria@COANetwork.com)

Subject: U.S. Trademark Application Serial No. 97120290 - ITELECENTER

Sent: August 23, 2022 03:33:38 PM EDT

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Attachments

screencapture-encyclopedia2-thefreedictionary-com-I-16612642441921 screencapture-www-yourdictionary-com-tele-16612642625841 screencapture-www-ahdictionary-com-word-search-html-16612642785291

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97120290

Mark: ITELECENTER

Correspondence Address: COA NETWORK, INC. 991 ROUTE 22 WEST BRIDGEWATER TOWNSHIP NJ 08807 UNITED STATES

Applicant: COA Network, Inc.

Reference/Docket No. N/A

Correspondence Email Address: Paul.Champaneria@COANetwork.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within <u>six months</u> of the issue date below or the application will be <u>abandoned</u>. 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

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.

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

Section 2(e)(1) Refusal - Merely Descriptive

Registration is refused because the applied-for mark merely describes a characteristic of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 et seq.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); see, e.g., In re TriVita, Inc., 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting In re Oppedahl& Larson LLP, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); In re Steelbuilding.com, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing Estate of P.D. Beckwith, Inc. v. Comm'r of Patents, 252 U.S. 538, 543 (1920)).

Determining the descriptiveness of a mark is done in relation to an applicant's goods and/or services, the context in which the mark is being used, and the possible significance the mark would have to the average purchaser because of the manner of its use or intended use. *See In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012) (citing *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963-64, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007)); TMEP §1209.01(b). Descriptiveness of a mark is not considered in the abstract. *In re Bayer Aktiengesellschaft*, 488 F.3d at 963-64, 82 USPQ2d at 1831.

In the instant case, applicant seeks registration of ITELECENTER for "SaaS Telecommunication services, cloud phone systems with features such as dedicated phone numbers, call forwarding, SIP calling, voicemail, employee extensions, call transcription, IVR, SMS/Texting, call monitoring and recording, call analytics, etc."

According to the attached evidence, the letter "i" or "I" used as a prefix would be understood by the purchasing public to refer to the Internet when used in relation to Internet-related products or services.

When a mark consists of this prefix coupled with a descriptive word or term for Internet-related services, then the entire mark may be considered merely descriptive. *See RxD Media, LLC v. IP Application Dev. LLC*, 125 USPQ2d 1801, 1810-14 (TTAB 2018) (holding IPAD merely descriptive of web-based software for mobile-access database management in which users can store and access their personal information); *In re Zanova, Inc.*, 59 USPQ2d 1300, 1304 (TTAB 2000) (holding ITOOL merely descriptive of computer software for use in creating web pages, and custom designing websites for others); TMEP §1209.03(d).

The term TELE is defined as "By telephone, on the telephone" (see attached). The term CENTER is defined as "A place where a particular activity or service is concentrated" (see attached). Applicant is providing a CENTER or website for INTERNET TELEPHONE services (see specimen of record). Accordingly, the wording merely describes the services and where the services are rendered.

Accordingly, registration on the Principal Register must be refused under Trademark Act Section 2(e)(1).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification and Classification of Services

The identification of services is indefinite and must be clarified to further specify the nature of the services. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. See TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. See id.

Applicant has classified "SaaS telecommunication services" in International Class 038; however, the proper classification is International Class 042. Therefore, applicant may respond by (1) adding International Class 042 to the application and reclassifying these services in the proper international class, (2) deleting "SaaS telecommunication services" from the application, or (3) deleting the remainder of the items in the identification and reclassifying the specified services in the proper international class. See 37 C.F.R. §§2.86(a), 6.1; TMEP §§1403.02 et seq. If applicant adds one or more international classes to the application, applicant must comply with the multiple-class requirements specified in this Office action.

The wording "etc" in the identification of services is indefinite and must be clarified because it fails to identify specific services. *See* TMEP §1402.03(a). Therefore, applicant must delete this indefinite wording from the identification and specify the common commercial or generic name for these services.

In an identification, an applicant must use the common commercial or generic name for the services, be specific and all-inclusive, and avoid using indefinite words or phrases. TMEP §§1402.01, 1402.03(a). Further, applicant may amend the identification to list only those items that are within the scope of the services set forth in the initial application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.*, 1402.07. Scope is generally determined by the ordinary meaning of the wording in the identification. TMEP §1402.07(a).

Applicant may substitute the following wording, if accurate:

Class 038: TELECOMMUNICATION SERVICES, NAMELY, PROVIDING ADVANCED cloud phone CALLING FEATURES, NAMELY, CALL FORWARDING TO dedicated phone numbers, call forwarding, SESSION INITIATION PROTOCOL calling, voicemail, TRANSFERING CALLS TO employee extensions, call transcription, INTERACTIVE VOICE RESPONSE, SMS/Text MESSAGING SERVICES, call monitoring and recording, call analytics IN THE NATURE OF ____ (SPECIFY CLASS 038 NATURE), AND ____ (SPECIFY OTHER CLASS 038 CLOUD PHONE SERVICES)

Class 042: TELECOMMUNICATION SOFTWARE AS A SERVICES (SaaS) SERVICES FEATURING SOFTWARE FOR ____ (SPECIFY FUNCTION, e.g., ENABLING CALL FORWARDING, SESSION INITIATION PROTOCOL CALLING, VOICEMAIL, EMPLOYEE

EXTENSIONS, CALL TRANSCRIPTION INTERACTIVE VOICE RESPONSE, SMS/TEXT MESSAGING SERVICES, CALL MONITORING AND RECORDING, CALL ANALYTICS)

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. 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.

Requirements for Combined Applications – 1(a)

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

- (1) List the goods and/or services by their international class number in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).
- (2) Submit a filing fee for each international class not covered by the fee(s) already paid (view the USPTO's current fee schedule). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.
- (3) Submit verified dates of first use of the mark anywhere and in commerce for each international class. See more information about verified dates of use.
- (4) **Submit a specimen for each international class**. The current specimen is acceptable for class(es) 038; and applicant needs a specimen for class(es) 042. See more information about specimens.

Examples of specimens. Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's

URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5) Submit a verified statement that "The specimen was in use in commerce on or in connection with the services listed in the application at least as early as the filing date of the application." See more information about verification.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the Multiple-class Application webpage.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. Click to file a response to this nonfinal Office action.

/Christina Sobral/ Christina Sobral Trademark Examining Attorney Law Office 109 (571) 272-5703 christina.sobral@uspto.gov

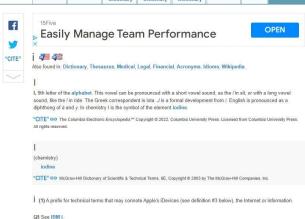
RESPONSE GUIDANCE

- Missing the response deadline to this letter will cause the application to <u>abandon</u>. The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or <u>unforeseen circumstances</u> 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 signature block.	contact	information	for th	e superviso	or of	the	office	or	unit	listed	in	the

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(3) A brand prefix on Apple's mobile products (IPod, IPhone, IPad), as well as third-party accessories; for example, Apple docks are called "I-docks." Sometimes, the "i" is used creatively such as "I-whatever" when referring to Apple devices. See iDevice.





set at

To physically attack someone with great ferocity or hostility.

FARLEX



"i" Products

"Products"
"Products are Apple-certified accessories (Clean is Monster Cable's brand of screen cleaner, and iHome speakers and earphones are made by SDI Technologies. For more information, visit www.wika. Net, www.liw.com, www.monstercable.com and www.ihomeaudio.com.



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i





set atTo physically attack someone with great ferocity or hostility. Watch out for that bull in the back fieldhe'll set at you if you get too close. John set at So To Article





rush through rush through To travel through something or some place... Watch Vide



Set at at To physically attack someone with great ferocity or hostility. Watch out for that bull in the back fieldhe'll set at you if you get too close. John set at... Go To Article

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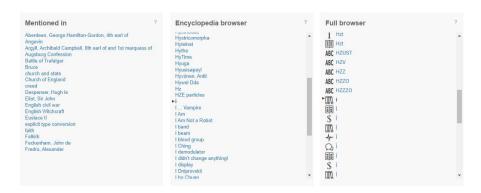


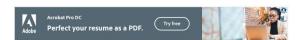






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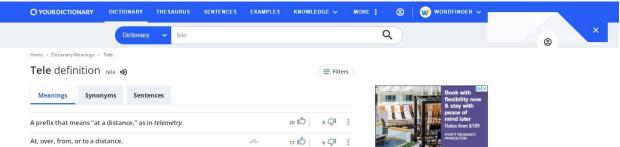
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14 16 7 91 :

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4 10 2 91 :

Advertisement

Distance; distant.

Television.

Telefantasy.

By telephone, on the telephone, etc.



Telegraph; telephone. prefix 3 10 | 1 91 | 1

, step, street				
Television.	prefix	з 🌓	1 91	:
		4		
<u>Telephone.</u>	prefix	3 16	191	:
Telecheck.				
Telesales.				
Teleport.	prefix	3 16	1 91	
Telebooth.		- 1		
Of, in, or by television.	affix	7 16	6 91	:
Telecast.				

Advertisement

(UK, slang, rare) <u>Television.</u>	abbreviation	4 16	3 91	:
Tele is defined as from a long distance. An example of tele used as a prefix is in the word telephone.	prefix	з 🌓	2 51	:
Over a distance. Telephone.	prefix	116	1 91	:
Telegraph. Telethon.	prefix	116	1 91	:

OTHER WORD FORMS

NOUN

Singular: Plural: tele teles

ORIGIN OF TELE 🐒

 $\label{eq:Greek} Greek \it{t\bar{e}le-from\,t\bar{e}le\,far\,off\,\underline{kwel_^2}} \ in \ Indo-European \ roots$ $\it{From\,American\,Heritage\,Dictionary\,of\,the\,English\,Language,\,5th\,Edition}$

From Ancient Greek $\tau \hat{\eta} \lambda \epsilon$ ($t \bar{A}'' l e$, "at a distance, far off, far away, far from"). From Wiktionary

Tele Sentence Examples I knew I shouldn't have touched them, but I did, they looked just like the ballet shoe on the tele.

I is a horizontal section in the direction of the axis of the tele FIG.

The Squier **Tele** Custom features a solid Agathis body and a bolt-on maple neck with a maple fingerboard.

I knew I should n't have touched them, but I did, they looked just like the ballet shoe on the **tele**.

More sentences >

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Bruce Jenner

Also Mentioned In telecommunications

odette <u>tel·e·port</u>

Tel·e·type Unbundled Network Element-

Platform

tel.

Internet2 te·lem·e·try

 $\underline{\mathsf{tel}\text{-}\mathsf{e}\text{-}\mathsf{phone}} \hspace{2cm} \underline{\mathsf{tele}\text{-}\mathsf{immersion}}$

Words near tele in the Dictionary
 telcagepant
 telco

 telco return
 telcom

 telcordia technologies
 teld

 tele
 telebanking

 telebehavioral health
 telebooth



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Some compound words (like bus rapid transit, dog whistle, or identity theft) don't appear on the drop-down list when you type them in the search bar. For best results with compound words, place a quotation mark-before the compound word in the search window.

GUIDE TO THE DICTIONARY



THE USAGE PANEL

THE PANELISTS

cen·ter (sěn'tor)

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A point or place that is equally distant from the sides or outer boundaries of something; the middle: the center of a stage.

2.

a. A point equidistant from the vertices of a regular polygon.
b. A point equidistant from all points on the circumference of a circle or on the surface of a sphere.
3. A point around which something rotates or revolves: The sun is the center of our solar

system.

4. A part of an object that is surrounded by the rest; a core: chocolates with soft centers.

5.

A point of origin, as of influence, ideas, or actions a center of power, a center of unret.

C. An area of dense population: a metropolition center.

6. A person or thing that it the chief object of attention, interest, activity, or emotion.

7. A person, object, or group occuping a middle position.

8. often Center A political group or a set of policies representing a moderate view between those of the right and the lab.

7. Physiology A group of neurons in the central nervous system that control a particular function: the vasometer center.

10.

a. Sports A player who holds a middle position on the field, court, or forward line in some team sports, such as hockey and baskerball.
b. Football An offensive lineman who onapse the ball to begin a play, usually positioned in the middle of the line.
c. Baseball Center field.

A small conical hole made in a piece of work with a center punch so that a drill
can be accurately positioned within it.
 A bar with a conical point used to support work, as during turning on a lathe.
 Architecture

a. A centering.
 b. A point in space equidistant from all the points on an arch or on a portion of an

v. cen-tered, cen-ter-ing, cen-ters

1. To place in or at the center; centered the vase on the table.
2. To direct toward a center or central point; concentrate or focus: tried to center the discussion on the main tasses.
3. Sports

a. To pass (a ball or puck) toward the center of a playing area.

b. To play a a center on (a line), as in ice hockey.
4. Football To hills (the ball) to begin a down.

r. 1. To be concentrated; cluster: The epidemic centered in the urban areas. 2. To have a central theme or concern; be focused: Her novels center on the problems of

3. Sports To play as a center.





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[Middle English centre, from Old French, from Latin centrum, from Greek kentron, center of a circle, from kentein, to prick; see **kent-** in the Appendix of Indo-European roots.]

Wagge Note: As a web center can represent various relations involving baving, finding, or turning about a center. The choice of a preposition to accompany course depends on the meaning on evants to convey. For certain physical uses, the Usage Panel force is more than at. In our 1996 ballot, 73 percent found in acceptable, but only 23 percent countered control than at. In our 1996 ballot, 73 percent found in acceptable, but only 23 percent countered control than for the bat five language of the sentence. The company has been centered (inits) at Inhibit for the bat five language control than 1000 sarvey, for example, 91 percent of the Panel accepted center on in the sentence. The discussion centered on the need for curvalulum reforms. Some language critics have demonated center around as illogical—if something is in the center, after all, it cannot be a "count" of something and the control around in the 1996 arrays, toggetting that, logical or not, center around must be caround offers itself as a substitute that clearly evokes an orbiting body. See Usage Note at equal.

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The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our Dictionary of Indo-European Roots.

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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. 97120290

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 <u>abandoned</u>. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO <u>website</u>, the application process, the status of your application, and whether there are outstanding deadlines to the <u>Trademark Assistance Center (TAC)</u>.

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

- <u>Check the status</u> of your application periodically in the <u>Trademark Status & Document Retrieval (TSDR)</u> database to avoid missing critical deadlines.
- <u>Update your correspondence email address</u> 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: Christina Sobral

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#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration			
1	97120290[sn]	1	0	0	0	0:00			
2	*it{"eiy"}{"l"1:2}{v}{"ckzs"}{"eiy"}nt{"ei"} r*[bi,ti]not dead [ld]	1	0	0	0	0:00			
3	*it{"eiy"}{"l"1:2}{v}*[bi,ti]not dead [ld]	604	0	0	0	0:02			
4	*{"ck"}{"eiy"}nt{"ei"}r*[bi,ti]not dead [ld]	11455	0	0	0	0:01			
5	3 and 4	2	0	2	2	0:01			
6	*t{"eiy"}{"I"1:2}{v}*[bi,ti]not dead [ld]	32168	0	0	0	0:03			
7	4 and 6	135	0	135	135	0:03			

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