

From: MarkAssure
Sent: Monday, September 21, 2015 4:41 PM |
To: protect@markassure.com
Subject: _ACME MarkAssure Assurance Report [High Rank: 5]
Importance: High



_ACME
MarkAssure Assurance Report



We are pleased to enclose your Gold Tier MarkAssure Assurance Report for the brand **_ACME**. Reducing the cost of protecting your mark, while assuring your peace of mind. Contact your MarkAssure Assurance Partner, **MarkAssure International**, protect@markassure.com, to assist you with these results.

A Rank of 1-10 is highly important, and a Rank of 90 or greater is for your general information. The Search Type may provided you additional information. **Click here** for an explanation of the Search Type designations below to understand why these results are being delivered to you, or **click here** for what to do now. The **Executive Summary** below or contact your MarkAssure Assurance Partner for more information.

Mark	Serial	Description	Search Type	Rank
LACME	78219582	[air compressors; pneumatic tools, namely, paint-pistols, impact wrenches, inflator guns, air blower guns, oil guns, drills and grinders]	Like-Cleaned	5
LACME	79163583	Air compressors, pneumatic tools	Like-Cleaned	5
NACME	77796440	NATIONAL ACTION COUNCIL FOR MINORITIES IN ENGINEERING	Like-Cleaned	5
PACME	86038176	Product container consolidation for transportation purposes; Packing articles for transportation; Packaging articles for transportation; Product palletization services for transportation purposes; Product reboxing services for transportation purposes; Transport and storage of goods; Shipping of goods; Freight forwarding; Packing and crating services; Cargo consolidation services, namely, freight forwarding; International freight forwarding and consolidation	Like-Cleaned	5
A ACME	85255623	inserts: including threaded inserts and thinwall threaded inserts and studs: including: studs which can be locked with keys and high-performing studs	Sounds Like	20
ACE ACME SEPTIC	86568742	Installing septic fields; Installing septic tanks; Maintaining septic systems; Pumping septic tanks; Septic tank cleaning; Septic tank pumping and cleaning	Sounds Like	20
ACE ACME SEPTIC SERVICE, INC.	86554971	Installing septic fields; Installing septic tanks; Maintaining septic systems; Pumping septic tanks; Septic tank cleaning; Septic tank pumping and cleaning	Sounds Like	20
ACE ACME SEPTIC SERVICES	86219326	Septic tanks	Sounds Like	20
ACME ACME POOL &				

■ SPA CARE	86246854	"POOL & SPA CARE"	Sounds Like	20
■ ACME ACME POOL & SPA CARE	86246864	The mark consists of the word "ACME" in all caps in block form, with a grayscale drop shadow and with the center letters being larger than the outside letters. Centered below "ACME" are the words "POOL & SPA CARE" . To the left of the wording is a coyote cartoon character holding a tool box that has the word "ACME" on it, and also holding a pool rake.	Sounds Like	20
■ ACME CHEMICAL LOUNGE WWW.ACMECHEMLOUNGE.COM	77878023	Hats; Sweat shirts; T-shirts	Sounds Like	20
■ EXACME	85799282	Exercise trampolines	Sounds Like	20
■ FAC-MESSAGE EMULATOR	86219656	Software for military in forward air control (FAC) message emulator	Sounds Like	20
■ IDN-ACME	85272680	Business management and marketing, namely, advertising via product promotion services; procurement and warehousing services, namely, maintaining an inventory of metal locks and structural parts therefor, electronic locks and access control devices, keys, key accessories, electronic security products, exit devices and alarms, padlocks, metal safes and safe locks, hydraulic door closers and tools and machines used for installation and servicing such items; wholesale distribution of metal locks and structural parts therefor, electronic locks and access control devices, keys, key accessories, electronic security products, exit devices and alarms, padlocks, metal safes and safe locks, hydraulic door closers and tools and machines used for installation and servicing such items	Sounds Like	20
■ ITRACMEDIA	85190105	I TRAC MEDIA; I TRACK MEDIA	Sounds Like	20
■ LACMENO	85230631	Cheese; Milk products	Sounds Like	20
■ MACMELT	86060214	Hot melt adhesives for industrial use	Sounds Like	20
■ MEDI ARMS MA TACMED TRAINING ■ FIREARMS TRAINING BECAUSE FAILURE IS NOT AN OPTION	85721708	MEDICAL ARMS MEDICAL ARMS TACTICAL MEDICAL TRAINING FIREARMS TRAINING BECAUSE FAILURE IS NOT AN OPTION	Sounds Like	20
■ NACME BACKS ME	77796643	NATIONAL ACTION COUNCIL FOR MINORITIES IN ENGINEERING BACKS ME	Sounds Like	20
■ NACME NATIONAL ACTION COUNCIL FOR MINORITIES IN ENGINEERING, INC.	77796652	Providing educational scholarships	Sounds Like	20
■ NACMED	86689236	Providing neuropsychological services, medication management, psychiatric care, and psychological treatments	Sounds Like	20
■ RETINACME	85491524	Web site for providing education in the field of medicine	Sounds Like	20
■ SHARKBITE CASH ACME	85601577	Plumbing fittings for water and gas supply, namely push-fit fittings in the nature of junctions, straight couplings, reducing couplings, conversion couplings, straight connectors, reducing connectors, bullnose connectors, elbows, reducing elbows, stubout elbows, dishwasher elbows, drop ear elbows, hy-ear elbows, branches, tees, bullnose tees, reducing tees, end stops, fitting reducers, threaded adaptors, slip fittings, swivel fittings, swivel adaptors, sweat adaptors, polybutylene adaptors, swivel elbows, swivel toilet connectors, slip couplings, slip tees, slip tee adaptors, manifolds including manifolds with branches, angle stops, straight stops, stop valve tee adaptors, stop valve connectors, faucet connectors, toilet connectors, toilet elbows, pipe connections and couplings, conversion tees, tap connectors, flexible water heater connectors, tube adaptors, capillary pipe tail pieces, bend supports for piping, compression adaptors, tail piece reducers, tail piece plugs, ball valves, pipe bend supports, suspension clamps, clamp rings, crimp rings, pipe insulators, pipe clips, sleeves, valve connections and couplings,	Sounds Like	20

		check valves; parts of and accessories for such goods as are included in this class, namely supply line fittings and stops; water hammer arrestors; water heater connectors; water heater kits consisting of connector fittings and disconnect clips; contractor kits consisting of connector fittings and disconnect clips; toilet and faucet kits consisting of faucet connectors, angle stops and tubing or ducting; disconnect clips, pipes, tubing and ducting		
■ TACMED	86515483	surgical airway kits comprised primarily of surgical tools and accessories for operating on a patient's airway; field kit for treatment of law enforcement and military personnel having serious injuries comprised primarily of a tourniquet, compression bandages, a face shield, nitrile gloves, tape trauma shears; field kit for treatment of ballistic injuries comprised primarily of a tourniquet, a compression bandage, petroleum gauze, a nasopharyngeal airway, nitrile gloves, surgical tape, face shield, trauma shears, casualty marking information cards; field kit comprised primarily of surgical instruments used for emergency surgical procedures	Sounds Like	20
■ TACMED	86516001	medical bags adapted for and sold with medical instruments, surgical instruments and related accessories, namely, gloves, a nasopharyngeal airway, gauze, catheters, tourniquets, compression bandages, elastic bandages, moldable splints, trauma shears; field kits for combat lifesavers and medical operators comprised primarily of equipment for treating and evacuating casualties, namely, litters, tourniquets, gauze, compression bandages, moldable splints, cravats, nasopharyngeal airways, catheters, chest seals, surgical tape, trauma shears, gloves, casualty marking information cards, and hypothermia bags	Sounds Like	20
■ ACME ALL STARS	77905678	Retail store services and online retail store services in the field of artwork and animation artwork	ANDWords-Term	30
■ ACME BURRITO COMPANY	85883496	PREPARED RETAIL FOOD	ANDWords-Term	30
■ ACME CLEANING & JANITORIAL SUPPLIES	77819168	Retail store and on-line retail store services featuring janitorial supplies; maintenance products; cleaning supplies, namely, detergents, disinfectants, cleaners and degreasers, floor cleaners, carpet care, lubricants and sprayers; warehousing products, namely, safety products, tools, storage and material handling products; and shipping products, namely, shipping and packaging supplies	ANDWords-Term	30
■ ACME EQUIPMENT	86313330	Retail store services featuring hand and power tools, building and construction equipment, agriculture equipment, and trailers; on-line retail store services featuring hand and power tools, building and construction equipment, agriculture equipment, and trailers; auction services; and online auction services	ANDWords-Term	30
■ ACME SPEED SHOP	77959342	On-line retail store services featuring automotive art and apparel	ANDWords-Term	30
■ ACME TOOLS	77963647	On-line retail services featuring power and hand tools	ANDWords-Term	30
■ ACME TOOLS	77963769	On-line retail services featuring power and hand tools	ANDWords-Term	30
■ ACMETUTOR	86567242	Education services, namely, providing online or in-person tutoring in the fields of maths, sciences, vocational training in fields such as retail, agriculture, financial services and standardized test preparation	ANDWords-Term	30
■ ACME	86120585	Beer	ANDWords	35
■ ACME	79150657	Cups; coffee cups; glass saucers; porcelain saucers; earthenware saucers	ANDWords	35
■ ACME	86403876	Anvils	ANDWords	35
■ ACME	79152212	Cutlery; cutlery, namely forks; cutlery, namely knives; cutlery, namely spoons	ANDWords	35
■ ACME	85614150	Electric deep fryers; Electric dehydrators	ANDWords	35

■ ACME	85627833	Electric juicers	ANDWords	35
■ ACME	85616584	Electric food grinders; Electric food slicers	ANDWords	35
■ ACME	85882559	Magnetic data carriers, recording discs; data processing equipments and computer; electric accumulators, anode batteries, batteries for lighting, electric batteries, batteries, electric, for vehicles, batteries for pocket lamps, electric battery chargers, screens (photography), screens for photoengraving, editing appliances for cinematographic films, filters (photography), cameras (photography), photovoltaic cells, galvanic batteries, galvanic cells, cases especially made for photographic apparatus and instruments, containers for microscope slides, disk drives for computers, juke boxes (for computers), personal stereos, DVD-players, dictating machines, compact discs (audio-video), compact discs (read-only memory), disks (magnetic), optical discs, optical data carriers, animated cartoons, films, exposed, sound recording carriers, phonograph records, coaxial cables, cables, electric, films, exposed, computers, computer peripheral devices, computer keyboards, printers for use with computers, wires, electric, floppy disks, microphones, monitors (computer hardware), walkie-talkies, loudspeakers, cabinets for loudspeakers, speaking tubes, horns for loudspeakers, sound reproduction apparatus, phonograph records, sound recording apparatus, sound recording strips, record-players, DVD-players, chargers for electric batteries, fiberoptic cables, cinematographic cameras, pocket calculators, CD-players, computer games programs, computer memories, computer software (recorded), computer programs, recorded, computer programs (downloadable software), computer operating programs, recorded, telephone wires, conductors, electric, hands-free apparatus for telephones, magnets, decorative magnets, mobile phones, monitors (computer programs), projection apparatus, projection screens, projectors, vehicle radios, electronic pens (visual display units), amplifiers, stands for photographic apparatus, telephone apparatus, telephone receivers, telephone wires, telephone transmitters, telephone receivers, remote control apparatus, tripods for cameras, mice (data processing equipment), mouse pads, amusement apparatus adapted for use with television receivers only, radios, headphones, hand-held computers, wristrests for use with computers, electronic agendas, notebook computers, video cassettes, cleaning apparatus for phonograph records, camcorders, video cassettes, video game cartridges, videorecorders, video screens, videophones, apparatus for games adapted for use with an external display screen or monitor, binoculars	ANDWords	35
■ ACME	85338576	AMERICA'S CLEANER MORE EFFICIENT	ANDWords	35
■ ACME	85031881	Smoked fish, pickled fish, fish salads	ANDWords	35
■ ACME	86741829	Billiard chalk; Billiard cues; Billiard equipment; BILLIARD CASES, BILLIARD CUE CASES, BILLIARD BALL RACKS, darts equipment, namely, darts, dart shafts, dart boards. digital darts equipment, namely, electronic dart game	ANDWords	35
■ ACME	86573794	Cigars; Cigar Boxes; Cigar boxes not of precious metal; Cigar Bands; Cigar Tubes	ANDWords	35
■ ACME	86716112	Cosmetic packaging pans and godets made of metal	ANDWords	35
■ ACME	86716114	The mark consists of the word ACME with the A formed from an open triangle.	ANDWords	35
■ ACME 50	85189210	Architectural wall systems, primarily not of metal, consisting primarily of glass wall panels and interior building facades in the nature of glass wall panels; non-movable full height walls for dividing buildings into offices; non-metal modular, reusable walls for dividing office spaces; movable wall panels; floor-to-ceiling movable partitions for commercial offices; interior partitions substantially	ANDWords	35

			of glass for buildings		
■ ACME ANIMATION	85464892		professional development services for educators; conducting workshops in the field of professional development for educators; providing educational mentoring services and programs in the field of the arts; education in the field of the arts rendered through video conference; educational services, namely, developing curriculum for teachers; providing information on teaching methodology and education issues to educators of the arts; arranging of contests; arranging and conducting competitions in the field of the arts; education in the field of art rendered through video conference	ANDWords	35
■ ACME APPROVED	86737976		Duffle bags; Tool bags, sold empty; All-purpose sports bags; Travel cargo bags; Messenger bags; Backpacks	ANDWords	35
■ ACME AQUATICS	85661547		Surf fins; Swim fins	ANDWords	35
■ ACME ARTS, TOP WALL ARTS	86558167		The color(s) gold, black, white is/are claimed as a feature of the mark.	ANDWords	35
■ ACME BAIL BONDS	77878785		Bail bonding	ANDWords	35
■ ACME BAKEWARE	85785154		Baking mats; plastic cake decorations; cake servers; bakeware; plastic storage containers for domestic use in the nature of cake carriers; paper baking cups; foil baking cups; silicone baking cups; candle holders; cake and cupcake stands; plastic cake boards; cookie cutters; plastic coasters; bowls; plates; cups; cake decorating kits comprising candle holders, confectioner's decorating bags, tips for confectioners' decorating bags, cooking utensils in the nature of food decorating stencils, cake toppers made of crystal glass and porcelain, cake and cupcake decorative toothpicks, decorations made of icing, icing in gel form, food colorings, sprinkles and candles; icing decorator sets comprising confectioner's decorating bags, decorating tips, tubes and couplers therefor and instruction manuals sold together as a unit; cake and cupcake decorative tooth picks; decorative rings in the nature of charms that attach to drinking glasses for identification purposes; ceramic figurines and ceramic decorative ornaments for placing on foods like cakes and cupcakes; baking and confectionery decorating supplies, namely, cake pans, cupcake and muffin pans, confectioners' decorating bags, decorating tips for confectioners' decorating bags, cooking utensils in the nature of food decorating stencils and templates; fabric and textile party favor boxes, sold empty; drinking straws	ANDWords	35
■ ACME BOOTS	85073896		footwear and clothing	ANDWords	35
■ ACME BULLET COMPANY	85938760		Ammunition for firearms; Bullets	ANDWords	35
■ ACME BUSINESS CONSULTING	86215130		"BUSINESS CONSULTING"	ANDWords	35
■ ACME CHEESE	85242566		Cheese	ANDWords	35
■ ACME CHOCOLATE	86739174		Chocolate bars; Chocolate candies	ANDWords	35
■ ACME CHUTE	85068704		Non-metal bins, namely, recycling bins for collection of recyclable items, and trash bins not made of metal	ANDWords	35
■ ACME DISTILLERY	86239598		Distilled Spirits	ANDWords	35
■ ACME EGGSTER HOUSE	85191536		Bar and restaurant services; catering services	ANDWords	35
■ ACME EQUIPMENT	86313346		The mark consists of the stylized words ACME EQUIPMENT alongside the cartoon image of a dog wearing a hat, sunglasses, and a coat, and holding a power drill.	ANDWords	35
■ ACME ERECTORS	85870023		Steel erectors; Steel structure construction works	ANDWords	35
■ ACME ERECTORS	85870041		Steel erectors; Steel structure construction works	ANDWords	35
■ ACME F&B	85639199		Restaurant services, namely, providing of food and beverages for consumption on and off the premises	ANDWords	35
			The color(s) red and white is/are claimed as a		

■	ACME FEED & SEED	86278719	feature of the mark.	ANDWords	35
■	ACME FINE WINES	86424781	"WINES"	ANDWords	35
■	ACME FINE WINES	85150944	The wording ACME has no meaning in a foreign language.	ANDWords	35
■	ACME FIREWORKS	85482333	Bengal lights; Detonating fireworks; Firework fountains; Fireworks; Fireworks; Fireworks bodies; Fireworks in shell forms; Fireworks, namely, sparklers	ANDWords	35
■	ACME FURNITURE	77917847	Furniture	ANDWords	35
■	ACME HAIR	86664959	False beards; False hair; False moustaches; Hair extensions; Hair nets; Hair ornaments; Hair slides; Hair weaves; Toupees; Wigs	ANDWords	35
■	ACME HOTEL COMPANY	85449115	Hotel services	ANDWords	35
■	ACME ICE CREAM	85242613	Ice cream	ANDWords	35
■	ACME KITCHEN GEAR	85780435	Basting spoons; Brushes for basting meat; Cake decorating sets sold as a unit comprised primarily of decorating tubes, couplers and tips; Cleaning brushes for household use; Cookie cutters; Cooking forks; Cooking funnels; Cooking graters; Cooking sieves and sifters; Cooking skewers; Cooking utensil, namely, batter dispenser; Cookware for use in microwave ovens; Cookware, namely, steamers; Cork screws; Corkscrews; Corn cob holders; Decorating bags for confectioners; Dishwashing brushes; Food basters; Household utensils, namely, graters; Household utensils, namely, kitchen tongs; Household utensils, namely, sieves; Household utensils, namely, skimmers; Household utensils, namely, spatulas; Household utensils, namely, strainers; Household utensils, namely, turners; Household utensils, namely, spatulas, turners, whisks; Ice cream scoops; Ice cube molds; Ice cube molds for refrigerators; Kitchen containers; Kitchen ladles; Kitchen utensils, namely, splatter screens; Ladles, for kitchen use; Melon ballers; Mixing bowls; Mixing spoons; Pasta serving forks; Pot cleaning brushes; Reamers for fruit juice; Sandwich boxes; Slotted spoons; Steamer baskets	ANDWords	35
■	ACME KOHLMAN CHUTE SYSTEMS	85074017	installation, maintenance and repair of trash chutes, trash chute doors, trash compactors, sorting machines for sorting recyclable materials, laundry chutes and laundry chute doors	ANDWords	35
■	ACME LIFT COMPANY	86505687	The color(s) black, white and yellow is/are claimed as a feature of the mark.	ANDWords	35
■	ACME LOCKSMITH	85420719	Installation, repair, maintenance, and replacement of locks and safes	ANDWords	35
■	ACME PINE TAR COMPANY	86222339	Hats; Shirts	ANDWords	35
■	ACME POSTURE PARTNER	85407427	Posture support system for persons, namely back support pad and cushions for supporting persons in upright positions; arm support cushions; leg support cushions; support cushions for use in wheelchairs; support cushions for use in chairs; support cushions for use in geriatric chairs, back support pad and associated side support cushions	ANDWords	35
■	ACME PUMPS	79074824	Pumps (machines); pumps (parts of machines, engines or motors); centrifugal pumps	ANDWords	35
■	ACME PURE	86468852	Recycling kits for amalgam, lead foil, lead aprons, and x-ray films	ANDWords	35
■	ACME RADIO	86686261	The color(s) red, white and blue is/are claimed as a feature of the mark.	ANDWords	35
■	ACME RENTS TOOLS & EQUIPMENT	78626909	The color(s) red, yellow, black, white, brown and blue is/are claimed as a feature of the mark.	ANDWords	35
■	ACME REPLICAS	85029294	Scale model airplanes	ANDWords	35
■	ACME ROUTE 1	86712217	Cigar boxes; Cigar boxes not of precious metal; Cigar tubes; Cigars	ANDWords	35
■	ACME ROUTE 66	86580197	Cigars; Cigar Boxes; Cigar Boxes Not Of Precious Metal; Cigar Bands; Cigar Tubes	ANDWords	35
			Consultation, installation, maintenance, calibration and repair of mechanical and electrical		

■	ACME SCALE	77815500	weighing scales, measurement equipment and related systems; consultation, installation, maintenance, calibration and repair of parts, accessories, components, tools, software and hardware used in connection with, and/or integrated into, mechanical and electrical weighing scales, measurement equipment and related systems	ANDWords	35
■	ACME TRUCK LINE	85790079	truck transportation services for freight or passengers	ANDWords	35
■	ACME WIDGET FACTORY	85611136	Computer e-commerce software to allow users to perform electronic business transactions via a global computer network	ANDWords	35
■	ACME WINE MOVERS	85503800	Sales and marketing representatives in the field of alcoholic beverages	ANDWords	35
■	ACMED SOLUTIONS, INC.	85628511	HVAC contractor services	ANDWords	35
■	ACMEE	86667730	The mark consists of the English words "Acmee", which has no meaning in another language.	ANDWords	35
■	ACMEIS	85293660	Computer and software services, namely, design, creation, hosting and maintenance of internet sites for third parties, and remote on-site management of the information technology (IT) systems of others; Computer services, namely, remote and on-site management of cloud and virtualized computing systems and applications for others; Application service provider, namely, hosting, managing, developing and maintaining applications, software, websites, and databases of others in the fields of business, marketing, design, data analysis, editing, content development, legal services, healthcare, communications, energy, engineering, finance, education, and government; Cloud and virtualized computing featuring software for use as Internet-based applications for use in database management, for use as spreadsheets, documents, and images, for word processing, for file creation, for content editing, and for interactive websites; Consulting services in the field of cloud and virtualized computing; Technical consulting services in the field of public and private cloud and virtualized computing solutions; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud and virtualized computing IT, software, and application systems; Software development services, namely, development of software operable with cloud and virtualized computing systems	ANDWords	35
■	ACMENA	79154082	Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus	ANDWords	35
■	ACMER	86259411	loudspeakers, amplifiers, and other relevant audio products	ANDWords	35
■	THE ACME NETWORK	85464890	computer services, namely, providing an online community for registered users to upload and share artwork, participate in discussions, get feedback from peers and mentors, engage in social networking; providing a website that enables users to subscribe to coaching, mentoring, and/or educational services and to enable users to author and publish instructional content for others; providing an online system application featuring technology enabling users to upload and share artwork; providing an online	ANDWords	35

		system application featuring technology enabling users to review and critique artwork; providing a website that gives users the ability to create customized web pages featuring user-defined profiles		
■ THE ACME NETWORK	85464896	computer services, namely, providing an online community for registered users to upload and share artwork, participate in discussions, get feedback from peers and mentors, engage in social networking; providing a website that enables users to subscribe to coaching, mentoring, and/or educational services and to enable users to author and publish instructional content for others; providing an online system application featuring technology enabling users to upload and share artwork; providing an online system application featuring technology enabling users to review and critique artwork; providing a website that gives users the ability to create customized web pages featuring user-defined profiles	ANDWords	35
■ UCMETALK	85568536	Internet-based social networking services; On-line social networking services	ANDWords-Alt	37
■ ##	86169304	Retail store services featuring a wide variety of consumer goods of others; Retail store services featuring accessories for cellphones and computers, audio disks, audio-visual disks, bags, bedding, books, cigarette lighters, clothing, decals, downloadable music files, downloadable audio-visual files, footwear, headgear, housewares, jewelry, sporting goods, stickers, sunglasses, towels, toys, watches; Retail store services, available through computer communications and interactive television, featuring accessories for cellphones and computers, audio disks, audio-visual disks, bags, bedding, books, cigarette lighters, clothing, decals, downloadable music files, downloadable audio-visual files, footwear, headgear, housewares, jewelry, sporting goods, stickers, sunglasses, towels, toys, watches	Soundex4-Term	38

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This email is part of the MarkAssure® monitoring system. Trademark monitoring is the process of trying to match a subscriber trademark (commonly called, a "brand") with trademark filings so that the subscriber can make determinations about infringement issues. This is also known in legal intellectual property parlance as "policing" the mark. The law generally requires that trademark owners police their brand to try to prevent infringements. If marks are not policed, legal rights can be waived. **MarkAssure® is not a full historical trademark search, but a monitoring service; however, the first report tends to have some historical data that may be of added value to you.**

If an owner of a brand does not police the mark for infringing uses, a would-be infringer can actually acquire its own rights in the brand, thereby preventing or hindering the original owner's rights.

However, many, if not most, businesses do not have the time or staff to systematically "police" their brands. But, utilizing the latest available technologies, MarkAssure has automated the part of the policing process.

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Is MarkAssure a trademark search?

It depends upon how you limit the context of the question. MarkAssure certainly searches the USPTO data based upon the search criteria; however, the field of data is limited to the MarkAssure data that is pulled from the USPTO. MarkAssure is intended to find new filings at the USPTO beginning from the time that you subscribe. Because MarkAssure naturally has some data that precedes your subscription date, your first Assurance Report will have some historical data. After your first Assurance Report, MarkAssure remembers what it sent to you, and, unless the search criteria is changed for your brand, MarkAssure will thereafter only send you information only on newly filed applications. Therefore, you should consider MarkAssure to be providing new information that occurs only during your subscription term, with possibly some extra result data on your first report. MarkAssure does not do a full search at the USPTO into all of its records in a manner similar to actually searching the USPTO data at the USPTO; that is a role generally reserved for your legal counsel.

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Who is my MarkAssure Assurance Partner?

See above, **About Your MarkAssure Assurance Partner**. If you have an Assurance Partner, your Assurance Partner is responsible for all aspects of your MarkAssure service, including invoicing for services. Please contact us if your Assurance Partner is selling higher than the suggested retail price for the MarkAssure subscription service per mark.

If a law firm sent this to you, whether or not as a complimentary subscription, you are NOT a client of that law firm or any other complimentary provider, unless you execute whatever engagement documents are separately required by that law firm.

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Can I tailor which messages I receive?

Yes, but some tailoring is not suggested.

Suggested Tailoring:

You can easily tailor the frequency of reports, including staggering reports. Some

subscribers have many marks being monitored and prefer to have all reports synchronized, while others prefer them staggered. The default cycle is usually about 45 days, which is suitable for most subscribers, but marks that have less frequency to severe alerts may prefer less frequency. Because of government review timing, reports with cycle frequency exceeding 75 days may risk missing a problematic adverse filing.

Also, the email team list can be tailored, as well as sending this report to an email list at your internal mail server. **IMPORTANT:** Each mark can have its own email team list, which allows you to tailor your brand monitoring to different divisions of your company.

Non-Suggested Tailoring:

Every mark is pre-selected for All Business Rules; No Business Rules; All Business Rules, Except (Opt-Out); No Business Rules, Except (Opt-In). By default, whether you are a subscriber to a particular Business Rule will be determined by your Tier Service. Platinum Tier defaults to All Business Rules. You cannot include a mark into a Business Rule that is not part of your Tier of service. Tailoring may have a consulting fee with your Assurance Partner, since it is an evaluative process based upon your own company branding needs. See What is a Business Rule and Service Tier for more information.

Is the MarkAssure service guaranteed?

Unfortunately, because of the nature of trademark infringement, which is based upon, e.g., market confusion, mistake or untrue association, this service is not guaranteed to find all problems or possible infringements. MarkAssure is also limited by scope of research in particular database, such as the United States Patent and Trademark Office. The search technology does not search throughout the Internet, for example.

Monitoring service is a prudent part of your protection arsenal, but not guaranteed. Please see **Explain the different search types**, below.

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What are the Alert Levels?



Alert Levels are a visual representation of the severity Ranking. **Even if a Alert Level is Green, that does not mean to disregard the results.** Always review all results. Red indicates that the results yielded a mark that is the same or close to your brand. Green indicates less severity; however, sometimes a problem mark is found in the Green section, so please review it.

There is one possible exception to importance for a red indicator, which is when MarkAssure finds a mark that is the same or similar (creating a high and severe ranking) but it is a mark that you or your affiliate filed, there is presumably no problem notwithstanding that MarkAssure has ranked the filing as a Severe Alert.

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What are the Business Rules and Service Tiers, e.g., Platinum?

Please contact your Assurance Partner regarding Service Tiers. MarkAssure has infringement monitoring, but also has deadline tracking and governmental record searching, such as USTPOLink™.

Automatic reports on potentially infringing trademark filings	MarkAssure® Infringement Assurance Reporting
Automatic notices for USPTO trademark file activity	USPTOLink™
Automatic deadline and application/ registration progress notices (Pro+ is only offered to certain certified IP Professionals)	MarkAssure® Pro and Pro+

USTPOLink™ is a proprietary MarkAssure service. We are connected directly to USPTO data. We take this data and make it automatically meaningful to you, including providing you with automatic notices when there is activity at the USPTO for a brand. This is a separate service, so it may duplicate another service to some extent. In other words, you may receive a notice from your Assurance Partner (such as a law firm) that they performed services on your account by filing a document. Then, you automatically also receive a USTPOLink™ notice. This is a good thing, because the automated notices can be fundamentally more reliable than human interactive notices.

Tiers are bundles of services. Business Rules are separate queries into the data warehouse for results. For example, a Business Rule could be to return information (and related MarkAssure notices) when your Assurance Partner (such as a law firm) updates records on your account. Specific Business Rules are wrapped into Service Tiers, with Platinum Tier including all Business Rules.

Summary. You generally opt in to Business Rules by subscribing to a Service Tier. If a Business Rule is within your Service Tier, you can still opt any mark out of the rule by tailoring the Business Rules. Therefore, there are Tiers, which are a pre-defined bundle of Business Rules, and Business Rules, which are specific categorical queries into the MarkAssure data warehouse. MarkAssure is a very powerful system of brand monitoring and generally can be tailored to provide information that is meaningful to you.

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Is there a charge for the MarkAssure service?

All charges are based upon your agreement with your MarkAssure Assurance Partner. Please contact us if your Assurance Partner is selling higher than the suggested retail price for the MarkAssure subscription service.

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What do I do now?

You may or may not need to respond to this report.

First review the results. Then, if you find any mark that concerns you, contact your Assurance Partner immediately. **If indicated in the email address above, your MarkAssure Assurance Partner may also have received a copy of this Assurance Report. Please do not assume that your MarkAssure Assurance Partner has noticed a problematic mark. You need to contact your Assurance Partner with concerns so that any matter is handled.**

If any information in this report concerns you, you should contact your MarkAssure Assurance Partner, not us. If you do not have a MarkAssure Assurance Partner, you may contact MarkAssure at **MarkAssure@MarkAssure.com**.

Please do not contact MarkAssure, unless you are seeking to find a MarkAssure Assurance Partner. We have attorneys and other branding professionals available to whom to refer.

Please note that only attorneys may provide legal advice. Therefore, if your Assurance Partner is not a law firm, you may need to seek legal advice. Sometimes, Assurance Reports can expose competitor activity without there being an infringement issue. For these issues, you might coordinate with your Assurance Partner, who is a design firm; however, if your Assurance Partner is not a law firm, and you have discovered possible infringement: certainly contact your Assurance Partner, but also make sure you contact your attorney. **Unless the Assurance Partner is a law firm or attorney, do not rely upon any directives or advice; only attorneys may render legal advice!**

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Do I still need to police my mark for infringement?

Yes. These Assurance Reports yield important information to help you protect your trademark; however, you still need to take whatever action is necessary to protect your brand. MarkAssure is an important, and very valuable tool, in your protection arsenal, but it is not the exclusive method by which you should police your brand. Because the information contained in MarkAssure reports is automatically generated for your convenience, you should not rely on MarkAssure as the sole method by which you monitor your brands. Also, you are responsible for maintaining accurate information, including your most current email address. The system generates notices to email addresses only; if you do not maintain a current email address, you will not receive MarkAssure Assurance Reports.

If you stop receiving Assurance Reports during the subscription period, please contact your MarkAssure Assurance Partner Immediately.

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What are the different search types?

These results are without representations or warranties, express or implied, and without implied warranties of merchantability and/or fitness for any particular purpose. Your entire remedy is for a return of the fee paid, if any, for the service for the period in which any claim arises. See, Is the service guaranteed?

MarkAssure uses multiple search condition technologies that search for similar marks. Remember, results are not guaranteed be exhaustive. The MarkAssure service is a service of prudence, but not a service of perfection. We encourage you to search www.USPTO.gov for similar marks. Graphic marks, even if containing words, are excluded from the MarkAssure service and search results.

That said, your search results identify a search type, in the order of importance, using some very sophisticated search technologies:

- **EXACT:** This means that MarkAssure found a mark that appears exactly like yours, or at least substantially similar. The MarkAssure technology "stabilizes" the marks to some degree, such as by removing "And" and certain punctuation.
- **ANDWords:** This means that MarkAssure found another mark that has a combination of words similar to your mark.

- **LIKE:** This means that MarkAssure found a mark that is like the searched mark. This is a different technology than the Soundex technology.
- **ORWords:** This means that MarkAssure found a mark that has at least one search word similar to your mark.
- **PHRASING:** This means that MarkAssure found the mark or a portion as a phrase in another mark.
- **SOUND LIKE:** Like ANDWords, this means that a word was matched in a variation of the mark itself. In other search result codes, this is added as -**SL**.
- **SOUNDEX:** This is a "sounds like" technology, meaning the MarkAssure technology thinks your mark and the found mark sound alike. This is often less relevant for long marks, but can be valuable for single word marks. This technology tends to disregard spelling errors. If there is a number appened to the SoundEx indicator, it represents a number from 0 to 4, with 0 indicating the greatest distinction of comparison and 4 indicating the least distinction between the compared marks.

If there is "**Alt**" after the search type, that means that there is alternate lettering used.

If "**Cleaned**" is indicated it means that some portion of the compared marks were altered in some regard, such as for invalid or unusual characters that might otherwise cause the technology to miss the result.

If there is "**Ex**" in the Search Type, that means that the MarkAssure search technology located the mark on an EXTended search variation, such as a direct change of the first letter from, for example, "PH" from "F"; this is different from sound-alike technology, since it is a letter-for-letter replacement technology on the introductory lettering.

If there is "**Phrase**" after the search type, that means the result has a higher priority based upon a special unaltered phrase added to the search criteria, often used for marks that contain numbers to ensure the number is not re-formed in some way by the search technologies.

If there is "**Term**" after the search type, that means that the search had a special descriptive word keyword found in the description of goods or services.

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I have many marks, how do I prioritize?

If you are going to have less than all of your brands watched (even though we recommend watching all marks) a priority formula may be **Strategic_Importance x Probability_Of_Other_Users = Watch Priority**. That is, a company name trademark is very important strategically, but may be so unique that it is not probable that other users would use it. However, another mark might not be as valuable strategically, although very probable that others may use it. In the end, a mark that scores in the middle for both qualities may be important to watch. There is no correct answer, however, because you are trying to protect against an unknown future risk. Your MarkAssure Assurance Partner may assist you in thinking through the issue of priority, but cannot take responsibility for any service you choose not to implement; as a necessity, it is recommended to utilize all available options for all brands.

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How does it work?

Here is what happens: 1) your MarkAssure Assurance Partner provides us with the details of the mark into our system; 2) your mark is entered into the system to watch filings (specifics depend upon your selected service level); 3) the MarkAssure system monitors the mark for similar filings; 4) if the MarkAssure technology discovers up something it believes is similar, then it packages the information into an email; 5) the MarkAssure computer system automatically distributes the email to your team of professionals provided by your MarkAssure Assurance Partner; 6) if anyone on the team has questions or concerns about the results, you communicate as appropriate. This is a very streamlined process.

Here is an example: You have a mark being monitored called "We Represent the Entrepreneurial Spirit" (owned by our founder). You and each of your MarkAssure Assurance Partner team members for your account receive an automated "MarkAssure" email with the details of a new filing by someone else for "The Entrepreneurial Spirit Award" (also owned by our founder). There is no charge for this result: the MarkAssure service that found the other filing is paid in full. The automated subscription service is paid in full, but, of course, your lawyer or team members may charge their own rates to manage the time necessary to respond to the potential issues arising from or related to the results.

The MarkAssure Assurance Report is included in the annual MarkAssure subscription service fee, but assessing and dealing with the problem is not included in the annual subscription service fee; that fee, if any, is between you and your MarkAssure Assurance Partner.

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What level of service should I get?

The determination to select a watch service is similar to selecting insurance, although, again, there is no guarantee of finding all potentially infringing marks. However, like insurance, our firm cannot take responsibility for telling you not to get all the protection you can afford. We have seen the very real benefits of this service. That said, implementing a "new filings" watch is a very basic service that, in light of today's onslaught of trademark filings, is minimally important. This service will not catch filings made prior to the date of implementation. **No service guarantees catching every similar mark or real-time results.** Only the classification of the registration is entered for searching, unless you request otherwise in writing. The general rule is that the service looks for the same or similar marks within the class or classes watched, and the same mark in other classes.

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Will the service find all potentially infringing marks?

Most probably not. The reason is that there are too many "soft" ways for marks to be confusing in the marketplace. The standard is likely to cause confusion or mistake, or untrue association or sponsorship in the marketplace. This determination can be very complex. In addition, there may be uses that are not filed or properly filed in a searched record. That said, **a monitoring service is a very valuable tool in your protection arsenal.** It is prudent, but not perfect. Remember, only attorneys are licensed to practice law.

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How many hits will I receive?

Approximately every 14-20 days, emails will automatically come to you. The frequency of Assurance Reports can be adjusted by your MarkAssure Assurance Partner, but the default cycle is appropriate for most subscribers. Approximately three-five percent of all hits are problematic and require professional service contact. However, it is exactly that three-five percent that you cannot afford to miss. On a per subscriber basis, most marks generate hits, but it is the unusual mark that has frequent hits. Usually, subscribers receive hits of no concern (although they see that the service is working and often gain competitive information). However, when a problematic hit occurs for a mark, the information is invaluable for protecting your intellectual property rights.

Also, the Assurance Report ranks the results, so that it better qualifies the results. If you receive a lot of results in the 1-10 Ranking range, then you probably do have a very active brand, although this would be unusual.

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Why now?

Actually, MarkAssure has been operating for clients of the founding law firm since 2007! Generally speaking, the advent of the Internet has brought a huge volume of filings of trademarks. Because of the volume, many marks are now being approved with fine distinctions that raise concerns about market confusion. We have seen many marks provisionally cleared by the United States Patent and Trademark Office that are of serious concern to subscribers.

Problematic marks need to be formally "opposed" before they are registered.

Once a mark is registered, the registrant has a significant advantage in litigation. Because of the latest technologies, we can provide significant information rendered at very little cost. Before now, the cost for a one-time human search often exceeded \$500--one time! Now, the cost is almost immaterial, and the searches are conducted frequently though an entire term of the subscription.

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Agreement and Disclaimers

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How and why was MarkAssure founded?

MarkAssure is a service that was developed over a period of more than 10 years, at great expense, by an intellectual property law firm in Pittsburgh, Pennsylvania, in the Carnegie-Mellon/Oakland high-tech region. Google itself has established a major facility in this area of Pittsburgh because of the fertile talent. MarkAssure is not affiliated with those entities, but, for example, CMU creates a very prolific environment for innovation. Over many years, the law firm developed MarkAssure to serve its own clientele for protecting their brands.

What happened was that MarkAssure become so successful that the law firm could not acquire law firm clients fast enough to match the power of the service. Accordingly, the service was augmented and released for use by Assurance Partners, which includes other law firms, accounting firms, etc. Now, MarkAssure is widely available to assist commercial enterprises, throughout the world, preserve their marks.

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