

TRADEMARK LAW OFFICE 105
Serial Number 78/438,912
Mark: UNIX SYSTEM LABORATORIES

In light of these changes, Applicant submits that the description of goods/services is proper. Withdrawal of this objection is respectfully requested.

II. DISCLAIMER

Please amend the present application to include the present disclaimer:

No claim is made to the exclusive right to use "SYSTEM LABORATORIES" apart from the mark as shown.

The above-recited disclaimer is submitted in response to the Examiner's request. Accordingly, withdrawal of this objection is respectfully requested.

III. LIKELIHOOD OF CONFUSION REJECTION

In the Office Action, the Examining Attorney refused registration of the present application based upon a finding that Applicant's mark, "UNIX SYSTEM LABORATORIES" for computer software is likely to cause confusion with Registration No. 1,390,593 for UNIX, Registration No. 1,392,203 for UNIX, Registration No. 1,845,474 for UNIXWARE and Registration No. 2,241,666 for UNIXWARE. Because an owner of these marks has now become part of Applicant, this trademark application should be passed on to publication.

Registration No. 1,390,593 for UNIX had an owner of UNIX SYSTEM LABORATORIES. Registration No. 1,392,203 for UNIX had an owner of UNIX SYSTEM LABORATORIES. Registration No. 1,845,474 for UNIXWARE had an owner of UNIX SYSTEM LABORATORIES. Registration No. 2,241,666 for UNIXWARE had an owner of UNIX SYSTEM LABORATORIES. Because an owner of these marks (namely, UNIX SYSTEM LABORATORIES) has now become part of Applicant, this trademark application should be passed on to publication.