

12-17-1999



101225162

D

12-06-1999  
U.S. Patent & Trade/TM Mail Reg'd Dt. #67

U.S. Department of Commerce  
Patent and Trademark Office  
TRADEMARK

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

M2D  
12-6-99

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID # \_\_\_\_\_
- Correction of PTO Error  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_
- Corrective Document  
Reel # \_\_\_\_\_ Frame # \_\_\_\_\_

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger  
Effective Date  
Month Day Year \_\_\_\_\_
- Change of Name
- Other \_\_\_\_\_

Conveying Party

Mark if additional names of conveying parties attached

Execution Date  
Month Day Year

Name VENTURI TECHNOLOGY ENTERPRISES, INC.

7/22/99

Formerly \_\_\_\_\_

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other \_\_\_\_\_

Citizenship/State of Incorporation/Organization NEVADA

Receiving Party

Mark if additional names of receiving parties attached

Name VENTURI TECHNOLOGIES, INC.

DBA/AKA/TA \_\_\_\_\_

Composed of \_\_\_\_\_

Address (line 1) 1327 N. STATE

Address (line 2) \_\_\_\_\_

Address (line 3) OREM

City

UTAH

State/Country

84057

Zip Code

- Individual  General Partnership  Limited Partnership
- Corporation  Association
- Other \_\_\_\_\_

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Citizenship/State of Incorporation/Organization \_\_\_\_\_

12/17/1999  
01 FC:481

DMSUYEN 00000086 75626373

40.00 0

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (881-0827), Washington, D.C. 20503. See OMB Information Collection Budget Package 881-0827, Patent and Trademark Assignment Practices. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK  
REEL: 002000 FRAME: 0551

**Domestic Representative Name and Address** Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Correspondent Name and Address** Area Code and Telephone Number:

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages** Enter the total number of pages of the attached conveyance document including any attachments. #

**Trademark Application Number(s) or Registration Number(s)**  Mark if additional numbers attached  
Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)			Registration Number(s)		
<input type="text" value="75/626323"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Number of Properties** Enter the total number of properties involved. #

**Fee Amount** Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed  Deposit Account

Deposit Account (Enter for payment by deposit account or if additional fees can be charged to the account.)  
Deposit Account Number: #

Authorization to charge additional fees: Yes  No

**Statement and Signature**  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Name of Person Signing Signature Date Signed

(75.00)

FILED  
IN THE OFFICE OF THE  
SECRETARY OF STATE OF THE  
STATE OF NEVADA

JUL 23 1998

C1846-97

NEWELL, SECRETARY

CERTIFICATE OF AMENDMENT  
OF  
ARTICLES OF INCORPORATION  
(After Issuance of Stock)

VENTURI TECHNOLOGY ENTERPRISES, INC.

The undersigned, John Hopkins, President, and Ron Karren, Secretary of Venturi Technology Enterprises, Inc., a Nevada corporation (the "Corporation") do hereby certify:

That on July 22, 1998, the Board of Directors of said corporation duly adopted a resolution to amend the Corporation's Articles of Incorporation as follows:

ARTICLE I -- NAME: The exact name of this Corporation is:

Venturi Technologies, Inc.

.....

ARTICLE VI -- CAPITAL STOCK:


Section 1. Authorized Shares. The total number of shares which this Corporation is authorized to issue is 25,000,000 shares of Capital Stock at \$0.001 per value per share as set forth in subsections (a) and (b) of this Section 1 of Article VI.

.....

(b) The total number of shares of Preferred Stock which this Corporation is authorized to issue is 5,000,000 shares, at \$0.001 per value per share. The Board of Directors shall have authority to establish, by resolution, one or more series of the authorized preferred stock and to prescribe classes, series and the number of each class or series of preferred stock and the voting power, designations, preferences, limitations, restrictions and relative rights of each class or series of preferred stock.


Pursuant to Sections 78.320 and 78.390 of the Nevada Revised Statutes, the foregoing Amendments to the Articles of Incorporation for the Corporation were approved by a written consent dated July 22, 1998 by the holders of 2,366,676 shares of common stock, constituting 1.4% of the 4,642,518 shares of common stock issued and outstanding.

  
John Hopkins, President

  
Secretary

STATE OF UTAH )  
COUNTY OF SALT LAKE )

On July 22, 1998, John Hopkins personally appeared before me, a Notary Public, who is knowledgeable that he executed the above instrument.

  
Signature of Notary





12-06-1999

U.S. Patent & TMOs/TM Mail Rep Dt. #87

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Venturi Technology Enterprises, Inc.

§  
§  
§  
§  
§

MARK: VENTURICLEAN

International Class: 037

Serial No.: 75/626,373

Filed: January 26, 1999

Atty. Dkt.: Venturi-001

Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

CERTIFICATE OF MAILING 37 C.F.R. 1.8
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on December 1, 1999.
Signature <i>[Handwritten Signature]</i>

**RESPONSE TO OFFICE ACTION**

Dear Sir:

This is a response to the Office Action of June 1, 1999.

**Likelihood of Confusion**

The Examining Attorney has refused registration of Applicant's trademark on the ground of a likelihood of confusion with respect to the trademark shown in Registration No. 1,474,806. Reconsideration is respectfully requested.

Applicant is seeking to register the trademark "VENTURICLEAN" for "carpet cleaning services". The cited registration covers the trademark "VENTURI VIBRA-KLEEN" for vacuum cleaner bags. Applicant contends that there is sufficient difference between the trademarks themselves and between the respective goods and services in connection with which they are respectively used so that confusion is not likely.

The respective markets and trade channels in which the goods provided by the Registrant and the services provided by Applicant are different. The goods for which the cited trademark is registered are commercial vacuum cleaner bags sold strictly through wholesale distribution channels to commercial floor cleaning and custodial customers. The services in connection with which Applicant uses "VENTURICLEAN" are for carpet cleaning services marketed and provided directly to retail residential customers. The trade channels and customers are different as between

**TRADEMARK  
REEL: 002000 FRAME: 0555**

Registrant and Applicant and the use of similar trademarks on the respective goods and services would not be likely to cause confusion, mistake, or deception of purchasers.

In addition, as far as the marks themselves are concerned, the marks themselves are not confusingly similar. The term "VENTURI" is common to both. However, the remainder of the two trademarks include different spellings of the ordinary English word "clean"; and the cited registration includes the term "VIBRA" which is not included in Applicant's mark. Not only does Applicant's mark not include the word "VIBRA," it uses a different spelling of the word "CLEAN" as part of a composite mark "VENTURICLEAN." Although neither spelling the word "clean" differently nor composing "VENTURI" and "CLEAN" into a composite mark alone would necessarily provide sufficient distinction between two marks to prevent a likelihood of confusion, the marks in their entireties are sufficiently distinct to prevent a likelihood of confusion, particularly in light of the different channels of trade.

Because of the differences between the respective channels of trade as between Applicant and Registrant and the differences between the marks it is requested that the Examining Attorney withdraw the citation of Registration No. 1,474,806.

#### **Process vs. Service**

The Examining Attorney has also refused registration of Applicant's mark on the ground that the proposed mark "merely identifies a *process* or *special technology*, as used on the specimens of record." The Examining Attorney points out several instances from the specimen brochures in which the mark "VENTURICLEAN" is used to refer specifically to a particular process used in performing the carpet cleaning services. It is true that the mark "VENTURICLEAN" is used in the specimen brochures to refer to the "process" used. However, the VENTURICLEAN process is clearly described in the brochures as being a part of the carpet cleaning services being offered to the customer.

The commercial impression conveyed by the use of the mark in the specimen brochures plainly connects the "process" to the service offered and provided by the Applicant. For example, the "process" is not being offered under license or otherwise for the customer to perform on its

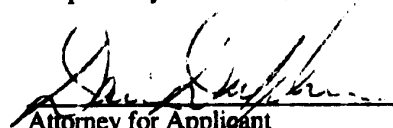
**TRADEMARK  
REEL: 002000 FRAME: 0556**

own or by others. To the contrary, the entirety of the specimen brochures make it clear that the process is used by the Applicant in providing the carpet cleaning services on their behalf. The specimen brochures state, for example, that "Because now, Venturi Technologies cleans carpets without shampoos or chemicals."

Furthermore, the mark "VENTURICLEAN" is used alone not to refer strictly to the process at least one in the specimen brochures. For example, the specimen brochures state "You've not known clean until you experience VenturiClean™." The specimen brochures, in their entirety, use the mark "VENTURICLEAN" to promote the services offered to be performed by Applicant. The mere fact that they also use the mark in referring specifically to the process used by Applicant in providing those services does not preclude the commercial use of the mark to promote the services of applicant.

In view of the foregoing response, Applicant respectfully submits that the refusal to register the proposed mark should be withdrawn, and that the mark be published for opposition purposes, so that a Notice of Allowance may be issued.

Respectfully Submitted,



Attorney for Applicant  
Darin H. Duphorne  
10400 S. Post Oak Rd., Suite E-328  
Houston, Texas 77035  
(713) 729-7265 Telephone  
(281) 754-4076 Facsimile

RECORDED: 12/06/1999

TRADEMARK  
REEL: 002000 FRAME: 0557