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PTO-1478

Approved for use through 10/31/2024. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Trademark/Service Mark Application, Principal Register Handwritten Signature

To the Commissioner for Trademarks:

MARK: WellSky (stylized and/or with design, see below)



The literal element of the mark consists of WellSky. The mark consists of the term WellSky in a stylized font.

The applicant, WellSky Corporation, a corporation of New York, having an address of

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Overland Park, Kansas 66210
United States
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312-984-3150(fax)
tmcorrespondence@bfkn.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: computer software, namely, fully integrated drug-therapy data management tools and blood and biologics data management tools, for use by hospitals and hospital pharmacies; computer software for use in tracking and managing blood donation, transfusion and inventory information; computer software for use in accounting and personnel management by hospitals, blood donor centers, and transfusion centers; computer user manuals supplied as a unit with the all of the foregoing; hospital information systems, namely, computer hardware and software for managing information workflow, all being for use in human healthcare, medical devices, pharmaceuticals and medication management, home care, human and social services, personal care, and wellness; downloadable software applications, namely, software for use in electronic collection, storage, manipulation and analysis of data and support processes data related to human services and home care programs, all being for use in human healthcare, medical devices, pharmaceuticals and medication management, home care, human and social services, personal care, and wellness; downloadable software, namely, fully integrated drug-therapy data management tools, home infusion and specialty pharmacy data management tools, home medical equipment data management tools, rehabilitation data management tools, home health data management tools, hospice data management tools, private duty nursing data management tools, health and human services data management tools, case data management tools, long-term care services and support data management tools, behavioral health data management tools, homeless information data management tools, respiratory therapy data management tools, cellular and stem cell therapy data management tools, blood and biologics data management tools, for use by hospitals, hospital pharmacies, hospital blood banks, blood centers, health care agencies, clinics, hospice agencies, behavioral health agencies, state and local agencies, and charitable organizations

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/11/2018, and first used in commerce at least as early as 09/11/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screenshots of software evidencing the mark being used in connection with the goods.

Specimen-1 [SPE0-472335165-2022020212 3523114889_-_WELLSKY_CL_9_specimen.pdf]

Webpage URL: None Provided

Webpage Date of Access: None Provided

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Union Trademark - EUTM application number 018526477, filed 08/03/2021.

INTENT TO PERFECT 44(d) : At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority.

International Class 042: software as a service, namely, fully integrated drug-therapy data management tools, home infusion and specialty pharmacy data management tools, home medical equipment data management tools, rehabilitation data management tools, home health data management tools, hospice data management tools, private duty nursing data management tools, health and human services data management tools, case data management tools, long-term care services and support services data management tools, behavioral health data management tools, homeless information data management systems, respiratory therapy data management tools, cellular and stem cell therapy data management tools, blood and biologics data management tools, for use by hospitals, hospital pharmacies, hospital blood banks, blood centers, health care agencies, clinics, hospice agencies, behavioral health agencies, state and local agencies, and charitable organizations; computer software consulting services in the field of blood medication and biologics management; software as a service (SAAS) services featuring software for case management as applied to the fields of health and human services; computer services, namely, software for managing data in the fields of blood services, cellular therapy, medication management, human services, home care and home infusion reimbursement; providing temporary use of a web-based software application for use on computers, mobile phones, tablets, and mobile devices, namely, software for use in electronic collection, storage, manipulation, and analysis of data and support processes related to human services and home care programs, all being for use in human healthcare, medical devices, pharmaceuticals and medication management, home care, human and social services, personal care, and wellness; providing on-line non-downloadable software for recording, monitoring, retrieving, and reporting data on any user defined performance outcomes for use in human services delivery, all being for use in human healthcare, medical devices, pharmaceuticals and medication management, home care, human and social services, personal care, and wellness; consulting services in the field of software and software as a service, namely, consulting in the fields of development and updating of software for use in coding, billing and collections for medication management, home infusion services, home medical equipment, rehabilitation services, home health services, hospice services, private duty nursing services, health and human services, case management services, long-term care services and support, behavioral health services, and blood and cellular therapy services; providing temporary use of online non-downloadable software for performing analytics and data analysis in the fields of medication management, home infusion services, home medical equipment performance, rehabilitation services, home health services, hospice services, private duty nursing services, health and human services, case management services, long-term care services and support services, behavioral health services, blood and cellular therapy services, particularly with respect to coding, billing, collections and coding services related to the foregoing; support processes and services related to software, namely, installation, maintenance, update, and custom software development, and customer inquiry support, namely, troubleshooting of software related to the foregoing software, all being for use in human healthcare, medical devices, pharmaceuticals and medication management, home care, human and social services, personal care, and wellness

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/11/2018, and first used in commerce at least as early as 09/11/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Online advertisements and promotional materials from Applicant's website.

Specimen-1 [SPE0-472335165-2022020213 2335196912__WELLSKY_CL_4_2_about_us.pdf]

Specimen-2 [SPE0-472335165-2022020213 2335196912__WELLSKY_CL_4_2_software.pdf]

Specimen-3 [SPE0-472335165-2022020213 2335196912__WELLSKY_CL_4_2_Services.pdf]

Specimen-4 [SPE0-472335165-2022020213 2335196912__WELLSKY_CL_4_2_practice_management.pdf]

Webpage URL: <https://wellsky.com/about-us>

Webpage Date of Access: 02/02/2022

Webpage URL: <https://wellsky.com/blood-bank-software>

Webpage Date of Access: 02/02/2022

Webpage URL: <https://wellsky.com/services>

Webpage Date of Access: 02/02/2022

Webpage URL: <https://wellsky.com/private-practice-rehabilitation-software/#practice-management>

Webpage Date of Access: 02/02/2022

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on European Union Trademark - EUTM application number 018526477, filed 08/03/2021.

INTENT TO PERFECT 44(d) : At this time, the applicant has another basis for registration (Section 1(a) or Section 1(b)) and does NOT intend to rely on Section 44(e) as the basis for registration, but is only asserting a valid claim of priority.

The owner's/holder's proposed attorney information: Wendi E. Sloane. Other appointed attorneys are Scott J. Slavick, Thomas M. Gniot , Karyn L. Doerfler, David Bluestone, Thomas M. Williams, and Nicole Chimienti. Wendi E. Sloane of Barack Ferrazzano Kirschbaum & Nagelberg LLP, is a member of the Illinois bar, admitted to the bar in 1982, bar membership no. 6183926, and the attorney(s) is located at

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The docket/reference number is MWIS-0238.

Wendi E. Sloane submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Wendi E. Sloane

PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@bfkn.com SECONDARY EMAIL ADDRESS(ES) (COURTESY
COPIES): NOT PROVIDED

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$700 will be submitted with the application, representing payment for 2 class(es).

Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

• **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
 - To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
 - The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature Section:

NOTE: The same person may sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

Signature: _____

Signatory's Name: Dusty Rvdice

Signatory's Position: SVP Finance and Operations

Signatory's Phone Number: 913-307-1039

Date Signed: 2/2/22

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the declaration language. Do **not** include the entire application, but do ensure that the declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.