

Applicant states that there is no evidence demonstrating that the relevant services are related. Specifically, Applicant notes that its identification of services is a computer application for “use by haulers.” That is, the channel of commerce is for use by the individuals operating the trucks—industry insiders who would use the service and have knowledge of the industry. They use the software to manage their business. On the other hand, the cited mark is for use by consumers.

*Exhibit A* is the cited mark’s specimen—and it shows that the mark is used for the rendering of the services themselves. That is, the junk removal services offered under the cited mark are provided to consumer (for example, a homeowner), but the software services provided under the applied-for mark are provided to industry professionals, sophisticated users.

These different users would also perceive the mark differently, where, as shown in Exhibit A, homeowners would take the mark to mean that the junk would be removed quickly, Applicant’s customers would understand the mark to suggest that it will help them facilitate paperwork, routing, and the necessary items in the day-to-day operations of a business.

The office action includes a copy of the cited mark’s website, which advertises junk removal, but it does not show any connection to software products or any services offered to the industry insiders for the management of their businesses. Rather, it demonstrates that the cited mark is used in connection with junk removal services offered to consumer, such as home buyers. The remaining evidence shows websites of industry product suites used by insiders, none of which are used by customers and certainly none of which show a mark used in the connection with advertising the actual hauling services themselves. This failure to provide evidence showing any connection tends to show that there is no industry trend of similar marks being used for business management software for haulers and junk removal services. Applicant respectfully requests that its application proceed to publication.