

AURA
US Serial No. 88/674,356
Request for Reconsideration

Applicant AuraGlow LLC (“Applicant”) files this Request for Reconsideration in response to the Office Action dated July 27, 2020 (the “Office Action”) refusing Application Serial Number 88/674,356 (the “Application”) for the mark AURA (“Applicant’s Mark”) for “Dental apparatus, namely, teeth whitening light, namely, a LED (Light-emitting diode) light source for oral use for cosmetic purposes; none of the foregoing for bright light medical therapy purposes” (as amended).

The refusal is based on a perceived likelihood of confusion with the mark in U.S. Registration No. 5191826. For the reasons stated below, Applicant respectfully requests that the Examining Attorney withdraw the refusal to register Applicant’s Mark.

Applicant incorporates by reference the arguments from its prior Office Action responses. Applicant also respectfully argues that the marks should not be judged confusingly similar because the goods are completely different.

Applicant’s Mark is for “Dental apparatus, namely, teeth whitening light, namely, a LED (Light-emitting diode) light source for oral use for cosmetic purposes; none of the foregoing for bright light medical therapy purposes” (as amended). A picture of a person holding Applicant’s LED teeth whitening light appears below:



(See Exhibit A, a printout of Applicant’s product listing, accessed August 20, 2020 and available at <https://auraglow.com/products/teeth-whitening-light>). Applicant’s LED teeth whitening light enhances the whitening process and speeds up results. (*Id.*).

The cited registration is for, in relevant part, “Bright light medical therapy lamp”. A picture of a person using registrant’s medical therapy lamp appears below:



(See Exhibit B, a printout of registrant’s Amazon listing, accessed August 20, 2020 and available at <https://www.amazon.com/Therapy-Spectrum-Bright-Adjustable-Warranty/dp/B01IAEV13W>). The registrant’s medical therapy lamp helps users who suffer from the winter blues. (*Id.*)

Applicant’s teeth whitening light and registrant’s medical therapy lamp are completely different in function, use, and concept. To clarify these differences, Applicant has amended its identification to specify that its teeth whitening light is for cosmetic purposes and not for bright light medical therapy purposes. In view of these amendments, confusion is unlikely.

Applying the requirements of Trademark Act Section 2(d) to the present case, Applicant respectfully contends that for the above reasons there is no likelihood of confusion between Applicant’s Mark and the cited mark. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the refusal.