

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Trademark Application of: Centric Medical, LLC
Mark: Centric Medical
Serial No.: 86/504,149
Filed: January 15, 2015
Law Office: 117
Examining Attorney: William D. Jackson
Atty Docket #: LSP112

EVIDENCE FOR SECTION 2(d) REFUSAL IN OFFICE ACTION OF APRIL 22, 2015

I. OVERVIEW

This is Evidence regarding a Section 2(d) Refusal to Register in the Office Action of April 22, 2015 (Office Action) having a six (6) month period of response ending October 22, 2015. This Evidence is in addition to Applicant's Response filed with the USPTO's on-line TEAS, particularly to address the Section 2(d) refusal to register.

In the Office Action:

1. The mark was refused registration under Section 2(d) because of an alleged likelihood of confusion with the mark of U.S. Registration No. 3955440;
2. An Advisory was provided regarding ownership of the mark;
3. The identification of goods was indicated as being indefinite;
4. The requirements regarding a multiple-class application were provided; and
5. A disclaimer of the word "MEDICAL" was required.

II. REFUSAL OF REGISTRATION UNDER SECTION 2(d)

The Trademark Examining Attorney refused registration under Section 2(d) alleging a likelihood of confusion of the applied-for-mark (Applicant's mark) with U.S. Registration No. 3955440 for the mark "Centric." In view thereof, Applicant submits herewith a Consent To Register agreement executed by the owner of U.S. Registration No. 3955440, Life Spine, Inc. (Life Spine), and Applicant, Centric Medical, LLC wherein Life Spine consents to registration of Applicant's mark.

The Consent To Register also sets forth reasons why the registration of Applicant's mark will not result in confusion or a likelihood of confusion and how Life Spine and Applicant intend to minimize and/or mitigate any possible likelihood of confusion between the two marks.

Given the above, Applicant submits that allowance of Applicant's mark is proper.

III. Ownership

Applicant is owner of the mark. It has not been assigned to the owner of the cited registration.

IV. IDENTIFICATION OF GOODS

Applicant is amending the identification of goods via Applicant's Response filed via the USPTO's on-line TEAS.

V. MULTIPLE-CLASS APPLICATION

A multiple-class application is not necessary.

VI. DISCLAIMER

Applicant is providing an appropriate disclaimer for the word "MEDICAL" as required by the Examining Attorney via Applicant's Response filed via the USPTO's on-line TEAS.

VI. CONCLUSION

Applicant submits, in view of the above, that there is no likelihood of confusion between Applicant's mark and Registration No. 3955440. Applicant thus respectfully requests withdrawal of the Section 2(d) refusal to register and submits that the mark is registrable. Allowance is therefore requested.

In the event that there are any questions related to this Evidence or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of the application for all concerned.

Respectfully Submitted,
Centric Medical, LLC, Applicant
By:

September 15, 2015
Date

/Bruce J Bowman/
Bruce J. Bowman
Attorney of Record for Applicant

Bowman & Associates
1016 3rd Ave. SW Suite 106
Carmel, Indiana 46032
(317) 571-9301 phone
(317) 571-9302 fax
email: bowmanassociates@sbcglobal.net