

IC 44 definition: “International Class 44 mainly includes *medical care*, hygienic and beauty care given by persons or establishments to human beings and animals.” (emphasis added) The Examiner has stated:

[T]he proposed specimen, and the applicant’s website, appear to indicate that the mark is used in relation to either Class 42 or Class 9 software/technology goods and/or services that health care providers then use. It does not appear that the applicant is using the mark in relation to the applicant providing Class 44 health care services.

Applicant has submitted two new specimens, one a brochure and the second a partial screen shot of a webpage from Applicant’s website, showing the mark used in context, as part of a system of senior medical care. KnowMe is a crucial aspect of the care provided by Applicant to seniors, as explained below.

KnowMe is also part of a broader holistic system of elder health care, designed to assist members in changing their outlook on life and making them more open-minded to change and to adhering to care plans, where the objectives of the system are:

providing peace of mind;
eliminating or reducing feelings of loneliness and isolation;
helping each one overcome specific challenges; and
building confidence and a greater sense of self-worth.

More specifically, KnowMe is an integral part of the holistic care system, and is especially useful to assist in:

building a trusting relationship;
identifying each one’s unique motivators;
identifying and breaking down barriers to establishing the above objectives or the trusting relationship;
and
building awareness and understanding of each one’s situation and options.

The Examiner has requested “an explanation of who are the patients/customers of the applicant’s ‘KNOWME’ services, and what are the channels of trade.” Patients are seekers of healthcare that are identified as deviating from the norm of comorbidities statistical models. That is, people with higher or lower health care utilization than their comorbidities would suggest, who are primarily those that do not follow medical regimens and that the current system fails to manage. It ends being mostly those with chronic conditions and/or older adults, but includes anyone seeking higher well-being.

The channels of trade are primarily through website interactions (for both provision of services and payment); though there are interactions by Applicant providing products and services to senior care facilities and residences, which in turn brings the wider scope of services on Applicant’s website directly to the seniors.