

## IN THE UNITED STATES TRADEMARK OFFICE

Applicant: Pinch Labs Inc  
Mark: MEET BETTER  
Application No.: 88/367,071  
Filing Date: April 2, 2019  
Atty. Docket No.: NTV-45581

### RESPONSE TO OFFICE ACTION

Applicant's counsel thanks the Examining Attorney for the courtesy exhibited during the brief telephone call on June 20, 2019. In this Response to Office Action, Applicant has amended the Identification of Goods and Services to address the Examiner's concerns and to more clearly define the nature of Applicant's goods and services.

In the prior Office Action, the Examining Attorney refused registration of the applied-for mark MEET BETTER in view of the mark shown in U.S. Reg. No. 5,169,130. As noted in the Office Action, the cited registration identifies the following services classified in International Class 009 (bold, italicized emphasis added):

Computer software to determine compatibility of individuals by analyzing information ***from external social networks***; downloadable software in the nature of ***a mobile application for dating***; Computer software to determine physical proximity of individuals ***using external social networks*** and GPS data from mobile telephones; Computer software to determine the compatibility and physical proximity of individuals ***using external social network*** and GPS data; Computer software to communicate and leave messages with individuals within ***a social network***.

It is clear from the foregoing listing that the goods relate to a dating application, which utilizes social networks to perform the dating function.

The Examining Attorney noted in the prior Office Action that Applicant's goods included the term "shares". The Examining Attorney appears to have presumed that

Applicant's goods function by allowing users to send and leave messages to others, and then "joins, transcribes, records, analyzes and shares" those messages. This is not correct. Applicant has submitted an amended Identification of Goods (both in International Class 009 and 042) that clarifies that Applicant's goods are:

Downloadable software is in the nature of a mobile application for use as a personal assistant that joins, transcribes, records, analyzes a user's conversations that occur via telephone, computer or in person and provides insights, trends, action items and alerts to the user relating to the conversations and permits the user to make the foregoing available to other users; Downloadable computer application software for laptop and desktop computers, namely, software for use as a personal assistant that joins, transcribes, records, analyzes a user's conversations that occur via telephone, computer or in person and provides insights, trends, action items and alerts to the user relating to the conversations and permits the user to make the foregoing available to other users

And Applicant's services are:

Software as a service (SAAS) services featuring software for use as a personal assistant that joins, transcribes, records, analyzes a user's conversations that occur via telephone, computer or in person and provides insights, trends, action items and alerts to the user relating to the conversations and permits the user to make the foregoing available to other users

Applicant's software is not a dating application, nor does it send or receive messages through social networks. Applicant's software joins, transcribes, records, analyzes a user's conversations that occur via telephone, computer or in person and provides insights, trends, action items and alerts to the user relating to the conversations and permits the user to make the foregoing available to other users of Applicant's software. Applicant's goods and services are not at all similar to the goods described in the cited registration.

Furthermore, the marks are different in appearance and connotation. The mark in the cited registration is MEET. In the context of a dating application that utilizes social media, the term MEET is suggestive of people who are meeting for the first time, again in a dating context.

In contrast, Applicant's mark is MEET BETTER. In this context, the term "meet" is suggestive of a meeting where business issues are discussed. Applicant's software transcribes the meeting and provides other useful information about the information discussed in the meeting to further business goals.

The two marks are clearly targeted to different types of users and perform completely different purposes. There is no likelihood of confusion. Reconsideration is thus respectfully requested.

Respectfully submitted,

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