

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN THE MATTER OF TRADEMARK : TOTAL HOME SCORE

APPLICANT : Liberty Mutual Insurance Company

APPLN. SERIAL NO. : 88255584

OFFICE ACTION DATE : March 11, 2019

EXAMINER : Howard B. Levine, Law Office 115

RESPONSE TO OFFICE ACTION

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

Examiner has refused registration because of a likelihood of confusion with registration number 4961415 HOMESCORE ("Cited Registration"). Examiner has also requested clarification to the identification of goods and services, has suggested the addition of an extra class and requires disclaimer of "home score." Applicant respectfully submits that after amending its identification of goods and services, it is clear that there is no likelihood of confusion between the goods and services intended to be provided by Applicant and those of the Cited Registration. Applicant submits its disclaimer of "home score" online.

Clarification of Identification of Goods and Services

Applicant has made the following changes online to its goods and services making clear that Applicant's goods and services are related to insurance and traffic-related data.

IC 009. Downloadable Web-based tool and mobile application that allow users to measure and score traffic-related factors ~~important to homeowners and prospective homebuyers~~, including nearby traffic and accident data, noise levels, public transportation, and insurance needs

IC 042 Providing a non-downloadable web-based software tool and non-downloadable mobile application that allows users to measure and score traffic-related factors, including nearby traffic and accident data, noise levels, public transportation, and insurance needs.

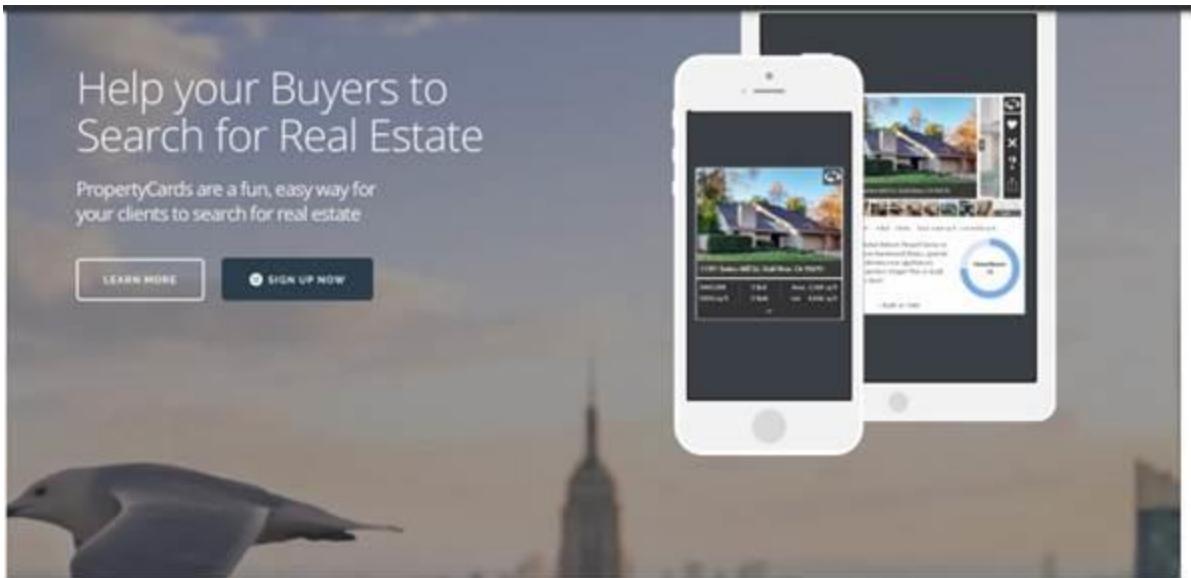
Applicant's traffic-related data (traffic and accident data, noise levels and public transportation) and their relationship to insurance needs are distinct from the services offered under the Cited Registration.

No Likelihood of Confusion Between Applicant's Goods and Services and Cited Registration

The Cited Registration is limited to real estate-related services.

Registration Number	4961415
Registration Date	May 17, 2016
Owner	(REGISTRANT) Realigned LLC LIMITED LIABILITY COMPANY WYOMING 394 Dick Smith Road Fortuna CALIFORNIA 95540
Word Mark	HOMESCORE
Goods and Services	IC 036. Appraisal and evaluation of real estate ; Assessment and management of real estate ; Classified real estate listings of apartment rentals and housing rentals; Commercial and residential real estate agency services; Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing a database of residential real estate listings within neighborhoods and communities specifically identified by users; Providing an Internet website portal offering information in the fields of real estate concerning the purchase and sale of new and resale homes and condos; Providing information in the field of real estate by means of linking the web site to other web sites featuring real estate information; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate acquisition services; Real estate agencies; Real estate appraisal; Real estate appraisal and valuation; Real estate brokerage; Real estate consultancy; Real estate consultation; Real estate multiple listing services; Real estate procurement for others; Real estate valuation services; Real estate valuations; Residential real estate agency services. FIRST USE: 20150130. FIRST USE IN COMMERCE: 20150916

It is clear from the specimen that was submitted to support the Cited Registration that these are real estate-related services to assist realtors. Below is a copy of the specimen that was used to support the Registrant's Statement of Use in 2016:



PropertyCards

By distilling quick facts about properties, you and your clients can quickly absorb important details about properties for sale.



Use Anywhere

PropertyCards can be viewed on a desktop computer, tablet or on the go with a mobile phone



Easy to Customize

Set up alerts for your Buyer clients and they automatically receive new PropertyCards when new listings hit the market



Save Time with HomeScore®

HomeScore allows you to rate properties for your buyer clients - provide better, faster, personal service

Now that Applicant's identification of goods and services has been clarified and limited, it is clear that there is no overlap between Applicant's traffic data and insurance related goods and services and the Cited Registrant's realtor-focused Class 36 real estate services.

Conclusion

In light of the foregoing, the Applicant respectfully submits that the refusal be withdrawn and the present application be accepted.