

RESPONSE TO OFFICE ACTION

The Office Action rejected the applied-for mark PLATO on the grounds of alleged likelihood of confusion under Section 2(d) with trademark registration no. 5,684,941 for PLATO as used on “calendars.” Applicant respectfully traverses.

Applicant has amended the description of goods in the present application such that no likelihood of confusion exists between the applied-for mark and the trademark of trademark registration no. 5,684,941. Applicant has amended the description of goods to clarify that the nature of the goods is “Printed pamphlets, brochures, manuals, books, booklets, leaflets, informational flyers, informational sheets and newsletters for determining sophistication, complexity, or ease of comprehension of information provided in the field of healthcare.” As such, the goods at issue comprise a tool or other material that is utilized to determine the sophistication, complexity, or ease of comprehension of information provided in the field of healthcare. This specifies that the goods at issue are intended for use by an entity or individual providing such information in the field of healthcare, and thus comprise entirely different goods than “calendars” of trademark registration no. 5,684,941 and run in significantly different channels of trade than the “calendars” of trademark registration no. 5,684,941. There is thus no likelihood of confusion between the applied-for trademark and the trademark of trademark registration no. 5,684,941.

Calendars are utilized by individuals to keep track of time, including dates such as holidays or family members’ birthdays. These are the calendars of trademark registration no. 5,684,941. Exhibit A shows the specimen of trademark registration no. 5,684,941, showing general wall calendars including cats, geographic scenes, hummingbirds, and island scenes. These calendars are sold to the general public looking to keep track of time including dates such as holidays or family members’ birthdays. Other examples of calendars are shown in Exhibit B – and include images such as waterfalls, Disney characters, puppies, and cartoon characters. The goods of the applied-for mark, as amended, are significantly different than these kinds of calendars. The goods at issue comprise a tool or other material that is utilized to determine the sophistication, complexity, or ease of comprehension of information provided in the field of healthcare. They are not used to keep track of time including dates such as holidays or family members’ birthdays. As such, a consumer would not identify the goods of the applied-for mark and the trademark of

trademark registration no. 5,684,941 as coming from the same source. There is thus no likelihood of confusion between the applied-for mark and the trademark of trademark registration no. 5,684,941.

In addition, the channels of trade are significantly different between the calendars of trademark registration no. 5,684,941 and goods of the applied-for mark. As shown in Exhibits A and B, “calendars” are offered to the general public through Facebook or Amazon.com or the like, whereas the goods of the applied-for mark would be specifically offered to entities individuals who are in the field of healthcare and provide information in the field of healthcare and would be interested in determining the sophistication, complexity, or ease of comprehension of the information provided in the field of healthcare. Such an entity or individual would simply not look for such goods in the same channel of trade that a calendar showing cats or hummingbirds would be provided for placement on their wall.

Further, the level of sophistication of a consumer of the goods of the applied-for mark would be high, considering that such an entity or individual would be working in the field of healthcare and would provide information in the field of healthcare and would be interested in determining the sophistication, complexity, or ease of comprehension of the information provided in the field of healthcare. Such an individual would necessarily be sophisticated, thus rendering no likelihood of confusion between the applied-for mark and the trademark of trademark registration no. 5,684,941.

In addition, no trademark application or registration cited in the Office Action of May 3, 2019 (including trademark registration nos. 4,791,231; 5,586,440; 4,974,587; 5,042,504; 5,239,413; 5,425,795; 5,465,696; 5,705,068; and 5,703,202) supports the goods of “calendars” and the goods of “Printed pamphlets, brochures, manuals, books, booklets, leaflets, informational flyers, informational sheets and newsletters for determining sophistication, complexity, or ease of comprehension of information provided in the field of healthcare” being similar or likely to cause confusion with one another.

In sum, there is no likelihood of confusion between the applied-for mark and the trademark

of trademark registration no. 5,684,941. The trademarks are for entirely different goods and run in significantly different channels of trade. Further, the level of sophistication of a consumer of the goods of the applied-for mark would be high.

Applicant requests the rejection under Section 2(d) be withdrawn.