

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
MBHB 19-317**

In re Application of:)	
)	
Curelator, Inc.)	
)	
Serial No.: 88/308,280)	
)	Examining Attorney:
Filing Date: February 20, 2019)	
)	J. Ian Dible
Trademark: NAF)	

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

RESPONSE TO OFFICE ACTION

Dear Examining Attorney Dible:

The Office Action has been received and its contents carefully noted. Applicant, Curelator, Inc., by its attorneys, respectfully responds to the pending Office Action as follows:

I. Likelihood of Confusion Refusal in Light of the NAF NATIONAL ABORTION FEDERATION and NAF Registrations

The Application stands refused in light of an alleged likelihood of confusion with respect to U.S. Registration No. 2577973 for the NAF NATIONAL ABORTION FEDERATION mark, (“the ‘973 registration”), U.S. Registration No. 2963000 for the NAF mark, (“the ‘000 registration”), and U.S. Registration No. 2963775 for the NAF NATIONAL ABORTION FEDERATION mark, (the ‘775 registration), all owned by the National Abortion Federation Corporation.

Applicant respectfully submits that Applicant’s mark is not likely to be confused with the cited registrations because the marks are found in very different channels of

trade, are marketed to different consumers, and the purchasers of such services are sophisticated consumers.

All three of the cited registrations pertain to pregnancy and abortion services. The Applicant's application, in contrast, pertains to an online interactive service that allows consumers to monitor and track chronic health issues (e.g., migraines) and helps the consumers to identify events that initiate or exacerbate their chronic health issues.

A chronic health issue is defined broadly as a condition that lasts one year or more and requires ongoing medical attention. Pregnancy in humans has a term that will always be under a year and is known by those having the condition to have an end. To this end, pregnancy is not the type of health issue addressed by Applicant's services, but rather a specific health condition which progresses until an end, which is certain to occur in under a year from the onset of the medical condition.

Moreover, the cited registrations are further directed to abortion services, designed to terminate a pregnancy. This is very different from Applicant's services that facilitate a user monitoring and addressing their chronic health issue.

For the cited registrations, relevant consumers would be those who are pregnant and considering abortion. This type of consumer has a specific medical condition (pregnancy) and will thus be looking for a very targeted, specific service and would not be confused upon encountering Applicant's services which are directed to user interactive tracking of chronic health issues.

Consequently, a consumer looking for pregnancy counseling and/or abortion services would not be confused upon review of Applicant's services for management of a chronic health issue, and likewise a consumer looking for management of a chronic

health issue would not be confused upon review of the cited registrations pertaining to pregnancy and abortion.

Accordingly, Applicant respectfully requests that the Examining Attorney withdraw these refusals.

II. Conclusion

Should the Examining Attorney have any questions or need additional information regarding any of the foregoing, Applicant respectfully requests that she contact the undersigned to discuss.

Date: November 7, 2019

Respectfully submitted,

Nicole E. Reifman
Attorney for Applicant