

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Homefree USA, Inc.
MARK: CFA
SERIAL NO.: 88/499236
FILING DATE: July 3, 2019
EXAMINING ATTORNEY: Matthew Howell
LAW OFFICE: 123

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

RESPONSE TO SEPTEMBER 5, 2019 OFFICE ACTION

On September 5, 2019, the Examining Attorney issued a Nonfinal Office Action in connection with Homefree USA, Inc.'s ("Applicant") application to register the mark "CFA" (the "Mark") for International Class 35, "[i]nternship placement services in the mortgage finance industry; recruitment and placement of personnel in the mortgage finance industry; empowerment and educational development for diverse leaders in the real estate finance industry; job placement services in the mortgage finance industry." The Examining Attorney refused registration of the Mark on the basis that the Mark is likely to cause confusion with U.S. Registration No. 4324427, "CFA" ("Cited Mark"). In response, Applicant respectfully (1) amends the identification of goods and services and submits that the Mark is entitled to proceed to publication because (2) the Cited Mark is dead and does not bar registration.

I. IDENTIFICATION OF SERVICES

In response to the Examining Attorney’s Office Action, Applicant accepts the Examining Attorney’s proposed amendment and makes the following amendment to the identification of services under International Class 35:

Internship placement services in the mortgage finance industry; recruitment and placement of personnel in the mortgage finance industry; business consultation in the field of education leadership development for diverse leaders in the real estate finance industry; job placement services in the mortgage finance industry.

II. THE CITED MARK IS DEAD AND NOT A BAR TO REGISTRATION

The Cited Mark was cancelled on November 29, 2019. Accordingly, the Examining Attorney’s basis for denying registration of Applicant’s Mark is no longer appropriate. The Examining Attorney’s basis for denial in the Office Action is Section 2(d), which “bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused.” The Cited Mark is no longer registered, and that argument cannot be sustained. Therefore, Applicant respectfully requests that this Mark be allowed to proceed to publication, as there is no longer an impediment to registration.

CONCLUSION

Applicant has successfully traversed the Examining Attorney’s arguments. Therefore, Applicant respectfully requests that its application be submitted for publication.

Dated: February 28, 2020

Respectfully Submitted,

LATIMER LEVAY FYOCK LLC

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