

To: Kayla Argo(tm@lzlegalservices.com)
Subject: U.S. Trademark Application Serial No. 97118615 - CARE FOR CARE - L551491200
Sent: August 23, 2022 10:27:47 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

**United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application**

U.S. Application Serial No. 97118615

Mark: CARE FOR CARE

Correspondence Address:

Kayla Argo
LZ Legal Services, LLC
101 N. Brand Blvd, 11th Floor
Glendale CA 91203 UNITED STATES

Applicant: Care for Care LLC

Reference/Docket No. L551491200

Correspondence Email Address: tm@lzlegalservices.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be [abandoned](#). Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

NO CONFLICTING MARKS:

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

UNACCEPTABLE SPECIMEN:

Specimen does not show direct association between mark and services. Registration is refused because the specimen does not show a direct association between the mark and the services and fails to show the applied-for mark as actually used in commerce with the identified services in International Class **42**. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (b)(2); TMEP §§904, 904.07(a), 1301.04(f)(ii), (g)(i). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of services identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

When determining whether a mark is used in connection with the services in the application, a key consideration is the perception of the user. *In re JobDiva, Inc.*, 843 F.3d 936, 942, 121 USPQ2d 1122, 1126 (Fed. Cir. 2016) (citing *Lens.com, Inc. v. 1-800 Contacts, Inc.*, 686 F.3d 1376, 1381-82, 103 USPQ2d 1672, 1676 (Fed Cir. 2012)). A specimen must show the mark used in a way that would create in the minds of potential consumers a sufficient nexus or direct association between the mark and the services being offered. *See* 37 C.F.R. §2.56(b)(2); *In re Universal Oil Prods. Co.*, 476 F.2d 653, 655, 177 USPQ2d 456, 457 (C.C.P.A. 1973); TMEP §1301.04(f)(ii).

In the present case, the specimen does not show a direct association between the mark and services.

The submitted website specimen uses the vague wording "supports & empowers caregivers . . . with a community" and "Signup today to get early access". It is unclear what services are being advertised by the applicant. Put in another way, a consumer looking at this will not know what kind of services are being provided by the "community" and what is being offered by signing up for the "early access".

Examples of specimens. Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C). Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

- (1) Submit a different specimen (a verified **"substitute" specimen**) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the services identified in the application or amendment to allege use. A "verified substitute specimen" is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: "The substitute (or

new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use.” The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to [intent to use under Section 1\(b\)](#) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the [Specimen webpage](#).

How to submit a verified specimen.

After opening the appropriate TEAS response form, answer “Yes” to form wizard question #2, click “Continue,” and provide the following **for each relevant** class for which a specimen is being submitted:

(1) Under the heading “Classification and Listing of Goods/Services/Collective Membership Organization,” check the box next to the following statement: “Check here to modify the current classification number; listing of goods/services/the nature of the collective membership organization; dates of use; and/or filing basis; or to submit a substitute specimen, a foreign registration certificate, or proof of renewal of a foreign registration. If not checked, the changes will be ignored.”;

(2) Attach specimen under “Specimen File” (attachment may not exceed 5 megabytes);

(3) Describe in the box below that location what the attached specimen consists of;

(4) Check the box below the specimen description next to the following statement (to ensure that the declaration language is inserted into the form): “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application” *[for an application based on Section 1(a), Use in Commerce]* OR “The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use” *[for an application based on Section 1(b) Intent-to-Use].;* and

(5) Follow the instructions within the form for signing. The form will require two signatures: one in the “Declaration Signature” section and one in the “Response Signature” section.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Simon Teng/
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RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97118615

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

User: Simon Teng

Statistics for Case 97118615						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	"Care for Care"[on]	1	0	1	1	0:01
2	*care* and *for*[bi,ti] not dead[ld]	2287	0	0	0	0:00
3	"Care" and "for"[bi,ti] not dead[ld]	3647	0	0	0	P/0:01
4	"Care" and "for"[bi,ti] not dead[ld]	3647	0	0	0	P/0:01
5	2 and ("042" a b "200")[ic]	223	0	0	0	P/0:02
6	5 not 1	222	0	222	222	P/0:01
7	2 not (6 1)	2064	0	2064	2064	P/0:02
8	*{"ck"}{"a"1:2}r*[bi,ti] not dead[ld]	61862	0	0	0	0:01
9	*f{V1:2}r*[bi,ti] not dead[ld]	571407	0	0	0	0:02
10	*ph{V1:2}r*[bi,ti] not dead[ld]	8795	0	0	0	0:01
11	(9 10)	579364	0	0	0	0:01
12	8 and 11	6860	0	0	0	0:02
13	12 and ("042"[cc])	2954	0	0	0	0:02
14	13 not (7 6 1)	1621	0	5	5	0:05
15	"care"[bi,ti] not dead[ld]	17545	0	0	0	0:01
16	15 and ("042" a b "200")[ic]	1993	0	136	136	0:01
17	"care for care"[bi,ti] not dead[ld]	3	0	0	0	P/0:01
18	"care 4 care"[bi,ti] not dead[ld]	1	0	0	0	P/0:00
19	(17 18) not 1	3	0	3	3	P/0:01
20	"for care"[bi,ti] not dead[ld]	48	0	0	0	P/0:01
21	"4 care"[bi,ti] not dead[ld]	6	0	0	0	0:00
22	"4 care"[bi,ti] not dead[ld]	6	0	0	0	P/0:00
23	(20 21 22) not 1	50	0	50	50	0:01

Session started 08/23/2022 9:50 am

Session ended 08/23/2022 10:26 am

Total search duration 28.00

Session duration 35 minutes 55 seconds

Adjacency Level 1

Near Level 1

Note To The File

Serial Number: 97118615
Date: 08/23/2022 9:01 am
Created by: Simon Teng

CARE FOR CARE

Searched

- Google
- OneLook