

PTO Form 1960 (Rev 9/2007)

OMB No. xxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77076771
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION (no change)	
ARGUMENT(S)	
<p>The examining attorney has refused registration on grounds that Applicant's mark, UNITY PLUS for "annuity underwriting," is confusingly similar to the following marks:</p> <ul style="list-style-type: none"> • UNITY LIFE MAKING LIFE EASY, Reg. No. 1,186,120, for "insurance underwriting services." • UNI-T, Reg. No. 1,939,445, for "underwriting life insurance." <p>Applicant respectfully disagrees, and requests reconsideration of the Examining Attorney's final refusal, for the following reasons.</p> <p>First, the marks themselves are readily distinguishable. In addition to the word UNITY, Applicant's mark also includes the word PLUS, which is completely different in sight, sound, and meaning from the words "LIFE MAKING LIFE EASY" used in the '120 registration. The '445 registration consists entirely of the letters "UNI-T" which are not a word, and which could be taken to represent the word "unit" as well as the word "unity." In addition, Applicant's inclusion of the word PLUS also serves to distinguish it from the '445 registration, which includes no additional terms whatsoever.</p> <p>A search of the USPTO online database shows more than 60 records of trademark applications in Class 36 prominently featuring the word UNITY, indicating that this a relatively common, and therefore weak, mark in this context. See <i>Exhibit A</i>. Many of these are instances in which registration was granted for marks featuring UNITY, in conjunction with other words, for goods and services that could be considered related to Applicant's. Examples include UNITY CARD, UNITY FUND, UNITY RISK PARTNERS INSURANCE SERVICES, INC., UNITY STARTS WITH YOU, UNITY CHOICE, UNITEAM, and UNICOMP. See <i>Exhibit B</i>. The fact that some of these registrations later lapsed under Section 8 does not change the fact that they were originally considered suitable for registration. These marks are evidence that the inclusion of additional terms (such as PLUS)</p>	

can serve to differentiate one mark from other marks having other terms (such as UNITY) in common, notwithstanding related services.

Second, Applicant submits that its "annuity underwriting" services are sufficiently different from the "life insurance underwriting" services represented by the cited marks to avoid likelihood of confusion. There mere fact that annuities are often sold by insurance companies should not be controlling. Many insurance companies provide a wide range of financial services that are not considered "related" for trademark purposes.

The two cited marks are for essentially identical services – insurance underwriting and life insurance underwriting – yet the differences in the marks themselves are sufficient to overcome this factor. Applicant's mark is at least as different from the cited marks as they are from each other; and Applicant's services are considerably more distinguishable from those of the cited marks than they are from each other.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/04/26/20080426135536402318-77076771-002_001/evi_63238239226-134457766_.EX_A_001.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0002.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0003.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0004.JPG
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2008/04/26/20080426135536402318-77076771-002_002/evi_63238239226-134457766_.EX_B_001.pdf
CONVERTED PDF FILE(S) (14 pages)	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0005.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0006.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0007.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0008.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0009.JPG
	\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0010.JPG

	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0011.JPG</u>
	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0012.JPG</u>
	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0013.JPG</u>
	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0014.JPG</u>
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	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0016.JPG</u>
	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0017.JPG</u>
	<u>\\TICRS\EXPORT\IMAGEOUT\770\767\77076771\xml2\RFR0018.JPG</u>
DESCRIPTION OF EVIDENCE FILE	scanned images of TESS search results and trademark records.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/John C. Blattner/
SIGNATORY'S NAME	John C. Blattner
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	04/26/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Sat Apr 26 13:55:36 EDT 2008
TEAS STAMP	USPTO/RFR-63.238.239.226- 20080426135536402318-7707 6771-4209bbca7a2447c70c39 48dff6652812e0-N/A-N/A-20 080426134457766836

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action**To the Commissioner for Trademarks:**

Application serial no. 77076771 has been amended as follows:

ARGUMENT(S)**In response to the substantive refusal(s), please note the following:**

The examining attorney has refused registration on grounds that Applicant's mark, UNITY PLUS for "annuity underwriting," is confusingly similar to the following marks:

- UNITY LIFE MAKING LIFE EASY, Reg. No. 1,186,120, for "insurance underwriting services."
- UNI-T, Reg. No. 1,939,445, for "underwriting life insurance."

Applicant respectfully disagrees, and requests reconsideration of the Examining Attorney's final refusal, for the following reasons.

First, the marks themselves are readily distinguishable. In addition to the word UNITY, Applicant's mark also includes the word PLUS, which is completely different in sight, sound, and meaning from the words "LIFE MAKING LIFE EASY" used in the '120 registration. The '445 registration consists entirely of the letters "UNI-T" which are not a word, and which could be taken to represent the word "unit" as well as the word "unity." In addition, Applicant's inclusion of the word PLUS also serves to distinguish it from the '445 registration, which includes no additional terms whatsoever.

A search of the USPTO online database shows more than 60 records of trademark applications in Class 36 prominently featuring the word UNITY, indicating that this a relatively common, and therefore weak, mark in this context. See *Exhibit A*. Many of these are instances in which registration was granted for marks featuring UNITY, in conjunction with other words, for goods and services that could be considered related to Applicant's. Examples include UNITY CARD, UNITY FUND, UNITY RISK PARTNERS INSURANCE SERVICES, INC., UNITY STARTS WITH YOU, UNITY CHOICE, UNITEAM, and UNICOMP. See *Exhibit B*. The fact that some of these registrations later lapsed under Section 8 does not change the fact that they were originally considered suitable for registration. These marks are evidence that the inclusion of additional terms (such as PLUS) can serve to differentiate one mark from other marks having other terms (such as UNITY) in common, notwithstanding related services.

Second, Applicant submits that its "annuity underwriting" services are sufficiently different from the "life insurance underwriting" services represented by the cited marks to avoid likelihood of confusion. There mere fact that annuities are often sold by insurance companies should not be controlling. Many insurance companies provide a wide range of financial services that are not considered "related" for trademark purposes.

The two cited marks are for essentially identical services – insurance underwriting and

life insurance underwriting – yet the differences in the marks themselves are sufficient to overcome this factor. Applicant's mark is at least as different from the cited marks as they are from each other; and Applicant's services are considerably more distinguishable from those of the cited marks than they are from each other.

EVIDENCE

Evidence in the nature of scanned images of TESS search results and trademark records. has been attached.

Original PDF file:

http://tgate/PDF/RFR/2008/04/26/20080426135536402318-77076771-002_001/evi_63238239226-134457766_._EX_A_001.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2008/04/26/20080426135536402318-77076771-002_002/evi_63238239226-134457766_._EX_B_001.pdf

Converted PDF file(s) (14 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Evidence-14

SIGNATURE(S)**Request for Reconsideration Signature**

Signature: /John C. Blattner/ Date: 04/26/2008

Signatory's Name: John C. Blattner

Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77076771

Internet Transmission Date: Sat Apr 26 13:55:36 EDT 2008

TEAS Stamp: USPTO/RFR-63.238.239.226-200804261355364

02318-77076771-4209bbca7a2447c70c3948dff

6652812e0-N/A-N/A-20080426134457766836



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record: 63 Records(s) found (This
page: 1 ~ 63)Refine Search

Current Search: S1: (unity)[BI] and (036)[IC] docs: 63 occ: 146

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	79042265		BANKUNITY	TARR	LIVE
2	78631621	3410416	UNITY IS STRENGTH	TARR	LIVE
3	78816180		UNITY AND STRENGTH FOR WORKERS	TARR	LIVE
4	78816252		UNITED STEELWORKERS USW UNITY AND STRENGTH FOR WORKERS	TARR	LIVE
5	78787489		UNITY MORTGAGE CORP.	TARR	DEAD
6	78621473		MEDICIS UNITY	TARR	DEAD
7	78332565		BRINGING UNITY HARMONY AND CONCORD TO THE MORTGAGE INDUSTRY	TARR	DEAD
8	78142132	2793083	U1 UNITY ONE FEDERAL CREDIT UNION	TARR	LIVE
9	78142129		UNITY ONE FEDERAL CREDIT UNION	TARR	DEAD
10	78065261		UNITY FINANCIAL	TARR	DEAD
11	78032143		UNITY FINANCIAL	TARR	DEAD
12	77446200		POLICE UNITY TOUR "WE RIDE FOR THOSE WHO DIED"	TARR	LIVE
13	77314963		UNITY CATHOLIC FEDERAL CREDIT UNION	TARR	LIVE
14	77445846		POLICE UNITY TOUR	TARR	LIVE
15	77431909		POLICE UNITY TOUR	TARR	LIVE
16	77410434		M-UNITY	TARR	LIVE
17	77322440		UNITY	TARR	LIVE
18	77167309		PARKINSON'S UNITY WALK	TARR	LIVE
19	77076771		UNITY PLUS	TARR	LIVE
20	77062411		PEPSI YOUNITY	TARR	LIVE
21	76648428	3373439	UNITY CARD	TARR	LIVE

22	76602788		UNITY FOR EQUALITY	TARR	DEAD
23	76574714	2991266	UNITY SHOPPE	TARR	LIVE
24	76574713	2999878	UNITY TELETHON	TARR	LIVE
25	76574575	2951110	CHRISTMAS UNITY	TARR	LIVE
26	76528393		UNITY BANK	TARR	DEAD
27	76528392		UNITY BANK U	TARR	DEAD
28	76450410	2843682	UNITY THE HESAA LOAN CONSOLIDATION PROGRAM	TARR	LIVE
29	76267244		NU NATIONS UNITY	TARR	LIVE
30	76038049	2782280	UNITY	TARR	LIVE
31	75677040	2458141	UNITY FUND	TARR	DEAD
32	75779750	2434783	WWW.UNITYRISK.COM	TARR	DEAD
33	75758414	2920277	UNITY RISK PARTNERS INSURANCE SERVICES, INC.	TARR	LIVE
34	75719386		UNITY BANK OF COMMERCE	TARR	DEAD
35	75547800		UNITY BANK OF BOSTON	TARR	DEAD
36	75025939	2058386	UNITY STARTS WITH YOU	TARR	DEAD
37	75379818	2530815	COM.UNITY	TARR	LIVE
38	75335046	2243683	MEDICIS UNITY	TARR	LIVE
39	75105923		UNITY'S CORNERSTONE	TARR	DEAD
40	75025938	2129345	UNITY STARTS WITH YOU	TARR	LIVE
41	74719781	2046617	UNITY FOUNDATION	TARR	DEAD
42	74689829	2046545	UNITY	TARR	LIVE
43	74689828	2175279	UNITY	TARR	LIVE
44	74675461	2031548	THE UNITY FUNERAL TRUST	TARR	LIVE
45	74668228		UNITY HEALTH PLANS	TARR	DEAD
46	74553640	1946458	UNI-T	TARR	DEAD
47	74553639	1939445	UNI-T	TARR	LIVE
48	74521866	1956849	UNITY USA	TARR	DEAD
49	74435100		UNITY MORTGAGE CORP.	TARR	DEAD
50	74435050		FIRST UNITY MORTGAGE CORP.	TARR	DEAD
51	74430047	1891828	UNITY CHOICE	TARR	DEAD
52	74338735	1801073	SEBASTIAN CLUB U.N.I.T.E. UNITY NOW IS A TOMORROW FOR EVERYONE	TARR	DEAD
53	74284829	1886709	UNITY USA	TARR	DEAD
54	73839367	1617873	UNITY	TARR	DEAD
55	73839354	1621566	UNITY HEALTHCARE HOLDING COMPANY, INC.	TARR	DEAD
56	73803979	1581890	PROFESSIONAL MEDICAL INSURANCE COMPANY UNITY INTEGRITY PROTECTION	TARR	DEAD
57	73765558	1548626	UNITEAM	TARR	DEAD
58	73705363		THE UNITY HOME TEAM	TARR	DEAD
59	73704716	1505153	UNICOMP	TARR	DEAD
60	73680559	1505134	UNITY	TARR	DEAD
61	73659262	1472610	BANCARE BY UNITY	TARR	DEAD
62	73267000	1186120	UNITY LIFE MAKING LIFE EASY	TARR	LIVE

63 89000288

UNITY AND FREEDOM

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Word Mark UNITY CARD
Goods and Services IC 036. US 100 101 102. G & S: Insurance brokerage services in the field of automobile insurance to persons residing outside of the United States of America and driving vehicles principally garaged outside of the United States of America. FIRST USE: 20051201. FIRST USE IN COMMERCE: 20051201
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.03.11 - Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising an oval; Ovals comprised of animals; Ovals comprised of geometric figures; Ovals comprised of humans; Ovals comprised of letters or numerals; Ovals comprised of plants; Ovals comprised of punctuation
 26.03.21 - Ovals that are completely or partially shaded
 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Trademark Search Facility Classification Code SHAPES-BAR-BANDS Designs with bar, bands or lines
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals
Serial Number 76648428
Filing Date October 13, 2005
Current Filing Basis 1A
Original Filing

Basis 1B
Published for Opposition February 27, 2007
Registration Number 3373439
Registration Date January 22, 2008
Owner (REGISTRANT) NATIONAL UNITY INSURANCE COMPANY CORPORATION TEXAS One huebner parke 15303 Huebner Road San Antonio TEXAS 78248
Attorney of Record THEODORE A. BREINER
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARD" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark UNITY FUND
Goods and Services (CANCELLED) IC 036. US 100 101 102. G & S: Mutual fund investment; mutual fund brokerage. FIRST USE: 19991001. FIRST USE IN COMMERCE: 19991001
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75677040
Filing Date April 7, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition December 21, 1999
Registration Number 2458141
Registration Date June 5, 2001
Owner (REGISTRANT) Liberty Bank & Trust Company CORPORATION LOUISIANA 3801 Canal Street New Orleans LOUISIANA 70119
Attorney of Record Bryan C. Reuter
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FUND" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Cancellation Date March 8, 2008

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Typed Drawing

Word Mark UNITY RISK PARTNERS INSURANCE SERVICES, INC.
Goods and Services IC 036. US 100 101 102. G & S: INSURANCE BROKERAGE, ADMINISTRATION AND UNDERWRITING IN THE FIELDS OF PROPERTY INSURANCE, CASUALTY INSURANCE, FIRE INSURANCE, MARINE INSURANCE, LIABILITY INSURANCE, ACCIDENT INSURANCE AND HEALTH INSURANCE, BUT NOT INCLUDING LIFE INSURANCE. FIRST USE: 19990501. FIRST USE IN COMMERCE: 19990501
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75758414
Filing Date July 23, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 2, 2004
Registration Number 2920277
Registration Date January 25, 2005
Owner (REGISTRANT) Unity Risk Partners Insurance Services, Inc. CORPORATION CALIFORNIA 3021 Citrus Circle Suite 220 Walnut Creek CALIFORNIA 94598
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RISK" and "INSURANCE SERVICES, INC." APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead

Indicator LIVE

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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark UNITY STARTS WITH YOU
Goods and Services IC 036. US 100 101 102. G & S: consumer loan services, installment purchase services, mortgage loan services and certificate of deposit purchase services. FIRST USE: 19970417. FIRST USE IN COMMERCE: 19970417
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75025938
Filing Date November 30, 1995
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 16, 1996
Registration Number 2129345
Registration Date January 13, 1998
Owner (REGISTRANT) Boston Bank of Commerce, The STATE CHARTERED BANK MASSACHUSETTS 133 Federal Street Boston MASSACHUSETTS 02110
 (LAST LISTED OWNER) ONEUNITED BANK TRUST COMPANY MASSACHUSETTS 133 FEDERAL STREET BOSTON MASSACHUSETTS 02110
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record LINDA A. CASEY

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark UNITY CHOICE

Goods and Services (CANCELLED) IC 036. US 101 102. G & S: administering and underwriting managed health care insurance. FIRST USE: 19931119. FIRST USE IN COMMERCE: 19940101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74430047

Filing Date August 26, 1993

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition April 5, 1994

Registration Number 1891828

Registration Date April 25, 1995

Owner (REGISTRANT) IASD Health Services Corp. DBA Blue Cross and Blue Shield of Iowa and DBA Blue Cross of South Dakota CORPORATION IOWA 636 Grand Avenue Des Moines IOWA 50309

(LAST LISTED OWNER) WELLMARK, INC. CORPORATION BY CHANGE OF NAME IOWA 636 GRAND AVENUE DES MOINES IOWA 50309

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record KIRK M. HARTUNG

Type of Mark SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator DEAD
Cancellation Date January 28, 2006

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Typed Drawing

Word Mark	UNITEAM
Goods and Services	(CANCELLED) IC 036. US 101 102. G & S: UNDERWRITING AND ADMINISTRATION OF LIFE INSURANCE AND ANNUITIES. FIRST USE: 19881011. FIRST USE IN COMMERCE: 19881011
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73765558
Filing Date	November 25, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 25, 1989
Registration Number	1548626
Registration Date	July 18, 1989
Owner	(REGISTRANT) UNITY MUTUAL LIFE INSURANCE COMPANY CORPORATION NEW YORK ONE UNITY PLAZA SYRACUSE NEW YORK 132150068
Attorney of Record	MARGARET M. CASSADY
Prior Registrations	1432904
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD

Cancellation Date January 22, 1996

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UniComp

Word Mark	UNICOMP
Goods and Services	(CANCELLED) IC 036. US 101 102. G & S: HEALTH CARE INSURANCE ADMINISTRATION SERVICES. FIRST USE: 19870722. FIRST USE IN COMMERCE: 19870722
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73704716
Filing Date	January 11, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 28, 1988
Registration Number	1505153
Registration Date	September 20, 1988
Owner	(REGISTRANT) JH SYSTEMS, INC. CORPORATION KENTUCKY 217 EAST CHESTNUT STREET LOUISVILLE KENTUCKY 40202
Attorney of Record	HARRY B. O'DONNELL, III
Type of Mark Register	SERVICE MARK PRINCIPAL

Live/Dead
Indicator DEAD

Cancellation Date March 27, 1995

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