
To: Diabetes America, Inc. (ipdocketing@strasburger.com)
Subject: TRADEMARK APPLICATION NO. 77183690 - DIABETES AMERICA
- 12539.0120
Sent: 8/27/2008 12:56:05 PM
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/183690

MARK: DIABETES AMERICA

CORRESPONDENT ADDRESS:

John A. Tang
Strasburger & Price, LLP
Suite 2200
1401 McKinney Street
Houston TX 77010



GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Diabetes America, Inc.

CORRESPONDENT'S REFERENCE/DOCKET
NO:

12539.0120

CORRESPONDENT E-MAIL ADDRESS:

ipdocketing@strasburger.com**REQUEST FOR RECONSIDERATION DENIED**

ISSUE/MAILING DATE: 8/27/2008

Applicant is requesting reconsideration of a final refusal issued/mailed 02/23/2008.

The applicant's amendment to the identification is acceptable. The examining attorney has entered the changes into the Office database.

With respect to the refusal under Section 2(d), after careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The applicant's mark is highly similar to the cited registered marks with respect to appearance and commercial impression. The applicant's mark and the registrant's marks include the term DIABETES and a form of the term AMERICA. Furthermore, the applicant's services are closely related to the services provided by the registrant. While the applicant has amended the identification to state that the applicant's services are rendered from a health care facility, the registrant's identification of services in all of their marks contains no limitations as to where and when the services are rendered. Thus, it is presumed that the registrant's services are performed everywhere, including at health care facilities.

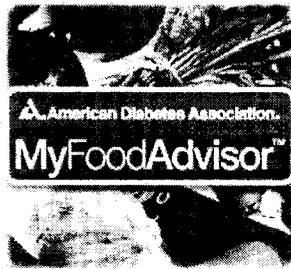
Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Seth A. Rappaport/
Seth A. Rappaport
Trademark Examining Attorney
Law Office 103
Phone: (571) 270-1508
Fax: (571) 270-2508

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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3. Nutrition Counseling
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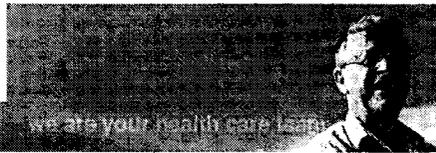
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The DiabetesAmerica™ Team

Julie DeMille M.S.N., F.N.P., C.D.E.
Cypress Fairbanks Medical Center

Ms. DeMille has been in nursing since 1978 and has specialized in Diabetes and Endocrinology since 1994. She is a Family Nurse Practitioner and a Certified Diabetes Educator. She has many years experience in the design and coordination of diabetes education programs for patients and health care providers. Ms. DeMille moved to Houston in 1999 and was the Diabetes Program Coordinator for MacGregor Medical Association until their closing in 2002. Since that time she has been working in private practice and has set up diabetes education programs and obtained recognition certification from the American Diabetes Association for private physicians.

Her current focus is supporting and enabling high risk adult diabetic patients such as those with additional endocrine disorders and pregnancy. She is also a Certified Insulin Pump trainer. Ms. DeMille is currently a



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Health Plans

Certified Insulin Pump trainer Ms. DeMille is currently a member of the **American Diabetes Association**, the **American Association of Diabetes Educators** and the **American Academy of Nurse Practitioners**.



Meet the rest of the DiabetesAmerica™ team:

- | | | |
|------------------------|-------------------------|-----------------------|
| -- Sharain Adams | -- Valerie Harris | -- Amelia Neveaux |
| -- Rosa Arbaiza | -- Wendy Hawkins | -- Shari Nightingale |
| -- Melinda Galderas | -- Laura Hayes | -- Christine Pospisil |
| -- Amy Essa | -- Melissa Hearn | -- Jacqueline Pugh |
| -- Frank Basile | -- Amanda Hearn | -- Stefanie Ramirez |
| -- Elizabeth Bello | -- Nakeva Heidelberg | -- Sherell Kideaux |
| -- Georgiana Bradshaw | -- Kristen Herlocker | -- Lydia Rivera |
| -- Christina Bratcher | -- Thai Jack | -- David Rizzo |
| -- Lana Butler | -- Tina Johnson | -- Rosie Rosales |
| -- Melissa Claire | -- Kricki King | -- Michael Rzandzian |
| -- Carol Curtis | -- Aaron King | -- Maria Sachitano |
| -- Timothy Daniel | -- Cindy Law | -- Audra Scandurra |
| -- Julie DeMille | -- Christine Liberatore | -- Judy Silverstein |
| -- Kamisha DeWitt | -- David Lueske | -- Monica Simmons |
| -- Christina Di Lorato | -- Arlene Loeschon | -- Jenny Swartz |
| -- Alicia Diaz | -- Monica Lopez | -- Heriberto Tejeda |
| -- David Erani | -- Paul Lyde | -- Antonio Torres |
| -- Amy Ewing | -- Connie Mannke | -- Brian Tremaine |
| -- Teresa Farmer | -- Denise Marin-Silva | -- Paula Turnquist |
| -- Mantza Franco | -- Mary Medina | -- Damaris Vega |
| -- Melissa Gamba | -- Alicia Maeke | -- Rachel Villarreal |
| -- Ruby Garza | -- Franco Minor | -- Joy Wang |
| -- Jannette Gil | -- Enevelia Molina | -- Adriana Wechsler |
| -- Jennifer Gonzalez | -- Jenny Monterrosa | -- Damon Weddington |
| -- Bonita Groesser | -- Jennifer Mosley | -- Rebecca Welsh |
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Diabetes America Physicians Achieve Industry Recognition for Quality Patient Care

Date: 11/7/2007 [Outline](#) [RSS](#)

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Cinnamon and 7 other natural herbs can safely lower blood sugar.
www.nsi-baltimore.com

Type 2 Diabetes

Learn More About A Treatment Option For Type 2 Diabetes And Obesity.
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HOUSTON, Nov. 7 /PRNewswire/ -- **Diabetes america**, the premier network of **diabetes** care and management centers across the state of Texas, announced today that five of its physicians have been recognized by the **Diabetes Physician Recognition Program (DPRP)** for providing outstanding **diabetes** care to their patients. Dr. Wendy Hawkins M.D., Dr. Damon Weddington M.D., Dr. Alice Chiu M.D., Dr. Brian Tremaine M.D. and Dr. Eddie Tejeda M.D. were all honored in Houston today.

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"The team at **Diabetes america** prides itself on providing the most comprehensive, valuable service to their patients," said Frank Basile, M.D., President and CEO of **Diabetes america**. "These doctors have continuously demonstrated their dedication to patient care, as well as their commitment to **diabetes** awareness and education. As such, we are delighted that they have achieved the recognition they deserve."

The **Diabetes Physician Recognition Program (DPRP)** helps people find those doctors who consistently treat patients according to the best available scientific evidence. It was developed in partnership with one of the nation's leading advocacy organizations, the **American Diabetes Association** and the National Committee for

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Environment	organizations, the American Diabetes Association and the National Committee for Quality Assurance (NCQA).
Evolution	At the forefront of diabetes education, management and prevention, Diabetes america's mission is to help individuals adjust to living with diabetes and to promote wellness through a variety of personalized treatment and educational programs from medical treatment to diabetes education, nutritional counseling, exercise and lifestyle instruction. For more information, visit http://www.DiabetesAmerica.com or call 1-866- MY DIABETES .
Food Technology	
Gene	
Genetics	
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Health/Medicine	About Diabetes america
Medical	Founded in 2004, Diabetes america has established a reputation in communities across Texas as a comprehensive health center and management program for individuals with diabetes , providing them with a team of physicians, d
Abortion	
Aches	
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RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **8/27/2008**.

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