

From: Wang, Kathy

Sent: 2/27/2015 5:19:29 PM

To: TTAB E filing

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86048224 - GEORGIA COLLEGE OF OSTEOPATHIC - N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 2

\*\*\*\*\*

Attachment Information:

Count: 13

Files: nsu-1.jpg, nsu-2.jpg, nsu2-1.jpg, nsu2-2.jpg, une-1.jpg, une-2.jpg, une-3.jpg, une2-1.jpg, une2-2.jpg, une2-3.jpg, une3-1.jpg, une3-2.jpg, 86048224.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86048224

**MARK:** GEORGIA COLLEGE OF OSTEOPATHIC



**CORRESPONDENT ADDRESS:**

TIMOTHY D. PECSENYE

BLANK ROME LLP

1 LOGAN SQ FL 8

PHILADELPHIA, PA 19103-6998

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Philadelphia College of Osteopathic Medi ETC.

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

pecsenye@blankrome.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 2/27/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusals made final in the Office action dated July 17, 2014 are maintained and continue to be final: Section 2(d) likelihood of confusion refusal citing Registration Nos. 4154833,

3725163, 2246860, and 3725162; and the Section 2(e)(2) primarily geographically descriptive refusal. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action is withdrawn: Section 2(d) likelihood of confusion refusal citing Registration Nos. 3031191, 1339141, and 3282904. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issues in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

### ***Section 2(d) Refusal – Likelihood of Confusion***

The refusal citing GEORGIA COLLEGE (in standard characters) (Registration No. 4154833), GEORGIA COLLEGE & STATE UNIVERSITY (in standard characters) (Registration No. 3725163), GEORGIA COLLEGE & STATE UNIVERSITY (in standard characters) (Registration No. 2246860), GEORGIA COLLEGE & STATE UNIVERSITY UNIVERSITY SYSTEM OF GEORGIA 1889 and Design (Registration No. 3725162).

Applicant's mark and registrant's mark create similar commercial impressions because the parties' marks all start with the term "GEORGIA COLLEGE." The applied-for mark and the marks in Registration Nos. 3725163, 2246860, and 3725162 feature the term "GEORGIA COLLEGE" and additional descriptive or generic wording.

Applicant argued that the services involved are expensive and that the consumers are sophisticated. The fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); see, e.g., *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011).

The fact that there are third-party marks on the register that use the term "GEORGIA" is not persuasive that the marks at issue will not cause confusion.

Although applicant's application indicates that it offers "undergraduate, graduate and professional levels" of educational services while registrant's marks are used for either college or university level educational services, the webpages attached to the December 23, 2013 Office action from Case Western Reserve University, Cleveland State University, and Ohio State University show that universities and colleges commonly offer undergraduate, graduate, and professional-level educational services. Additionally, the attached websites of NOVA Southeastern University, University of New England, University of Pikeville, and Des Moines University located at <http://medicine.nova.edu/>, <http://www.une.edu/com>, <http://www.upike.edu/College-of-Osteopathic-Medicine>, <https://www.dmu.edu/com/>, show that these institutions offer undergraduate and graduate programs, and have a college of osteopathic medicine.

This refusal is maintained and continues to be FINAL.

***Section 2(e)(2) – Primarily Geographically Descriptive Mark***

The evidence previously made of record supports the examiner's argument that the primary significance of the term "GEORGIA" is a geographic location, there's a services and place association established.

Accordingly, this refusal is maintained and continues to be FINAL.

\*\*\*\*\*

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

*/Kathy Wang/*

Trademark Examining Attorney

Law Office 108

571-272-7906

[kathy.wang@uspto.gov](mailto:kathy.wang@uspto.gov)

### College of Osteopathic Medicine

- About Us
  - ↳ Dean's Welcome
  - ↳ Mission
  - ↳ Accreditation
  - ↳ Directions
  - ↳ Faculty/Staff Directory
- Academic Programs
- Alumni
- Community
- Continuing Education
- Graduate Medical Education (GME)
- Institute for Neuro Immune Medicine
- Institute for Disaster & Emergency Preparedness
- Lifelong Learning Institute
- Medical Centers
- Medical Education Department
- Office of Research and Innovation



NSU Home / Osteopathic Medicine /

## Welcome to the College of Osteopathic Medicine

For students pursuing their education at Nova Southeastern University College of Osteopathic Medicine (NSU-COM), the matriculation experience is both challenging and rewarding. Contemporary teaching modalities are combined with the newest technology to assure our students obtain the most comprehensive education possible.

The programs within the College of Osteopathic Medicine continue to grow in both breadth and depth, broadening its areas of expertise and

### Brochures / Apply Now

To view information about Nova Southeastern University or to apply now, use one of the options below.

#### Brochures

- Select Program -

#### Application Process

- Select Program -

### Fast Facts

Take a quick look at the College of Osteopathic Medicine.

- [Fact Sheet](#)
- [Informational](#)

- [College News](#)
- [COM Admissions Brochures](#)
- [COM Catalog](#)
- [COM Outlook](#)
- [Medical Education Digest](#)
- [Student Handbook](#)
- [Student Disability Services](#)
- [Contact Us](#)



grow in their research and clinical, administrative or service or experience and delivery of health care. NSU-COM's purpose dovetails nicely with the college's mission, which is to provide learner-centered education, both nationally and internationally, for osteopathic medical students, postgraduate trainees, physicians, and other professionals.



Thanks to the synergistic energy of our students, faculty, and staff in all of our programs, the pursuit of excellence has become a daily reality.

We invite you to explore our academic programs and website to learn more about the distinguishing opportunities at NSU-COM.





## ABOUT NSU

A fully accredited, private, not-for-profit, research university dedicated to providing high-quality educational programs of distinction from preschool through the professional and doctoral levels.

### Overview

[President Hanbury](#)

[Vision, Mission and Core Values](#)

[Locations and Directions](#)

[NSU History](#)

[Contact Us](#)

[Accreditations](#)

## Overview

At Nova Southeastern University, our approach to education has always been innovative and unique. We don't fit easily within the standard niche – because neither do you.

We are traditional, but we're also young, bold and forward thinking. Our private, undergraduate college offers a personal, nurturing atmosphere, but we're also an exciting university with a wide variety of graduate and professional degrees.

Established in Fort Lauderdale, Florida in 1964 as a small college with some revolutionary ideas, NSU was originally named Nova University of Advanced Technology and chartered as a graduate institution in the physical and social sciences. In 1994, Nova University merged with Southeastern University of Health Sciences to form Nova Southeastern University.

Today, NSU is a not-for-profit, independent university that is classified as a research university with "high research activity" by the Carnegie Foundation for the Advancement of Teaching, and is one of only 37 universities nationwide to also be awarded Carnegie's Community Engagement Classification. We have approximately 27,000 students, 162,000 alumni, a sprawling, 314-acre Fort Lauderdale-Davie

### NSU FACTBOOK



[Read NSU's latest Factbook](#)

campus and a presence throughout Florida, the U.S. and nine countries around the world. Through five decades of explosive growth, our reputation for academic excellence and innovation continues to flourish.

OPEN

©2015 Nova Southeastern University | 3301 College Avenue, Fort Lauderdale-Davie, Florida 33314-7796 | 800-541-6682

of **Medicine, Psychology, Pharmacy, Arts and Sciences, Dental Medicine, Education, Law, Optometry, Computer and Information Sciences, Humanities and Social Sciences, Nursing, Business, and Oceanography.**

### NSU Highlights

- NSU scientists are using more than \$82 million in externally provided funding for exciting interdisciplinary research projects to make discoveries and produce new knowledge in health care, biotechnology, life sciences, environment and social sciences.
- NSU has 17 intercollegiate athletic teams, including a women's golf team that won their fourth consecutive NCAA Division II National Championship, and a men's team that won their first title in 2012. NSU's men's and women's swimming and diving teams captured the Sunshine State Conference title in 2012.
- Our Health Care Centers provide medical, dental, and psychological care to thousands of South Florida residents.

OPEN

©2015 Nova Southeastern University | 3301 College Avenue, Fort Lauderdale-Davie, Florida 33314-7796 | 800-541-6682

Performing Arts Center; public access to the Alvin Sherman Library, Research, and Information Technology Center; and academic programs in the performing and visual arts.



OPEN

©2015 Nova Southeastern University | 3301 College Avenue, Fort Lauderdale-Davie, Florida 33314-7796 | 800-541-6682

- Scholarships
- ShantLink
- Undergraduate Advising
- NSU Art Museum
- News Room
- Calendars and Events
- Career Development
- Current Students
- University School
- Veterans and Military
- Visit NSU
- International Affairs
- Libraries at NSU
- Map of Campus
- Emergency Alert
- Employment

RT @NSUsharks: Congrats to the #Sweet16 student athletes heading to @NCAADII Swimming Championships! #TeamChlorine <http://t.co/RuMUZsumn8> about 6 hours ago





## College of Osteopathic Medicine

Maine's Medical School

U.S. News & World Report  
The College of Osteopathic  
Medicine has been

As a student in the University of New England College of Osteopathic Medicine (COM), you are transformed into a health care leader. We train you to deliver patient-centered, high quality osteopathic primary care. Our goal is to ensure you are a physician who always puts the patient first.

In addition to preparing the next generation of health care leaders, we engage in research and work to improve

recognized by *U.S. News & World Report* for its national leadership in primary care training and rural medicine.

[LEARN MORE](#)

**Additional Programs**

- Graduate Programs in Public Health
- Master of Science in Medical Education Leadership
- Concurrent Graduate Programs
- COM Online Education Programs

**Accreditation**

The College of Osteopathic Medicine is fully accredited by the American Osteopathic Association's Commission on Osteopathic College Accreditation (AOA COCA). UNE is accredited by the New England Association of Schools and Colleges (NEASC).

the community health of the people of Maine, New England and the United States. Since our founding as a College in 1978, we have had an extraordinary impact on health care in our local community and nationally. Our graduates have distinguished themselves as residents in some of the finest and most competitive residency training programs in the nation.

Our physicians have a demonstrated track record of putting the patient first.

■ COM BY THE NUMBERS

60%



Percentage of our graduates that practice in primary care disciplines (i.e., Family Medicine, General Internal Medicine, and Pediatrics).

10%

Percentage of our graduates practicing medicine in the State of Maine, comprising 15% of Maine's primary care physician workforce.

36%

Percentage of our graduates practicing in Maine who practice in rural areas of the state. 17% of our graduates are practicing in underserved areas of New England.

#1

Provider of physicians for the State of Maine.

The College of Osteopathic Medicine has been recognized by *U.S. News & World Report* for our national leadership in primary care training and rural medicine.

We feature state-of-the-art facilities on UNE's oceanfront Biddford Campus. Teaching and learning are at the forefront. As a student with us, you experience our innovative Patient-First Curriculum in outstanding on-campus learning laboratories for clinical skills, anatomy and osteopathic manipulative medicine.

The **Center of Excellence in the Neurosciences**, as well as the **UNE School of Community and Population Health** augment our research mission, providing opportunities for you to work with outstanding research faculty.

Our substantial clinical campus structure and academic affiliations with robust community-based hospital systems in the region and throughout the Northeast provide diverse settings in which you continue to practice putting the patient first.





Ed Bisky Champions Research

News

WCSH features Meghan May's research on rapid method of diagnosing superbug

On February 20, 2015, WCSH (Channel 6) aired a news segment on the research of Meghan May, Ph.D., assistant professor of microbiology, on a new...

Biddeford Free Clinic receives funding to continue partnership with Colleges of Osteopathic Medicine and Pharmacy

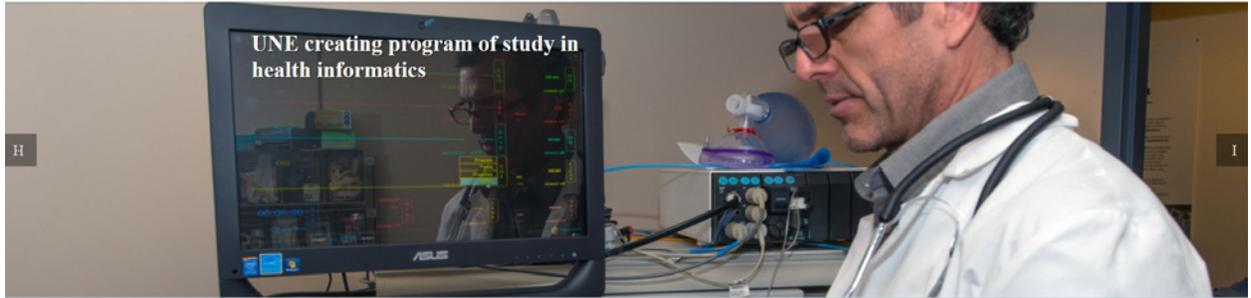
On February 20, 2015, the Courier announced that the Biddeford Free Clinic recently received \$10,000 in grant funding from the United Way of York County,...

UNE's fight against chronic pain championed in 'Press Herald' editorial

On February 7, 2015, the Portland Press Herald printed an editorial by Susan Dudley Gold, founder of the Chronic Pain Support Group of Southern Maine,...

Events

| FEB 27<br>12:00 PM  | MAR 4<br>12:00 PM  | MAR 7<br>10:00 AM - 12:00 PM   | MAR 11<br>7:00 PM                              |
|---|--|--|--|
| SEMINAR   | BRAIN AWARENESS WEEK   | THEMED EVENT   | BRAIN AWARENESS WEEK                           |
| Pharmaceutical Sciences Seminar Series Presents: Nucleotide Signaling and Sensory Neuron Plasticity<br>Dr. Derek Molliver<br>Hannaford Lecture Hall<br>Portland | Traumatic Brain Injury Seminar<br>Dr. Frank Willard<br>Alford 301<br>Biddeford | Speed Networking with Physicians and COM students<br>Leonard Hall<br>Biddeford | Brain Blast PechaKucha<br>Engine<br>Off Campus |



H

I

## About UNE

We are creating the future.

Home

AT A GLANCE

We are creating the future.

|                                     |
|-------------------------------------|
| CAMPUSES                            |
| VISIT UNE                           |
| CONSUMER INFORMATION                |
| POKIMAHITS                          |
| HISTORY                             |
| OFFICES & SERVICES                  |
| EMERGENCY PREPAREDNESS AND RESPONSE |
| EVENTS CALENDAR                     |
| NEWS                                |
| SOCIAL MEDIA DIRECTORY              |
| SUSTAINABILITY                      |

UNE is leading the transformation of global health sciences education. Beyond mere "training," we provide a full and integrated education preparing our graduates for evolving health care professions.

In addition to our 27 health sciences disciplines, the full range of liberal arts classes and majors makes UNE a unique participatory, educational environment. No matter what degree or profession you are pursuing, the interdisciplinary learning turns out scholars and professionals who can adapt and prosper.

In Dental Medicine, Pharmacy, Medicine, Nursing and 11 allied health programs, UNE prepares future health care professionals to practice comprehensive and collaborative team-based care—the new gold standard.

We have three beautiful campuses: in Portland and Biddeford, Maine, and in Tangier, Morocco. This newest campus in Tangier allows UNE students to experience the world while staying on track for their majors. It gives our future professionals a unique understanding of the world they will lead.

■ UNE BY THE NUMBERS

**\$738M**

UNE's total economic impact on Maine in 2012-13

**#14**

Portland | Biddeford  
Small Metros  
Top 75 College Cities  
American Institute for  
Economic Research

**27**

Number of health science programs

UNE At a Glance

- **Founding Date:** 1831
- **Total enrollment for 2012-13 Academic Year:** 9,661
- **UNE educates** more Maine students in the health professions than any other institution in the state.

[Learn More](#)

News





**Lara Carlson's Journey to the Speedway**

*"Never do anything half-heartedly and always try to be stronger than your excuses."*



**Vose, Nor'easters blow by Golden Bears, 81-56**  
Junior guard Alanna Vose (Cushing, Maine) canned six treys in the opening period to help top-seeded University of New England to a 29-point cushion at...



**Top-seeded Big Blue to host Wentworth in tourney**  
In what has seemingly become a regular occurrence, the University of New England will square off against No. 8 Wentworth Institute of Technology as the...



**Nor'easters edge Curry; secure CCC tourney spot**  
Junior Devin Thompson scored a game-high 22 points as the University of New England narrowly defeated Curry College, 68-65, on Tuesday evening (Feb. 17) in...

**Events**

|                                  |                           |                                  |                          |
|----------------------------------|---------------------------|----------------------------------|--------------------------|
| <b>FEB 27</b><br>8:15 AM-9:00 AM | <b>FEB 27</b><br>12:00 PM | <b>FEB 28</b><br>4:00 PM-6:00 PM | <b>FEB 28</b><br>5:00 PM |
|----------------------------------|---------------------------|----------------------------------|--------------------------|

THEMED EVENT

SEMINAR

THEMED EVENT

THEMED EVENT

**Group Exercise Class: Aquafit**

Campus Center Pool  
Biddeford

**Pharmaceutical Sciences Seminar Series Presents: Nucleotide Signaling and Sensory Neuron Plasticity**

Dr. Derek Molliver  
Hannaford Lecture Hall  
Portland

**Alumni Apres Ski Reception**

Matty B's  
Off Campus

**On the Town**

Cross Insurance Arena  
Off Campus



## Academics

Home » Academics

|                               |
|-------------------------------|
| MAJORS & PROGRAMS             |
| COLLEGES                      |
| ONLINE EDUCATION              |
| UNIVERSITY REGISTRAR'S OFFICE |
| LIBRARY SERVICES              |
| CONTINUING EDUCATION          |
| CENTERS & INSTITUTES          |
| STUDENT LEARNING OUTCOMES     |

### Majors & Programs

Undergraduate Graduate Colleges Online

#### Majors

|                                     |           |
|-------------------------------------|-----------|
| ANIMAL BEHAVIOR                     | Biddeford |
| APPLIED EXERCISE SCIENCE            | Biddeford |
| APPLIED MATHEMATICS                 | Biddeford |
| APPLIED SOCIAL AND CULTURAL STUDIES | Biddeford |
| AQUACULTURE AND AQUARIUM SCIENCES   | Biddeford |

|   |                      |
|---|----------------------|
| ART & DESIGN MEDIA                        | Biddeford            |
| ART EDUCATION                             | Biddeford            |
| ATHLETIC TRAINING                         | Biddeford            |
| BIOCHEMISTRY                              | Biddeford            |
| BIOLOGICAL SCIENCES                       | Biddeford            |
| BUSINESS ADMINISTRATION                   | Biddeford            |
| CHEMISTRY                                 | Biddeford            |
| COMMUNICATIONS                            | Biddeford            |
| DENTAL HYGIENE (4-YEAR B.S.)              | Portland   Biddeford |
| ELEMENTARY EDUCATION                      | Biddeford            |
| ENGLISH                                   | Biddeford            |
| ENVIRONMENTAL SCIENCE                     | Biddeford            |
| ENVIRONMENTAL STUDIES                     | Biddeford            |
| HEALTH, WELLNESS AND OCCUPATIONAL STUDIES | Biddeford            |
| HISTORY                                   | Biddeford            |
| LABORATORY SCIENCE                        | Biddeford            |
| LIBERAL STUDIES                           | Biddeford            |
| MARINE SCIENCES (MARINE BIOLOGY TRACK)    | Biddeford            |
| MARINE SCIENCES (OCEANOGRAPHY TRACK)      | Biddeford            |