

196000000688  
BEAN, KAUFFMAN & SPENCER

COPYRIGHT, PATENT & TRADEMARK LAW

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BUFFALO, NEW YORK 14202-3101

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R. CRAIG KAUFFMAN

ALAN H. SPENCER

GEORGE L. SNYDER, JR.

Admitted in MD & MA

13720 LOCKDALE ROAD

SILVER SPRING, MD 20906

TELEPHONE (301) 460-0756

TELECOPIER (301) 871-5473

HAROLD A. GELL, JR.

Of Counsel

December 20, 1995

Trademark Registration Section

Division of Corporations

P.O. Box 6327

Tallahassee, Florida 32314

Re: New Service Mark Application

Mark: SENIOR HOME CARE, INC. & design

Our Ref.: B6799

Dear Sir or Madam:

*Senior Care 1,776,134*

Enclosed herewith please find the application of Senior Home Care, Inc. to register the service mark SENIOR HOME CARE, INC. and design, together with three specimens showing the mark as actually used, and our check in the amount of \$87.50 to cover the filing fee.

Please address all correspondence in this application to the undersigned at the above address.

Respectfully,

BEAN, KAUFFMAN & SPENCER

By

*George L. Snyder, Jr.*  
George L. Snyder, Jr.

gls  
Encs.

*W96-37*

Name	
Availability	<i>✓</i>
Document Examiner	NJC
Updater	NJC
Updater Verifier	NJC
Acknowledgement	NJC
W. P. Verifier	NJC



FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

January 2, 1996

George L. Snyder, Jr. Esquire  
Bean, Kauffman & Spencer  
Suite 1000, 43 Court St.,  
Buffalo, FL 14202-3101

SUBJECT: SENIOR HOME CARE, INC. AND DESIGN OF FANCIFUL RED  
HEART HAVING HORIZONTAL STREAKS EXTENDING FROM A RIGHT  
BOUNDARY THEREOF TO THE INTERIOR  
Ref. Number: W96000000031

We have received your document for SENIOR HOME CARE, INC. AND DESIGN OF FANCIFUL RED HEART HAVING HORIZONTAL STREAKS EXTENDING FROM A RIGHT BOUNDARY THEREOF TO THE INTERIOR and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

We must deny registration pursuant to section 495.021(1)(f) and 495.181, Florida Statutes. There is a federal registration on file with the U.S. Patent and Trademark Office for SENIOR CARE, Registration Number 1,776,134, for the same or similar name and class(es).

Please note the Florida Department of State will reconsider registration if you are able to provide this office with any official documentation reflecting the federally registered mark and the proposed Florida mark are being used in connection with two separate products or services. The telephone number for the U.S. Patent and Trademark Office is (703) 308-9000.

Enclosed is an application for refund.

If you have any questions concerning the filing of your document, please call (904) 487-6918.

Nanette Causseaux  
Corporate Specialist Supervisor

Letter Number: 096A00000037

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\*Admitted in MD & MA

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HAROLD A. GELL, JR.  
Of Counsel

May 15, 1996

Trademark Registration Section  
Division of Corporations  
Florida Department of State  
P.O. Box 6327  
Tallahassee, Florida 32314

Attn: Ms. Nanette Causseaux  
Corporate Specialist Supervisor

Re: Service Mark Application  
SENIOR HOME CARE, INC. and Design  
Your Ref.: W96000000031  
Our Ref.: B6799

Dear Ms. Causseaux:

Enclosed please find an original application for registration of the service mark SENIOR HOME CARE, INC. and Design in Florida. The application was previously denied registration based on federal Reg. No. 1,776,134 for SENIOR CARE, and is now being resubmitted for reconsideration, along with three brochures as specimens.

It is applicant's respectful position that the mark of Reg. No. 1,776,134 and the present mark are being used in connection with fundamentally different services, such that confusion in the mind of the consumer is unlikely.

BEAN, KAUFFMAN & SPENCER

Ms. Nanette Causseaux

- 2 -

May 15, 1996

In support of its position, applicant submits herewith a certified copy of Reg. No. 1,776,134 indicating that the services connected with such mark are "health care services in the nature of a health maintenance organization as a Medicare supplement," that the registration was originally issued in the name of Blue Cross of California, and that title to the registration is now in the name of Wellpoint Health Networks, Inc., a Delaware corporation.

Applicant seeks registration of its mark in connection with "health care services for the elderly." As can be seen from the brochures accompanying the application, the applicant offers a variety of home and clinical health care services, including skilled nursing services, personal care and companion services, and provision of medical equipment. The services are offered to residents of retirement communities to facilitate an independent lifestyle for such residents.

By contrast, an HMO is an organization contracted for medical services, usually at a fixed fee to the subscriber. An HMO usually consists of hospitals and physician groups charged with providing high-tech and routine medical care to those proposed patients who participate in the HMO program.

Therefore, it is respectfully urged that the services involved here are fundamentally different. Applicant encloses copies of two pages taken from the book Slee, Health Care Terms, 2nd edition, Tringa Press, 1991, as a definitional reference for "home health care" and "health maintenance organization".

In addition to the differences between applicant's services and HMO services, certain aspects of applicant's mark also make confusion unlikely. The word "Home" in applicant's mark suggests the nature of applicant's services and distinguishes applicant's mark from the cited federal registration. Moreover, the abbreviation "Inc." appears in applicant's mark, making it extremely unlikely that a consumer would think Wellpoint Health Networks, Inc. is the source of the services in connection with which applicant's mark is used. It is far more likely that consumers will understand Senior Home Care, Inc. to be the source of the services.

For the foregoing reasons, it is asked that this application kindly be reconsidered for registration. Applicant has postponed a refund request for the filing fee pending a decision on

BEAN, KAUFFMAN & SPENCER

Ms. Nanette Causseaux

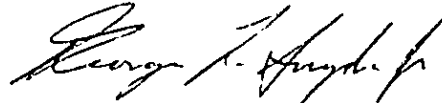
- 3 -

May 15, 1996

reconsideration. If there are any questions, the undersigned may be contacted at (716) 852-7405.

Very truly yours,

BEAN, KAUFFMAN & SPENCER

A handwritten signature in dark ink, appearing to read "George L. Snyder, Jr.", with a stylized flourish at the end.

George L. Snyder, Jr.

gls  
Encs.

cc: D. Cook  
J. Piazza, Jr.



FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

May 22, 1996

George L. Snyder, Jr., Esquire  
Bean Kauffman & Spencer  
S-1000, 43 Court St.  
Buffalo, NY 14202-3101

SUBJECT: SENIOR HOME CARE, INC. AND DESIGN OF FANCIFUL RED  
HEART HAVING HORIZONTAL STREAKS EXTENDING FROM A RIGHT  
BOUNDARY THEREOF TO THE INTERIOR  
Ref. Number: W96000000031

We have received your document for SENIOR HOME CARE, INC. AND DESIGN OF FANCIFUL RED HEART HAVING HORIZONTAL STREAKS EXTENDING FROM A RIGHT BOUNDARY THEREOF TO THE INTERIOR and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

Your mark contains word(s)/design(s) that must have a disclaimer. All geographical terms, such as cities, states, countries, and designs of same, must be disclaimed. Some commonly used words and corporate suffixes must also be disclaimed. You must disclaim the following: SENIOR, HOME CARE

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (904) 487-6918.

Nanette Causseaux  
Corporate Specialist Supervisor

Letter Number: 696A00025530

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\* Admitted in MD & MA

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SILVER SPRING, MD 20906  
TELEPHONE (301) 460-0756  
TELECOPIER (301) 871-5473

HAROLD A. GELL, JR.  
Of Counsel

June 11, 1996

Trademark Registration Section  
Division of Corporations  
Florida Department of State  
P.O. Box 6327  
Tallahassee, Florida 32314

Attn: Ms. Nanette Causseaux  
Corporate Specialist Supervisor

Re: Service Mark Application  
SENIOR HOME CARE, INC. and Design  
Your Ref.: W96000000031  
Our Ref.: B6799

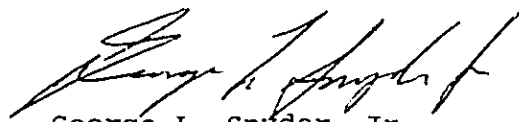
Dear Ms. Causseaux:

Enclosed please find an application for registration of the service mark SENIOR HOME CARE, INC. and Design in Florida, which is resubmitted with the disclaimer required in your letter dated May 22, 1996 (copy enclosed).

Allowance of the application is respectfully requested.

Very truly yours,

BEAN, KAUFFMAN & SPENCER



George L. Snyder, Jr.

gl  
Encs.

cc: D. Cook  
J. Piazza, Jr.

Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent and Trademark Office** Reg. No. 1,776,134  
Registered June 8, 1993

**SERVICE MARK  
SUPPLEMENTAL REGISTER**

**SENIOR CARE**

BLUE CROSS OF CALIFORNIA (CALIFORNIA  
CORPORATION)  
21555 OXNARD STREET  
WOODLAND HILLS, CA 91367

FOR: HEALTH CARE SERVICES IN THE  
NATURE OF A HEALTH MAINTENANCE OR-  
GANIZATION AS A MEDICARE SUPPLE-  
MENT, IN CLASS 42 (U.S. CL. 100).

FIRST USE 3-1-1981; IN COMMERCE  
3-1-1981.

SER. NO. 74-215,065, FILED P.R. 10-24-1991;  
AM. S.R. 5-26-1992.

JENNIFER BRUST, EXAMINING ATTORNEY



Florida Department of State, Sandra B. Mortham, Secretary of State

**APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK**  
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations  
Post Office Box 6327  
Tallahassee, FL 32314

Name & address to whom acknowledgement should  
be sent:

Bean, Kauffman & Spencer

43 Court Street, Suite 1000

Buffalo, New York 14202

( 716 ) 852-7405

Daytime Telephone number

**PART I**

1. (a) Applicant's name: Senior Home Care, Inc.

(b) Applicant's business address: 2551 Drew Street, Suite 206  
Clearwater, Florida 34625

City/State/Zip

(c) Applicant's telephone number: ( 800 ) 878-5242

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: \_\_\_\_\_

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration number: S-72576

(2) Domicile State: Florida

(3) Federal Employer Identification Number: 59-3080333

2.(a) If the mark to be registered is a service mark, the services in connection with which the mark is used:  
(i.e., furniture moving services, diaper services, house painting services, etc.)

Health care services for the elderly

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:  
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

N/A

(c) The mode or manner in which the mark is used:(i.e., labels, decals, newspaper advertisements, brochures, etc.)  
Brochures, business cards

(Continued)

the class(es) in which goods or services fall:

42

## PART II

1. Date first used by the applicant, predecessor, or a related company (must include month, day and year):

(a) Date first used anywhere: September 18, 1994 (b) Date first used in Florida: September 18, 1994

## PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be words or less.)

The words, "Senior Home Care, Inc." extending through a fanciful red heart having horizontal streaks extending from a right boundary thereof to the interior.

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM "Senior" and

"Home Care

" APART FROM THE MARK AS SHOWN.

I, John J. Piazza, Jr., being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and no other person except a related company has the right to use such mark in Florida either in the identical form or in such near resemblance as to be likely to deceive or confuse or to be mistaken therefor. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct.

Senior Home Care, Inc.

Typed or printed name of applicant

John J. Piazza, Jr., President

Applicant's signature or authorized person's signature  
(List name and title)

STATE OF NEW YORK

COUNTY OF ERIE

On this 15<sup>th</sup> day of DECEMBER, 1994, JOHN J. PIAZZA, JR. personally appeared before me,

- ☒ who is personally known to me  
☐ whose identity I proved on the basis of \_\_\_\_\_

Donald T. Cook

Notary Public Signature

DONALD T. COOK  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires NOV 30, 1997

Notary's Printed Name

Seal

My Commission Expires: \_\_\_\_\_

FEE: \$87.50 per class

## An Integrated Approach to Health and Happiness

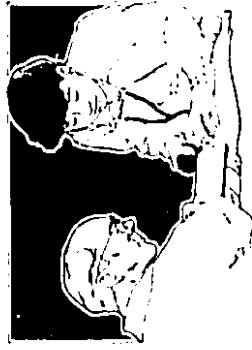
*Introducing The Wellness Clinic at  
Senior Meadows Retirement Residence*

Senior Meadows is proud to introduce our new Wellness Clinic—providing a new standard of quality care for residents. Operated by Senior Home Care, the Wellness Clinic offers an array of health care services right here within Senior Meadows.

From professional nursing care to medical equipment, the Wellness Clinic can provide and coordinate all aspects of your health care. As a licensed home health agency, Senior Home Care can help ensure your good health through programs and services designed to keep you feeling well and able to remain independent.

Medicare and private duty nurses, on-site physician visits, podiatry and other specialized medical professionals are available on-site through the coordinated approach offered by Senior Home Care.

It's an integrated approach to quality health care designed to encourage your independence. You're invited to call for an appointment or visit your Care Coordinator during clinic hours.



Senior Home Care's goal is to compassionately and professionally coordinate and provide ancillary services and products needed by senior citizens in their homes, allowing them the dignity of independence and the pleasure of participation in the joys of life.

For additional information about home care services or medical equipment, please feel free to contact us.



**Senior Home Care, Inc.**

at



**SENIOR MEADOWS  
RETIREMENT RESIDENCE**

1601 Southeast 24th Road  
Ocala, Florida 34471

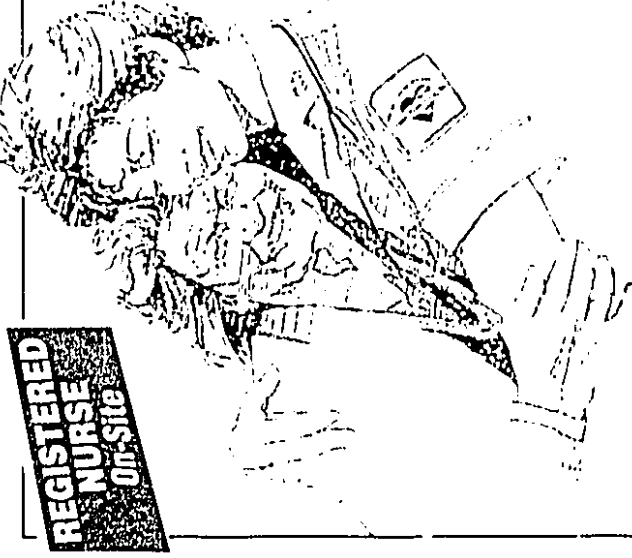
**(904) 622-9280**

Fax (904) 622-3763

Senior Meadows Retirement Residence is a Licensed A.C.L.F. and is professionally managed by Adult Care Management Corporation, Clearwater, Florida

Florida License No. 0007428

## A New Standard in Quality Health Care Comes to Senior Meadows



**REGISTERED  
NURSE  
On-Site**



**Senior Home Care, Inc.**



**(904) 622-9280**

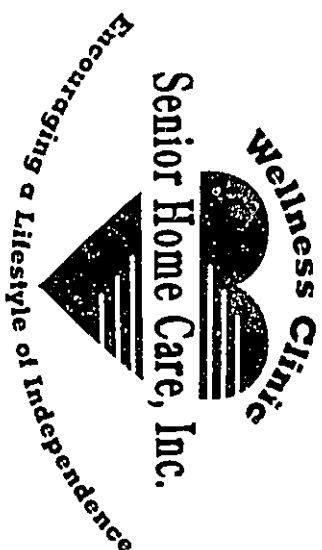
*Encouraging a Lifestyle of Independence*

# Senior Home Care... Encouraging a Lifestyle of Independence

Your Wellness Clinic Coordinator, a licensed registered nurse, will be able to help with the following...

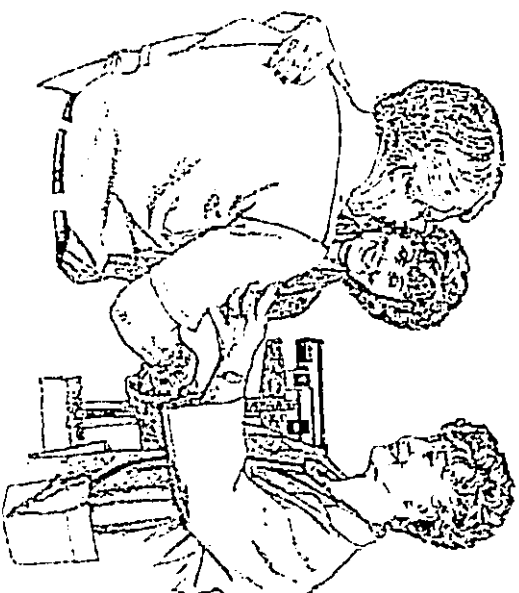
- Skilled Nurse Services
- Private Duty Nursing
- Physical, Speech and Occupational Therapies
- Mental Health Programs
- Infusion Therapy
- Pain Management
- Wound Care
- Podiatry
- Physician Clinic Services
- Pharmaceutical Needs
- Hearing Aides
- Long Term Care Insurance
- Transportation for Medical Appointments
- Hospital and Nursing Home Care
- Medical Equipment

**Call Senior Home Care's  
Wellness Clinic at  
(904) 622-9280**



## Durable Medical Equipment

- Adjustable Hospital Beds
- Incontinent Care Products
- Health Care Products
- Walkers, Wheelchairs, etc.



## Skilled Services

- Medication Administration and Insulin Injections
- Blood Pressure, Sugar and Weight Monitoring
- Pre-diagnostic Education
- Post Cataract and Dental Care
- Enema, Suppositories and Catheter Care
- Coordination with any Skilled Service Provider

## Personal Care and Companion Services

- Bathing and Bathroom Assistance
- Transportation and Ambulation Assistance
- Companionship and Emotional Support
- Escort for Shopping and Doctors Appointments
- Wardrobe Coordination and Dressing Assistance