

**UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

In Re the Application of:)	
)	
Applicant: Space Exploration Technologies Corp.)	
)	Examining Atty: Joanna E. H. Fiorelli
Mark: STARSHIP)	
)	Law Office: 105
Serial No.: 88/201,852)	
)	
Class: 39)	
)	
Filed: November 20, 2018)	
_____)

RESPONSE TO OFFICE ACTION

In response to the Office Action issued February 22, 2019 in connection with the above-captioned application (the “Application”) to register the mark STARSHIP (“Applicant’s Mark”), Space Exploration Technologies Corp. (“Applicant”), by and through counsel, submits the following.

I. IDENTIFICATION OF SERVICES

Pursuant to the Examining Attorney’s request for Applicant to add specificity to the description of services covered by the Application, Applicant hereby amends the services as follows:

Class 39: Launch services, namely, launching **of rockets carrying** the payloads of others into space

II. PRIOR PENDING APPLICATIONS

The Examiner has indicated that if U.S. Application Serial Nos. 79/179,606, 79/182,174, 86/697,278, and 86/697,301 mature to registration, the Application may be refused because of a likelihood of confusion with the registered marks. Application Serial No. 86/697,301 has been abandoned, and accordingly cannot serve as a bar to registration of Applicant’s Mark. The

remaining applications have recently matured to registration (the “STARSHIP Registrations”), but any refusal on likelihood of confusion grounds would be unwarranted. Applicant respectfully submits that Applicant’s Mark, when viewed in connection with the services covered by the Application, is highly unlikely to be confused with the STARSHIP Registrations.

Applicant is an industry-defining aerospace technology company, and is engaged in the launching of payloads (e.g. satellites) of others into space. The launch service industry is a niche industry, and necessarily caters only to an exclusive market of highly sophisticated companies and governments in need of launch services for space technology. Indeed, Applicant’s customers are among the most sophisticated, knowledgeable, and discerning in the world. Applicant’s customers also exercise a high degree of care when making purchasing decisions. Launch services are expensive, and concern launching payloads worth many millions of dollars—decisions about whether to purchase Applicant’s services are thus not undertaken lightly.

In contrast, the services covered by the STARSHIP Registrations concern, in relevant part, “transport, delivery and shipping of goods.” Shipping and delivery of goods is a very different industry from launching payloads, primarily satellites, into space. Companies that engage in such services, for example FedEx or Postmates, do not provide launch services, and vice versa. Given the vast differences between the parties’ offerings, and the inherently niche and expensive nature of launch services, marketplace realities are such that consumer confusion is highly unlikely to occur.

III. CONCLUSION

Applicant has addressed the issues raised by the Examining Attorney in the Office Action issued February 22, 2019. In view of the foregoing, Applicant believes that the Application is in

condition for publication. Favorable action is hereby requested.

Respectfully submitted,

Date: August 22, 2019

/Judd D. Lauter /

Brendan J. Hughes

Judd D. Lauter

COOLEY LLP

1299 Pennsylvania Ave., NW, Suite 700

Washington, D.C. 20004

Tel: (202) 842-7800

Fax: (202) 842-7899

Email: trademarks@cooley.com

*Counsel for Space Exploration Technologies
Corp.*