

SKP4-59403
Application No. 88/017,454
OXLEY
REMARKS

This Supplemental Amendment is being filed supplementarily to the Amendment filed on March 15, 2019.

There is an additional strong reason showing that there is no likelihood of confusion between applicant's mark and the prior cited Registration No. 5528231 for OXLEY'S EXTRA and Design, copy attached. The reasons are as follows.

On December 15, 2009, the US Trademark Office issued Registration No. 3,726,257, copy attached, for OXLEY and Design, for spirits, in particular gin and gin-based beverages, in Class 33. Approximately 8 years later, the owner of the OXLEY'S EXTRA and Design mark filed its Application No. 87/606,504 for OXLEY'S EXTRA and Design, for non-alcoholic cocktail mixes, in Class 32. During the short prosecution of that application, the Trademark Office did not cite the earlier '257 registration (or any other registrations or applications) against the OXLEY'S EXTRA '504 application. This means that the Trademark Office concluded that there was no likelihood of confusion between the '257 registration for OXLEY and Design for gin and gin-based beverages in Class 33 and the OXLEY'S EXTRA mark for non-alcoholic cocktail mixes in Class 32. Since in 2017 the Trademark Office concluded that there was no likelihood of confusion between OXLEY'S EXTRA for non-alcoholic cocktail mixes in Class 32 and OXLEY and Design for gin and gin-based beverages in Class 33, that is very strong evidence that there is no likelihood of confusion in 2019 between applicant's OXLEY mark for gin and gin-based beverages in Class 33 and registrant's OXLEY'S EXTRA mark in Class 32. In other words, if there was no likelihood of confusion between the '257 registration and the '504 application in 2017, there can be no likelihood of confusion between the '231 registration and applicant's '454 application today. Since all open items have now been resolved, it is requested that the application now be passed to publication.