

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Atty Docket No.:	008538.00028
Cerro Flow Products LLC	Law Office:	115
App. No.: 88/352616	Examining Attorney:	Andrea B. Cornwell
Filed: March 22, 2019		
For: CERROPRESS		

REQUEST FOR RECONSIDERATION

This request is submitted in reply to the final Office Action dated December 23, 2019. Registration of the subject mark has been refused on the basis of a likelihood of confusion with the marks in U.S. Registration Nos. 0809128, 1436193, 1876320, 1899570, 0421355, 2560290, 1816614, and 0411840, all owned by the same registrant, Marmon Tubing, Fittings & Wire Products, Inc. (the “Registrant”).

As a threshold matter, Applicant notes that Registration No. 1876320, 0421355, and 0411840 are cancelled. TESS Records attached as Exhibit A. Applicant respectfully requests that the refusal with respect to these registrations be withdrawn.

Regarding the remaining active registrations, Applicant asserts that a §2(d) refusal is inappropriate because Applicant and Registrant, though separate legal entities, constitute a single source.

TMEP 1201.07(b)(i) provides that “if the applicant or the applicant’s attorney represents that either the applicant or the registrant owns all of the other entity, and there is no contradictory evidence, then the examining attorney should conclude that there is unity of control, a single source, and no likelihood of confusion.” That section of the TMEP continues that “this would apply to an individual who owns all the stock of a corporation, and to a corporation and a wholly owned subsidiary or a subsidiary of a wholly owned subsidiary,” and that “[i]n this circumstance, additional representations or declarations should generally not be required, absent contradictory evidence.”

Applicant’s attorney hereby represents Registrant owns all of Applicant. More specifically, Applicant’s attorney hereby represents Applicant is a wholly owned subsidiary of Registrant. Because there is no contradictory evidence, additional representations or declarations should not be required. *See* TMEP 1201.07(b)(i).

In view of the relationship between Applicant and Registrant, Applicant respectfully requests that the Examining Attorney conclude there is unity of control, a single source, and no likelihood of confusion.

With submission of this response, it is believed that this application will be in condition for publication. Such action is respectfully requested.

Respectfully submitted,
Helen Hill Minsker
Banner & Witcoff, Ltd.
71 South Wacker Drive, Suite 3600
Chicago, Illinois 60606
Tel: (312) 463-5000
Email: bwptotm@bannerwitcoff.com