

October 15, 2013

VIA TEAS

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attn: Shaila E. Lewis, Esq.
Examining Attorney, Law Office 114

Re: Response to July 23, 2013 Office Action issued in connection
with Application of Chapter 4 Corp. to Register the Mark
SUPREME Logo in cl. 25, Appl. Serial No. 85/868,093

Dear Ms. Lewis:

In response to the Office Action issued on July 23, 2013 (hereinafter “Office Action”), Chapter 4 Corp (hereinafter “Applicant”) respectfully requests reconsideration of the above-referenced Application (hereinafter “Application”) for the mark SUPREME Logo (hereinafter “Mark”) in view of the following Remarks.

REMARKS

In the Office Action, the Examining Attorney initially refused registration of the Mark on the ground that “the word ‘supreme’ is descriptive because it is laudatory and means ‘of the highest quality’... [and] [w]hen this word is used on or in connection with clothing, it immediately conveys to consumers that applicant’s goods are ‘of the highest quality,’ which is a laudatory use of the term” (hereinafter “the §2(e)1 Objection”).

Applicant respectfully submits that the term SUPREME is not descriptive or laudatory as used in connection with clothing and therefore finds the §2(e)1 Objection is unwarranted. Specifically, it appears the Examiner has not taken into consideration that Applicant is also the owner of U.S. Trademark Registration No. 4,157,110 for the mark SUPREME® in cl. 25 which issued on the Principal Register without any descriptive treatment.

Given that Applicant already owns a Principal Registration for the same mark in the same class, and considering that the USPTO had not raised any descriptiveness issues during the pendency of the prior application for such Mark, it is clear that the USPTO has taken the position that the term SUPREME is not descriptive or laudatory with respect to clothing. Therefore, Applicant should likewise be entitled to Principal Registration for such Mark in connection with goods in the same class.

Accordingly, in light of the aforementioned circumstances, it is respectfully requested that the §2(e)1 Objection be forthwith withdrawn.

CONCLUSION

In view of submission of the aforesaid Remarks responsive to the issues raised in the Office Action, Applicant believes that the instant Application is now in condition for publication. Favorable action is therefore solicited.

