

WILLIAM L. WORDEN

100 Summer Street #2250
Boston, MA 02110

P 617.488.8103
F 617.824.2020
wworden@pierceatwood.com
pierceatwood.com

Admitted in: MA, ME

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Attention: Jennifer Hazard Dixon
Trademark Examining Attorney
Law Office 110

Re: Trademark Application Serial No. 85/952,677
Applicant: Fairchild Semiconductor Corporation
Mark: RAZOR
Goods: Semiconductor devices in Class 9

Response to Office Action

This is in response to the Office Action dated September 19, 2013 in which the Examining Attorney refused registration of Applicant's RAZOR mark on grounds of likelihood of confusion with the mark in U.S. Registration No. 2,861,793.

Applicant has carefully considered the Office Action and in view of the following remarks, respectfully requests Examining Attorney approve Applicant's RAZOR mark for publication in the *Official Gazette*.

Refusal Based on Trademark Act Section 2(d)

Applicant respectfully submits there is no likelihood of confusion between Applicant's RAZOR mark and the cited RAZERTHIN mark because of its distinct appearance, sound, connotation and overall commercial impression.

I. The RAZOR Mark is Different in Appearance, Sound, Connotation and Overall Commercial Impression

It is well established that deletions to marks may be sufficient to avoid a likelihood of confusion if the marks in their entireties convey significantly different commercial impression. TMEP § 1207.01(b)(iii). Here, Applicant's RAZOR mark and the cited RAZERTHIN mark convey significantly different commercial impression because of the deletion of the word THIN. *See*

Shen Mfg. Co. v. Ritz Hotel Ltd., 393 F.3d 1238, 1245, 73 USPQ2d 1350, 1356-57 (Fed. Cir. 2004) (holding THE RITZ KIDS creates a different commercial impression from RITZ).

This is especially true given the descriptive nature of the cited RAZERTHIN mark. As the Examining Attorney notes, the descriptive nature of RAZERTHIN is indicated by the fact that the mark is on the Supplemental Register. RAZERTHIN was found to be descriptive because it describes the characteristics of the associated goods, namely, that such goods are thin in form. By comparison, Applicant's RAZOR mark is not descriptive. It therefore creates an entirely different commercial impression because of the deletion of the word THIN.

Not only does Applicant's RAZOR mark have a distinct commercial impression, it also differs in appearance from the cited RAZERTHIN mark. As noted above, Applicant's RAZOR mark does not include the word THIN and RAZOR is spelled with an "O" instead of an "E." This distinguishes the two marks in terms of appearance and negates any likelihood of consumer confusion.

II. Amendment to Identification of Goods

Applicant believes RAZOR and RAZERTHIN are sufficiently different in terms of appearance, sound, connotation and commercial impression. However, to further establish that there is no likelihood of confusion, Applicant requests the Examining Attorney amend the identification of goods to state the following:

Semiconductor devices excluding light emitting diodes, photodiodes, laser diodes and silicon carbide semiconductor wafers.

III. Conclusion

Applicant believes that the above response adequately addresses the likelihood of confusion issue raised in the Office Action. Applicant therefore respectfully requests the Examining Attorney amend its identification of goods and approve its mark for publication in the *Official Gazette*.

Sincerely,

/s/ William L. Worden

Attorney for Applicant