

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the matter of

RUIFAN JAPAN LTD.

Examiner: Hai-Ly Lam

U.S. Serial No.: 86/207,747

Law Office 112

Filed: February 28, 2014

Mark: RAVE

**NO FEE**

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

Applicant's counsel is in receipt of the Office Action dated June 10, 2014. After careful consideration of its contents and correspondence with applicant, counsel responds as follows.

**AMENDMENT**

Please enter the following amendments.

**International Class 11:**

Operable lighting apparatus by radio for use in disaster prevention; lighting apparatus for use in disaster prevention; operable lighting apparatus by radio for outdoor use; lighting apparatus for outdoor use; operable lighting apparatus by radio using chemoluminescence object; lighting apparatus using chemoluminescence object; lighting apparatus.

**International Class 28:**

Toys, namely, toy lights; dolls; and fishing tackle.

**REMARKS**

Applicant has amended its identification of goods in order to define its intended use with more specificity and to comply with U.S. Trademark Office rules and requirements. Pursuant to the Examining Attorney's request, submitted herewith is a new application Declaration executed by applicant to support the application which was initially filed electronically and was unsigned.

The instant applicant is pending under Section 1(b) and Section 44(d) based on Japanese Application Serial No. 2013-068917 filed September 2, 2013. The home country application has not yet matured to registration. Applicant wishes to maintain its dual filing bases at this time. After all informalities have been addressed, applicant respectfully requests that the U. S. application be suspended pending applicant's submission of the foreign registration.

The Examining Attorney has requested additional information regarding the nature of applicant's use of the mark. Applicant will submit such information as soon as it becomes available.

The Examining Attorney has initially refused registration under Trademark Act Section 2(d), citing the following registrations and further indicating that applicant's proposed mark for the intended goods could be viewed as confusingly similar to the cited registrations. However, taking into account the cited registrations co-exist on the Federal Register at this time for their respective goods, it is believed applicant's mark RAVE for its defined goods in Classes 11 and 28 can co-exist with the following registrations because it is unlikely there would be any likelihood of confusion in this particular case.

Two of the registrations noted by the Examining Attorney are owned by Revel Match LLC, namely, RAVE SPORTS (Reg. No. 3,629,832) and RAVE (Reg. No. 4,258,257). Both marks are for goods in Class 28, none of which would overlap with applicant's Class 28, now amended to read "toys, namely, toy lights; dolls; and fishing tackle."

The Examiner has also cited the mark RAVE RAZOR (Reg. No. 2,011,071) owned by Bandai Namco Games Inc. for goods in Class 28 described as "coin-operated amusement game machines." Once again, there is no proximity or overlap with the applicant's Class 28 goods, as amended.

With respect to the citation of RAVE & Design (Reg. No. 3,679,343) owned by CJ Youngblood Enterprises, Inc., this mark is for Class 28 goods described as "remote control toys, namely, helicopters and related parts and accessories, sold separately and as units." There is no overlap with this registrant's goods in Class 28 and applicant's Class 28 goods, as amended.

Finally, RAVE (Reg. No. 3,202,969) owned by Heartland Tanning, Inc., is for goods in Class 11 described as "tanning lamps." Once again, there is no overlap with this registrant's goods and applicant's goods, as amended.

While all the cited marks and applicant's mark share the term RAVE, under any analysis connected to Section 2(d) of the Trademark Act, a comparison of the marks must also be balanced with a comparison of the goods or services connected to the respective marks. In this case, the channels of trade and end customers would not appear to overlap, and therefore a likelihood of confusion would be highly unlikely in this case.

Based on the foregoing, it is requested the Examining Attorney withdraw reference to the cited registrations.

If any further information is required, the Examining Attorney is requested to contact undersigned counsel by telephone.

Respectfully submitted,

RUIFAN JAPAN LTD.



By:

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Dated: December 10, 2014