IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	The Goodyear Tire & Rubber Company)
Trademark:	REMINGTON)
Serial Number:	86/674004)
Filed:	June 25, 2015))

Law Office 113

Trademark Attorney: Kimberly Frye

Commissioner for Trademarks P O Box 1451 Alexandria, Virginia 22313-1451

Response to Office Action

In response to the Office Action dated August 19, 2015, Applicant respectfully asks the Trademark Examining Attorney to reconsider and withdraw the refusal to register the above identified mark for the reasons set forth below.

Section 2(d) Refusal: Likelihood of Confusion

The Trademark Examining Attorney cites U.S. Registration No. 0530345 for the trademark REMINGTON for "pneumatic tires" (the "'345 Registration") against applicant's REMINGTON mark for "tires." In initially refusing registration, the Examining Attorney states that applicant's mark, when used on or in connection with the identified goods, so resembles the cited mark as to be likely to cause confusion, mistake, or to deceive.

Applicant does not dispute that the marks are similar and that the goods and services represented by the two marks are related. However, on October 1, 2015, the '345 Registration and subject REMINGTON mark were assigned to applicant. This assignment is available at Reel/Frame 5662/0001, which was recorded on November 5, 2015. Because applicant now owns the cited registration and mark, there is no likelihood of confusion. For this reason, the applicant respectfully asks the Examining Attorney to withdraw the refusal under Section 2(d).

Refusal: Mark is Primarily a Surname

Registration for applicant's mark is also refused on the ground that the applied-for mark is primarily merely a surname. However, the mark has become distinctive of the goods or services as evidenced by the ownership of the active Registration '345 on the Principal Register for the same mark for the same goods. TMEP §1212.04. Therefore, applicant respectfully asks the Examining Attorney to withdraw the refusal based on surname grounds.

For the reasons stated above, applicant asks that the Examining Attorney withdraw the refusal and approve this mark for publication in the Official Gazette.

Respectfully submitted,

THE GOODYEAR TIRE & RUBBER COMPANY

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