

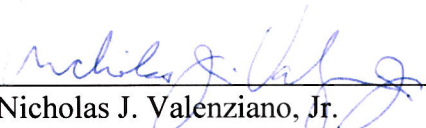
Refusal: Mark is Primarily a Surname

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

By  _____
Nicholas J. Valenziano, Jr.
Senior Counsel – Intellectual Property
200 Innovation Way
Akron, Ohio 44316-0001
Phone: (330) 796-3988