

This Application has been partially refused registration under Section 2(d), based on a likelihood of confusion with the marks shown in Registration Nos. 4637731, 4253781 and 4138306 (“Cited Marks.”)

The Trademark Trial & Appeal board has long held that the existence of a related company relationship between an applicant and a registrant (specifically, a “single source” and a “unity of control”) can obviate a likelihood of confusion. See *In re Wella A.G.*, 5 USPQ2d 1359, 1361 (TTAB 1987); see also *In re Wacker Neuson SE*, 97 USPQ2d 1408 (TTAB 2010) (finding that the record made clear that the parties were related and that the goods and services were provided by the applicant).

Here, Applicant and the registrants are related entities and constitute a “single source”. Specifically, with respect to SeaWorld Entertainment, Inc., the Applicant is a wholly owned subsidiary of the registrant. With respect to SeaWorld Parks & Entertainment LLC, it is also a wholly owned subsidiary of SeaWorld Entertainment, Inc. Moreover, a "unity of control" exists over the use of the Cited Marks. See *In re Wella A.G.*, 5 USPQ2d 1359, 1361 (TTAB 1987).

This close relationship between the Applicant and the registrants will obviate any likelihood of confusion in the public mind. In addition, because Applicant's name (SeaWorld LLC) and the registrants' names (SeaWorld Entertainment Inc. and SeaWorld Parks & Entertainment LLC) all begin with the dominant and source-identifying wording SEA WORLD, purchasers would believe that the services in question emanate from a single source. As such, the Section 2(d) refusal can safely be withdrawn and the Application proceed to registration on the Principal Register.