

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: :
App. Ser. No. 87/702588 : Trademark Attorney
Applicant: Advance Magazine Publishers Inc. : Sahar Nasserghodsi
Mark: VOGUE : Law Office 115
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I. REMARKS

In the Office Action dated March 15, 2018 (“Office Action”), the Examining Attorney refused registration of the Applicant’s Mark under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), based on the conclusion that Applicant’s mark “VOGUE” is likely to be confused with the mark shown in U.S. registration number 3368931.

Applicant respectfully disagrees with the Examining Attorney’s opinion that the Applicant’s Mark is likely to be confused with the registered mark “EVOGUE”. In addition, Applicant is hereto responding to Examining Attorney’s requests for an amendment of classification of goods. For the reasons provided herein, Applicant respectfully requests that the Examining Attorney approve the Application for registration.

II. LIKELIHOOD OF CONFUSION

The cited registration with registration No. 3368931 expired on January 18, 2018 due to failing to file a Declaration of Use under Section 8 and 9 of Trademark Act. Moreover, a grace period for such filing expired on July 16, 2018. Therefore, Section 2(d) refusal should be withdrawn and Applicant’s application should be approved for publication. Based on such, Applicant does not wish to submit arguments in connection with the said registration.

Notwithstanding, Applicant reserves the right to address the issue later if the referenced registration revives.

III. AMENDMENT OF CLASSIFICATION OF GOODS

Based on the Examining Attorney's suggestion, the Applicant wishes to amend the description on the record as follows:

Class 9: Tech accessories, namely, device cases in the nature of cases adapted to contain mobile phones and tablet computers; covers for cell phones and tablet computers.

CONCLUSION

In light of the foregoing, Applicant respectfully requests that its Application Serial No. 87/702588 be cleared for publication. If the Examining Attorney has any further questions regarding this application, Applicant respectfully notes that the Examining Attorney may contact the undersigned at the telephone number provided below.

Respectfully,

ADVANCE LEGAL
One World Trade Center, 44th Flr
New York, New York 10007
(Attorneys for Applicant)

By: /s/Natasa Colovic
Natasa Colovic

Dated: July 18, 2018
Telephone: (212) 286-8310