

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79168382
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/79168382/large
LITERAL ELEMENT	HAY DAY
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	The color(s) green, dark brown, light brown and yellow is/are claimed as a feature of the mark.

ARGUMENT(S)

The Examining Attorney cites Registration No. 3399120 of the mark HEYDAY covering “footwear; clothing, namely t-shirts as a blocking mark as to Class 25 only. Applicant respectfully submits that confusion with the cited mark is unlikely for the reasons discussed below.

I. The Goods as Amended Are Not Closely Related

Applicant has amended its identification of goods in Class 25 to cover just the following:

Class 25: Clothing, footwear, headgear; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats all the aforementioned to promote a computer game.

The remaining goods are not closely related to those covered by the cited mark. A clothing line specifically geared towards the promotion of a computer game will not be confused with a popular line of shoes, sneakers and t-shirts for weight-lifting, body building and training as provided by Registrant. See the attached printout from TSDR showing the specimen of use provided. The only way to find a relationship between these goods is to lump them into an overbroad relatedness category, such as “clothing,” a practice which the C.C.P.A. and other tribunals have cautioned the P.T.O. against doing. *See, e.g., Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151 (C.C.P.A. 1978) (RED ZINGER for herbal tea not confusingly similar to the ZINGER snack cake). A clothing line for a specific computer game and shoes for bodybuilding are not related in any commercially meaningful manner.

II. The Marks Are Different

There are noticeable differences between the marks. The cited mark is HEYDAY. Consumers will automatically think of the word’s meaning which is high spirits or the period of one’s greatest popularity, vigor or prosperity. See Exhibit B. The term connotes great fortune or success that consumers will receive in using the goods of the registrant. By contrast, Applicant’s mark is HAY DAY, which may make a consumer think of a farm or barn as one would associate with hay. Indeed, the computer game under this mark is a mobile farming game. Marks which have such different connotations are often held not confusingly similar, even when applied to the same types of goods or services. *See, e.g., Safeway Stores Inc. v. The Bell Canto Fancy Foods Ltd.*, 5 U.S.P.Q.2d 1980, 1982 (T.T.A.B. 1987)(finding no likelihood of confusion between BEL ARIA for food products and BEL-AIR for frozen food products).

Further, Applicant’s mark includes a design feature. Specifically, the words HAY and DAY are in a neon green color outlined in yellow and brown with a large blade of wheat intertwined between the two words. Registrant’s mark lacks any such design feature. To ignore the design element in Applicant’s mark is improper. *See, e.g., In re Produits de Beaute - Parfums Jean D’Aveze*, 225 U.S.P.Q. 283, 284 (T.T.A.B. 1984) (holding applicant’s word mark CREME DE JOUVENECE plus a bird design not confusingly similar to word mark JUVENANCE for identical toiletry products, and criticizing the blocking citation as “a classic example of improper dissection of marks”). The differences between the marks in spelling and design will alert consumers that the goods come from different and unrelated sources.

III. The Consumers are Sophisticated

Those who would seek out registrant's goods are presumably sophisticated about the source of those goods specifically bodybuilding and training and t-shirts. Similarly, those who will download the mobile computer game and purchase items clothing items associated with the game of Applicant will be knowledgeable and discriminating. Neither good is the kind normally purchased on impulse.

The Federal Circuit has cautioned the P.T.O. not to overlook the great importance of consumer sophistication in deciding whether confusion is likely. The decision in *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 21 U.S.P.Q.2d 1388 (Fed. Cir. 1992) is instructive. The Federal Circuit there held that confusion was unlikely between E.D.S. for computer services and EDS for power supplies and battery chargers because the buyers were sophisticated commercial purchasers. The Federal Circuit strongly stressed that the sophistication of discriminating customers is an extremely important likelihood of confusion factor, even in cases where the marks are identical. Indeed, the Court reversed the Board's finding of likely confusion because the Board "apparently failed to consider, and certainly failed to address, the sophistication of buyers." 21 U.S.P.Q.2d at 1392. Here, as discussed above, the marks are not even identical.

With the above, Applicant respectfully requests that the Examining Attorney withdraw the cited mark as an obstacle to registration and approve the instant application for publication.

GOODS AND/OR SERVICES SECTION (006)(current)

INTERNATIONAL CLASS	006
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DESCRIPTION

Chains and rings of common metal; statuettes of common metal; non-electric locks of metal; trophies of common metal; nameplates of common metal; rings and chains of common metal for keys

GOODS AND/OR SERVICES SECTION (006)(proposed)

INTERNATIONAL CLASS	006
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DESCRIPTION

Chains and rings of common metal; statuettes of common metal; non-electric locks of metal; trophies of common metal; nameplates of common metal; rings and chains of common metal for keys

GOODS AND/OR SERVICES SECTION (009)(current)

INTERNATIONAL CLASS	009
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DESCRIPTION

Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; downloadable publications; decorative magnets; portable flash memory devices; belts and straps for carrying electronic apparatus; electric power supplies

GOODS AND/OR SERVICES SECTION (009)(proposed)

INTERNATIONAL CLASS	009
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TRACKED TEXT DESCRIPTION

~~Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets;~~ Fitted Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; ~~downloadable publications;~~ downloadable electronic publications in the nature of magazines and books in the field of computer games; decorative magnets; ~~portable flash memory devices;~~ portable blank flash memory card; ~~belts and straps for carrying electronic apparatus;~~ straps for electronic apparatus, namely, telephones, mobile phones, computers, portable computers, cameras, and tablets; ~~electric power supplies;~~ electrical power supplies

FINAL DESCRIPTION

Fitted Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; downloadable electronic publications in the nature of magazines and books in the field of computer games; decorative magnets; portable blank flash memory card; straps for electronic apparatus, namely, telephones, mobile phones, computers, portable computers, cameras, and tablets; electrical power supplies

GOODS AND/OR SERVICES SECTION (016)(current)

INTERNATIONAL CLASS	016
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DESCRIPTION

Paper and cardboard; comic books; newspapers, photographs, magazines, books, printed periodicals, newsletters, notebooks, and brochures; computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; notebook, calendar and card covers; packing paper,

wrapping paper and packaging materials; cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; cards, post cards, collectable cards, trading cards; paper signs

GOODS AND/OR SERVICES SECTION (016)(proposed)

INTERNATIONAL CLASS

016

TRACKED TEXT DESCRIPTION

Paper and cardboard; comic books; ~~newspapers, photographs, magazines, books, printed periodicals, newsletters, notebooks, and brochures;~~ [newspapers, photographs, general feature magazines](#) , [books in the field of computer games, printed periodicals in the field of computer games, newsletters in the field of computer games, notebooks, and brochures in the field of computer games](#); computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; ~~notebook, calendar and card covers;~~ [notebook, calendar and business card covers](#); ~~packing paper, wrapping paper and packaging materials;~~ [packing paper, wrapping paper and packaging materials namely paper bags for packaging](#); cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; ~~cards, post cards, collectable cards, trading cards;~~ [cards, namely business cards and greeting cards, post cards, collectable cards, trading cards](#); ~~paper signs;~~ [printed paper signs](#)

FINAL DESCRIPTION

Paper and cardboard; comic books; newspapers, photographs, general feature magazines , books in the field of computer games, printed periodicals in the field of computer games, newsletters in the field of computer games, notebooks, and brochures in the field of computer games; computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; notebook, calendar and business card covers; packing paper, wrapping paper and packaging materials namely paper bags for packaging; cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; cards, namely business cards and greeting cards, post cards, collectable cards, trading cards; printed paper signs

GOODS AND/OR SERVICES SECTION (018)(current)

INTERNATIONAL CLASS

018

DESCRIPTION

Bags; all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; textile shopping bags; hand bags; luggage bags; school bags

GOODS AND/OR SERVICES SECTION (018)(proposed)

INTERNATIONAL CLASS

018

TRACKED TEXT DESCRIPTION

~~Bags;~~ all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; [textile, shopping bags](#); ~~textile shopping bags~~; hand bags; [luggage](#); ~~luggage bags~~; school bags

FINAL DESCRIPTION

all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; textile, shopping bags; hand bags; luggage; school bags

GOODS AND/OR SERVICES SECTION (020)(current)

INTERNATIONAL CLASS

020

DESCRIPTION

Furniture; sculptures made from plastic, glass or porcelain; mobiles being decorative articles; storage boxes made from wood; decorative wooden objects; baskets, not of metal; trophies of plastic; nameplates, not of metal; figures made of plastics

GOODS AND/OR SERVICES SECTION (020)(proposed)

INTERNATIONAL CLASS

020

TRACKED TEXT DESCRIPTION

Furniture; ~~sculptures made from plastic, glass or porcelain;~~ [sculptures made from plastic](#); mobiles being decorative articles; storage boxes made from wood; ~~decorative wooden objects;~~ [decorative wooden objects, namely figures made of wood](#); ~~baskets, not of metal;~~ [baskets, not of metal, namely baskets for storing goods](#); trophies of plastic; nameplates, not of metal; figures made of plastics

FINAL DESCRIPTION

Furniture; sculptures made from plastic; mobiles being decorative articles; storage boxes made from wood; decorative wooden objects, namely

figures made of wood; baskets, not of metal, namely baskets for storing goods; trophies of plastic; nameplates, not of metal; figures made of plastics

GOODS AND/OR SERVICES SECTION (021)(current)

INTERNATIONAL CLASS 021

DESCRIPTION

Household or kitchen utensils and containers; mugs; bottles and vacuum bottles; statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

GOODS AND/OR SERVICES SECTION (021)(proposed)

INTERNATIONAL CLASS 021

TRACKED TEXT DESCRIPTION

~~Household or kitchen utensils and containers;~~ [Household or kitchen utensils, namely, rolling pins, spatulas, turners, scoops, and whisks;](#) [containers for household or kitchen use;](#) ~~bottles and vacuum bottles;~~ mugs; [bottles and vacuum bottles sold empty;](#) statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

FINAL DESCRIPTION

Household or kitchen utensils, namely, rolling pins, spatulas, turners, scoops, and whisks; containers for household or kitchen use; mugs; bottles and vacuum bottles sold empty; statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

GOODS AND/OR SERVICES SECTION (025)(current)

INTERNATIONAL CLASS 025

DESCRIPTION

Clothing, footwear, headgear; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats

GOODS AND/OR SERVICES SECTION (025)(proposed)

INTERNATIONAL CLASS 025

TRACKED TEXT DESCRIPTION

~~Clothing, footwear, headgear;~~ [footwear, headgear, namely, beanies;](#) T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; ~~caps and hats;~~ [caps and hats all the aforementioned to promote a computer game](#)

FINAL DESCRIPTION

footwear, headgear, namely, beanies; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats all the aforementioned to promote a computer game

GOODS AND/OR SERVICES SECTION (026)(current)

INTERNATIONAL CLASS 026

DESCRIPTION

Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; barrettes hair-slides, hair pins, and hair ties; hat pins; button badges and pins; trimmings for clothing; shoe ornaments, not of precious metal; brassards; buttons; belt buckles

GOODS AND/OR SERVICES SECTION (026)(proposed)

INTERNATIONAL CLASS 026

TRACKED TEXT DESCRIPTION

Lace and embroidery, ribbons and braid; ~~buttons, hooks and eyes, pins and needles;~~ [buttons, hooks and eyes, ornamental novelty pins and needles;](#) barrettes hair-slides, hair pins, and hair ties; hat pins; ~~button badges and pins;~~ [ornamental novelty button badges and pins;](#) ~~trimmings for clothing;~~ [trimmings for clothing, namely, lace trimmings, and ornamental novelty badges;](#) shoe ornaments, not of precious metal; brassards; buttons; belt buckles

FINAL DESCRIPTION	
Lace and embroidery, ribbons and braid; buttons, hooks and eyes, ornamental novelty pins and needles; barrettes hair-slides, hair pins, and hair ties; hat pins; ornamental novelty button badges and pins; trimmings for clothing, namely, lace trimmings, and ornamental novelty badges; shoe ornaments, not of precious metal; brassards; buttons; belt buckles	
GOODS AND/OR SERVICES SECTION (028)(current)	
INTERNATIONAL CLASS	028
DESCRIPTION	
Action figures; play sets for action figures; toys, games and playthings; game cards; non-electric hand-held action skill games; soft dolls; toys, stuffed toys, water toys, wooden toys, toys made of plastics; children's multiple activity toys; puzzles; balloons; playing cards; bags, cases and sleeves for storing and carrying apparatus for games	
GOODS AND/OR SERVICES SECTION (028)(proposed)	
INTERNATIONAL CLASS	028
TRACKED TEXT DESCRIPTION	
Action figures; play sets for action figures; toys, games and playthings ; game cards; non-electric hand-held action skill games; soft dolls; <u>toys, stuffed toys, water toys, wooden toys, namely, mechanical and battery operated action toys, toy weapons, toys made of plastics, namely, mechanical and battery operated action toys, toy weapons</u> ; toys, stuffed toys, water toys, wooden toys, toys made of plastics ; children's multiple activity toys; puzzles; balloons; playing cards; <u>bags, cases and sleeves specially adapted for storing and carrying apparatus for games, namely, hand held units for playing computer games, joysticks, and game consoles</u> ; bags, cases and sleeves for storing and carrying apparatus for games	
FINAL DESCRIPTION	
Action figures; play sets for action figures; game cards; non-electric hand-held action skill games; soft dolls; toys, stuffed toys, water toys, wooden toys, namely, mechanical and battery operated action toys, toy weapons, toys made of plastics, namely, mechanical and battery operated action toys, toy weapons; children's multiple activity toys; puzzles; balloons; playing cards; bags, cases and sleeves specially adapted for storing and carrying apparatus for games, namely, hand held units for playing computer games, joysticks, and game consoles	
ADDITIONAL STATEMENTS SECTION	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the green stylized wording "HAY DAY" with yellow and light brown outlining and dark brown shadowing with a yellow stalk of wheat with light brown and dark brown outlining with the leaves and stalk appearing on the left side of the wording and the grains appearing on the rights side of the wording.
NEW ATTORNEY SECTION	
NAME	Karin Segall
FIRM NAME	Leason Ellis LLP
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	05839/308603
OTHER APPOINTED ATTORNEY	Attorneys of Leason Ellis LLP
STREET	One Barker Avenue, Fifth Floor
CITY	White Plains
STATE	New York
ZIP/POSTAL CODE	10601-1526
COUNTRY	United States
PHONE	914-821-9072
FAX	914-288-0023
EMAIL	tmdocket@leasonellis.com
AUTHORIZED EMAIL COMMUNICATION	Yes

CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	ROSCHIER BRANDS, ATTORNEYS LTD. Keskuskatu 7 A FI-00100 Helsinki FI
NEW CORRESPONDENCE SECTION	
NAME	Karin Segall
FIRM NAME	Leason Ellis LLP
DOCKET/REFERENCE NUMBER	05839/308603
STREET	One Barker Avenue, Fifth Floor
CITY	White Plains
STATE	New York
ZIP/POSTAL CODE	10601-1526
COUNTRY	United States
PHONE	914-821-9072
FAX	914-288-0023
EMAIL	tmdocket@leasonellis.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/deirdreclarke/
SIGNATORY'S NAME	Deirdre A. Clarke
SIGNATORY'S POSITION	Attorney for Applicant - NY bar member
SIGNATORY'S PHONE NUMBER	914-821-3084
DATE SIGNED	12/31/2015
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Dec 31 13:53:57 EST 2015
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XX-2 0151231135357215923-79168 382-5505f108660414b71564f 88116d3cc06d75a4b4807f422 aa276f6f4c78494e3b0e4-N/A -N/A-20151231132457431726

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PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **79168382** HAY DAY (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/79168382/large>) has

been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney cites Registration No. 3399120 of the mark HEYDAY covering “footwear; clothing, namely t-shirts as a blocking mark as to Class 25 only. Applicant respectfully submits that confusion with the cited mark is unlikely for the reasons discussed below.

I. The Goods as Amended Are Not Closely Related

Applicant has amended its identification of goods in Class 25 to cover just the following:

Class 25: Clothing, footwear, headgear; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats all the aforementioned to promote a computer game.

The remaining goods are not closely related to those covered by the cited mark. A clothing line specifically geared towards the promotion of a computer game will not be confused with a popular line of shoes, sneakers and t-shirts for weight-lifting, body building and training as provided by Registrant. See the attached printout from TSDR showing the specimen of use provided. The only way to find a relationship between these goods is to lump them into an overbroad relatedness category, such as “clothing,” a practice which the C.C.P.A. and other tribunals have cautioned the P.T.O. against doing. *See, e.g., Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151 (C.C.P.A. 1978) (RED ZINGER for herbal tea not confusingly similar to the ZINGER snack cake). A clothing line for a specific computer game and shoes for bodybuilding are not related in any commercially meaningful manner.

II. The Marks Are Different

There are noticeable differences between the marks. The cited mark is HEYDAY. Consumers will automatically think of the word’s meaning which is high spirits or the period of one’s greatest popularity, vigor or prosperity. See Exhibit B. The term connotes great fortune or success that consumers will receive in using the goods of the registrant. By contrast, Applicant’s mark is HAY DAY, which may make a consumer think of a farm or barn as one would associate with hay. Indeed, the computer game under this mark is a mobile farming game. Marks which have such different connotations are often held not confusingly similar, even when applied to the same types of goods or services. *See, e.g., Safeway Stores Inc. v. The Bell Canto Fancy Foods Ltd.*, 5 U.S.P.Q.2d 1980, 1982 (T.T.A.B. 1987)(finding no likelihood of confusion between BEL ARIA for food products and BEL-AIR for frozen food products).

Further, Applicant’s mark includes a design feature. Specifically, the words HAY and DAY are in a neon green color outlined in yellow and brown with a large blade of wheat intertwined between the two words. Registrant’s mark lacks any such design feature. To ignore the design element in Applicant’s mark is improper. *See, e.g., In re Produits de Beaute - Parfums Jean D’Aveze*, 225 U.S.P.Q. 283, 284 (T.T.A.B. 1984) (holding applicant’s word mark CREME DE JOUVENECE plus a bird design not confusingly similar to word mark JUVENANCE for identical toiletry products, and criticizing the blocking citation as “a classic example of improper dissection of marks”). The differences between the marks in spelling and design will alert consumers that the goods come from different and unrelated sources.

III. The Consumers are Sophisticated

Those who would seek out registrant’s goods are presumably sophisticated about the source of those goods specifically bodybuilding and training and t-shirts. Similarly, those who will download the mobile computer game and purchase items clothing items associated with the game of Applicant will be knowledgeable and discriminating. Neither good is the kind normally purchased on impulse.

The Federal Circuit has cautioned the P.T.O. not to overlook the great importance of consumer sophistication in deciding whether confusion is likely. The decision in *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 21 U.S.P.Q.2d 1388 (Fed. Cir. 1992) is instructive. The Federal Circuit there held that confusion was unlikely between E.D.S. for computer services and EDS for power supplies and battery chargers because the buyers were sophisticated commercial purchasers. The Federal Circuit strongly stressed that the sophistication of discriminating customers is an extremely important likelihood of confusion factor, even in cases where the marks are identical. Indeed, the Court reversed the Board’s finding of likely confusion because the Board “apparently failed to consider, and certainly failed to address, the sophistication of buyers.” 21 U.S.P.Q.2d at 1392. Here, as discussed above, the marks are not even identical.

With the above, Applicant respectfully requests that the Examining Attorney withdraw the cited mark as an obstacle to registration and approve the instant application for publication.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 006 for Chains and rings of common metal; statuettes of common metal; non-electric locks of metal; trophies of common metal; nameplates of common metal; rings and chains of common metal for keys

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 006 for Chains and rings of common metal; statuettes of common metal; non-electric locks of metal; trophies of common metal; nameplates of common metal; rings and chains of common metal for keys

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; downloadable publications; decorative magnets; portable flash memory devices; belts and straps for carrying electronic apparatus; electric power supplies

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets;~~ Fitted Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; ~~downloadable publications;~~ downloadable electronic publications in the nature of magazines and books in the field of computer games; decorative magnets; ~~portable flash memory devices;~~ portable blank flash memory card; ~~belts and straps for carrying electronic apparatus;~~ straps for electronic apparatus, namely, telephones, mobile phones, computers, portable computers, cameras, and tablets; ~~electric power supplies;~~ electrical power supplies

Class 009 for Fitted Bags, cases and sleeves for storing and carrying telephones, computers, headphones, cameras covers for mobile phones, portable computers and tablets; headphones; downloadable electronic publications in the nature of magazines and books in the field of computer games; decorative magnets; portable blank flash memory card; straps for electronic apparatus, namely, telephones, mobile phones, computers, portable computers, cameras, and tablets; electrical power supplies

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 016 for Paper and cardboard; comic books; newspapers, photographs, magazines, books, printed periodicals, newsletters, notebooks, and brochures; computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; notebook, calendar and card covers; packing paper, wrapping paper and packaging materials; cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; cards, post cards, collectable cards, trading cards; paper signs

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: Paper and cardboard; comic books; ~~newspapers, photographs, magazines, books, printed periodicals, newsletters, notebooks, and brochures;~~ newspapers, photographs, general feature magazines, books in the field of computer games, printed periodicals in the field of computer games, newsletters in the field of computer games, notebooks, and brochures in the field of computer games; computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; ~~notebook, calendar and card covers;~~ notebook, calendar and business card covers; ~~packing paper, wrapping paper and packaging materials;~~ packing paper, wrapping paper and packaging materials namely paper bags for packaging; cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; ~~cards, post cards, collectable cards, trading cards;~~ cards, namely business cards and greeting cards, post cards, collectable cards, trading cards; ~~paper signs;~~ printed paper signs

Class 016 for Paper and cardboard; comic books; newspapers, photographs, general feature magazines, books in the field of computer games, printed periodicals in the field of computer games, newsletters in the field of computer games, notebooks, and brochures in the field of computer games; computer game instruction manuals; writing paper and envelopes; calendars; bookmarks; notebook, calendar and business card covers; packing paper, wrapping paper and packaging materials namely paper bags for packaging; cardboard boxes; party decorations made of paper; pens, erasers; posters, paper banners; figures made of paper; paper bags; sticker albums, stickers; cards, namely business cards and greeting cards, post cards, collectable cards, trading cards; printed paper signs

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 018 for Bags; all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; textile shopping bags; hand bags; luggage bags; school bags

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Bags~~; all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; [textile, shopping bags](#); ~~textile shopping bags~~; hand bags; [luggage](#); ~~luggage bags~~; school bags

Class 018 for all purpose sport bags; carry-all bags; leather bags, suitcases and wallets; shoulder bags; textile, shopping bags; hand bags; luggage; school bags

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 020 for Furniture; sculptures made from plastic, glass or porcelain; mobiles being decorative articles; storage boxes made from wood; decorative wooden objects; baskets, not of metal; trophies of plastic; nameplates, not of metal; figures made of plastics

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: Furniture; ~~sculptures made from plastic, glass or porcelain~~; [sculptures made from plastic](#); mobiles being decorative articles; storage boxes made from wood; ~~decorative wooden objects~~; [decorative wooden objects, namely figures made of wood](#); ~~baskets, not of metal~~; [baskets, not of metal, namely baskets for storing goods](#); trophies of plastic; nameplates, not of metal; figures made of plastics

Class 020 for Furniture; sculptures made from plastic; mobiles being decorative articles; storage boxes made from wood; decorative wooden objects, namely figures made of wood; baskets, not of metal, namely baskets for storing goods; trophies of plastic; nameplates, not of metal; figures made of plastics

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 021 for Household or kitchen utensils and containers; mugs; bottles and vacuum bottles; statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Household or kitchen utensils and containers~~; [Household or kitchen utensils, namely, rolling pins, spatulas, turners, scoops, and whisks](#); [containers for household or kitchen use](#); ~~bottles and vacuum bottles~~; mugs; [bottles and vacuum bottles sold empty](#); statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

Class 021 for Household or kitchen utensils, namely, rolling pins, spatulas, turners, scoops, and whisks; containers for household or kitchen use; mugs; bottles and vacuum bottles sold empty; statues of china or glass; beverage glassware; candlesticks; candle rings; works of art made of glass; coupes and vases; works of art, of porcelain, terra-cotta or glass

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 025 for Clothing, footwear, headgear; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: ~~Clothing, footwear, headgear~~; [footwear, headgear, namely, beanies](#); T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; ~~caps and hats~~; [caps and hats all the aforementioned to promote a computer game](#)

Class 025 for footwear, headgear, namely, beanies; T-shirts, sweat shirts, shirts, blouses, vests; jeans, pants, shorts; underwear, sportswear; socks; coats, jackets, suits; skirts; scarves; gloves, mittens; bathing suits, pajamas, negligee robes, bathrobes; caps and hats all the aforementioned to promote a computer game

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 026 for Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; barrettes hair-slides, hair pins, and hair ties; hat pins; button badges and pins; trimmings for clothing; shoe ornaments, not of precious metal; brassards; buttons; belt buckles
Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: Lace and embroidery, ribbons and braid; ~~buttons, hooks and eyes, pins and needles;~~ buttons, hooks and eyes, ornamental novelty pins and needles; barrettes hair-slides, hair pins, and hair ties; hat pins; ~~button badges and pins;~~ ornamental novelty button badges and pins; ~~trimmings for clothing;~~ trimmings for clothing, namely, lace trimmings, and ornamental novelty badges; shoe ornaments, not of precious metal; brassards; buttons; belt buckles

Class 026 for Lace and embroidery, ribbons and braid; buttons, hooks and eyes, ornamental novelty pins and needles; barrettes hair-slides, hair pins, and hair ties; hat pins; ornamental novelty button badges and pins; trimmings for clothing, namely, lace trimmings, and ornamental novelty badges; shoe ornaments, not of precious metal; brassards; buttons; belt buckles

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 028 for Action figures; play sets for action figures; toys, games and playthings; game cards; non-electric hand-held action skill games; soft dolls; toys, stuffed toys, water toys, wooden toys, toys made of plastics; children's multiple activity toys; puzzles; balloons; playing cards; bags, cases and sleeves for storing and carrying apparatus for games

Original Filing Basis:

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed:

Tracked Text Description: Action figures; play sets for action figures; ~~toys, games and playthings;~~ game cards; non-electric hand-held action skill games; soft dolls; toys, stuffed toys, water toys, wooden toys, namely, mechanical and battery operated action toys, toy weapons, toys made of plastics, namely, mechanical and battery operated action toys, toy weapons; ~~toys, stuffed toys, water toys, wooden toys, toys made of plastics;~~ children's multiple activity toys; puzzles; balloons; playing cards; bags, cases and sleeves specially adapted for storing and carrying apparatus for games, namely, hand held units for playing computer games, joysticks, and game consoles; ~~bags, cases and sleeves for storing and carrying apparatus for games~~

Class 028 for Action figures; play sets for action figures; game cards; non-electric hand-held action skill games; soft dolls; toys, stuffed toys, water toys, wooden toys, namely, mechanical and battery operated action toys, toy weapons, toys made of plastics, namely, mechanical and battery operated action toys, toy weapons; children's multiple activity toys; puzzles; balloons; playing cards; bags, cases and sleeves specially adapted for storing and carrying apparatus for games, namely, hand held units for playing computer games, joysticks, and game consoles

Filing Basis Section 66(a) , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Karin Segall of Leason Ellis LLP, having an address of
One Barker Avenue, Fifth Floor White Plains, New York 10601-1526
United States
tmdocket@leasonellis.com
914-821-9072
914-288-0023
The attorney docket/reference number is 05839/308603 .
The Other Appointed Attorney(s): Attorneys of Leason Ellis LLP.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

ROSCHIER BRANDS, ATTORNEYS LTD.
Keskuskatu 7 A
FI-00100 Helsinki
FI

Proposed:

Karin Segall of Leason Ellis LLP, having an address of

One Barker Avenue, Fifth Floor White Plains, New York 10601-1526
United States
tmdocket@leasonellis.com
914-821-9072
914-288-0023
The docket/reference number is 05839/308603 .

ADDITIONAL STATEMENTS

Description of mark

The mark consists of the green stylized wording "HAY DAY" with yellow and light brown outlining and dark brown shadowing with a yellow stalk of wheat with light brown and dark brown outlining with the leaves and stalk appearing on the left side of the wording and the grains appearing on the rights side of the wording.

SIGNATURE(S)

Response Signature

Signature: /deirdreclarke/ Date: 12/31/2015

Signatory's Name: Deirdre A. Clarke

Signatory's Position: Attorney for Applicant - NY bar member

Signatory's Phone Number: 914-821-3084

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Karin Segall
Leason Ellis LLP
One Barker Avenue, Fifth Floor
White Plains, New York 10601-1526

Serial Number: 79168382
Internet Transmission Date: Thu Dec 31 13:53:57 EST 2015
TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XX-2015123113535721
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