

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. App. Serial No.: 87784429

Mark: REACT

Applicant: HICKIES, Inc.

RESPONSE TO OFFICE ACTION

In response to Applicant's May 24, 2018, Response to Office Action, the Examining Attorney refused to register the applied-for mark based on Trademark Act Section 2(d) because of a likelihood of confusion with the Mark in U.S. Registration No. 5361143 ("Registrant").

Applicant respectfully submits evidence showing there is no likelihood of confusion to the buyer nor any adverse commercial impact to Registrant. Applicant has an allowed U.S. Application No. 87541294 in class 26 for shoelaces with the same Mark, which is Applicant's main goods and services. Applicant is in the business of footwear accessories – mainly known for its unique elastic shoelace product. **Exhibit A**. Thus, the current U.S. Application No. 87784429 should be considered as acting as secondary source identifiers for the main goods of Applicant.

In addition, Applicant's list of goods should not be entirely refused because Applicant's intended use of the applied-for mark is more extensive than Registrant's polo shirts (**Exhibit B1**) and it is not all related to Registrant's goods. In essence, Applicant's list of goods would not produce adverse commercial impact on Registrant because the goods would be acting as secondary source of Applicant's main goods, whereas Registrant's good is known for its special polo shirt that offers cooling effect. **Exhibit B2-3**.

In light of these distinctions, Applicant respectfully submits that the refusal should be removed, and the Application should proceed to publication.

Thank you,

Charles Chen, Esq.