

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Grohl)	
)	
Serial No.: 88122518)	Examining Attorney: Sanjeev K. Vohra
Filed: Sept 18, 2018)	Law Office: 110
Mark: BACKBEAT BBQ)	
Attorney Docket No.: 2683.15127)	
)	
)	

RESPONSE TO OFFICE ACTION

This paper is submitted in response to the Office Action mailed on January 22, 2019. In view of the arguments presented below, reconsideration is respectfully requested.

REMARKS

In the office action mailed on January 22, 2019, the examining attorney issued a partial refusal for class 16 because of a likelihood of confusion with the registered mark BACKBEAT BOOKS (Reg. No. 2878209).

Applicant respectfully disagrees. The applied-for mark BACKBEAT BBQ and the cited mark BACKBEAT BOOKS are different in appearance, in sound, and in commercial impression.

The two marks are different in appearance because BACKBEAT BOOKS is a design mark that features both highly stylized letters and a logo. The logo is a black rectangular box with the lower-case letter “b” inscribed inside. The stylized letters are arranged in two rows and are placed to the lower right corner of the logo. The logo is the more prominent feature between the logo and the letters, because of its height and bold color. On the other hand, the applied-for mark BACKBEAT BBQ is a standardized word mark. Although the word “BOOK” and the word “BBQ” both have been disclaimed, the marks are compared in its entirety. When compared in their entirety, the two marks are different in appearance.

The marks are different in sound because of the words “BOOKS” and “BBQ.” Although they are disclaimed, they are pronounced as part of the marks and they make the two marks sound quite different.

Finally, the goods/services of the two marks are different. The applied-for mark is for cook books, recipes, etc. The cited mark is for book publication service. The two marks present different commercial impressions.

Applicant respectfully submits that the applied-for mark and the cited mark are not similar and respectfully submits that the likelihood of confusion refusal is in error.

However, to expediate the registration process, Applicant hereby removes class 16 from the pending application.

Reconsideration is respectfully requested. The office is urged to contact the undersigned attorney for expediate resolution of any issue concerning the allowability of the pending application.

Respectfully submitted,

Rimon Law P.C.



Dated: Feb 4, 2019

Letao Qin,
Attorney at Law
USPTO Registration No.: 64,359
2530 Meridian Parkway
Durham, NC 27518
Telephone: (919) 234-7271