

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 88/171,291 *Via TEAS*
Filing Date: October 26, 2018
Mark: SILK
Applicant: Signet Armorlite, Inc.
Law Office: 114
Ex. Atty.: Brian Pino
Atty Dkt. No.: 06472.6331

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

This responds to the Office Action dated February 11, 2019, in connection with the above-referenced application.

REMARKS

Section 2(d) - Likelihood Of Confusion

The Examiner has refused registration of Applicant's trademark SILK under Section 2(d), 15 U.S.C. § 1052(d), on the grounds of a likelihood of confusion with prior Registration No. 4,934,460 for the mark SIKSILK.

Applicant's and Registrant's respective trademarks have different meanings, and are used in connection with goods that are marketed to different consumers through different channels of trade, such that there is no likelihood of confusion. Applicant's goods are "ophthalmic lenses and optical coatings sold as an integral component of ophthalmic lenses." Ophthalmic lenses are prescription lenses that are prescribed by ophthalmologists and optometrists to correct the specific vision defects of each individual patient. Applicant's trademark SILK is intended for

use in connection with ophthalmic lenses that have specialty optical coatings with improved hydrophobic and oleophobic properties to repel water and other liquids, facilitate cleaning, and that improve scratch resistance to protect the underlying coatings on the lens (e.g., anti-reflective coatings). These properties are reflected in Applicant's trademark SILK, which uses the common meaning of "silk" in reference to its "lustrous" quality. See *www.merriam-webster.com/dictionary/silk* (Ex. A, p. 1). Applicant's ophthalmic lenses are marketed and sold to ophthalmologists, optometrists and other eye care professionals and their patients, and to optical laboratories that prepare prescription lenses for eye care professionals.

In contrast, Registrant's trademark SIKSILK is a fashion brand for a broad range of clothing and accessories that are marketed to different consumers than Applicant's ophthalmic lenses. Portions of Registrant's internet website *www.siksilk.com* are attached as Exhibit B. Registrant's goods are deliberately targeted to brand aware consumers who specifically seek fashion goods that reflect a street wear, youth culture lifestyle.

SIKSILK is an athletic, styled combination of sportswear meets street wear with huge inspiration from top athletes around the world along with the uprising street wear culture, which heavily influences most of the youth today. ... our goal is to become more than just a brand but a lifestyle. We want to create a movement, a movement of youth culture who are out there being active, playing sport, being creative and making a statement in what they wear. (Ex. B, p. 3.)

Registrant's brand marketing is reflected its trademark SIKSILK, which is a compound of the slang terms "sik" and "silk," meaning "cool" "clothes." See *www.urbandictionary.com/define.php?term=sik*, and *www.urbandictionary.com/define.php?term=silks* (Ex. A, pp. 2, 3). Thus, Applicant's and Registrant's respective trademarks have different meanings, that reflect their different goods.

Furthermore, Registrant's goods are marketed and sold online through Registrant's internet website -- i.e. "Sik Silk - a Modern and individual fashion brand online" (Ex. B, p. 1).

Registrant does not market or sell its goods to eye care professionals or optical laboratories, nor does Registrant itself provide eye care services. Therefore, Applicant's and Registrant's respective goods are marketed and sold to distinctly different consumers through entirely different channels of trade, such that they are unlikely to be encountered by the same purchasers and there is no likelihood of confusion. See, e.g., TMEP 1207.01 ("a determination that there is no likelihood of confusion may be appropriate, even where the marks are similar and the goods/services are related, because these factors are outweighed by other factors, such as differences in the relevant trade channels of the goods/services").

The nature of Applicant's and Registrant's respective goods also precludes a likelihood of confusion. Applicant's ophthalmic lenses with specialty optical coatings are not impulse purchases made by ordinary consumers. Applicant's ophthalmic lenses are marketed and sold to highly educated, trained and experienced professionals who specifically seek out Applicant's ophthalmic lenses for their special properties, and their patients that purchase Applicant's ophthalmic lenses after careful consideration based on the recommendation or prescription of the eye care professional.

Similarly, Purchasers of Registrant's goods are discriminating, fashion conscious consumers that specifically seek Registrant's lifestyle brand. Thus, purchasers of Applicant's and Registrant's goods are respectively sophisticated healthcare professionals, and brand aware consumers of fashion that would carefully consider the goods before making any purchases, such that there is no likelihood of confusion between Applicant's and Registrant's trademarks and the source of their goods. See, e.g., TMEP 1207.01(a)(i) ("use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their

channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers”), citing, *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015).

Additional Information Regarding Applicant’s Goods

The Examiner has requested additional information regarding Applicant’s goods.

Applicant’s responses to the Examiner’s questions are set forth below:

1. The term SILK does not have any significance as applied to Applicant’s ophthalmic lenses or optical coatings for ophthalmic lenses, other than trademark significance.
2. The term SILK does not have any significance in the ophthalmic industry, other than trademark significance.
3. Applicant does not currently have an internet website at which the relevant goods are offered for sale and the trademark is used.
4. Applicant manufactures and offers for sale a variety of ophthalmic lenses with optical coatings.
5. Numerous companies manufacture and offer for sale ophthalmic lenses with optical coatings. Representative companies and their related internet websites include:

Essilor - www.essilorusa.com/products

Carl Zeiss - www.zeiss.com/vision-care/us/eyeglass-lenses-from-zeiss.html

Hoya - www.hoyavision.com/en-us/

Rodenstock - www.rodenstock.us/us/en/lenses.html

6. Applicant’s goods are corrective (prescription) lenses for vision defects of the eye and optical coatings for corrective lenses -- in particular, corrective lenses with hydrophobic/oleophobic coatings that repel water and oils to facilitate cleaning and to protect underlying lens coatings (e.g., anti-reflective coatings). As discussed above, Applicant goods are marketed to eye care professionals and their patients -- e.g., ophthalmologists, optometrists and their patients, and to optical laboratories that service other eye care professionals.

Applicant has not yet begun marketing goods in connection with the SILK trademark, and has not yet distributed any marketing materials for such products. Applicant’s marketing materials for similar goods are attached as Exhibit C. As shown at Exhibit C, page 1 (bottom left), ophthalmic lenses may have multiple optical coatings such as scratch resistant coatings and anti-reflective coatings. The outer surface of the lens may have a hydrophobic/oleophobic coating. Applicant’s SILK ophthalmic lenses and optical coatings have improved water and oil repellent properties, and improved durability.

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CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the refusal to register be reconsidered and that the mark be approved for publication.

Respectfully submitted,

Dated: February 15, 2019

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EXHIBIT A

merriam-webster.com

Silk | Definition of Silk by Merriam-Webster

Merriam-Webster SINCE 1828

JOIN MWU | GAMES | BROWSE THESAURUS | WORD OF THE DAY | VIDEO | WORDS AT PLAY | FAVORITES

silk

DICTIONARY THESAURUS

BIRCH LANE
UP TO 80% OFF
THE OUTLET

SHOP NOW

silk noun, often attributive
\ˈsɪlk\

Definition of *silk* (Entry 1 of 2)

1 : a fine continuous protein fiber produced by various insect larvae usually for cocoons
especially : a lustrous tough elastic fiber produced by [silkworms](#) and used for textiles

2 : thread, yarn, or fabric made from silk filaments

3 a : a garment of silk

b (1) : a distinctive silk gown worn by a King's or Queen's Counsel



(2) : a King's or Queen's Counsel

VESSEL

OTHERS FAIL
OURS WON'T

WORD OF THE DAY

heartstring



urbandictionary.com

Urban Dictionary: sik

urban DICTIONARY Browse Vote Store Cart

Type any word...

Seniors Paying Over \$55 Per Month On Car Insurance Ar...
Insured Way

Remember Cote De Pablo? Try Not To Smile When You...
Travelfuntu

Before You Join a Meal Kit Subscription Read This
Blue Apron vs Home Chef

Illinois: This Program Will Reduce Your Mortgage By...
Finance Daily

TOP DEFINITION

sik

cool, rad, mental, mad...

Origin: [Bankstown, Sydney](#)

Other [handy](#) examples:

"Did you just see that [skyline](#)?? It was [fully sik](#) bro!"

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Primetime TV

NOW PLAYING < 1 of 21 > HD
Don't Miss! - 02/14 Preview

NEXT Don't Miss! - 02/14



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Cart ▾

Type any word...



TOP DEFINITION

silks



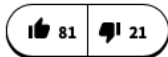
music

Some fine (expensive) clothes. Term was popularized by members of [Duke Ellington's Band](#) -- [the Duke](#) being a [stickler](#) for well dressed musicians.

Those silks [look](#) good, man. What they [set](#) you [back](#)?

#duke ellington #clothing #suits #fashion #grooming

by [Bill Peters](#) August 10, 2006



Get a [silks](#) mug for your Facebook friend Vivek.



Toytopia.

Over a million toys shipped fast and free.

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ebay

ACTIVITY

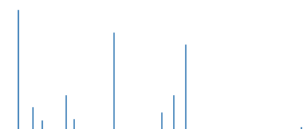


EXHIBIT B



MEN'S DANIEL ALVES WOMEN'S FOOTWEAR SALE

Enter Search...





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I AGREE



SIKSILK

"Interpretation of SikSilk is down to the wearer, it's not what other people think it's an individual statement"

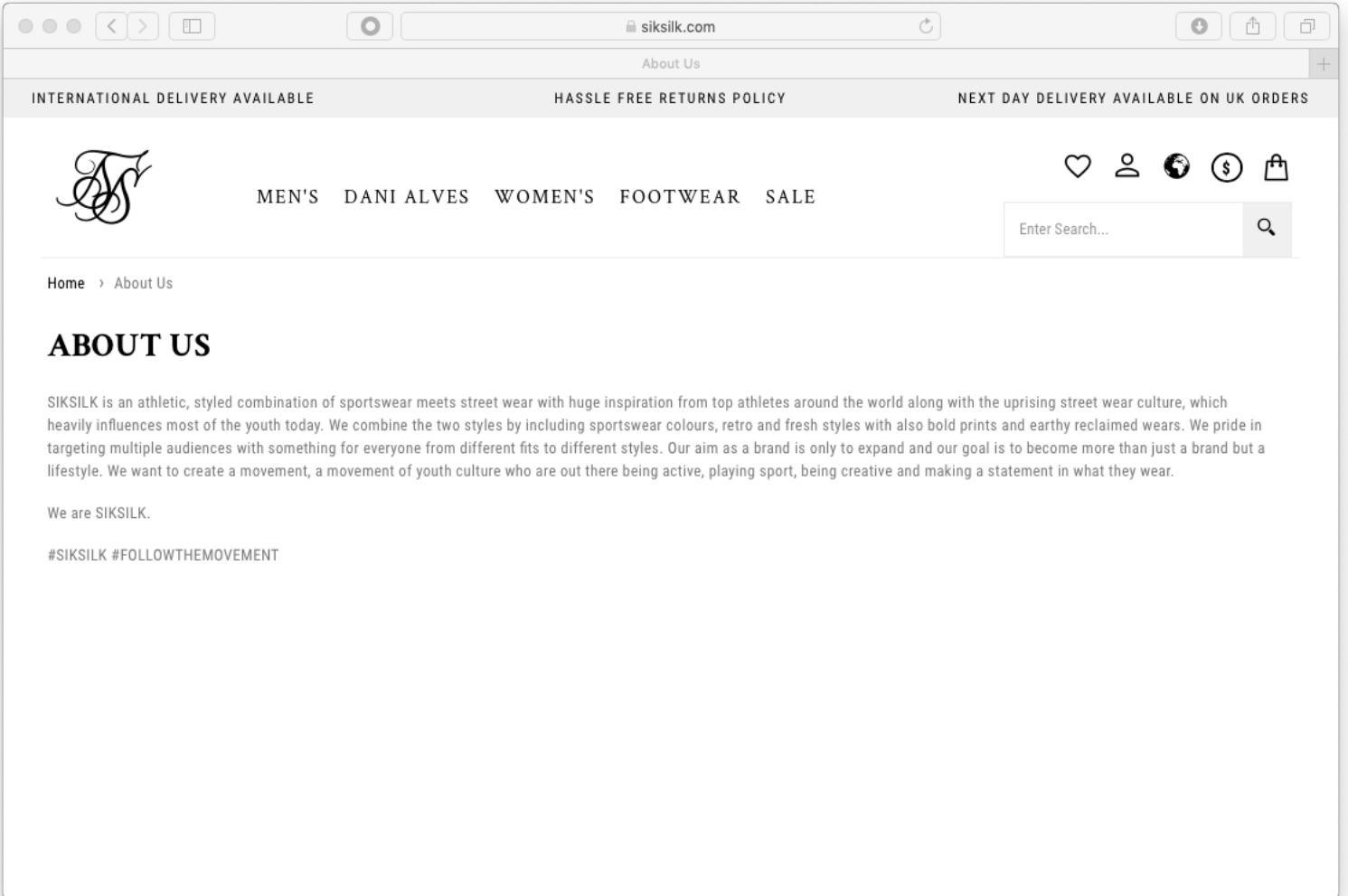
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MEN'S DANI ALVES WOMEN'S FOOTWEAR SALE



Enter Search... [Search Icon]

Home > About Us

ABOUT US

SIKSILK is an athletic, styled combination of sportswear meets street wear with huge inspiration from top athletes around the world along with the uprising street wear culture, which heavily influences most of the youth today. We combine the two styles by including sportswear colours, retro and fresh styles with also bold prints and earthy reclaimed wears. We pride in targeting multiple audiences with something for everyone from different fits to different styles. Our aim as a brand is only to expand and our goal is to become more than just a brand but a lifestyle. We want to create a movement, a movement of youth culture who are out there being active, playing sport, being creative and making a statement in what they wear.

We are SIKSILK.

#SIKSILK #FOLLOWTHEMOVEMENT

EXHIBIT C



Why prescribe KODAK Clean'N'CleAR Lenses?

KODAK Clean'N'CleAR Lens Performance

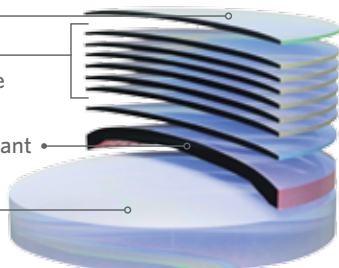
KODAK Clean'N'CleAR Lenses coating is comprised of protective layers that provide durability and scratch resistance; several microscopic layers of minerals effectively reduce reflections over a broad band of wavelengths.

Super-Hydrophobic
Top Layer

Multiple
Anti-Reflective
Layers

Scratch-Resistant
Layer

Lens



High-Tech Performance Never Looked So Good

Helping your patients see more clearly requires more than prescription lenses—it requires a total optical solution.

With ordinary lenses, approximately 10% of light is reflected away without reaching the eyes. More reflection equals less light available to the eyes, which equates to reduced vision quality. KODAK Clean'N'CleAR™ Lenses change all that by significantly minimizing glare, enabling approximately 99% of available light to reach the eyes for sharper, clearer vision.

KODAK Clean'N'CleAR Lenses provide a comprehensive optical solution: **Smart technology that makes a difference your patients can actually see—and feel from a brand they know and trust.**

Regular Lens

KODAK Clean'N'CleAR Lens



More clarity and contrast

Greatly improves vision by allowing up to 99% of available light to reach the eyes. More light means sharper vision.



Kodak Clean'N'Clear Lens

Why prescribe KODAK Clean'N'Clear Lenses?

KODAK Lens Innovation

Cutting-edge technology ensures that KODAK Clean'N'Clear Lenses perform to the highest standards, delivering an anti-reflective property for lenses that provides your patients with a reliable solution for clearer vision, at a competitive price point.

KODAK Lens Reliability

KODAK Clean'N'Clear Lenses are part of a full family of professional-grade optical coatings that deliver advanced optical technology, with the quality and performance that is synonymous with the trusted Kodak brand.

Easy to Dispense

KODAK Clean'N'Clear Lenses provide eyecare professionals with a recognizable customer brand known for trust, respect and loyalty to offer patients.

Regular Lens KODAK
Clean'N'Clear Lens



Reduced eyestrain

Eliminates irritating glare from artificial lighting and computers, providing less stress on eyes for more comfortable viewing.

Safer, comfortable night driving

Significantly reduces nighttime reflections, and improves the wearer's ability to see objects in low light for safer, more comfortable night driving.

Easy to clean

Oleophobic technology makes lenses easier to care for: Oily smudges and grime wipe away with ease. Anti-static properties resist dust and dirt.

Scratch resistance

Protects lenses from irritating scratches so they will last longer and look better over the life of the prescription.

A more aesthetic look

Eliminates distracting reflections and glare visible to others; lenses appear thinner and more transparent - like no lenses at all!

Water-repellent performance

A super-slick hydrophobic top coat seals the lens and repels water.

Kodak LENS

See the *Colors* of Life



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PN 359-915 Rev 12/14



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