

Trademark Application Serial No: 88/214,146

Mark: ONLI - logo



Filed: December 3, 2018

Our Reference: **OLT/TM-002**

Section 2(d) Refusal - Likelihood of Confusion

The description of the mark under Class 18 is amended according to suggestions provided by Examining Attorney Megan Mischler during a telephone conference with Applicant's representative Timothy Collins on May 23, 2019.

In particular, the description of the goods is amended to clearly distinguish the goods to which Applicant's stylized ONLI mark correspond from those goods of U.S. Registration No. 4752122 ("Registrant").

In particular, Registrant's description reads as follows: Traveling bags, handbags, shoulder bags, leather cases, purses, leather credit card holders. However, Registrant's specimen provided includes a handbag, which is unrelated to any of Applicant's goods under the amended description, namely: "convertible backpacks, modular backpacks, expandable backpacks, travel rolling packs, packing cubes, backpack inserts, namely, packing cubes, tags"

The Office Action points out that both Applicant's and Registrant's goods include "travel bags." Applicant's description is amended to remove reference to "travel bags" as well as "luggage," "cases," and any other goods considered to overlap with those under Registrant's description.

In addition, Applicant notes that the mark includes a stylized letter "O", similar to that of related trademark application 88/214,165, which was published in the Trademark Official Gazette on May 7, 2019. The combination of the design element (stylized letter "O") with letters "NLI" further distinguish Applicant's design mark from Registrant's standard character mark.

In view of the foregoing, Applicant submits that Applicant's goods (namely, convertible backpacks and the like) and Registrant's goods (namely, handbags and the like) are unrelated in a way that consumers are unlikely to believe they derive from a common source. As a result, the marks should not be deemed to be confusingly similar and the Section 2(d) Refusal should be withdrawn.

Mark Description Requirement

The Office Action states that the application does not state whether color is a feature of the mark.

However, the application as filed states that there is no color mark. In addition, the filing receipt received from the U.S. Patent and Trademark Office on December 3, 2018 states that "the application is not claiming color as a feature of the mark."

Notwithstanding the foregoing, Applicant submits herewith an affirming statement that "color is not a feature of the mark" along with the description and black-and-white drawing suggested in the Office Action.