

Applicant, **FILMIO, INC.**, hereby responds to the Non-Final Office Action dated **December 19, 2019** in connection with the above-identified trademark application.

REMARKS

The Examiner issued a Non-Final Office Action of the above referenced mark under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because of likelihood of confusion with the following:

1. U.S. Registration No. 2,359,486 - **“GREENLIGHT”**
2. U.S. Registration No. 4,371,853 - **“THE FUTURE OF ENTERTAINMENT”**
3. U.S. Registration No. 4,961,242 - **“GREENLIGHT”**
4. U.S. Registration No. 4,961,247 - **“GREENLIT”**, and
5. U.S. Reg. No. 5,301,913 - **“THE FUTURE OF THE ENTERTAINMENT INDUSTRY”**

The Examiner also cited pending U.S. Application Serial Nos. 86648094, 86648097, 86648112, 86938813 and 87895685 against our client’s mark as the filing dates of these applications precede Applicant’s filing date.

The Examiner alleges that Applicant’s mark so resembles the registered marks that it is likely a potential consumer would be confused, mistaken or deceived as to the source of the goods provided by the Applicant and Registrant. Applicant respectfully disagrees with the Examining attorney, and submits the arguments below requesting that this mark is allowed to be registered on the Principal Register.

I - SECTION 2(D) RESPONSE - REGISTRATION OF APPLICANT’S MARK WILL NOT CREATE LIKELIHOOD OF CONFUSION WITH U.S. REGISTRATION NOS. 2,359,486; 4,371,853; 4,961,242; 4,961,247 AND 5,301,913

Applicant respectfully states that its mark should be able to co-exist with U.S. Registration Nos. 2,359,486 for **“GREENLIGHT”**; 4,371,853 for **“THE FUTURE OF ENTERTAINMENT”**; 4,961,242 for **“GREENLIGHT”**; 4,961,247 for **“GREENLIT”** and 5,301,913 for **“THE FUTURE OF THE ENTERTAINMENT INDUSTRY”**; thus, this mark is entitled to registration in the Principal Register.

In a likelihood of confusion analysis, the question is whether the marks create the same overall impression. Not whether people will confuse the marks, but whether the marks will confuse people into believing Applicant’s and Registrant’s goods originate from the same source. In order to be in compliance with regulations, we need to take the most important factors set forth in *In re. I. Du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) into consideration. While there are many potential factors to take into account in determining whether consumers would make an incorrect assumption about the point of origination of the respective goods/services, the following are particularly pronounced in this case:

- The marks' appearances, sounds, meanings, and commercial impressions
- The relatedness of goods

1. COMPARISON OF THE MARKS: THE MARK IS DISTINCT FROM THE CITED MARKS IN SIGHT, SOUND, MEANING, COMMERCIAL IMPRESSION, AND OTHERWISE

Registration has been refused under §2(d) of the Trademark Act based on the cited Registrations Nos. 2,359,486; 4,371,853; 4,961,242; 4,961,247; and 5,301,913. When comparing the marks for similarities in their appearance, sound, connotation, and commercial impression, TMEP §1207.01, §1207.01(b), Applicant’s mark may be considered similar to the citations since all the four contained different wording contained in Applicant’s mark “GREENLIGHT” “THE FUTURE OF ENTERTAINMENT” “GREENLIT” “THE FUTURE OF THE ENTERTAINMENT INDUSTRY,” however, the marks in their entireties are not the same.

The TMEP requires that “[m]arks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. In re Viterra Inc., 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v).” Unfortunately, the Examiner did not take Applicant’s mark and the registered marks into consideration in their entireties, since he took different portions of the different registered marks considering them confusingly similar. While improperly dissected the marks, he disregarded extra wording, or design elements of the marks.

For the reasons stated below, Applicant respectfully argues that the commercial impression, sight, sound and meaning are not the same if we do not dissect Applicant’s and Registrants’ marks in parts and/or combine them, but take a look at them individually in their entirety against Applicant’s mark.

Applicant’s Mark	US Registration No. 2,359,486
<p style="text-align: center;">GREENLIGHT THE FUTURE OF ENTERTAINMENT</p>	<p style="text-align: center;">GREENLIGHT</p>
<p>IC38: Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services</p>	<p>IC41: entertainment services, namely, motion picture, television program and videotape production services; and motion picture film and television program distribution services</p>
<p>FILMIO, INC. (Delaware, USA)</p>	<p>GREENLIGHT MEDIA GMBH (Germany)</p>

Applicant’s Mark	US Registration No. 4,371,853
<p style="text-align: center;">GREENLIGHT THE FUTURE OF ENTERTAINMENT</p>	<p style="text-align: center;">the future of entertainment</p>

IC38: Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services	IC41: Providing a website featuring entertainment information
FILMIO, INC. (Delaware, USA)	Steven Darryl Ito (California, USA)

Applicant's Mark	US Registration No. 4,961,242
GREENLIGHT THE FUTURE OF ENTERTAINMENT	GreenLight
IC38: Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services	IC42: Providing a website featuring technology that enables users of a web application to manage access to content posted to said web application, to manage their respective streaming preferences for content posted to said web application, and to manage their respective account preferences and privacy settings on said web application
FILMIO, INC. (Delaware, USA)	7G, LLC (Delaware, USA)

Applicant's Mark	US Registration No. 4,961,247
GREENLIGHT THE FUTURE OF ENTERTAINMENT	GreenLit
IC38: Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services	IC42: Providing a website featuring technology that enables users of a web application to manage access to content posted to said web application, to manage their respective streaming preferences for content posted to said web application, and to manage their respective account preferences and privacy settings on said web application
FILMIO, INC. (Delaware, USA)	7G, LLC (Delaware, USA)

Applicant's Mark	US Registration No. 5,301,913
GREENLIGHT THE FUTURE OF ENTERTAINMENT	THE FUTURE OF THE ENTERTAINMENT INDUSTRY
IC38: Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services	IC41: Development, production, and distribution of multimedia entertainment, namely, motion pictures, television and internet programs; Entertainment media production services for motion pictures, television and Internet
FILMIO, INC. (Delaware, USA)	Crosby, Cathy Lee (LaJolla, California, USA)

1. THE MARK IS DISTINCT FROM THE CITED MARKS IN SIGHT, SOUND, MEANING, COMMERCIAL IMPRESSION, AND OTHERWISE

A. THE MARK IS DISTINCT FROM THE CITED MARK IN SIGHT

In our case all these marks visually differ from one another. While Applicant's mark contains five (5) words and thirty-four (34) letters, Registrants' marks contain one (1) word and ten (10) letters (US Reg. No. 2,359,486); four (4) words and twenty-four (24) letters (US Reg. No. 4,371,853); one (1) word and ten (10) letters (US Reg. No. 4,961,242); one (1) word and eight (8) letters (US Reg. No. 4,961,247); and six (6) and thirty-five (35) letters (US Reg. No. 5,301,913).

Also, although, in most cases it is true that the standard character marks can be used in a wider range, but we cannot disregard how the Applicant actually uses the mark in commerce. In our case the guideline given by the TMEP is highly important: "*Where, however, a pictorial representation in a mark is so highly stylized or abstract that it would not readily evoke in the purchaser's mind the wording featured in another mark, the marks may not be confusingly similar. See, e.g., In re Serac, Inc., 218 USPQ 340, 341 (TTAB 1983) (concluding that applicant's design mark was "so highly stylized that an image of a ram's head would not be immediately discerned and the connection with [the registered mark] 'RAM's HEAD' would not be readily evoked with the resulting generation of a likelihood of source confusion").*" TMEP 1207.01(c)(i)

As the specimens show, Registrants only use the mark in stylized character format, fact that it should be taken into account when comparing these registered marks to Applicant's. The overall look and feel how the Registrants and Applicant use the mark (highly different stylized forms) is quite different. See **Exhibit A**.

B. THE MARK IS DISTINCT FROM THE CITED MARK IN SOUND

As argued above, Applicant's mark and the citations are phonetically different in pronunciation, length and tone because Applicant's mark and the citations contain different numbers of words and terms.

C. THE MARK IS DISTINCT FROM THE CITED MARK IN COMMERCIAL IMPRESSION AND OVERALL LOOK AND FEEL

The Registrants use their marks as shown in **Exhibit A**. Both These designs are highly stylized. Thus, we can also say that the marks are different after the first look. Since these registrations are standard character marks, it is highly important to see how the Registrants use them, in order to see the full picture whether consumers would get confused. From this perspective, we should not disregard that the design of Applicant's mark and the way how the Cited Registrations have been used in the market are highly differentiated. As such, an analysis of the marks' respective levels of sight, sound, meaning and commercial impression lead to the conclusion that there is no likelihood of confusion on that basis as those factors serve to further differentiate the marks.

2. ALSO, THE SERVICES COVERED BY APPLICANT'S MARK ARE SUFFICIENTLY DISSIMILAR FROM THE SERVICES PROTECTED UNDER THE CITED MARKS SUCH THAT NO LIKELIHOOD OF CONFUSION EXISTS

A. APPLICANT'S AND REGISTRANTS' RESPECTIVE SERVICES ARE NOT IDENTICAL OR SIMILAR

Applicant respectfully states that the goods and services in cited marks are not similar enough to support the likelihood of confusion rejection the Examiner raised. As the TMEP 1207.01(a) says "[i]n assessing the relatedness of the goods and/or services, the more similar the marks at issue, the less similar the goods or services need to be to support a finding of likelihood of confusion. *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993); *Gen. Mills, Inc. v. Fage Dairy Processing Indus. S.A.*, 100 USPQ2d 1584, 1597 (TTAB 2011); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001). If the marks of the respective parties are identical or virtually identical, the relationship between the goods and/or services need not be as close to support a finding of likelihood of confusion as would be required if there were differences between the marks. *Shell Oil*, 992 F.2d at 1207, 26 USPQ2d at 1689; *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202 (TTAB 2009); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009)."

Applicant's affected services are "*Streaming of audiovisual and multimedia content via internet; transmission and delivery of audiovisual and multimedia content via the internet; video on-demand transmission services*" in Class 038. In this case we need to examine the relatedness of services and the channels the marks are using together, since the areas the Registrants' marks and Applicant's mark cover is very different.

In any case, it is clear that the respective commercial impressions and connotation must necessarily differ on this basis, which weighs heavily against a finding of a likelihood confusion. Bolstering this point is the fact that the look of Applicant's mark is highly differentiated from Registrant's logo, so in this case the relationship between goods and/or services should be close, or even identical which is not the case. As such, Applicant respectfully disagrees with the Examining Attorney's conclusion regarding the relatedness of goods and services factor, and believes that confusion between the Applicant's mark and cited Marks on this basis is not likely.

B. PEACEFUL COEXISTENCE OF APPLICANT'S MARK, THE CITED MARKS AND THIRD-PARTY REGISTRATIONS ON THE MARKET WITHOUT ANY LIKELIHOOD OF CONFUSION

Applicant recognizes the well-established principle that third-party use of a dispute term indicates that the term itself deserves only weak protection. See *Freedom Sav. & Loan Ass'n v. Way*, 757 F.2d 1176, 1182 (11th Cir. 1985) (where consideration of third-party usage contributed to finding that FREEDOM was weakly protected); *Sun Banks*, 651 F.2d at 316 (where extensive third-party use of SUN was impressive evidence that there would be no likelihood of confusion between Sun Banks and Sun Federal). Specifically, third-party registrations are "relevant to prove that some segment of the

composite marks which both contesting parties use has a normally understood and well-recognized descriptive or suggestive meaning, leading to the conclusion that that segment is relatively weak." 1 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 11.27 [b] (3d ed. 1995).

Applicant's mark contains the words "GREEN", "LIGHT", "GREENLIGHT", "FUTURE", "ENTERTAINMENT". The records of the Patent and Trademark Office demonstrate that other entities have used some of these terms in relation to the Registrants' related services, making it unlikely that consumers would give significant weight to this term in ascertaining the source of such goods and services. At this point, we respectfully quote that Applicant may also use third-party registrations as probative evidence as to the role of strengthening or weakening of a mark or a term in the trademark. When third parties have commonly used a term as mark for closely related goods/services, other elements in the marks distinguish the trademarks. Thus, a finding of likelihood of confusion based on the common term is a flawed determination. In other words, third party registrations may be relevant to show that the mark or a portion of the mark frequently used so that consumers will look to other elements to distinguish the source of the goods or services. See *Plus Products v. Star-Kist Foods, Inc.* 220 U.S.P.Q. 541, 544, 1983 WL 51884 (TTAB 1983). Evidence of third-party use falls under the sixth factor of the *Du Pont* factor analysis. When determining likelihood of confusion, an Examining Attorney should consider the number of similar marks in use on similar goods. Please see an exemplary list below. Also, please see some of the references **Exhibit B** - Registration Certificates.

Mark	Registration No.	Goods/Services
FUTURE EXPERIENCE PROGRAM	5748341	IC42: Computer software design, computer programming and maintenance of computer software; testing the functionality of machines and research on machines; providing computer programs on data networks, namely, providing online non-downloadable software for viewing, organizing, editing, and uploading music, photos and videos
FUTURE MEMORY	5363327	IC41: Educational services, namely, providing seminars, instructional lessons, teaching and demonstrations relating to relaxation, meditation, inspiration, health and exercise, disseminating instructional manuals and brochures together herewith; correspondence courses in the field of personal development, namely, visualize and achieve future goals, self-esteem; entertainment namely, production of movies , radio and television programs.
CHARLIE FUTURE	5091955	IC041: Movie studios; Production and distribution of television shows and movies; Television, video and movie filming services.
HALL OF FUTURE	4536898	IC041: Organization of exhibitions for musical entertainment; Planning arrangement of showing movies, shows, plays or musical performances;

		<p>Presentation of musical performance; Providing a website featuring information in the field of music and entertainment; Providing an Internet website portal featuring entertainment news and information specifically in the field of music; Providing an Internet website portal featuring links to musical artist websites and music performance ticket information; Providing an Internet website portal in the field of music; Providing ratings for television, movie, music, video and video game content; Provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; Provision of information relating to music; Publication of musical texts; Publishing of books, e-books, audio books, music and illustrations.</p>
MAGICAL FUTURE	5049963	<p>IC041: Entertainment services, namely, the production of a television series featuring animation, live actors, children's music and stories; providing an interactive web site featuring information in the field of physical exercise, namely, instructions on how to run, jump, throw, catch, skip, swim, ski, skate, how to ride bicycles, skateboards, scooters, skates, and how to play games involving physical exertion, such as basketball, hopscotch, dodgeball, tennis, football, soccer, badminton, volleyball, golf, rugby and handball; entertainment services, namely, providing an on-line board game via an interactive web site; providing an interactive web site featuring information relating to education activities and events for children; entertainment services, namely, providing video podcasts in the field of children's education to stimulate learning through the use of animation, children's music and stories; entertainment and educational services, namely, the production and distribution of motion picture films, production and distribution of television and radio programs, production of sound and video recordings, providing entertainment information; entertainment services, namely, production and distribution of a game shows via television, cable, satellite; providing information, news and commentary in the field of entertainment; amusement park and theme park services; entertainment in the nature of theater productions; entertainment services, namely, live, televised and movie appearances by a professional entertainer.</p>
THE FUTURE IS AWESOME	4452080	<p>IC038: Cable television broadcasting services; telecommunication services, namely, transmission of voice, data, graphics, images, audio and video to televisions, digital video recorders, mobile phones, personal computers, handheld electronic devices, gaming devices, gaming consoles and other consumer electronic devices, via cable, fiber optics, the Internet, mobile networks and other electronic communications networks; provision of telecommunication access to video and audio content via cable, fiber optics, the</p>

		<p>Internet, mobile networks and other electronic communications networks; providing high speed access to the Internet, mobile networks and other electronic communications networks; providing electronic mail (e-mail), instant messaging, web messaging, and wireless text and numeric digital messaging services; providing voice communication services via cable, fiber optics, the Internet, mobile networks and other electronic communications networks; voice-over Internet protocol (VoIP) services; telecommunication services, namely, providing advanced calling features; and leasing or rental of telecommunications equipment.</p> <p>IC041: Provision of non-downloadable films, movies and television programs via an online video-on-demand service; distribution of television programming to cable multiple systems operators.</p>
<p>FUTURE MEDIA ARCHITECTS</p>	<p>2955539</p>	<p>IC038: Electronic mail services; on-line chat room services for transmission of messages among computer users on a wide variety of topics transmitting streaming audio and or video via the Internet.</p> <p>IC041: Entertainment, namely, a continuing news show broadcast over television, and the Internet; providing information in the field of music and video production via the Internet.</p>
<p>THE GREEN TEASE</p>	<p>4321929</p>	<p>IC 038: Audio and video broadcasting services over the Internet; Audio and video broadcasting services over the Internet in the field of environmental education and entertainment; Audio broadcasting; Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Broadcast of cable television programmes; Broadcasting of radio and television programmes; Broadcasting of radio programmes; Broadcasting of television programmes; Broadcasting of video and audio programming over the Internet; Broadcasting of environmental programs; Broadcasting programs via a global computer network; Broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet; Broadcasting services, namely, transmission of advertising programs and media advertising communications via digital communications networks; Cable radio broadcasting; Cable television broadcasting; Cable television broadcasting services; Electronic transmission of voice, data and images by television and video broadcasting; Internet broadcasting services; Internet radio broadcasting services; Radio and television broadcasting services; Radio broadcasting; Radio broadcasting consultation; Radio broadcasting information; Radio broadcasting of information and other programs; Radio program broadcasting; Radio programme broadcasting; Rental of equipment for</p>

		<p>broadcasting; Satellite television broadcasting; Satellite transmission services, television and radio broadcasting services; Simulcasting broadcast television over global communication networks, the Internet and wireless networks; Subscription television broadcasting; Television and radio broadcasting services; Television broadcasting; Television broadcasting consultation; Television broadcasting information; Television programme broadcasting; Television programme broadcasting via cable; Video broadcasting; Video broadcasting and transmission services via the Internet, featuring films and movies. Video broadcasting services over the Internet or other communications network featuring the uploaded, posted and tagged videos of others; Video broadcasting services over the Internet or other communications network, namely, electronically transmitting video clips; Video broadcasting services via the Internet; Wireless broadcasting.</p>
GREENLIGHT	3728968	<p>IC 038: Local and long-distance wireless telephone communication services, local and long-distance telephone communication services, internet service provider, wireless broadband communication services, namely, provision of internet access and video transmission services.</p>
SM SM ENTERTAINMENT	5614504	<p>IC38: Broadcasting of radio programs and transmission of radio programs by satellite telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the internet; transmission and delivery of audio, video, still and moving images, text and data via cable television, wireless communication networks, the internet; pay-per-view television transmission programs; broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet; broadcasting services and provision of telecommunication access to films and television programs provided via a video-on-demand service; broadcasting of television programs; peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; providing electronic bulletin boards, community forums, online chat rooms for the transmission of messages among computer users concerning entertainment and education; transmission of mobile content via a smart phone, namely, transmission of sound, video and information from web cams, video cameras or mobile phones, all featuring live or recorded materials; transmission of television content by satellite, by fiber optic cables; electronic bulletin board services for social network services; streaming of audio and video content over the internet and wireless networks; internet broadcasting services; rental of broadcasting equipment</p> <p>IC41: Entertainment services performed by singers;</p>

		<p>planning, namely, arrangement of showing movies, shows, plays or musical performances; Artists education, namely, providing classes of instruction in performing arts; entertainer services, namely, in the nature of presenting live musical performances, and other performances in the field of entertainment; Organization of entertainment shows, namely, fashion shows for entertainment purposes, magic shows, television shows; Entertainment and educational services in the nature of competitions in the field of education, culture, sports and other non-business and non-commercial fields; Entertainment information and amusement information, namely, provision of information relating to celebrities, entertainment television programs, amusement park shows; Arranging and conducting of seminars, conferences and exhibitions for cultural or educational purposes; Providing facilities for movies, shows, plays, music or educational training; Instructional and training services, namely, IT training services, business training services, sports training services, dance training services, vocal training services and other training services to become entertainers; Booking of seats for shows and sports events; Ticket reservation and booking services for entertainment, sporting and cultural events; classroom instruction of acting, singing, dancing; Rental of stage scenery; Rental of sound recordings and video recordings; Publishing of electronic publications; Photography; Gathering and dissemination of news; Organizing of exhibitions for entertainment purposes; providing an internet website portal featuring entertainment</p>
<p>IMAGE ENTERTAINMENT</p>	<p>3826130</p>	<p>IC 038: Direct digital transmission of music, motion pictures [and multimedia products,] namely, recorded music [, video and computer games] over a global computer network.</p> <p>IC 041. US 100 101 107. G & S: Entertainment in the nature of visual, audio and audiovisual performances, namely, musical bands, [live action sport tutorials, live action sporting events,] television programs in the nature of comedy, drama, [variety, news, reality,] standup comedy and documentaries.</p>
<p>SM SM ENTERTAINMENT</p>	<p>4750296</p>	<p>IC 038: (Based on Korean Reg. 0257852) Broadcasting programs via a global computer network; Communication via radio, telegraph, telephone and television transmissions; Communications by means of mobile phones; Communications via analogue and digital computer terminals; Communications via fiber-optic networks; Providing e-mail services; Television broadcasting; Transmission and distribution of data or audio visual images via a global computer network or the internet; Transmission of sound, picture and data signals; Transmission of sound, video and information; Video broadcasting and transmission services via the</p>

		<p>Internet, featuring films and movies; Wireless communications services, namely, transmission of graphics to mobile telephones</p> <p>IC 041: (Based on Korean Reg. 0059399) Entertainment in the nature of fashion shows; Entertainment information; Entertainment, namely, live performances by a musical band; Night clubs; Photographic reporting; Rental of phonographic and music recordings; Rental of sound recordings</p>
ENTERTAINMENT OPERATING SYSTEM	4464200	<p>IC 038: Computer services, namely, providing an interactive web site featuring access to and providing information about the following services: Cable television broadcasting services; broadcasting and streaming of non-downloadable films, movies and television programs and other video and audio material via the Internet, mobile networks, and other electronic communications networks; broadcasting and streaming of audio-visual media content in the fields of news, entertainment, sports, comedy, drama, music, and music videos via the Internet, mobile networks, and other electronic communications networks; and provision of telecommunication access to video and audio content provided via video-on-demand, interactive television, pay per view and pay television subscription services.</p> <p>IC 041: Provision of non-downloadable films, movies, television programs and other video and audio material via an online video-on-demand service; provision of non-downloadable films, movies, television programs and other video and audio material via the Internet, mobile networks, and other electronic communications networks; provision of audio-visual media content in the fields of news, entertainment, sports, comedy, drama, music, and music videos via an online video-on-demand service; provision of audio-visual media content in the fields of news, entertainment, sports, comedy, drama, music, and music videos via the Internet, mobile networks, and other electronic communications networks; and providing an electronic television program guide for television viewers; and digital video recording (DVR) services.</p>
THE FUTURE OF FASHION IS IN HER HANDS	4742465	<p>IC041: Entertainment services, namely, ongoing television programs in the fields of popular culture, music, art, movies, films, news, entertainment, lifestyles, celebrities and fashion; production and distribution of television programs; production and distribution of content for airing and streaming on Internet websites in the nature of videos in the fields of popular culture, music, art, movies, films, news, entertainment, lifestyles, celebrities and fashion.</p>
THE FUTURE OF FASHION IS THEIR	4742466	<p>IC041: Entertainment services, namely, ongoing television programs in the fields of popular culture,</p>

HANDS		music, art, movies , films, news, entertainment, lifestyles, celebrities and fashion; production and distribution of television programs; production and distribution of content for airing and streaming on Internet websites in the nature of videos in the fields of popular culture, music, art, movies , films, news, entertainment, lifestyles, celebrities and fashion.
THE FUTURE PARTY	5151721	IC 041: Motion picture and television program production services; entertainment, namely, multimedia production services; entertainment media production services for motion pictures and television shows; film making, namely, film studios; entertainment services, namely, on-going television programs and radio programs featuring live action, drama, comedy, sci-fi, animation, music, news and general entertainment; entertainment services, namely, providing ongoing webisodes featuring live action, drama, comedy, sci-fi, animation, music, news and general entertainment; providing a website featuring information via an electronic global computer network in the field of entertainment relating specifically to movies and television; providing entertainment information about live-action, comedy, drama and animated programs and providing entertainment in the nature of live-action, comedy, drama and animated programs via electronic global communications network; providing entertainment information relating to motion pictures and television programs; providing a website featuring non-downloadable film clips and videos featuring motion pictures and television shows, and entertainment information on motion pictures and literary works; on-line journals, namely, blogs featuring information, interviews, news and commentary in the field of current events news, sports, culture, arts, national and international politics, entertainment and technology; providing a website featuring articles, blogs, photographs, non-downloadable videos, and messages in the fields of in the field of current events news, sports, culture, arts, national and international politics, entertainment and technology.

II – PRIOR FILED APPLICATIONS ADVISORY SECTION 2(D) RESPONSE - REGISTRATION OF APPLICANT’S MARK WILL NOT CREATE LIKELIHOOD OF CONFUSION WITH PREVIOUSLY FILED APPLICATION NOS. 86648094, 86648097, 86648112, 86938813, AND 87895685

Applicant respectfully states that its mark should be able to co-exist with pending U.S. Application Serial Nos. 86648094, 86648097, 86648112, 86938813 and 87895685 if one or more of the marks in the referenced applications register; thus, this mark is entitled to registration in the Principal Register.

While the filing dates of these pending applications is prior to the Applicant’s filing date of August 29, 2018, Applicant’s mark should not be considered similar to the earlier-

filed referenced applications. At a first glance, it is easy to see the obvious visual and phonetic differences between the Applicant's mark GREENLIGHT THE FUTURE OF ENTERTAINMENT and the following previously filed applications cited against our client.

1. US Application No. 86/648,094 for "PROJECT GREENLIGHT"
2. US Application No. 86/648,097 for "PROJECT GREENLIGHT"
3. US Application No. 86/648,112 for "PROJECT GREENLIGHT"
4. US Application No. 86/938,813 for "THE FUTURE OF BRANDED ENTERTAINMENT"
5. US Application No. 87/895,685 for "GREENLIT"

Each one of these pending trademark applications contains part of the Applicant's mark, which if taken as a whole for examination purposes it will not be considered identical or similar to any of them. Applicant's mark GREENLIGHT THE FUTURE OF ENTERTAINMENT contains five (5) words and none of the citations is similar if the Examiner considers Applicant's mark as a whole without dissecting its different terms for Section 2d likelihood of confusion comparison purposes. Applicant's mark does not contain the term "PROJECT" nor "BRANDED" for example.

We argue that the Examiner did not take Applicant's mark and the pending trademarks into consideration in their entirety, since he took different portions of the different registered marks considering them confusingly similar. While improperly dissected the marks, he disregarded extra or missing wording, or design elements of the marks. For this reason, these references should be disregarded.

CONCLUSION

As a conclusion, Applicant respectfully argues that its trademark should be allowed registration on the Principal Register and should be able to coexist with all the cited registrations based on the following.

1. Applicant's mark looks, sounds, has a different meaning and commercial impression than the cited registrations;
2. The services that Applicant's mark covers are not similar enough to the services the cited registrations cover to support the likelihood of confusion rejection;
3. Besides the ones the Examiner cited, multiple other earlier registered marks were able to peacefully co-exist on the Register and the marketplace with one another.

For all the reasons stated above, Applicant respectfully requests that the citation raised under Section 2(d) against its mark be reconsidered and withdrawn.