

In response to the rejection of the mark, Applicant provides the following:

There is no likelihood of confusion between Applicant's applied for mark and the registered marks cited, namely Registration Numbers 5177808 and 5510983, because the registered marks pertain to goods that are dissimilar, not commercially related, and do not travel in the same trade channels.

In an attempt to establish similarity, evidence has been provided of goods offered through retailer Home Depot that are manufactured and sold by various companies, none of which are the owners or the cited registered marks. The question as to confusion is whether consumers would mistake Applicant's goods with those of the goods pertaining to the registered marks. Primarily, would a consumer confuse Applicant's goods with those offered by Spirit LLC. The question is not whether a consumer would confuse Applicant's goods with those offered by GE, Hampton Bay, Eaton, Amarelle, Commercial Electric and Power Gear. Applicant admits that there are numerous goods offered via the retailer Home Depot that are similar to Applicant's goods. However, Applicant asserts that consumers recognize that companies such as GE also produce wind turbines, magnetic resonance imagers and legacy home appliances, etc., while Hampton Bay also produces ceiling fans, remote controls, and outdoor furniture, etc., moreover, Eaton also produces surge protectors, circuit breakers, and switch actuators, etc., additionally, Amerelle also produces dimmer knobs, screws, and switch guards, etc., furthermore, Commercial Electric also produces cabinet puck kits, flexible cabinet lighting tape, and electric slim baffles, and still further, Power Gear also produces slideout relay controllers, auto-programming switches and extension cord covers. Consumers recognize that the aforesaid companies produce myriads of goods, but the primary question is whether Spirit LLC produces similar goods. The answer is no.

The goods associated with the registered marks all pertain to International Class 11 and relate to lighting implements. In contrast, Applicant's goods fall under the separate International Class 9 and pertain to electrical outlet plates. Just as the international classification system as recognized the differences in the goods, consumers also recognize the difference. Put bluntly, consumers would understand that the goods are unrelated, and as such they will understand that the goods do not emanate from the same source.

Because the goods are unrelated, as classified and also in the eyes of consumers, there is no likelihood of confusion and registration of Applicant's mark is warranted.

Conclusion

Applicant respectfully requests registration of the mark, in accordance with the arguments and evidence presented herewith.