


U.S. APPLICATION SERIAL NO. 88156939
MARK: SABRINA
APPLICANT: Archie Comic Publications, Inc.
CORRESPONDENT'S REFERENCE/DOCKET NO: X911

RESPONSE TO OFFICE ACTION

The Examiner has refused registration under Trademark Act Section 2(d), for likelihood of confusion with the marks in U.S. Registration Nos. U.S. Registration Nos. 5074731, 5074732, and 5096732. Applicant respectfully requests that the refusal be withdrawn.

Applicant is the owner of the following SABRINA registrations in Class 41 and related classes (copies of relevant registration certificates attached):

Mark/Name	App. No./Reg. No.	Brief Goods/Services	Status/Disclaimer
CHILLING ADVENTURES OF SABRINA	SN: 87813086	(Int'l Class: 41) Entertainment services, namely, development, creation, production, distribution, and post-production of motion pictures and ongoing television shows; Entertainment services in the nature of an ongoing television series in the field of comedy and drama, broadcast over television, audio and video media,...	Registered
CHILLING ADVENTURES OF SABRINA	RN: 5504652 SN: 87520013	(Int'l Class: 16) comic magazines	Registered
SABRINA	RN: 2152643 SN: 75335528	(Int'l Class: 16) comic magazines	Renewed
SABRINA THE TEENAGE WITCH and Design 	RN: 2208755 SN: 75363585	(Int'l Class: 41) entertainment in the nature of a series of television programs in the field of comedy and drama	Renewed
SABRINA THE TEENAGE WITCH	RN: 2149484 SN: 75293615	(Int'l Class: 41) entertainment in the nature of a series of television programs in the field of comedy and drama	Renewed

Mark/Name	App. No./Reg. No.	Brief Goods/Services	Status/Disclaimer
SABRINA THE TEENAGE WITCH	RN: 2219622 SN: 75273225	(Int'l Class: 16) calendars, notebooks, notepads, fiction novels, posters	Renewed
SABRINA THE TEENAGE WITCH	RN: 2775903 SN: 75273229	(Int'l Class: 28) board games, dolls and doll accessories, costume masks, hand held units for playing electronic games, jigsaw puzzles, card games, and children's multiple activity toys	Renewed
SABRINA THE TEENAGE WITCH	RN: 2272751 SN: 75273234	(Int'l Class: 09) computer game software recorded on cd rom, computer game programs containing stories about or images of a fictional character	Renewed
SABRINA THE TEEN-AGE WITCH	RN: 1165532 SN: 73245552	(Int'l Class: 16) comic magazine	Renewed

Consumers encountering Applicant's mark will immediately associate the entertainment services offered under the instant application with Applicant's fictional teenaged wizard character from its well-known, pre-existing comic book and television series. Relevant purchasers recognize Applicant as the source of such goods and services.

Applicant's mark is closely identified with its famous, fictional comic book persona, Sabrina Spellman. This character has appeared in comic magazines and television series since the 1960s. Applicant's longstanding use of this mark in connection with the character Sabrina Spellman obviates any potential for confusion as to the source of the services in Applicant's current application.

Applicant's fictional character, Sabrina Spellman, upon which the services are based, has appeared in publications since 1962. The mark SABRINA has been registered since 1981. (Please see attached evidence regarding the history of the character and current prior registrations for such character.) Consequently, there is an instant association between goods and services bearing the mark, and Applicant as the source of such goods and services.

The services offered in connection with Applicant's mark represent a natural expansion of Applicant's fictional character:



In 1996, Applicant's comic series debuted as a television series, with over 17 million viewers, and still airs today on Antenna TV (please see below and attached):



Applicant's most recent television series, *The Chilling Adventures of Sabrina*, has aired on Netflix® since October 26, 2018 (please see below and attached):



Audiences are familiar with Applicant's longstanding use of the mark SABRINA in connection with goods and related entertainment services, because the mark designates an identifiable, fictional character. Consumers encountering Applicant's mark in the relevant marketplace will immediately recognize the character as a source-indicator for the Applicant. *On-line Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000).

Applicant respectfully requests that the refusal to register the mark under Trademark Act Section 2(d) be withdrawn, and the mark be passed to publication in the Official Gazette of the U.S. Trademark Office.