Attorneys at Law Suite 1A ** NY Bar

Julie S. Shursky** Falls Church, VA 22046 ** VA DC & NY Bar

Benjamin D. Pelton*** 703.525.8009

111 Park Place 100637

* NJ DC Bar ** NY Bar



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 30, 2019

Julie M. Guttadauro Trademark Examining Attorney Law Office 106 United States Patent and Trademark Office

88315345 RE: Serial No: Mark: **CHROME**

> Applicant: Premier Lacrosse League, Inc.

Office Action Of: May 22, 2019

APPLICANT'S RESPONSE TO OFFICE ACTION

The following is the response of Applicant, Premier Lacrosse League, Inc., by Counsel, to the Office Action sent via email on May 22, 2019, by Examining Attorney Julie M. Guttadauro.

IDENTIFICATION OF GOODS AND SERVICES AMENDMENT

Applicant hereby amends its identification of goods and services as follows:

Class 25: Clothing intended to create an association with a professional lacrosse team, namely, shirts, pants, sweatshirts, shorts, tops, bottoms, jackets, pajamas, socks, scarves, hats, sweatpants, lacrosse jerseys, athletic uniforms

Class 41: Entertainment services, namely, organizing and conducting athletic competitions and games in the field lacrosse; entertainment services in the nature of on-going television and radio programs in the field of lacrosse and rendering live lacrosse games and lacrosse exhibitions for the purpose of distribution through broadcast media; the production and distribution of radio and television broadcasts of lacrosse games, lacrosse events and programs in the field of lacrosse; production of television programs in the field of lacrosse matches; conducting and arranging lacrosse clinics, lacrosse camps, and lacrosse events; fan club services; entertainment services, namely, providing a website featuring non-downloadable videos in the

field of television highlights, interactive television highlights, radio programs, radio highlights, and audio recordings in the field of lacrosse, and lacrosse news in the nature of information, statistics and trivia about lacrosse; Ticket reservation and booking services for sporting events

LIKELIHOOD OF CONFUSION REFUSAL WITH RESPECT TO CLASS 25 GOODS

The Examining Attorney has refused registration of Applicant's CHROME mark in standard characters pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that the mark is likely to cause confusion with three (3) registrations from *two (2) different*

owners that coexist on the Principal Register: mark ("CHROME & Design Mark) in Registration No. 3,723,162; CHROME standard character mark in Registration No. 4,323,179 ("Reg. No. '179"); and CHROME in Registration No. 4,352,791 ("Reg. No. '791"). A comparison of Applicant's mark with these three registrations is listed below in Table 1. For the following reasons, Applicant respectfully disagrees with this finding and requests the Examining Attorney reconsider the statutory refusal and allow Applicant's mark to be registered on the Principal Register.

Likelihood of confusion between two marks at the USPTO is determined by a review of all relevant facts under the thirteen factors of the *du Pont* test. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). There is no "mechanical test for determining likelihood of confusion," and not all factors are relevant as only those relevant factors for which there is evidence in the record must be considered. TMEP § 1207.01 (*citing du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567). Any one of the thirteen *du Pont* factors may be dispositive in weighing likelihood of confusion. *See* TMEP § 1207.01. However, the issue of likelihood of confusion usually revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services. TMEP § 1207.01. A determination of *no* likelihood of confusion may be appropriate where the marks share common terms and the goods/services relate to a common industry because these factors are outweighed by other factors, including differences in the relevant trade channels of the goods/services, the presence in the marketplace of a significant

number of similar marks in use or similar goods/services, the existence of a valid consent agreement between the parties, or another established fact probative of the effect of use. *Id.*

Table 1. Relevant Marks and Goods/Services

Applicant's Mark SN: Applicant: Premier	Registration No. 3,723,162 Mark Owner: Chrome	Registration No. 4,323,179 (Reg. No. '179)	Registration No. 4,352,791 (Reg. No. '791)	
Lacrosse League, Inc.		Mark Owner: Chrome Industries, Inc.	Mark Owner: The Topps Company, Inc.	
CHROME		CHROME	CHROME	
Class 25: Clothing intended to create an association with a professional lacrosse team, namely, shirts, pants, sweatshirts, shorts, tops, bottoms, jackets, pajamas, socks, scarves, hats, sweatpants, lacrosse jerseys, athletic uniforms	Class 9: Cellular phone holders, covers and cases; messenger bags especially adapted for holding laptop computers; backpacks especially adapted for holding laptop and notebook computers; protective sleeves for laptop computers	Class 18: Bags, namely, all purpose carrying bags, all purpose sport bags, book bags, and messenger bags, backpacks, messenger packs, waist packs, luggage	Class 16: Trading cards	
Class 41: Entertainment services, namely, organizing and conducting athletic competitions and games in the field of field lacrosse; entertainment services in the nature of on-going television and radio programs in the field of lacrosse and rendering live lacrosse games	Class 18: Bags, namely, all purpose carrying bags, book bags, and messenger bags; backpacks; messenger packs; Bags, namely, all purpose sport bags, waist packs; luggage Class 25: Footwear; clothing, namely, t-shirts, shirts, sweatshirts, jackets, wind resistant jackets, pants, sweaters, shorts, belts, caps, visors, beanies, socks, shoes, coats, parkas, hats, and boots; headwear			

Here, Applicant seeks registration of the standard character mark CHROME for entertainment services in the field of athletic competitions and games in the field of lacrosse and clothing intended to create an association with a professional lacrosse team in International Classes 41 and 25. Applicant's mark was refused registration based on an alleged likelihood of confusion with three marks for varied clothing goods, trading cards, and bags: CHROME & Design Mark for various bags, clothing, and cellphone and laptop holders in International Classes 9, 18, and 25; Reg. No. '179 for standard character mark CHROME for bags and sports bags in International Class 18; and Reg. No. '791 for trading cards in International Class 16. *See* Table 1, above. The CHROME & Design Mark and Reg. No. '179 for CHROME are owned by the same Registrant - Chrome Industries, Inc. (hereinafter collectively, "Chrome Industries' Marks").

There is no likelihood of confusion between Applicant's mark and the cited Registrations because the shared term "CHROME" is relatively commercially weak when used in connection with clothing goods and is thus entitled to a narrower scope of protection. Further, consumers would not be confused as to the source of goods and services in connection with each of these marks because the services used in connection with each of the marks are different, operate in different channels of trade, and marketed towards different consumers. Applicant further notes that all three of the cited registrations currently *coexist* on the Principal Register. Therefore, Applicant respectfully requests the Examining Attorney withdraw the refusal and permit Applicant's mark to be published on the Principal Register.

"CHROME" is Commercially Weak

The term "CHROME" in the cited marks is entitled to a narrower scope of protection with respect to clothing goods. Evidence the consuming public is exposed to third-party use of similar marks on similar goods "is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection." *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005). Extensive evidence of third-party use and registration is "powerful on its face" even where the specific extent and impact of that use has not been established. *Jack Wolfskin Ausrustung Fur Draussen GmbH v. New Millennium Sports, S.L.U.*, No. 2014-1789 (Fed. Cir. 2015). Therefore, even the most minute differences between marks may substantially affect the commercial impressions conveyed by the marks.

The trademark register includes at least 10 additional live third-party marks on the Principal Register that include the term "CHROME" and another disclaimed or common term for clothing goods, not including the cited marks. *See* Table 2, below, and U.S. registration certificates attached as Exhibit A. The marks presented below have all been permitted to coexist on the Principal Register along with the cited marks even though each recites clothing goods and features the dominant term "CHROME." *Nat'l Cable Television Ass'n v. Am. Cinema Editors, Inc.*, 19 USPQ2d (BNA) 1424, 1430 (Fed. Cir. 1991) (noting that terms such as PREMIUM, SUN, BLUE RIBBON, NATIONAL, GIANT, or AMERICAN are commonly used on numerous types of related goods and services and are thus "weak" terms). Marks such as CHROME ACTIVE and CHROME DIVAS coexist on the register.

Table 2: Third-Party Registrations Using the Term "CHROME"

Mark	Reg. No.	Goods
BLACK CHROME	4171137	Class 25: Wet weather jackets; work shirts; work t-shirts; work sweaters
Chrome and Parts "PARTS" Disclaimed	5425468	Class 35: Retail on-line ordering services featuring Automotive Parts, Motorcycle Parts, Clothing also accessible by telephone, facsimile and mail order; Retail shops featuring Automotive Parts, Motorcycle Parts, Clothing; Retail variety stores; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring subscription boxes containing Automotive Parts, Motorcycle Parts, Clothing; On-line wholesale and retail store services featuring Automotive Parts, Motorcycle Parts, Clothing
KROME	4335029	Class 25: Clothing, namely, shirts, t-shirts, bottoms, denim jeans, denim jackets, shorts, hooded sweatshirts, and jackets
CHROME SHOP MAFIA	3484952	Class 25: Clothing, namely, shirts, jackets, hats, sweatshirts, and coats
"CHROME SHOP" Disclaimed in Class 35		Class 35: Online retail store services featuring clothing and truck accessories, namely, chrome goods for the trucking industry; providing a website featuring information on how to purchase big rig trucks
CUSTOM CHROME	2284324	Class 25: clothing, namely, jackets, vests, caps, [boots,] gloves, [visors,] hats, chaps
CHROME DIVAS	4062420	Class 25: Hats; Jackets; Shirts; Tops

CALIFORNIA CHROME	4750786	Class 25: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms
CHROME ACTIVE	4740824	Class 25: apparel, namely, leggings, tops, shorts, bras, pants, and racerbacks
"ACTIVE" Disclaimed		
CHROME MAFIA MOTORCYCLE CLUB	5110065	Class 25: T-shirts, hats, jackets, vest, skull caps, bandanas, sweatshirts, knitted caps, ball caps, tank tops, sleeveless shirts
"MOTORCYCLE CLUB" Disclaimed		Class 35: Club services, namely, promoting the interests of a private motorcycle club promoting motorcycle enthusiasts and motorcycle safety
CHROME LIFE	4641462	Class 25: Men's, women's, children's, toddler's and infant's clothing and apparel, namely, caps, hats, caps with visors, visors, shirts, t-shirts, collared shirts, tank
		tops, sweat shirts, fleece pullovers, hooded sweat shirts,
		underwear, panties, briefs, socks, pants, sweaters, jackets, shorts, shoes, sandals, flip flops and boots

These third-party registrations demonstrate that there is a crowded field of marks that utilize the term "CHROME" in connection with clothing goods. As a result, the term "CHROME," as used in the cited marks, is commercially weak and diluted, and entitled to a narrower scope of protection. The mere fact that Applicant's mark shares the term "CHROME" with the cited marks is not sufficient to support a finding of likelihood of confusion refusal. More weight should be accorded to the differences between the relevant goods and services and any unshared meanings, and connotations. *See Continental Grain Company v. Central Soya Company Inc.*, 69 F.3d 555 (Fed. Cir. 1995). Due to the relative weakness of the cited marks, this factor weighs against the refusal based on likelihood of confusion.

Differences in Goods and Services

The Examining Attorney asserts that the marks are likely to be confused because of the "registration(s) use(s) broad wording to describe its clothing and bags, which presumably encompasses all goods and/or services of the type described, including applicant's more narrow goods which are intended to create an association with a professional lacrosse team." *See* Office Action of May 22, 2019, p. 3. However, the Federal Circuit and the Board, have established that similarity is not a binary factor, but is a matter of degree. *In re Coors Brewing Co.*, 343 F.3d 1340, 1344 (Fed. Cir. 2003); *In re HerbalScience Grp., LLC*, 96 USPQ2d 1411 (TTAB 2010)

[precedential]. This factor, therefore, considers whether "the consuming public may perceive [the goods or services] as related enough to cause confusion about the source or origin of the goods and services." *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002).

Applicant's goods and services are neither competitive nor overlapping with those of Chrome Industries' Marks. Specifically, Applicant is a professional lacrosse league that provides entertainment services in the form of organizing and conducting athletic competitions and games in the field of field lacrosse and its clothing goods are in support of its entertainment services. In fact, Applicant's CHROME mark for clothing is used with respect to the niche market of professional lacrosse and avid fans of professional lacrosse. The clothing is intended to be worn by someone who is supporting the CHROME team, and Applicant intentionally limited its identification to clothing "intended to create an association with a professional lacrosse team." Consumers would not confusingly mistake Applicant's clothing products with those of Chrome Industries' Marks.

Chrome Industries' Marks are used in connection with the biking industry. On its website, Chrome Industries states that it has a "commitment to making durable useful gear that works on and off the bike." *See* Exhibit B. As such, Chrome Industries' Marks are used in connection with tactical apparel, not professional lacrosse. Consumers who are looking to purchase goods in either the tactical apparel for bikes industry or for support of professional lacrosse will not likely assume the products are related and/or that the goods originate from a single source. Consequently, the goods operate within their own distinct niches.

Further, Reg. No. '791 is registered for "trading cards," which are not related, competitive, and/or overlapping with clothing goods. In fact, Reg. No. '791 coexists in the marketplace with the Chrome Industries' Marks. Trading cards are not worn on one's body and although the trading cards relate to the sports of soccer and baseball, none of the trading cards feature professional lacrosse players. *See* Exhibit C. Further, the Examining Attorney has not put forth any evidence to demonstrate that trading cards and clothing products are related and/or are the types of goods typically offered under a single source.

Registrants' and Applicant's goods are, therefore, not competitive, overlapping, or related in any way, as Applicant only manufactures and sells clothing that is intended to create an association with a professional lacrosse team. The Examining Attorney did not submit any

evidence to demonstrate that the description of goods in Applicant's application could reasonably encompass products that are related to Reg. No. '791's trading cards. Accordingly, Applicant's goods and the cited goods are clearly different and are not similar enough to create a likelihood of confusion in the minds of the consumers.

Applicant's Mark is Different in Appearance and Meaning from the CHROME & Design Mark

Applicant's mark is distinguishable from the cited mark due to differences in appearance. The Examining Attorney determined that Applicant's CHROME mark is confusingly similar to the cited registration because "the word portion is normally accorded greater weught because it is likely to make a greater impression upon purchasers." Office Action of May 22, 2019, p. 3. The dominant portion of the CHROME & Design Mark, however, is the winged lion, not the word "CHROME."

The fundamental rule in a likelihood of confusion analysis is to consider the marks in their entirety. See Jack Wolfskin Ausrustung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U., 116 USPQ2d 1129, 1134 (Fed. Cir. 2015). It is improper to dissect a mark even when a mark contains both words and a design. See In re Viterra Inc., 671 F.3d 1358, 1362 (Fed. Cir. 2012) (citing In re Shell Oil Co., 992 F.2d 1204, 1206 (Fed. Cir. 1993)). As the Federal Circuit concluded, words are not always considered the dominant portion of composite word-and-design marks:

In the case of a composite mark containing both words and a design, the verbal portion of the mark is the one most likely to indicate the origin of the goods to which it is affixed. It is well settled that if a mark comprises both a word and a design, then the word is normally accorded greater weight because it would be used by purchasers to request the goods. Despite those statements, we also have cautioned that there is no general rule that the letter portion of the mark will form the dominant portion of the mark. Marks, therefore, must be considered on a case-by-case basis.

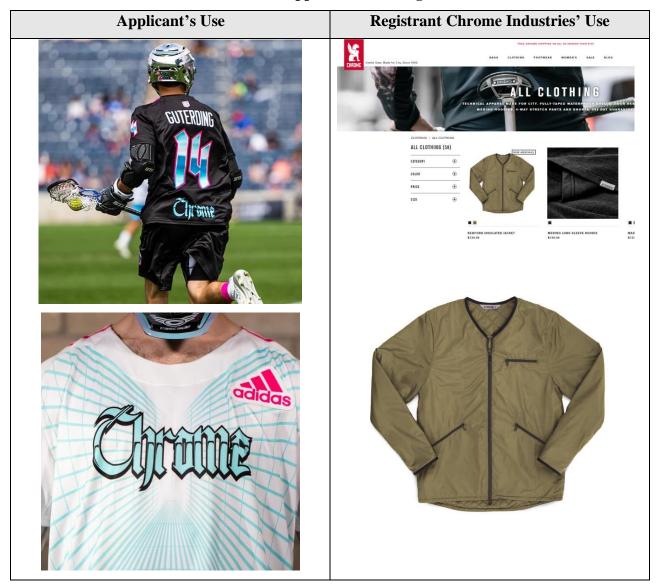
Id; Accord Jack Wolfskin Ausrustung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U., 116 USPQ2d 1129, 1134 (Fed. Cir. 2015); see generally 4 J. McCarthy,

McCarthy on Trademarks and Unfair Competition § 23:47 (4th ed. 2016). Here, the most distinctive, dominant portion of Registrant's mark is the design element of the winged lion. The

image of a lion with wings in the mark is significantly larger than the word "CHROME" in stylized script underneath of it. The lion image is one that when prominently displayed in advertising, on the online retail website, on the garment or hangtag for the garment, or on the Internet, "catches the eye and engages the viewer" before drawing attention to its wording. See Parfums de Coeur Ltd. v. Lazarus, 83 USPQ2d 1012, 1016 (TTAB 2007) (finding that BODYMAN design predominates over literal element of mark); In re Comput. Commc'ns, Inc., 484 F.2d 1392, 171 USPQ 51, 52 (CCPA 1973) (holding that the Board did not err in focusing on the design portion because the Board found the large design portion to be the mark's "most visually prominent feature"). Focusing on the one small similarity of "CHROME," however, to the exclusion of all else, would be a dissection of the CHROME & Design Mark. Therefore, the visual impression of the cited mark is likely more important than the literal portion it shares with Applicant's mark.

The marks also differ with respect to meaning and commercial impression. The winged lion conveys that consumers of Chrome Industries' clothing goods will enable the wearer to soar through the city in his/her tactical apparel intended to be breathable, flexible and warm. The wings, specifically, allude to a mode of transportation. "CHROME" is defined as "something plated with an alloy of chromium." *See* Exhibit D. As such, the term "CHROME" in the cited registration refers to the material in a bicycle, reinforcing the idea that Chrome Industries' clothing goods are intended to be used for bicycle riders. In contrast, Applicant's CHROME mark creates an association to the CHROME team in Applicant's professional lacrosse league. Consequently, the term "CHROME" in Applicant's mark alludes to armor and the mascot for the team, which is the image of a knight helmet. *See* Table 3, below, for comparison of how the marks are used in commerce and attached Exhibits E and F.

Table 3. Use of Applicant's and Registrant's Marks



As demonstrated by the images above, Applicant's CHROME mark is used in connection with apparel that is intended to create an association with a professional lacrosse league team and show support for specific players on that team. Conversely, Registrant Chrome Industries' clothing goods are intended to be worn while riding a bicycle and/or casually as everyday wear. Chrome Industries' clothing goods do not create any association with professional lacrosse and are not intended to show support for any specific sport, let alone lacrosse. As a result, the goods used in connection with the marks create different commercial impressions.

Given that the marks differ with respect to appearance, and commercial impressions, this factor weighs against a likelihood of confusion with the CHROME & Design Mark.

Balancing the Factors

In sum, Applicant's mark is not likely to be confused with the cited registrations. Applicant's clothing goods are narrowly tailored to those intended to create an association with a professional lacrosse team, whereas cited Reg. No. '791's goods are "trading cards" which have not been shown to be related to clothing goods and coexist with the Chrome Industries' Marks.

Further, the mark is distinguishable in appearance and commercial impression, and thus there is no likelihood of confusion with this registration. The term "CHROME" is relatively weak with respect to clothing goods, as demonstrated by the third-party registration evidence. Applicant's narrowly tailored clothing goods would not likely be confused with Chrome Industries' Marks as Applicant's goods do not include bags, or everyday clothing/tactical clothing for bikers. Accordingly, Applicant requests that the statutory refusal be withdrawn and that the Application be permitted to proceed to publication.

The Applicant has responded to all issues raised in the Office Action. If any further information or response is required, please contact the Applicant's attorney. The attorney may be reached by telephone at 703-525-8009.

Respectfully submitted,

Erik M. Pelton, Esq. Attorney for Applicant

Ex. Atty.: Julie M. Guttadauro Law Office 106

Exhibits:

Exhibit A: Third-Party Registration Certificates for Registration Nos. 4,171,137; 5,425,468;

4,335,029; 3,484,952; 2,284,324; 4,062,420; 4,750,786; 4,740,824; 5,110,065;

and 4,641,462.

Exhibit B: Our Story, CHROME INDUSTRIES, https://www.chromeindustries.com/our-

story.html (last visited Oct. 11, 2019).

Exhibit C: Specimen for Registration No. 4,352,791 (filed on Jun. 10, 2019).

Exhibit D: Definition of "chrome," MERRIAM-WEBSTER ONLINE DICTIONARY,

https://www.merriam-webster.com/dictionary/chrome (last visited Oct. 11, 2019).

Exhibit E: All Clothing, CHROME INDUSTRIES,

https://www.chromeindustries.com/clothing/all/?start=0&sz=36#tile-0 (last

visited Oct. 29, 2019).

Exhibit F: Collections – Chrome, PREMIER LACROSSE LEAGUE,

https://shop.premierlacrosseleague.com/collections/chrome (last visited Oct. 29,

2019).

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT A:

Third-Party Registration Certificates for Registration Nos. 4,171,137; 5,425,468; 4,335,029; 3,484,952; 2,284,324; 4,062,420; 4,750,786; 4,740,824; 5,110,065; and 4,641,462.

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,284,324

United States Patent and Trademark Office

Registered Oct. 12, 1999

TRADEMARK PRINCIPAL REGISTER

CUSTOM CHROME

GLOBAL MOTORSPORT GROUP, INC. (DELAWARE CORPORATION)
16100 JACQUELINE COURT
MORGAN HILL, CA 95037, BY CHANGE OF
NAME CUSTOM CHROME, INC. (DELAWARE CORPORATION) MORGAN HILL, CA
95037

FOR: CLOTHING, NAMELY, JACKETS, VESTS, CAPS, BOOTS, GLOVES, VISORS,

HATS, CHAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-1982; IN COMMERCE 1-1-1982.

OWNER OF U.S. REG. NO. 1,585,196.

SER. NO. 75-033,532, FILED 12-18-1995.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cls.: 25, 35, 37 and 41

Prior U.S. Cls.: 22, 39, 100, 101, 102, 103, 106 and 107

United States Patent and Trademark Office

Reg. No. 3,484,952 Registered Aug. 12, 2008

TRADEMARK SERVICE MARK PRINCIPAL REGISTER

Chrome Shop Mafia

FOUR STATE INTERNATIONAL TRUCKS, INC. (MISSOURI CORPORATION), DBA 4 STATE TRUCKS INC
PO BOX 1691
JOPLIN, MO 64802

FOR: CLOTHING, NAMELY, SHIRTS, JACKETS, HATS, SWEATSHIRTS, AND COATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-12-2004; IN COMMERCE 6-1-2004.

FOR: ONLINE RETAIL STORE SERVICES FEATURING CLOTHING AND TRUCK ACCESSORIES, NAMELY, CHROME GOODS FOR THE TRUCKING INDUSTRY; PROVIDING A WEBSITE FEATURING INFORMATION ON HOW TO PURCHASE BIG RIG TRUCKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-12-2004; IN COMMERCE 6-1-2004.

FOR: PROVIDING A WEBSITE FEATURING INFORMATION ON REPAIR SERVICES FOR BIG RIG TRUCKS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 2-26-2008; IN COMMERCE 2-26-2008.

FOR: PROVIDING A WEBSITE FEATURING ARTICLES ABOUT BIG RIG TRUCKS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-12-2004; IN COMMERCE 6-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHROME SHOP" IN INTERNATIONAL CLASS 35 ONLY, APART FROM THE MARK AS SHOWN.

SER. NO. 78-823,276, FILED 2-24-2006.

AMY GEARIN, EXAMINING ATTORNEY

CHROME DIVAS

Reg. No. 4,062,420 WOFFORD, KRISTEN (UNITED STATES INDIVIDUAL)

7889 MACLEAN RD
Registered Nov. 29, 2011 TALLAHASSEE, FL 32312

Int. Cl.: 25 FOR: HATS; JACKETS; SHIRTS; TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-9-2001; IN COMMERCE 3-6-2002.

TRADEMARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-174,517, FILED 11-11-2010.

KEVIN DINALLO, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

CHROME LIFE

Reg. No. 4,641,462 DEWOLF, ANSON (UNITED STATES INDIVIDUAL)

Registered Nov. 18, 2014 NEPTUNE BEACH, FL 32266

Int. Cls.: 16 and 25 FOR: STICKERS AND DECALS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-10-2014; IN COMMERCE 8-20-2014. **TRADEMARK**

PRINCIPAL REGISTER

FOR: MEN'S, WOMEN'S, CHILDREN'S, TODDLER'S AND INFANT'S CLOTHING AND APPAREL, NAMELY, CAPS, HATS, CAPS WITH VISORS, VISORS, SHIRTS, T-SHIRTS,

COLLARED SHIRTS, TANK TOPS, SWEAT SHIRTS, FLEECE PULLOVERS, HOODED SWEAT SHIRTS, UNDERWEAR, PANTIES, BRIEFS, SOCKS, PANTS, SWEATERS, JACKETS, SHORTS, SHOES, SANDALS, FLIP FLOPS AND BOOTS, IN CLASS 25 (U.S. CLS. 22 AND

39).

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHROME" AS TO INTERNATIONAL CLASS 016, APART FROM THE MARK AS SHOWN.

SN 85-255,906, FILED 3-2-2011.

COLLEEN DOMBROW, EXAMINING ATTORNEY

THE TOP CONTINUE OF THE PARTY O

Deputy Director of the United States Patent and Trademark Office

Michelle K. Len

BLACK CHROME

Reg. No. 4,171,137 INDICO PTY. LTD. (AUSTRALIA PROPRIETARY LIMITED COMPANY (P/L OR PTY. LTD.))

4/60 GROVE AVENUE

Registered July 10, 2012 MARLESTON

SOUTH AUSTRALIA, AUSTRALIA 5033

Int. Cl.: 25

FOR: WET WEATHER JACKETS; WORK SHIRTS; WORK T-SHIRTS; WORK SWEATERS,

IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 5-18-2009; IN COMMERCE 5-18-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-468,158, FILED 11-9-2011.

MEGHAN REINHART, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

KROME

Reg. No. 4,335,029 MISCHIEF INTERNATIONAL INC. (NEW YORK CORPORATION)

241 W. 37TH ST., SUITE 805

Registered May 14, 2013 NEW YORK, NY 10018

Int. Cl.: 25 FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, BOTTOMS, DENIM JEANS, DENIM

JACKETS, SHORTS, HOODED SWEATSHIRTS, AND JACKETS, IN CLASS 25 (U.S. CLS. 22

AND 39).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 8-20-2012; IN COMMERCE 8-20-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-805,743, FILED 12-18-2012.

JOHN HWANG, EXAMINING ATTORNEY



Acting Director of the United States Patent and Trademark Office

Anited States of America Mariton States Natent and Trahemark Office United States Patent and Trademark Office

Chrome Mafia Motorcycle Club

Reg. No. 5,110,065 Heitman, Will (UNITED STATES INDIVIDUAL)

4610 W Whipp Ave.

Bartonville, IL 61607 Registered Dec. 27, 2016

CLASS 25: T-shirts, hats, jackets, vest, skull caps, bandanas, sweatshirts, knitted caps, ball Int. Cl.: 25, 35

caps, tank tops, sleeveless shirts

Service Mark FIRST USE 6-1-2004; IN COMMERCE 6-1-2005

Trademark CLASS 35: Club services, namely, promoting the interests of a private motorcycle club

promoting motorcycle enthusiasts and motorcycle safety

Principal Register FIRST USE 6-1-2000; IN COMMERCE 6-1-2004

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY

PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:

"MOTORCYCLE CLUB"

SER. NO. 85-910,676, FILED 04-22-2013

RICHARD F WHITE, EXAMINING ATTORNEY



Michelle K. Len

Director of the United States Patent and Trademark Office

CALIFORNIA CHROME

Reg. No. 4,750,786 MARTIN, DENISE M. (UNITED STATES INDIVIDUAL), DBA DAP RACING

Registered June 9, 2015 4724 ARNOLD AVENUE MCCLELLAN, CA 95652 AND

Int. Cl.: 25 MARTIN, PERRY L. (UNITED STATES INDIVIDUAL), DBA DAP RACING

4724 ARNOLD AVENUE MCCLELLAN, CA 95652 AND

TRADEMARK

COBURN, CAROLYN (UNITED STATES INDIVIDUAL), DBA DAP RACING

PRINCIPAL REGISTER 3660 DIAMOND CT

WELLINGTON, NV 89444 AND

COBURN, STEVEN L. (UNITED STATES INDIVIDUAL), DBA DAP RACING

3660 DIAMOND CT WELLINGTON, NV 89444

FOR: ATHLETIC APPAREL, NAMELY, SHIRTS, PANTS, JACKETS, FOOTWEAR, HATS

AND CAPS, ATHLETIC UNIFORMS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-24-2012; IN COMMERCE 4-26-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-281,678, FILED 5-15-2014.

RAUL CORDOVA, EXAMINING ATTORNEY

GATINO THE PROPERTY OF CONTINUES OF THE PROPERTY OF CONTINUES OF THE PROPERTY OF CONTINUES OF THE PROPERTY OF

Director of the United States Patent and Trademark Office

Michelle K. Len

CHROME ACTIVE

Reg. No. 4,740,824 FORCE GFX, INC. (FLORIDA CORPORATION)

Registered May 19, 2015 BAY 19 15421 W DIXIE HIGHWAY

NORTH MIAMI, FL 33162

FOR: APPAREL, NAMELY, LEGGINGS, TOPS, SHORTS, BRAS, PANTS, AND RACERBACKS,

IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK
FIRST USE 12-1-2014; IN COMMERCE 12-1-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ACTIVE", APART FROM THE

MARK AS SHOWN.

SN 86-324,549, FILED 6-30-2014.

EDWARD NELSON, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

Michelle K. Len

Anited States of America Mariton States Natent and Trahemark Office United States Patent and Trademark Office

Chrome and Parts

Reg. No. 5,425,468

Warrior Weaver (TENNESSEE LIMITED LIABILITY COMPANY)

Registered Mar. 13, 2018 730 Middle Tn Blvd, Ste 11a

730 Middle Tn Blvd, Ste 11a

Int. Cl.: 35

Murfreesboro, TENNESSEE 37129

Service Mark

Supplemental Register

CLASS 35: Retail on-line ordering services featuring Automotive Parts, Motorcycle Parts, Clothing also accessible by telephone, facsimile and mail order; Retail shops featuring Automotive Parts, Motorcycle Parts, Clothing; Retail variety stores; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring subscription boxes containing Automotive Parts, Motorcycle Parts, Clothing; Online wholesale and retail store services featuring Automotive Parts, Motorcycle Parts, Clothing

FIRST USE 7-24-2017; IN COMMERCE 7-24-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "PARTS"

SER. NO. 87-566,466, FILED P.R. 08-12-2017; AM. S.R. 01-16-2017

Director of the United States Patent and Trademark Office

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT B:

Our Story, CHROME INDUSTRIES, https://www.chromeindustries.com/our-story.html (last visited Oct. 11, 2019).









CONTACT US

WARRANTY & REPAIRS

ABOUT

GIFT CARDS STORE LOCATOR

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT C:

Specimen for Registration No. 4,352,791 (filed on Jun. 10, 2019).

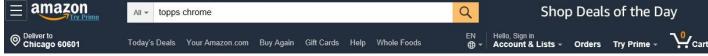


Roll over image to zoom in

☐ Add gift options

O Deliver to Chicago 60601

Add to List







Click image to open expanded view

2018 Topps Chrome Baseball Factory Sealed HUGE 24 Pack HOBBY Box with (2) CHROME AUTOGRAPHS! Look for Rookies, Refractors & Auto's of Shohei Ohtani, Ronald Acuna, Gleyber Torres & Many More! WOWZZER! by Wowzzer

Price: \$169.95 & FREE Shipping. Details

Only 9 left in stock - order soon. Sold by Wowzzer and Fulfilled by Amazon.

Want it Saturday, June 1? Order within 12 hrs 22 mins and choose Two-Day Shipping at checkout. Details

Collectible (1) from \$169.95 & FREE shipping. Details

Grading Provided By V	Seller	
Grade Rating	M (Mint)	
Is Autographed	No	
Year	2018	
League	MLB	





Click image to open expanded view

Grading Provided By	Seller
Grade Rating	See Pic
Is Autographed	No
Year	2019
V=	NUTSHEE

Deliver to Chicago 60601

Add to List

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT D:

Definition of "chrome," MERRIAM-WEBSTER ONLINE DICTIONARY, https://www.merriam-webster.com/dictionary/chrome (last visited Oct. 11, 2019).

vimeo Rapid File Transfer.

A Vimeo Feature Learn More

chrome noun

۱ ˈkrōm 🐠 ۱

Definition of chrome (Entry 1 of 3)

- 1 a : CHROMIUM
 - **b**: a <u>chromium</u> pigment
- 2 : something plated with an alloy of chromium

chrome verb

chromed; chroming

Definition of chrome (Entry 2 of 3)

transitive verb

- 1 : to treat with a compound of chromium (as in dyeing)
- 2 : CHROMIZE

-chrome noun combining form or adjective combining

form

\ krōm\

Definition of -chrome (Entry 3 of 3)

- 1 : colored thing
 // heliochrome
- 2 : coloring matter

// urochrome

Examples of chrome in a Sentence

Recent Examples on the Web: Noun

// Picture 1960 America as a gleaming TV sitcom kitchen of that time, bright with the latest labor-saving appliances and Formica and *chrome*.

— Mark Mahaney, Smithsonian, "Danny Thompson's Blazing Nitromethane-Fueled Pursuit of Racing Glory," 10 July 2019

 ${\it H\,S}$ Stylish wall paper and a pair of crystal and ${\it chrome}$ chandeliers create an elegant room.

— Monica Lander, *The Mercury News*, "Sponsored: One of a Kind: Single-level Alamo home with detached guesthouse undergoes an incredibly sophisticated update," 24 June 2019

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'chrome.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.



First Known Use of chrome

Noun

1800, in the meaning defined at sense 1a

Verk

1876, in the meaning defined at sense 1 $\,$

History and Etymology for chrome

Noun

borrowed from French $\it chrôme$, borrowed from Greek $\it chrôma$ "color" — more at $\it \underline{\it CHROME}$

NOTE: Name introduced by the French chemist Louis Nicolas Vauquelin (1763-1829) in "Du plomb rouge de Sibérie, et expériences sur le nouveau métal qu'il contient." *Journal des mines*, Messidor, An V (vol. 6, June-July, 1797), pp. 737-60. Vauquelin notes that a word meaning "color"—originally suggested to him by the mineralogist René-Just Haüy—is fitting for the metal not because it has a distinctive color itself, but because the combinations into which it enters with oxygen (as a green oxide and red acid) are remarkable for their colors.

Verb

derivative of CHROME entry 1

Noun combining form or adjective combining form

borrowed from Greek -chrōmos "having a color (of the kind specified by the initial element)," adjective derivative of chrōmat-, chrōma "skin, complexion, color," from chrō- (the base of an s-stem *chrowos-, whence chrōs "surface of the body, skin, flesh, complexion, color," of obscure origin) + -ma, resultative noun suffix

NOTE: The form *chrowos- is reconstructed on the basis of Mycenaean a-ko-ro-we-e "without spots" (or "of one color"). While chrós can be contracted directly from a nominative *chrowós, the Homeric accusative chróa, genitive chroás assume *chrowós-a, *chrowos-ós, with hyphaeresis of the second vowel of the stem.



Share chrome





Resources for chrome

(7)

Dictionary Entries near chrome

chromatoscope chromatrope chromatype

chrome

-chrome chrome alum chrome black

Statistics for chrome

Last Updated

5 Oct 2019

Look-up Popularity Bottom 40% of words

Time Traveler for chrome

The first known use of chrome was in 1800

See more words from the same year

More Definitions for chrome

chrome noun



English Language Learners Definition of *chrome*

: a type of metal that is used to cover other metals in order to make them shiny

See the full definition for *chrome* in the English Language Learners Dictionary



chrome noun

\ 'krōm 🕥 \

Kids Definition of chrome

- 1 : CHROMIUM
- 2 : something plated with an alloy of chromium

chrome noun

\ 'krōm ⓓ \

Medical Definition of chrome

- 1 : CHROMIUM
- 2 : a <u>chromium</u> pigment

More from Merriam-Webster on chrome

Rhyming Dictionary: Words that rhyme with chrome Spanish Central: Translation of chrome Nglish: Translation of chrome for Spanish Speakers Britannica English: <u>Translation of chrome for Arabic Speakers</u>

Comments on chrome

What made you want to look up *chrome*? Please tell us where you read or heard it (including the quote, if possible).

Show Comments 🕀

Love words? Need even more definitions?

Subscribe to America's largest dictionary and get thousands more definitions and advanced search—ad free!

MERRIAM-WEBSTER UNABRIDGED



A Brief on 'Brief' and

The 'de-' means "do the opposite of."



Squash the Beef with 8 Meaty Idioms

This is not the vegetarian menu.



The Good, The Bad, & The Semantically Imprecise -10/4/19

Words from the week of 10/4/2019



Ways to Get Impeached: 10 Words for an Impeachment

A guide to the associated terms

ASK THE EDITORS



On Contractions of Multiple Words

some of these



A Look at Uncommon Onomatopocia

You all would not have guessed Some imitative words are more surprising than others



Literally

How to use a word that (literally) drives some people



<u>Is Singular 'They' a Better</u> Choice?

The awkward case of 'his or

WORD GAMES



Where in the World? A Quiz

Do you know what languages these words come from? TAKE THE QUIZ >



Advanced Vocabulary Quiz

Tough words and tougher competition. TAKE THE QUIZ >



True or False?

Test your knowledge - and maybe learn something along TAKE THE QUIZ >



SCRABBLE® Sprint

SCRABBLE® fans, sharpen your skills!
PLAY THE GAME >



Learn a new word every day.

Delivered to your inbox!

Your email address



SPANISH CENTRAL
LEARNER'S ESL DICTIONARY
WORDCENTRAL FOR KIDS
VISUAL DICTIONARY

SCRABBLE® WORD FINDER MERRIAM-WEBSTER'S UNABRIDGED DICTIONARY BRITANNICA ENGLISH - ARABIC TRANSLATION NGLISH - SPANISH-ENGLISH TRANSLATION









Home | Help | Apps | About Us | Shop | Advertising Info | Dictionary API | Contact Us | Video | Favorites Word of the Year | Law Dictionary | Medical Dictionary | Privacy Policy | Terms of Use

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT E:

All Clothing, CHROME INDUSTRIES, https://www.chromeindustries.com/clothing/all/?start=0&sz=36#tile-0 (last visited Oct. 29, 2019).

CLOTHING

FOOTWEAR WOMEN'S SALE

SEARCH

TECHNICAL APPAREL MADE FOR CITY. FULLY-TAPED WATERPROOF SHELLS. ODOR RESISTANT MERINO HOODIES. 4-WAY STRETCH PANTS AND SHORTS. 365 DAY GUARANTEE.

CLOTHING / ALL CLOTHING

ALL CLOTHING (59)

CATEGORY	•
COLOR	•
PRICE	•
SIZE	•







BEDFORD INSULATED JACKET \$130.00 $\star\star\star\star\star\underbrace{(2)}$

MERINO LONG SLEEVE HOODIE \$100.00

MADRONA 5 POCKET PANT \$130.00

APPLICATION NO. 88315345 RESPONSE TO OFFICE ACTION OF May 22, 2019

EXHIBIT F:

Collections – Chrome, PREMIER LACROSSE LEAGUE, https://shop.premierlacrosseleague.com/collections/chrome (last visited Oct. 29, 2019).



SHOP BY TEAM × MEN'S × WOMEN'S × YOUTH × JERSEYS × PLAYER TEES ACCESSORIES

CHROME



PLL Chrome Guterding Replica Jersey - Youth



PLL Chrome Lacrosse Club Tank Top - Men's From \$25



PLL Chrome Lacrosse Club Triblend Tank Top - Men's







PLL Chrome Lacrosse Club Tee - Men's
From \$25



PLL Chrome Lacrosse Club Racerback Tank - Women's PLL Chrome Lacrosse Club Triblend Tee - Women's





PLL Chrome Lacrosse Club Tee - Women's From \$25

PLL Chrome Lacrosse Club Tee - Youth \$20



PLL Chrome Guterding Replica Jersey - Men's

SALE









PLL Chrome Prepare For Battle Logo Tee - Youth



PLL Chrome Prepare For Battle Racerback Tank Top - Women's



PLL adidas Chrome Team Logo Tee - Men's \$30 \$22



PLL adidas Chrome Team Issue Pullover Hoodie - Men's \$60



PLL adidas Chrome Game Day Tee - Youth \$25 \$18



Chrome Lacrosse Club Triblend T-Shirt - Men's ${\tt From~\$30}$



PLL Chrome Connor Farrell #25 N & N Tee - Men's

FARRELL VIEW

PLL Chrome Farrell #25 N+N Tee - Youth



PLL Chrome Team Hat





PLL Adidas Chrome Wolf N+N Tee - Men's \$30 \$21



Chrome Lacrosse Club Phone Case



PLL Chrome Crotty #22 N+N Tee - Men's
From \$30







