

LIKELIHOOD OF CONFUSION

The Examiner has refused registration of PHASETECH asserting a likelihood of confusion with U.S. Registration No. 1711394 for PHASE TECHNOLOGY and with U.S. Registration No. 3474461 for PHASE TECHNOLOGY. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of this Section 2(d) refusal.

Attached, as Exhibit A, is a Common Ownership Affidavit stating that the Applicant and the owner of the above identified marks are under common ownership, as MS Electronics LLC owns and controls Phase Technology Corporation. Applicant therefore believes that there is no genuine likelihood of confusion between the Applicant's mark and the cited registrations, since the owner of the Applicant's mark wholly owns the cited marks, namely, U.S. Registration No. 1711394 and U.S. Registration No. 3474461. Accordingly, Applicant respectfully submits there is no likelihood of confusion between Applicant's mark and owner's mark and requests reconsideration and withdrawal of the Section 2(d) refusal.

EXHIBIT A