

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 88370146  
Attorney Docket No.: TRN-T025-US  
Filed: 3 April 2019  
Group: LAW OFFICE 104  
Examiner: FATHY, DOMINIC  
Title: Word mark for BARRICADE

RESPONSE TO ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

This responds to the June 19, 2019 office action. There is no likelihood of confusion between the marks for the following reasons.

**The relatedness of the goods or services as described in the application and registration(s).** The BARRICADE mark owned by Polaris is for “Rollover protection system for recreational vehicles comprised of roll bars and roll cages.” These are thus for protective systems in sporting vehicles like the one shown below.



**Barricade™ Cage System - Black**  
Item # 2881986-458  
\$1,029.99 USD  
★★★★★ 5.0 (1) [Write a review](#)  
Available At Dealer Only



Applicant’s mark identifies no such roll cage protection, and its goods in Class 12 include, as amended as underlined, “Door panels for land vehicles; Doors for vehicles; Storage Racks that do not provide rollover protection and are for non-recreational vehicles for luggage containers, bicycles, building supplies, skis; Steps for attachment to land

vehicles; Vehicle bumpers; Vehicle parts, namely, extenders for mirrors; Fitted liners for the cargo area of vehicles; Fitted vehicle seat covers; Land vehicle parts, namely, fender flares; Land vehicle parts, namely, fenders; Side view mirrors for vehicles; Soft tops for vehicles; Spare tire carriers for vehicles.”

None of the goods in the above list could be in any way arguably confusing with the Polaris mark product that is for a safety bar protecting passengers, and the only item on the original goods identification that arguably had some words suggesting similarity was the word “rack.” As originally used, rack was meant to be a luggag/storage rack but as amended now further defines the goods as “Storage Racks for non-recreational vehicles that do not provide rollover protection and are for luggage containers...”

Based on this description there is no confusing similarity between the Polaris “recreational vehicle” “roll bars and cages” and the now-defined goods. No one seeking a protective cage would confuse those goods with a storage system.

**The conditions under which and buyers to whom sales are made, i.e., "impulse" vs. careful, sophisticated purchasing.** The consumers of recreational sport vehicles and non-recreational vehicles are deeply knowledgeable about their products, so much so that they are often called “enthusiasts.” An enthusiast would not be confused into purchasing a storage rack when looking for protection. Such purchases are not impulse purchases and require measurements, model alignment, installation ability, and a high price point—consumers would thus have detailed knowledge about the products they were purchasing, and would not be confused about their source.

**The similarity or dissimilarity of established, likely-to-continue trade channels.** The trade channels for purchasing these goods would be related to recreational vehicles or automobile accessories—Those trade channels do not overlap. Consumers of sport vehicle accessories seek out sport vehicle sites or those of specific vendors (like Polaris for example), while consumers of automobile accessories seek out automobile accessory vendors.

Based on the above factors, all weighing in favor of no likelihood of confusion, the undersigned believes this mark is entitled to registration.

Sincerely,

/Stephen B. Schott /

Stephen B. Schott

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