

To the Commissioner of the United States Patent and Trademark Office:

In re: Trademark Application Serial No.88511011

Applicant's Statement

The Applicant, by the undersigned authorized corporate officer, being duly sworn, hereby state the following in the above-referenced matter:

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

This is a response to the Office Action issued on Oct. 01, 2019 against the applied-for mark ECOOLINK(88511011) because of a likelihood of confusion with the marks in U.S. Registration Nos. 5320929, 5320928, and 3905087 (“ECOLINK”). By detailed comparison, the applicant's applied-for mark are found to be different from those registered marks and there is little possibility to cause any confusion among consumers.

First, although the applied-for mark and registration marks' goods are all in class 9, the main goods of applied-for mark are "Battery chargers; Computer keyboards; Computer peripheral devices; Digital photo frames; Electric door bells; Headphones; Remote controls for electric fans; Solar batteries; Switches, electric; Rechargeable batteries". While the registered marks do not contain these goods above. To be specific, the only related goods is “Switches, electric”. To avoid causing confusion among customers, the applicant of applied for mark will delete similar goods including “Switches, electric”. Since the applied-for mark have deleted the similar goods, we believe that it is easy for customers to learn that these goods/services are from different owners.

Second, we have referred to the specimen provided by Ecolink Intelligent Technology, Inc(the applicant of the three similar trademarks), their products are sold on their official website and their brand website is: <https://discoverecolink.com/about-us/>. And I searched their trademark on Amazon.com, where the goods of the applied-for mark are sold, there is no products of trademark ECOLINK. It suggests that the goods of the applied-for mark and registered trademark are not sold in the same environment. If the products are not sold on the same occasion, how can they cause confusion among customers?

As what stated above, we believe that the pending mark "ECOOLINK(88511011)" is different from the registered marks and is not likely to cause confusion among customers. Therefore, the USPTO should consider the registration of the pending trade mark "ECOOLINK(88511011)".

Additional information/documentation required

We have also provided additional information required in the Oct. 01, 2019 office action and additional documentation as required.

(1) Identify the particular good(s) listed in the application for which the specimen(s) was submitted to show use of the mark.

Answer: Computer keyboards; Headphones; Remote controls for electric fans.

(2) Was the specimen created for submission with this application?

Answer: No.

Provide information about and examples of how applicant's goods appear in the actual sales environment.

(a) If sold in stores, provide a representative sample of the name(s) of the stores and of photographs showing the goods for sale in the named stores, such as photographs of the sales displays or goods on shelves with the mark.

(b) If sold online, provide a representative sample of the name(s) of the online retailers, the website URL(s) for each named retailer, and a digital copy of the webpages showing the goods for sale on the named website.

(c) If sold in another type of sales environment (e.g., catalogs, trade shows), identify the environment and provide photographs and/or documentation showing the goods for sale in that environment.

Answer: the products are sold on Amazon. The website URL(s) for each named retailer are listed below:

<https://www.amazon.com/dp/B07CZZVTQK>

<https://www.amazon.com/dp/B07DHHTNV5>

<https://www.amazon.com/dp/B07PKKN1XT>

(4) If the information in question (3) about how the goods appear in the actual sales environment is not available to applicant, please describe how applicant's goods are sold or transported and provide photographs and other documentation showing how applicant's mark appears on the goods and/or its packaging when the goods are sold or transported to or within the United States.

Answer: the question 3 has been answered.

(5) For each category of sales environment specified in response to questions (3) and (4), specify when the goods bearing the mark were first available for purchase within the United States, the date of the first sale of the goods to or within the United States, and whether the goods are still for sale to or within the United States in that environment.

Answer: the first available time for purchase within the United States: May 2019;
The date of the first sale of the goods to or within the United States: May 29, 2019.
The goods are still for sale to or within the United States in that environment.

(6) For the goods identified in response to question (1), specify the dollar amount of sales with or within the United States and provide at least three invoices or other supporting documentation that show payments or other consideration made, redacting personal or private information of buyers as necessary.

Answer: Please see the attached file.

I certify that I am a corporate officer of the legal entity who is the Applicant/Owner for the trademark/service mark identified in this document duly authorized by the Board of Directors to act on behalf of the Applicant, AND that the information I provided here is all true and accurate. I understand that Title 18, United States Code, Section 1001 makes it a crime to: 1) knowingly and willfully; 2) make any materially false, fictitious or fraudulent statement or representation; 3) in any matter within the jurisdiction of the executive, legislative or judicial branch of the United States. I certify that the above information is all true and accurate to the best of my abilities.

Dated: December 27, 2019

HONG KONG, China

Signed: Yang Jun
Print Name: Yang Jun
Title: Principal
Company: ENRIQUE TECHNOLOGY
GROUP CO., LIMITED