

Good Afternoon Mr Schlegelmilch

In response to the non-final office action we are clarifying on the following refusals.

- The Mark is confusingly similar in classification to the cited trademarks
- The goods we are selling (Camera Straps) are too related.

First I would like to address the disclaimer and add that we (Tether LLC) are willing to accept the disclaimer as follows: “No claim is made to the exclusive right to use “TETHER” apart from the mark as shown.”

Applicant’s and Registrant’s Marks are Not Confusingly Similar

The mark we use is a very visually distinctive to specifically our brand. This mark and the word tether with in the mark are never separated on the product but are one solid image. The likelihood of confusion with this is low due to how different our brands our presented and that the purchasers in our category are not impulse purchases but careful and sophisticated purchases due to the niche nature of our products. During the time since we opened in 2015 we have not had a single case in which a consumer has questions if we were in any way related any of the marks that have been in question. Our mark falls under apparel in the category of photography with design and fashion as our main advertising concept where as the other marks fall under the digital and tech side of photography in this classification. These are very different in this industry.

Applicant’s and Registrant’s Goods/Services are Not Sufficiently Related To Cause Likelihood of Confusion

The good and services in question are very far from the same. The reason the confusion is low in the related field is how the marketing and image of our products are injected in the market place. Our products are geared toward fashion, apparel, and outdoor adventure in the market place. Whereas, registrant is on the side of Tech, Digital, and hardware in the photography field. These markets, though pertaining to photography, are not related and exists on opposite sides of the spectrum. In addition, consumers in the photography and camera equipment market are sophisticated and knowledgeable about the products and gear they use. Additionally, our product is sold in a niche realm of photography and photography equipment: “designer” neck and wrist straps. Our products incorporate designs, textures, and even personal customization. For customization, customers encountering our product have the opportunity to request initials or anagrams be imprinted on the neck or strap. Therefore, consumers exercise even higher levels of care and research in encountering our product and deciding whether to purchase. In the registered marks cited there is no mention of camera straps in any way in their classification of goods and services. Their goods and services are geared toward to the transfer of electronic data and information, and connection to other hardware. This is in contrast to our goods and

respective market, namely our products involve the camera being attached to the user for wearability. Lastly, our mark and goods, and registrant's mark and goods, have been present in each respective market for an extended time with no evidence of confusion.

Thanks you for your time and consideration, and I look forward to hearing from you.

Sincerely,

Kevin Novotny