

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 88430508

Application Date: May 14, 2019

MARK: BLOCKHEAD

Date of Office Action: July 23, 2019

RESPONSE TO OFFICE ACTION

Applicant SureWerx USA Inc. (“Applicant”) responds to the July 23, 2019 Office Action issued with regard to its application to register BLOCKHEAD (Serial No. 88415174) as follows:

I. Section 2(e)(1) Refusal

The Examining Attorney refused registration of BLOCKHEAD (“Applicant’s Mark”) as being merely descriptive of “Protective headgear, namely, hard hats” (“Applicant’s Goods”). In support of the refusal, the Examining Attorney cites to “blockhead”-style hardhats sold by State Electric Supply Co., Ferguson, GeoNetworking, Ziegler Bolt, and StockPKG, which appear to be resellers and distributors.

Applicant confirms that the Ferguson, Ziegler Bolt, and StockPKG hardhats cited by the Examining Attorney originated from Applicant or Applicant’s predecessor in interest. (For example, the Ferguson hardhat is from Jackson Safety, one of Applicant’s brands. See Exhibit A. Similarly, a different listing from Ziegler Bolt identifies its hardhat as coming from Jackson. See Exhibit B.)

Though Applicant cannot confirm whether the hardhats sold by State Electric Supply Co. or GeoNetworking originate from Applicant or Applicant’s predecessor in interest, a majority of the Examining Attorney’s evidence confirms that BLOCKHEAD is a source identifier for Applicant’s products. In the event that any doubt exists as to whether BLOCKHEAD is merely descriptive of Applicant’s Goods, such doubt should be resolved in Applicant’s favor. *In Re Box Sols. Corp.*, 79 U.S.P.Q.2d 1953 (T.T.A.B. 2006). Based on the foregoing and Applicant’s responses to the Examining Attorney’s questions below, and because Applicant’s Mark is arbitrary and inherently distinctive for Applicant’s Goods, Applicant respectfully requests that the Section 2(e)(1) refusal be withdrawn and that its application be allowed to proceed toward registration.

II. Explanation of Mark’s Significance

BLOCKHEAD is not a “term of art” in the hardhat trade or industry or as applied to Applicant’s Goods and has no significance other than as a source-identifier for Applicant’s products.

A “blockhead” is not a type or style of hardhat, and consumers in Applicant’s industry would not understand “blockhead” to refer to a type or style of hardhat. Rather, consumers in Applicant’s industry recognize BLOCKHEAD as a source identifier for Applicant’s products. Applicant’s BLOCKHEAD hardhats feature eight-point ratchet suspension that provides extra stability, balance, and impact absorption; a full 360-degree brim that adds additional protection

from rain and sun; and smooth dome design ideal for work in a welding environment, among other features. None of the features of Applicant's BLOCKHEAD hardhats would be referred to as a "blockhead".