

Response To Office Action for App. No. 88508386

In the present Office Action, the Examining Attorney has noted a potential likelihood of confusion between Applicant's Mark WYLD & Design (hereinafter "Applicant's Mark") and the following prior-filed pending applications, which according to the Examining Attorney, may present a bar to registration of Applicant's Mark under Trademark Act § 2(d), 15 U.S.C. § 1052(d):

Mark: WYLD
Ser. No.: 79231470
Owner: Vitafy GmbH (Munich, Germany)
Goods: *Class 5* - Dietetic substances for medical, namely, dietetic foods adapted for medical use; infant formula; dietary supplements for humans and animals; sanitary preparations for medical purposes; medical plasters, vitamin preparations; dietary fibre for treating constipation; albuminous preparations for medical purposes, namely, albumin dietary supplements; dietetic beverages adapted for medicinal purposes, herbs and dietetic infusions of herbs for medical purposes; protein dietary supplements, enzyme food supplements, glucose dietary supplements; mineral food supplements; dietetic foods adapted for medical use; dietary sweeteners in the nature of sugar substitutes for medical purposes; dietary substances for babies in the nature of baby food and medicated supplements for foodstuffs; dietetic foodstuffs adapted for medical use for babies and invalids; amino acids for medical purposes
Class 29 - Meat; preserved fish; poultry; game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies; jams; fruit, stewed; eggs; milk and milk products excluding ice cream, ice milk, and frozen yogurt; edible oils; edible fats; milk shakes; fruit-based snack food; seeds, prepared for human consumption, not being seasoning or flavorings; processed goji berries
Class 30 - Coffee; cocoa; artificial coffee; tea; mixtures for making tea; rice; tapioca; sago; flour; processed cereals; bread; pastry and confectionery in the nature of confectionery made of sugar, pastilles; edible ices; sugar; honey; maple syrups and treacles; yeast; baking powder; salt; mustard; vinegar, condiments in the nature of relishes; spices; ice; chocolate; candy bars; cookies; muesli; cereal bars; cereal-based snack food; muesli and energy bars; non-medicated confectionery for use as part of a calorie-controlled diet, namely, confectionery made of sugar, pastilles

Mark: WYLDE ONE
Ser. No.: 87758264
Owner: Wylde One, Inc. (Brooklyn, NY)
Goods: *Class 30* – Chocolate; Chocolate-based snacks; Chocolate candies; Raw chocolate; Cereal-based snacks; Granola-based snacks; Nut-based snacks; Cocoa Mixes; herbal food beverages; coffee; instant coffee; Beverages made of tea; Beverages with a tea base; Herbal food beverages; Tea-based beverages; Tea-based beverages with fruit flavoring

Applicant respectfully disagrees with the Examining Attorney's position and submits that there is no potential likelihood of confusion between Applicant's Mark and the above marks.

The mark WYLDE ONE, Application Serial No. 87758264, was abandoned as of October 7, 2019, so it no longer presents a potential bar to registration of Applicant's Mark under Trademark Act § 2(d), 15 U.S.C. § 1052(d).

Based on the current pending status of the mark WYLD, Application Serial No. 79231470, Applicant hereby requests that Applicant's application be suspended until the disposition of the pending application is resolved/confirmed.