

A. LIKELIHOOD OF CONFUSION REFUSAL.

The Examiner has refused registration of Applicant's mark on the grounds of a likelihood of confusion with Registration No. 2214833 for SAMSUNG, owned by Samsung Electronics America Inc. Applicant responds that Samsung Electronics America Inc. is a wholly owned subsidiary of Applicant. Thus, there is unity of control over the mark "SAMSUNG" between Applicant and Samsung Electronics America Inc. Applicant therefore requests that the 2(d) refusal be removed.

The Examining Attorney has also refused registration of Applicant's mark on the grounds of a likelihood of confusion with Registration Nos. 4771163 for SAMSUNG, 4771162 for SAMSUNG, and 4535486 for SAMSUNG ADHUB, all owned by Samsung C&T Corporation. Applicant respectfully submits that in 2006, the two parties entered into a Trademark Administration Agreement establishing unity of control over the mark "SAMSUNG" between Samsung Electronics, Co. and Samsung C&T and therefore requests that the 2(d) refusal be removed. See Trademark Administration Agreement attached as exhibit 1. Applicant confirms that the "Samsung Corporation" that signed the 2006 Agreement is now Samsung C&T Corporation. Furthermore, during the examination process for Registration Nos. 4771163 for SAMSUNG, 4771162 for SAMSUNG, Samsung C&T Corporation's applications were refused registration on the grounds of a likelihood of confusion with Applicant's prior registrations for SAMSUNG. Thereafter, Samsung C&T overcame the refusals by filing a copy of the Trademark Administration Agreement, and arguing there is unity of control between Samsung C&T Corporation's and Applicant's use of SAMSUNG. See, Application No. 86056031 Response filed June 19, 2014 at <http://tsdr.uspto.gov/documentviewer?caseId=sn86056031&docId=ROA20140620183040#docIndex=18&page=1>; and Application NO. 86056026 Response filed June 19, 2014 at <http://tsdr.uspto.gov/documentviewer?caseId=sn86056026&docId=ROA20140620182953#docIndex=17&page=1>. Applicant therefore respectfully requests that the 2(d) refusal be removed.