# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE - TRADEMARK -

Applicant: Great Socks, LLC

U.S. Serial No.: 88/466,999

Filed: June 10, 2019

Mark: **RED LION** 

Docket No.:644351-3004Examining Attorney:Andrew LeaserLaw Office No.:117

## RESPONSE

Commissioner for Trademarks Post Office Box 1451 Alexandria, VA 22313-1451

Dear Commissioner:

The above-identified application has been carefully reviewed in light of the Examining Attorney's Office Action. It is believed that the objections raised by the Examining Attorney are addressed herein.

### I. **RESPONSE**

### A. Refusal Under Section 2(d) – Likelihood of Confusion

The Examining Attorney has refused registration finding that the Applied-For Mark is likely to be confused with U.S. Reg. No. 5,226,423 for:



Applicant disagrees. Likelihood of confusion analysis requires a comparison of the marks and their goods and services in the context a consumer would encounter them in the marketplace. In this instance, The cited mark is limited to inclusion of a particular animal head, font, and color aesthetic. In contrast, Applicant applies for a mark with a very different logo, different font, and color aesthetic. Indeed, even the written phrase is different, sharing only 66% of the words of the cited mark. The difference in logo, difference in color, difference in font, difference in design aesthetic, and difference in words provides so many differences that a consumer would not confuse the two marks. Consider the comparison below:

Applied-For Mark	Reg. No. 5,226,423
RED LION	REDLIONWEAR

Thus Applicant requests that the rejection be withdrawn.

#### **B.** Identification of Goods and Services

Applicant amends the identification of goods and services as recommended by the Examiner in the Office Action:

WAS: Clothing, namely, socks, sleeves, armbands, and wristbands, in International Class 025

On-line retail store services featuring socks, sleeves, armbands, and wristbands, in International Class 035

NOW: Compression sleeves, in International Class 010

Clothing, namely, socks, sleeves worn separate and apart from clothing tops, and wristbands, in International Class 025

Armbands, in International Class 026

On-line retail store services featuring socks, sleeves, armbands, and wristbands, in International Class 035

#### II. CONCLUSION

For the foregoing reasons, Applicant asserts that the Applied-For Mark does function as a mark and is not merely descriptive of the Applied-For Services. Applicant respectfully requests reconsideration and withdrawal of the Examining Attorney's rejections. The present response is intended to address each of the issues raised by the Examining Attorney. Applicant's attorney requests that the Examining Attorney contact the undersigned if further clarification is needed or if a telephone conference would be useful in resolving the issues pending in this matter.

Respectfully submitted,

Date: March 4, 2020

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