

SN 88217393 – ARGUMENTS

In response to the substantive refusals, please note the following:

Refusal – Likelihood of Confusion

Registration of the applied-for mark continues to be refused because of an alleged likelihood of confusion with the marks in U.S. Registration Nos. 3886621, 4424908, 4460341 and 5837255.

Registration No. 4460341 had a December 31, 2019 deadline for filing a declaration of use under Section 8 of the Trademark Act. The US PTO records do not show that a declaration of use was filed prior to deadline and the registration is currently in the grace period. Pursuant to TMEP Section 716.02(e), prosecution of the instant application must be suspended should the Examining Attorney maintain the likelihood of confusion refusal.

Applicant notes that the four cited registrations coexist on the register because the term FAVOR is weak as an indicator of source for the goods and services set forth in the registrations. Of course, if there is no likelihood of confusion between the marks set forth in these references, then there is no likelihood of confusion between the proposed mark and the marks set forth in these registrations.

Refusal – Mere Descriptiveness

Registration also continues to be refused because the applied-for mark allegedly merely describes a feature of applicant's services. For the reasons previously stated in Applicant's response to the first Office Action, the applied-for mark is not merely descriptive of the services and the refusal is improper.